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Losing its lustre - a narrative of the gold mining communities of the western Witwatersrand focusing on the impact of post 1994 legislation and its ability to transform these communities into flourishing towns or reduce them to ghost towns in the context of a declining gold mining industry.

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Abstract

South Africa became a democracy in 1994. The new government faced the task of transforming the country from one where the majority of the population had been discriminated against to one where everyone shares in the benefits of the country. One of the biggest culprits of discrimination pre-1994 was the mining industry. No more was this more evident than in mining communities.

To change this, legislation was passed, specifically is the Mining Petroleum Resources Development Act (MPRDA) of 2002. At its heart it transferred ownership of mining rights to the State (previously mining companies owned mining rights). To be awarded a mining right, the mining company needs to satisfy a number of criteria, one of which is the submission of Social and Labour Plan (SLP) which addresses the socio-economic development projects the company will undertake and by when for mine workers and the host mining community not only during the life of the mine but also following mine closure.

This "system" has been in working for 16 years. This research examines how that legislation has impacted mining communities, specifically in the West Wits region where gold mining towns were established as early as the discovery of gold. These towns experienced the heydays of gold up to the late 1980s. Today, however, the mines are a far cry from these glory days. It is in this context that the SLP as mechanism to mitigate years of a system that discriminated against most South Africans, including mining communities, is examined.

The findings are a mixed bag of an amalgam of success and failure, and of satisfaction and dissatisfaction.

This report consists of two sections; the first is a narrative writing style presenting research in a long-form narrative. The second is the method document which sets out the academic research supporting this work, how the research was conducted and why.

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SECTION ONE: LONG-FORM REPORT

The treasure route

The N12 takes you from Johannesburg to the West Witwatersrand. A sign along the road proudly proclaims its alternative name; the treasure route. It is on this road that some of the world's richest gold deposits were discovered and mined.

After gold was discovered in 1886 on the Witwatersrand, named after the many waterfalls the early settlers found in the region, fortune seekers from across the globe made their way to the then-Transvaal Republic to mine the gold discovered there and hopefully become rich.

As the scale of the gold deposits became apparent, Johannesburg became the 19th century's last great boomtown with Langlaagte growing from a small mining camp to the town of Johannesburg, which was to be the biggest of the mining communities that sprang up in the Witwatersrand.

These communities owe their existence to the Witwatersrand Basin, a geological deposit billions of years old, which has produced as much as half of all gold ever mined in the world. All along this reef, gold mining towns sprang up, stretching for over 400km from Evander in Mpumalanga to Virginia in the Free State, with gold-mining towns forming a curve starting from the East Rand in Heidelberg, and extending westwards across to Krugersdorp and Randfontein. Later more gold mines were discovered further south and east.

Like a trail of breadcrumbs, the gold mines and towns that became known as the West Wits leads you from Johannesburg for 180 km to Carltonville, Blyvooruitzicht, Stilfontein and finally to Klerksdorp. It is a landscape literally littered with mining headgears.

It is said that you can make your way from Carltonville to Joburg completely underground, there are so many mining tunnels from mining in the area; many deserted and forgotten today except by the Zama Zamas (illegal miners) who as the gold mining industry declines, continue to proliferate to the degree that they are now, in Carltonville starting to encroach on the operational mines in that area.

The West Wits line gold mines and towns are still here today with signs denoting turn offs to different mines - Cooke 3 and 4, Libanon, Kloof, Driefontein, Blyvooruitzicht, Deelkraal, Mponang - but, with the heydays of gold mining all but forgotten, it is not the treasure route anymore. Instead you find a line of dying towns. While Klerksdorp and Potchefstroom have been able to redefine themselves, they are in the minority. Orkney, Stilfontein, Blyvooruitzicht and Carltonville, to name four, are all in various stages of decline.

Snowy Lane

The turnoff to the town of Carltonville lies 79 km or just over an hour from Johannesburg … the route, apart from the headgears and mine town signs, is interspersed with billboards with images of happy smiling families promoting healthcare and education to the community - all provided by the mining companies. “We care” the billboards scream as I zoom past.

The town itself is only a few kilometres from the N12. As you head up the hill there are mines on the left and right – AngloGold Ashanti mines are on your left, Sibanye mines on the right. Their names flash by, as does the turnoff to what was the Blyvooruitzicht mine and town as Carltonville appears below you.

On entering the town, a sense of hopelessness hangs in the air and is almost tangible. The many pot holes in the wide road are surrounded on either side by houses that are either boarded up with tall grass growing in the front yard, or in various stages of neglect. There is a subdued feeling in the air, almost as if the town is resigned to its fate.

Carltonville is a town that is tired, but this was not always the case. The East and West Rand developed in the early years of the 20th century, with large-scale gold prospecting commencing in the so-called West Wits Line in the Far West Rand in the 1930s, with five mines established as an investment with a value calculated to be “well over £50 million”.

Andre van Tonder was drawn to the town in its boom days. “It was 1984. Carltonville was all over the media. I read in paper that this town per capita earning was more than any other town.”

The owner of Snowy Lane, a fast food outlet that specialises in milkshakes, Andre, is no longer the young entrepreneur who arrived in the town enthusiastic about the future. Back then things were happening he says. “There was money here. Mining was big. Blyvoor was pumping, East and West Driefontein and Kloof were on board and the mines were spending money building houses. The town was busy. There was an OK Bazaars and Pick n Pay ... I was the first fast food industry to open. Apart from Snowy Lane, there was also a Wimpy. Eventually the Spur and others also came.”

Snowy Lane is positioned in what must have been the centre of town in the 1980s - ironically located in Goud Street - but today it is run-down and neglected. Offering fast food such as hamburgers and milkshakes, it has a few tables with flaking blue paint outside, facing a parking lot that needs resurfacing and is mostly deserted. It reminds me of what I would have called a roadhouse from my childhood days.

Despite Snowy Lane’s slogan “We don’t sell happiness, but we do sell ice-cream and that is happiness”, Andre, like his establishment, looks tired, his years of prosperity masked with the lines of worry and age. He is a tall man, but sits almost slumped over the table.

“Over the last 15 years I have seen a decline, and I have battled to keep my business afloat. In 1984, I charged R1 a hamburger and I made good money. Now I charge R30 and I barely make ends meet. The pie has not got bigger, and more people are selling the same product, but buying power has decreased. It is not only the buying power that has become less; the type of buying power has changed,” he says.

While he has never worked on the mines he says he had many friends who did. “In those years, white people were the officials on the mine and black people made up the labour force. While the official earned the better salary, it was the black workforce that was the primary buying force. That has changed. While the workforce now earns more money, they are not getting compensated for a more expensive lifestyle. The guy is earning more, but it costs him more to live. He has no money left to spend.”

Established in 1969, Carltonville was the hub of gold mining in the region and one of the richest towns in the country. It was not just miners who came to the town to seek their fortune.

Schools and swimming pools

Sitting next to him and facing me, slurping a giant bubble-gum milkshake is Wally Kramer. He weighs in at this point. “Before the mine kept the town going, but that is history now. The focus has changed, and the development is in the township, meantime the town is not being maintained and is falling apart.”

Wally is the representative for the Solidarity union for the West Wits and the Vaal River area. He has lived in the region his whole life and up to two years ago, when he became the union representative, he worked in the mines. Bald with hair on the sides of his head and a moustache, he is tanned from spending time outdoors, he has a strong handshake and is passionate about his work and about the town of Carltonville.

He wants the mines and municipality to work together to fix the ailing town. “We are a population of about 200 000 in Carltonville. We have eight primary schools and four high schools. Fochville has another three primary schools and another high school. Yet every time I look, they are building another school. We do not need another school.”

A few days later I meet the Association of Mineworkers and Construction Union (Amcu) representative for the region, Tebogo E Ramatshekgisa.

Wally and Tebogo both represent the interests of the workers and mining community of the Merafong region, but within different unions.

Amcu is, relatively speaking, a newcomer to the mining industry, especially the gold mining industry. It came to the fore in the platinum mining region of the North West province, where it quickly gained popularity. Solidarity is the oldest union in the country, started in 1902 as the Transvaal Miners’ Association.

Tebogo is lean and looks nothing like a radical unionist, wearing jeans and a Guess t-shirt. While he is younger than Wally, he echoes some of the same thoughts. “We do not need another school; we need projects that will bring economic benefit and create jobs.”

He is not impressed by the swimming pool built by the mine for the community. “It is fine and well to build swimming pools, but when my child leaves in the morning to go to the swimming pool and when he returns his stomach will be empty because his father does not have work.”

He is under no illusion about the future of the mines. “Of the three shafts operated by the company I work for, two have been closed. Out of 6 000 workers, 2 000 are now unemployed.”

So, he says, a swimming pool is not going to help these people. “Most of the gold mines’ ore bodies are depleted and they will not exist in the next 10 years. The local communities will end up as ‘spooky’ towns. We cannot afford to focus on swimming pools and schools as the community needs to live after the mine closes.”

An endless treasure of gold

South Africa’s long history of mining started when gold was discovered in 1886 on the Gauteng farm, Langlaagte. While gold was not new to the area, this discovery was to be a turning point in South Africa as it would change the country from an agricultural one to the largest gold producer in the world, and the then Transvaal from poor to rich.

As the scale of the gold deposits became apparent, Johannesburg became the 19th century’s last great boomtown with Langlaagte growing from a small mining camp to a big one, that became known as Johannesburg.

As a result of this 'endless treasure of gold', gold mining very quickly became the largest and most important part of the economy.

This discovery was a turning point in the country’s development that would eventually lead to the implementation of a political system that would have far reaching consequences for the county and its majority black population.

Therefore, while gold brought wealth never dreamed of to some, to others it set in motion a political and economic system that would disempower and impoverish much of the country’s population, carving deep inequalities into the fibre of the country.

In 10 years the Boer republic went from struggling to the richest gold mining area in the world. With it came prospectors, but also labourers. These were young African men who were willing to work on the mines for a short period of time - they did not come to stay and went home as soon as they had earned the money they needed (often it was for a bride-price, or otherwise for taxes, tools and ploughs for farming or weapons).

However, the gold discovered in South Africa is a low-grade ore (it is speculated that had it been discovered anywhere else in the world, it would not have been mined at all) which required a lot of capital and a large supply of cheap labour for it to be profitable.

To ensure a steady and large supply of cheap labour the Boer and British governments imposed three taxes on their 'subjects' that were payable only in cash and not in cattle. The first was a hut tax for Africans that was R1 a year for every hut and took a labourer about three months on the mines to earn the money to pay the tax.

The second tax applied to every man over 18 years of age, regardless of race. This was a poll tax of R2 a year. Considering that Black, unskilled workers were earning between 5c and 19c a day on the mines, and they had to use most of this money to buy food and clothes for themselves, it took them months of extra work on the mines to earn enough to pay the poll tax.

The third form of tax was a labour tax. In 1894 in the Cape, the then Prime Minister, Cecil Rhodes, introduced the Glen Grey Act which, among others, forced all Africans in the Cape to pay R1 to the government every year. However, they did not have to pay this tax if they proved that they had worked for wages for at least three months of the year.

The tax system forced thousands of men to become migrant workers and, according to the South African National Association of Rock Engineering, between 1890 and 1899 the number of African mineworkers rose from 14 000 to 100 000 and the (cheap) migrant labour system was born.

The use of cheap labour was enforced by the use of the Gold Standard. The price of gold was internationally controlled and fixed by the Gold Standard, which meant that an increase in production costs could not be passed on to the buyers by increasing the price of gold. Therefore, the only way for the Witwatersrand mines to mine profitably was to secure a large supply of cheap, unskilled labour.

So, while Apartheid was formally established when the National Party (NP) came into power in 1948 and would oppress the majority of the country’s population for 46 years, racial discrimination long started before the NP’s ascendancy to power.

It was only when the NP unbanned the African National Congress (ANC) and freed long-time prisoner, Nelson Mandela, that the policy of Apartheid would come to an end. Finally, in 1994 the formal policy of discrimination and the rule of white domination in the country ended and on 27 April, 1994 the country's interim constitution (adopted in November 1993) came into effect, and set in in motion the country's first democratic elections. These elections would lead the country to a new political, social and economic order.

Spreading the riches

Following the first democratic elections in 1995 the newly elected government set about on correcting the wrongs of the past. The first industry they set their sights on was the mining industry.

At the heart of this endeavour, which is still ongoing, is the Mineral and Petroleum Resources Development Act (MPRDA) No 28 of 2002. This Act changed the system of mineral rights ownership from the mining companies (as in the previous dispensation) to the State. With mineral rights now vested in the State the mining companies now have to apply for a mining right before they could operate.

As a prerequisite to being awarded a mining right, mining companies would have to submit a Mine Works Plan (MWP), Environmental Management Plan (EMP) and Social and Labour Plan (SLP).

The SLP "requires applicants for mining and production rights to develop and implement comprehensive Human Resources Development Programmes including Employment Equity Plans, Local Economic Development (LED) Programmes and processes to save jobs and manage downscaling and/or closure," says the Department of Mineral Resources Guidelines to SLPs.

The Department defines a SLP as "a mandatory process designed for South African mining companies with the aim to embrace social responsibility for the company and encourage a positive impact through its activities on the employees, communities and stakeholders".

The SLP follows a five-year cycle SLP that starts when a mining right is granted. "Upon the granting of mining rights, the mining activities cater for the needs of the current and future generations through community development initiatives," says the DMR (2010).

The DMR's Guidelines to SLPs states that the "primary objective of local economic development (LED) programme is to ensure poverty eradication and community upliftment in the area within which mining or production operations take place and in areas from which majority of the workforce is being sourced. The LED programme includes sustainable projects which the Mine or Production Operation will initiate, implement and support financially or otherwise."

One of these communities is the mining host communities. While these communities historically endured a disproportionate negative socio-economic impact from mining, more recently mining companies are required to provide 'integrated socio-economic development for host communities' by cooperating with local government in the formulation of integrated development plans (IDP) for mining communities 'with special emphasis on [the] development of infrastructure'.

Infrastructure can be in the form of building a school, a library, providing bursaries, computer equipment etc. but the projects must be undertaken in consultation with the community and meet the needs of that community.

Seeing is believing

According to research by JT Thobatsi* Section 23, 24 & 25 of the MPRDA stipulate that mining companies must submit a SLP when applying for mining rights. In addition these Sections state that the local economic development (LED) of the SLP must be aligned with the local and district municipality Integrated Development Plan (IDP).

"When we started with SLPs we had no clear understanding how to deal to with them. Unlike the Department of Mineral Resources (DMR) where the structures were in place to deal with SLPs, at local government level there were no structures," explains Executive Director Economic Development and Planning at Merafong City Municipality, Albie Nieuwoudt, who has worked with SLPs since 2006. He is a tall man and looks almost awkward sitting behind his desk but he is passionate about his work; work he believes in and this shows as he talks - his face becomes animated and his hands move fast gesturing in space.

Merafong City Local Municipality, a Category B municipality (areas that fall outside of the six metropolitan municipal areas are divided into local municipalities), is situated within the West Rand District in the Gauteng Province. The largest of three municipalities in the district, situated about 65km from Johannesburg, its boundaries enclose some of the richest gold mines in the world.

The entire municipality was transferred to the North West Province following the abolition of cross-border municipalities by an amendment to the South African Constitution in 2005. The municipality was part of the North West Province from 2005 to 2009, when it was reincorporated into the Gauteng Province by another amendment to the Constitution, following often violent protests in the township of Khutsong.

(JT Thobatsi: The alignment of Social and Labour Plan (SLP) commitments with municipal Integrated Development Plans (IDPs)* (May, 2014)

Even as he speaks, the toyi toyi-ing and shouts of a march in front of the municipality can be heard. “We discourage the type of actions the youths outside are undertaking,” he tells me, Adding: “When they leave here they will go to the mine and toyi-toyi there, demanding this and that … They are protesting against unemployment.”

Ignoring the noise from the young marchers, who despite being a small group of less than 100, can be heard clearly, but have dispersed by the time the interview is completed, he explains that the municipality deals with SLPs through specific processes at the municipality. “We have developed formal communications structures, an Implementing Committee and Mandating Committee, to deal with the mines.”

The Implementing Committee consists of municipality and mine officials and it is at this level that the projects agreed on are discussed in terms of the budget, deliverables, benefits for the community, the expected outcomes, etc. The Committee meets monthly and tracks the progress of the projects.

Following this, projects are submitted to the Mandating Committee, which is chaired by the Executive Mayor, and consists of the portfolio heads in the municipality and the top management of the mine. In the meeting, which meets quarterly, the projects to be included in the SLP are agreed upon. Following this the SLP is submitted to the DMR, which follows its own processes.

The reason for the continuous monthly meetings is not only to report to the mines, but because SLP are part of a municipality’s performance assessment. Albie adds: “While we are not responsible for the physical implementation of the SLP, we are responsible for it achieving what it states it has set out to do.”

The community does not sit on these committees. The projects agreed upon are derived from the municipality’s IDP and this is developed in consultation with the community. “We have a number of structures that members of the community can register to be part of that enable the community to engage with us in the IDP process.”

He says, for example, that they have a youth structure. Referring to it specifically because of the youths protesting outside; he then points out: “While the municipality and the mine work closely together and there is lots of engagement, and the mines do a lot, there is still a sense that the mines do not do enough”.

He believes a reason for this is because the type of projects addressed by the SLP are not always visible. “AngloGold Ashanti have a R59 million budget for SLP projects this year. As part of their projects they are equipping schools with science labs and top students with extra classes to assist them to prepare for university.”

He pauses, shuffles some papers on his desk, looks up and says: “Not only do the broader community not see this; they see no employment or procurement opportunities, or say the process to apply to the mine is too tedious, and so there is always dissatisfaction.”

No one listens

The community also has forums. One of these is the Progressive Community Forum. Moeketsi Mogagabe has been a member of the Progressive Community Forum since 2005. Tall and thin, he looks younger than his 34 years. He describes himself as a business man. “I am in construction,” he quietly tells me. “I started last year. With the mines closing there is a lack of job opportunities.” This is his first business venture. He heard there is a mega housing project that is coming from the municipality. “It is a big opportunity for me.” Previously he was digging trenches for WIFi access.

There is a lot of pressure from the community on the mines, he says and acknowledges that AngloGold is doing a great deal when it comes to building libraries, swimming pools and car washes.

The mines are better than the municipality, he says. “They (the municipality) are only interested in themselves and while we are sitting with them, we are not benefitting anything.” Despite this he continues to hope. Last year he was in a partnership with someone else and they did get some work. This year he is hoping to make a go of it on his own.

Another member of the Forum is Tshidiso Sekhoelwa. He is also in construction. Solid and strong, he has a friendly face, but I can see the hardness behind his smile. The reason for this becomes apparent when he tells me his story. “I am 39 and was born in Potchefstroom. I attended school in Pretoria. After school I worked in Klerksdorp while my mother moved to Carltonville. Today she still lives and works here and has a house and shop in the town.”

In 2014, he continues, he walked in on men robbing his mother’s house. “I beat the one man so severely that I was sentenced to jail for 10 years. I appealed my case and won and was released in 2016. That was when I came back to Carltonville as I could not get my old job in Klerksdorp back and opened a small construction company.”

He says the forum does not work because the municipality does not take it seriously. “Unless you have a contact at the municipality, you don’t make any progress. No one listens at the municipality or the mines; none of it makes any difference.”

One million rand and a Mercedes

Further afield on the West Wits line, for the past few years, Mariette Liefferink has been contracted by Gold Fields to assist in facilitating meetings with the community living in close proximity to the South Deep mine.

South Deep, has at times been called South Africa's last great gold mine. It was started by JCI, which was part of Anglo American at that time. Later it was manged in combination by JCI and Western areas. Placer Dome, the North American company, then bought half of the mine, then Barrick Gold ran it until it was bought by Gold Fields.

Mariette is a colourful, if not controversial, figure in the mining industry, better known for her work on exposing and demanding action to deal with the acid mine drainage problem in Gauteng. With her green eyeshadow, pink lipstick and blonde beehive hairstyle, her appearance is deceiving.

She says the mine has identified the impact of aggrieved communities and activists such as herself, as two of the most significant risks to their operations. "Engaging with mining communities is essential if mining companies are to be welcomed and trusted, which is the only way mining companies can have a mining license to operate." She cannot emphasis this enough. "Mining companies have to interact with communities on a regular basis, not only when they are doing their application."

These interactions need to be according to the cultural appropriateness and dynamics of the community and must include more than just councillors and political leaders. She says the community-based meetings have led to a much better relationship between the mine and the community. "KPMG did a study on the relationship between the mine and the community before we started the community-based meetings. They found there was no trust and no community relationship with the mine. Last year Synergy Global undertook another study, and there is a significant improvement."

There is still a long way to go though, she adds. “I work closely with Gold Fields, but I am an activist and whistle blower and when a mine is out of order I will not hesitate to expose them.”

One reason why the community trusts her is because she has no political agenda. “Unfortunately, because SLPs have to work together with municipalities’ Integrated Development Plan (IDP), they can be political in nature.” She says this is because the IDP is what politicians have decided needs to be done, not the community. So, the community at South Deep did not want what was in the SLP for their area; they wanted a clinic.”

She uses another example. “Sibanye Gold started an agricultural hub project the Aredirisaneng agriculture co-operative: Cooke, with the intention to do the project with the communities they operate in and the municipalities of the area. However, the municipality decided to pursue its own project. After a few years, the municipal project was in ruins. Today it is deserted. Next door the Sibanye Gold project is flourishing and has provided employment as well as food security, social upliftment and business skills development.”

She believes one of the reasons why long-term projects falter is because political leaders in municipalities are only in power for a short term.

There are also individuals that make it difficult. “There is one individual who is a member of a political party and he regularly attends our community meetings. He likes to grandstand and at the last meeting he targeted me. I got angry and upset - going from pink to red to maroon.”

Afterwards she says the individual approached the mine and said he would stop disrupting the meetings if the mine paid him R1 million and bought him a Mercedes. She laughs as she tells me the story, “Everyone knows about him and his demands; it’s not even a secret. This is just one example of the narrow self-interest we experience all too often.”

The challenge

Amcu's Tebogo blames the municipalities for the failure of SLPs. "They force the [mining] company to implement what they bring forward, but what they have brought forward is not what the community wants."

For example, he says, car washes. "The company upgrades my car wash with equipment, etc. As a result, I am making more money, but I have no training in how to run a business and to manage finances."

Most people in the community live from hand to mouth he explains. "Projects that empower them are great, but they must have the extra training on managing finances or it will and does go horribly wrong. The company needs to put them through training and then monitor their progress."

He suggests the Merafong Enterprise Development Centre (EDC), recently established and funded by AngloGold as part of their SLP, could monitor training.

"If the goal is to move from a hand to mouth existence to a sustainable one, we not only need to create manufacturing companies and workshops but need to train people to operate these if they are to be sustainable."

"I attended a workshop on the Merafong EDC," he says. "The intention is good, but I do not think it is working. The main reason for this is funding. Funding is a major challenge. In fact, it is the challenge."

He does not blame the mining companies. "The mining company knows what to do and it will go beyond that. They carry out their five-year SLPs. It is the process that is an issue, not the company or their SLP."

"I have seen the mining company pump money into the municipality, but the municipality is corrupt, and everyone is out to serve their own interests. The R20 million for projects for this year has been allocated, now the problem starts as corrupt people in the municipality look at how these can serve their own interests. This is the problem.”

In the labour sending areas (rural areas of the Eastern Cape, Gauteng and Kwa-Zulu Natal) you will find that the SLP projects are benefitting the local communities as they address the needs of those communities.

“The labour sending areas are often poverty-stricken and government is not willing to assist. It is up to the mining companies to make a difference and they are. I have seen many successful projects in these areas,” says Tebogo E Ramatshekgisa, Amcu rep in the Carltonville area.

He maintains that the reason for this success is the process that is followed. “The companies work with the local kings or chiefs in the area and because they know what the communities need the community benefits. Schools, state of art computer labs, agricultural projects … all doing well and successful,” he explains.

In contrast, Carltonville is a challenge.

Bridging the divide

A couple of years ago, Mamokgethi Molopyane, a labour activist, attended a launch of a SLP farming initiative. Four months later, she revisited the site; only to find the equipment sitting there rusting.

"Speaking to an elderly member of the community, he told me that it is pointless people come from Johannesburg and giving us things and saying we must be happy and grateful; assuming that is what we need. Now that equipment is sitting there rusting, but no-one asked us what we need. There is no water, so we cannot plough, so the equipment they brought is useless."

She says the above demonstrates the social disconnect and the unrealistic approach in SLPs in mining, between who is drawing up the SLPs and who is implementing them on the ground.

We met at McDonalds in Rosebank, a far cry from the West Wits gold mining towns. Mamokgethi is short and dressed in black and means business.

"SLPs are structured in such a way that they have a top down approach, but it cannot be a top down approach, we cannot say we will do this for you. The practicality of the SLP and those who come up with them and the lack of understanding of the communities they are operating in, mean that SLPs are almost sure to fail."

One of the biggest factors here is the local municipality, especially as progress is linked to their Integrated Development Plan (IDP). "The municipalities use the mines and the SLPs as a default to develop the municipality, despite legislation stating that this is their responsibility, and not the responsibility of the mining company. Municipalities need to carry the weight for the key infrastructure in their municipal areas, but they do not."

She adds that, at the same time the people at executive level in these structures hardly understand what they must do with the budget to develop communities. "In addition, the culture of corruption, favour and ransacking behaviour means tenders are awarded to those in favour and there is no guarantee that the work will be done."

It is no wonder then, that this leads to the rage of the community being transferred onto the mining companies. "Because of politics and how mining has been perceived historically, the municipalities are holding the mining companies responsible for their municipality," says Mamokgethi.

The law has to change, and the municipality must be told it cannot hide behind the mining companies. "The legacy of mining and the fact that mining companies made profit is no excuse for the municipality's inability to provide the community with basic services," she says.

Coming of age

The Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand did a two-year study on SLPs and found that since the Mining Petroleum Resources Development Act (MPRDA) 2002, SLPs have been through three stages.

The first phase was the learning phase, the study days is when even the DMR was soft on mining companies because this was the first-time they had drafted anything like this, plus the DMR itself was unsure of how a SLP should look. This was from 2002 to 2008, when global economic meltdown took place and mines were just trying to stay afloat.

The study found that the second phase, from 2009 to 2013, saw SLP starting to be implemented with the DMR doing compliance visits - a fundamental part of the application. Again, some context to this period - in 2012 the Marikana Massacre took place in the North West Province leading to the death of 44 people. The Farlam Commission of Inquiry into the tragic brought to light that mine-owner, Lonmin, had committed to building 5 000 houses, but had only built five. This is well documented in the media and was heavily criticised by the Commission.

The third phase is the coming of age of mining communities. Today mining communities know what a mine's responsibilities are say the CALS study. "They examine Annual Reports, and are asking the right questions, such as why are we still living in squalor when the mine has been here for 15 years or longer? Where is has changed? Critical mass is building, and communities do not care if mining is going through a difficult patch, they are saying the SLP is part of a mining right so where is the rainy-day fund?"

Testimony to the growing awareness of mining communities is the recently gathering of members of the Mining Affected Communities United in Action *(*Macua) at the Pretoria High Court protesting against what they termed "persistent exclusion" from talks on the controversial latest iteration of the Mining Charter.

Formed in 2012 the group represents communities from eight provinces across South Africa.

Their aim is to unite “communities in a broad movement aimed at presenting the voice of communities who have not been consulted in the process of allocating mining licenses, development of communities and the distribution of mining income and who bear the brunt of the health and environmental degradation and impact of mining”.

A sunset industry

But theirs is a fight for the future, in areas where new mines are to be established. Gold is not seen as part of that future. The fight for projects on the horizon is in coal and platinum. Gold is a sunset industry that is having to contend with legacy issues which are very different to the issues of establishing a new mine in a community.

In 20 years' time, Mamokgethi predicts that the gold mining industry will be leaders in mechanisation. "This does not bode well for mining communities in the area. The influx of workers brings spending power and business. If only 800 workers are kept on out of 5 000, then spending is limited." The gold mining industry is aging and is no longer relevant. In years to come, gold mining will no longer be big mining; it will be small mining says Mamokgethi.

She is clear that the economic future for gold mining is bleak. "We must be realistic about it. While individual companies may be performing well, in the longer-term gold will not be a significant contributor to the country's GDP."

It should be remembered that the idea of the SLP is not only to assist people, but to offset what has already been caused by mining, such as migrant workers, population influx, the strain on water and arable land, etc. and how to address these sustainably, she adds.

When a mine is established the traditionally arable land to which the whole community had access is reassigned to a mine. Despite the community being compensated for this loss of land, its loss forces them to move from a traditional way of life where they plough the fields to a western lifestyle that is not necessarily sustainable in the way that their previous way of life was in that they now have no land to live off.

Once this happens there is no going back, and should a gold mining area no longer be profitable, the mine could close, and the community would no longer have its traditional cohesion to fall back upon.

When I ask her if SLPs are too little, too late … she says, “That’s hard to say. If you look at it in context, the 4th and 5th generation of miners are benefitting from the implementation of SLP; for example, they are getting a house while their grandfather lived in a little matchbox in a compound. So, there is progress.”

Some say there is a broader sense that mining communities are better off, but she does not agree. “There is little to show in mining communities and little secondary production has been developed to sustain these communities once mining dies. Basically, if the mines close all other business is irrelevant and the community will have no other form of work. For me this is the failure of government legislation and companies and their failure to work together.”

Take Brits, outside Rustenburg she explains. “For years the town had businesses that serviced the mines in the area, but as the mines closed so these businesses have folded and today there is nothing left of them and the town is literally obsolete.

“In Carltonville, and other similar towns in South Africa, this is because the focus is on mining, instead of secondary services that could not only have serviced mining, but also sustained themselves and the community once the mining ceased operations. South Africa ranks poorly when it comes to integrating mine activities into the communities,” she says.

Secondary production should have been a factory related to mining as we find in Europe and Canada. “In a decade there will be no mine, but secondary industries would have been developed.”

In her opinion, the gold mining industry is facing changes, and these will filter to these communities. “Whether the communities and these towns continue or fade away will depend on how vocal these communities are.”

Beyond gold

The Merafong Enterprise Development Centre (EDC) is located at the back of the Carltonville Civil Centre. It is not difficult to spot, as it is less than a year old and shiny and new compared to its fairly shabby surroundings and in contrast to the faded and neglected air of the town.

As I approach the EDC, despite the new brick building with the signage outside proudly declaring the centre and its partners, from outside it feels deserted and I wonder if I am in the correct place.

The guard at the door assures me that I am indeed at the right place. I asked for the centre manager, Agnes Metswamere. When she appears, she is the opposite of the dull and lifeless centre. Modern with her short stylish hair, blue jeans and white ankle takkies, her colourful jacket and huge smile, she is not at all what I expected. Friendly with a busy air she walks me through the centre. It is not a long tour; there is one main room with six computers. All of them are occupied.

Although I did not see anyone outside when I came in, she says the centre experiences up to 115 walk-ins a day. Some are repeats of course, she adds. Not surprising given that the centre's services are free, and a person can spend all day here.

I am interested in the centre for a number of reasons. First, it is a project that forms part of AngloGold's SLP and was requested by the community – even the location is where the community requested the centre to be.

Second, because it is a project established specifically to support the creation of alternative economies in the operations area as the mines in this area approach their end of life.

The goal of the centre is to incubate Small, Medium, Micro Enterprises (SMME), create new industries in the area and develop entrepreneurs. According to AngloGold, it's Enterprise Development and Local Economic Development projects, have yielded approximately 7 419 direct and indirect jobs over the past five years.

The centre was scheduled for completion in 2009 but was delayed following learnings from another EDC. Agnes explains that they had erected an EDC in another community and burnt their fingers. “Hence, we did not want to make the same mistake again.”

She and her staff of two assist the people who come to the centre, most of whom are not computer literate. “We are not experts, but we try help as much as we can.”

She explains how the centre works: “People come to register a business, get a BEE certificate and or tax clearance certificate - whatever they need to set up a business. We often help them set up email addresses for their business”. Once they have done this they can access the AngloGold portal, where they can see what procurement opportunities are available and apply for these as well as access portals of two other mining houses in the area and a local government portal.

The centre has been open for nearly a year. Has it been successful in its purpose I ask. She is unsure. “We are not really getting feedback on the number of tenders awarded to businesses from the centre. We only help them to register their business”.

Although they can tell if someone was successful with a tender at AngloGold, no numbers have been provided to her. “For purposes of the centre, we measure our success in the number of people we have seen in a month.

The centre is also meant to assist the businesses to gain business skills. Small Enterprise Development Agency (Seda) is their training partner, but seda does not have a branch in Carltonville. It relies on the Klerksdorp branch for its training, but this branch is under resourced and to date has not been able to assist the Merafong EDC. To provide bank accounts, Absa partners with the centre.

The idea is to promote businesses in anything besides mining. “Still, the people registering with us are looking to the mine as a source of opportunity, but we need to cultivate opportunities in alternative industries - which is the whole idea behind the centre.”

There have been some alternative ideas such as outdoor entertainment and water recycling for the municipality, but a popular choice is construction. “This is because word is that the municipality is planning another big project - an eight-year housing project.”
The result is the registration of a flurry of construction businesses.

These businesses hope to gain from the 30% rule. This says that 30% of a project has to be awarded to local suppliers. “The municipality has a main contractor outside the community, and the locals know this, but they also know 30% is available for them.”

Too little, too late?

Moeketsi Mogagabe and Tshidiso Sekhoelwa, both who I spoke to earlier about the forums are both regular users of the EDC.

Tshidiso is sceptical about the policy of 30% to a local company is not implemented. “They are obligated to give 30% of any tender to a local business/concern, but often the tender is not advertised, and then when we look again a company from Pretoria or even Cape Town has been awarded the project.”

The same applies to the mines. “They tell us to come to this centre and register a business and then go onto their portals and bid for business at the mine. I have heard of six people that have got work like this; yet thousands of us have registered. The numbers are appalling, and the centre is a front. They say we will call you; well I am still waiting.”

Tshidiso says the EDC is great, but it has two people helping 50 people queuing and only six computers. Most people have no idea how to register a company or get a BEE certificate, never mind operate a computer.”

AngloGold is a big company, but there is only one ECD, he continues. “What about opening a workshop - there are many artisans here. Even a training centre would be nice. Whoever take over then is centre, nothing will change, no-one bothers to speak to the community.”

Tshidiso is also not hopeful about the future of the centre. “The centre is nice, but it is not sustainable. Not once AngloGold hands it over to the local government. They do not have the resources to run it as efficiently as the mine. When the mine leaves the centre will die.”

The town faces the same future, he says. “AngloGold has one mine left. It is in the process of phasing out of the area.”

Moeketsi says the EDC has helped him a lot. “It gives me access to the internet and printing. It also assists me with advice on how to register a business, get a tax certificate etc. -

basically everything to do with starting a business. It is also organising workshops with seda for us."

He does feel that the EDC is too small. "They need to expand it. It is very popular. It is what the community asked for and many of us often use it."

While he is happy with the EDC, he says he has not yet been awarded any business from AngloGold, despite registering on their portal. But he is hopeful that this will change when AngloGold report back to them on this issue. "We did engage with them on this issue and they said they would come back to us on why we not getting business from them, so we are waiting."

Agnes understands what is at stake. "The process is that AngloGold only sets up the centre, but it is a community project; not an AngloGold project and that means that we put in place the infrastructure, systems, and resources then once it is up and running we step aside. What happens then is out of our hands …"

At the end of 2019 the centre will be handed over to the municipality.

She adds that Carltonville is not a fully flourishing industrial area. There is not much manufacturing happening. The town needs manufacturing to develop if it is to be sustainable later and that is why this centre is so important and has to succeed."

The spoilt brat

When the University of the Witwatersrand's Centre for Applied Legal Studies (CALS) two-year study looked at why SLPs are not working, they found the common denominator in the mining areas they examined (coal, iron ore and platinum, not gold) was the mining companies.

CALS is a civil society organisation based at the School of Law at the University. Its SLP project is part of the CALS' Environmental Justice Programme, which works towards making the environmental right contained in Section 24 of the Constitution a tangible reality for all who live in the country.

For SLPs to achieve their objective, mining companies must have the genuine will to change the area around the mine, not paying lip service to a requirement, says Louis Snyman, Senior Attorney, Head: Mining and Environmental Justice at CALS. Louis is engaging and friendly. It is clear he is passionate about his SLPs and mining communities. "It has to be a case of I am in the business of mining, but I am also in the business of people development and transformation," he says.

He explains that the SLP is not a nice to have, nor is it a concept that came from nowhere. "It lives with the MPRDA, SLP Guidelines and the Mining Charter. The MPRDA states that non-compliance with the SLP will lead to a mining right being revoked. Therefore, if a mine is not complying with the SLP, it is breaking the law."

Despite this, and while SLP obligations are binding, and mining companies know this, the way in which they are enforced, makes people think they are negotiated, he says - adding that this is why mining company, Lonmin was able to build five houses instead of 5 000 over a decade.

"Remember, these houses were in its SLP. But it is only one example of how mining companies have been getting away with this behaviour and for a long time. Until someone puts their hands up and says we will be completely transparent, the situation around SLPs will continue as is," he says.

“In my view the mining industry is like the child in a family of siblings that gets away with everything,” says Mamokgethi. “It is perceived as the founding industry of the economy of the country, and it has made a serious contribution to GDP, and so it has been allowed to get away with so many of the wrongs it has. It is the child above reproach and being reprimanded.

“For too many years mining companies have made a profit, then legislation changed, and they had to be better than that. But they have gotten away from it for so long that it is an anomaly to them.”

The optimist

"Klerksdorp is far from Johannesburg and has started to stand on its own. Carltonville has its own shopping centre, but people still drive to shop in Johannesburg. Its proximity to the city and Randfontein has not helped the town. Many of the businesses that serve the mine that use to be situated in the town, have moved to the East Rand. We are trying to get them back; that is our strategy."

So, says Simeon Mighty Moloko, senior vice-president of sustainability for AngloGold. Mighty lives up to his name in real life, tall and big, he dwarfs the doorway to his office at the AngloGold offices in Carltonville. He has been with Anglo since 2011. He grew up in a mining village before going to study at Zululand University and working in the mines and mine compounds during his varsity vacations.

He tells me he knows the history of the country's mining industry. He has a big voice, that is difficult to interrupt. After finishing his studies, he worked at Sun International and then in 1995 he joined Impala Platinum. The company had financed the building of a township in Rustenburg, but the housing contractors had not built the foundations correctly. "The houses were built on clay, so the foundations had to be correct. Despite the company only having been involved in the financing, the problem became the company's. I was deployed to look at the project on behalf of the employees and this is when I became interested in sustainable development."

In 1996/7, he oversaw an experimental project where employees were given a serviced site but had to build the houses themselves. "Today 20 years later Sunrise Park is still a success. It is pleasing to see that it was the right thinking. It was thinking that was ahead of itself and it was before the Mining Charter. We were far ahead in our thinking in terms of housing, we thought about families rather than perpetuating the migrant labour system."

He went on to work at South Deep, for Placer Doom, a Canadian company. "It was the best company I ever worked for, and it influenced my thinking on sustainability. I learnt that when you buy a mine such as South Deep you must plan for mine closure and think about what you want to leave behind."

He continues, saying that it was here that he learnt about true sustainable development. "I learnt that just because the Mining Charter said convert hostels into houses, that did not make it a good idea.

"To convert hostels to houses is an expensive exercise, but also one that does not integrate the mining community. Promoting housing in integrated communities is a better idea that is more sustainable," he explains.

In 2011, at the peak of the talk of nationalising mines, he started with AngloGold. "I was happy to take the job, to steer the company on the right path, with a new approach that is beyond compliance, and is right for the present and future," he proudly tells me.

He says the challenge is not delivering on the SLPs. "The challenge lies in what happens to that project once it is delivered to the municipality because generally these structures are dysfunctional. The result is that SLP projects are concluded, but not maintained."

A community park was requested, he says. The mine built it and then handed it over to the municipality. "For the first and second year the park continued to function well, but now the municipality has not been able to maintain it and to date it is a mess."

Together with Sibanye and Harmony, AngloGold funded and launched a waste management project, but the municipality refused to take up the project as it cannot keep it going, he adds.

"As a mine we want to help, but local municipalities cannot keep the projects going. Add to this, too often the municipality's IDP is nothing more than a wish list. Carltonville, he says, has a good system as the mayor and the wards attend to draw up the IDP."

He says they are lucky because they have a mature relationship with municipalities and have signed MOUs with three municipalities to formalise their relationship. "In Carltonville we meet with the Mayor quarterly and have an implementing committee. It works well as we engage each other. Difficulties arise when the relationship between the mine and the municipality is not formalised and people at the wrong levels meet and decide on incorrect things."

He acknowledges that the gold mining industry as a declining industry has to be considered. "Mining must be used to support alternative industries he says. In the future, projects need to have economic gain and create jobs for the community."

Therefore, in 2017 Anglo opened Enterprise Development Centres (EDCs), which are in line with the Integrated Development Programme (IDP) of the municipality. "Industrial development is being planned and the idea is to promote economic development such as SMME development, entrepreneur development, and procurement and employment," he says.

It is here, he believes, especially with employment and enterprise development, where the frustration of the community lies. "In the long term we need to support SMMEs, not in funding, but with support. There is space here for manufacturing. This is how Johannesburg was built. Carltonville is lucky as it still has good shafts that can continue for years to come, but we must work towards the day the mines no longer function."

There are various ideas such as meat processing and tissue manufacturing. Already generating an income is the Wedela Agricultural Project. Part of Anglo's 2010-2014 West Wits Operations SLP to the value of R8 million and its drive to ensure the sustainable development of host communities post the closure of mines it comprises two hectares of open land and four tunnels to grow cucumbers, butternuts, table tomatoes, sugar beans and spinach, according to Anglo's South Africa's Community Report 2016 -2017. The project is executed in cooperation with the Department of Agriculture and Rural Development and Land Reform and the Merafong City Local Municipality.

"It is the first one and it is looking good so far. We are looking at a one stop shop. It is a model for alternative business as the Brazilians have done," says Mighty.

The wheels turn slowly, and you need lots of patience and passion, he adds. “I am an optimist. Despite changes in the government, and sponsors pulling out of projects. It is an evolving space. We must have patience to work with government. The trick is to have functional relationships with government, or nothing will get done. Ask me.”

Hoping for better days

After you turn off the N12 to Carltonville, just before you get to AngloGold's Tautona mine, you find the Blyvoor sign. While it looks like every other sign post to a mine, looks can be deceiving.

Lying 80km west from Johannesburg, and meaning happy prospect in Dutch, Blyvooruitzicht was established in 1937, built to provide houses to the workers of the Blyvooruitzicht Gold Mine (Blyvoor).

The mine was the first to mine gold on the West Wits line. While the name might not mean anything by itself, if I tell you it was where the popular 1970s television programme, *The Villagers*, was filmed, like me, you are probably nodding your head. It is here in the mine's recreation centre that this locally produced drama about the comings and goings of a small mining town kept white South Africa riveted to their television sets was filmed.

Together with its golf course, the recreation centre was the pride of the town. Both were built by the mine in its heyday, when it boasted the highest earnings per capita in the world (It should be noted that this was during the Apartheid era and therefore it most probably only included white workers' earnings) paying out dividends of 100% or more for five straight years. The town had 1 000 homes, 290 family units in a converted hostel and an all-male building with about 1 850 residents built by the mine.

Rand Mines owned the mine and started production in 1942. In the late 1990s it sold the mine to DRDGold. In 2009 an earthquake struck, however, unlike the town of Stilfontein some kilometres down the road, Blyvoor recovered.

Two years later, the combination of declining gold prices and an increase in local electricity costs forced DRDGold sell the mine. In June 2012 Village Main Reef took over operational control of the mine, confident it could keep the mine operating to 2030 and beyond.

In an interview with *Mining MX* magazine in November 2011, Village Main Reef's chief executive officer at the time, Bernard Swanepoel said: "Blyvoor can be a good transaction if the gold price stays favourable and we can do the things we hope we will find the opportunity to do there," adding that if prices were to fall below a certain level, "we would be in the dwang".

The company invested R190 million in the mine, but then the gold price plunged from US$1 715.67 an ounce to June 2013's price of $1 230.10. The mine lost R90 million in the quarter ending June 2013.

They were in the dwang. Then another earthquake struck and this, compounded by strikes, led to Village Main Reef halting its financial assistance to the mine in July 2013, followed swiftly by court approval for the provisional liquidation of the mine. After the mine stopped production 1 700 workers were left jobless – and most of them waited two months for their final pay checks.

The Blyvoor mine owes the Carltonville municipality R360 million, and every month the local authority writes off R2/3 million of water costs to the mine and the remaining mine workers. Many of the migrant workers, mainly from Swaziland and Lesotho, have not moved out of the area despite the mine closing. "They have stayed behind and are now our burden. If we invest in the areas, putting in basic services, we do not get payment. Eskom is also owed millions," says Albie from the Merafong City Municipality.

He adds that the municipality tried to cut off the water supply, but the Human Right Commission intervened. "As a municipality, we cannot cut off water and services to the community."

These issues have had a massive impact on the financial position of the municipality, and socially this area has turned into crime havens that the Zama Zama controls. The community is frightened.

The DMR is hiding behind this to skirt its responsibility to the mine, Albie states. The fact is the mine is depleted. "When we get to this level, the level that Blyvooruitzicht is at, the SLP should have mitigated the risk by addressing housing, employment, infrastructure, etc. Rehabilitation then takes place and then the mine is closed. That would be the logic.

Recently they were told a new investor is coming in from Canada, Albie says. But it is a story he has heard before, and one he is tired of. "We say to the DMR we know you do not want to close mines, at least close it and help the people, but everyone is hiding. The liquidator hides, and the government is not taking any responsibility. The DMR sits back and entertains every tom, dick and harry as an investor. The last investor saw the directors strip and loot the mine and then disappear. "

Fhedzisani Muthindivhane, assistant director, DMR social and labour plans, confirms that this is indeed so but acknowledges that Blyvooruitzicht is a problem. "We are aware of the difficulty in controlling the situation there, but we are hopeful that an investor will step forward and invest in the mine."

Fhedzisani is part of the DMR's regional office in Braamfontein, which is responsible for the Carltonville area. The West Wits SLPs are all lodged at these offices.

The building is in a quiet part of Braamfontein. The neat brown brick office block, with manicured gardens and walkways around it and the nearly Johannesburg theatre culture, is a far cry from the decay and chaos of Blyvooruitzicht.

As I wait in reception for Fhedzisani, the President and Deputy-presidents and Minister of Mining eye me from across the room, from their smiling photographs. Fhedzisani and I sit and talk in the upstairs waiting area, as the DMR is busy today, and so no meeting rooms are available.

He takes me through the process an SLP goes through to be approved. It starts, he says, when the application for a mining right is logged. He stresses that it is only when a mining right is required that a SLP is needed. Prospecting right applications do not need this documentation. "You submit your application as per Section 22 of the MRPDA and a SLP official then assesses it to make sure all the necessary elements are addressed, such as enterprise development, internships, community projects, etc.”

The SLP should be submitted with the IDP of the municipal area that the mining community falls under. The IDP of the municipality is the starting point of an SLP as it is the document that is driving the direction of the community.

“We prefer that mines doing an application, use the IDP as it gives them an easy indication of what is needed at ground level,” he says. The municipality also must confirm that the applicant consulted with them, he adds. “This is part and parcel of the process in terms of meeting the SLP requirements and for us to finalise it.”

He acknowledges that this is not a fool proof method of meeting the community’s needs. “It does happen that the person in the municipality does not consult with the community.”

One of the strange hallmarks of the SLP is that the mine and the municipality are required to sign, not the community. It is no wonder that this has led to frustration for the communities and the mines.

To try to make the process more transparent and ensure that communities are represented, the DMR has been holding workshops since 2009 in the various regions. The workshops explain the SLP and how it works. However, where the workshops fall down is that they are arranged by the municipalities.

Despite this, Fhedzisani, believes the workshops are successful. While communities appear to understand what is expected from their side, they still feel what is being done is still not enough. “Communities feel that despite the mine having been there for years, they have not reaped any benefits from it. They ask us why, when this is the situation, do we continue to grant them mining rights. They are frustrated.”

A sunset industry

The research done by CALS into SLPs concluded that, in its present form, the SLP is unable to achieve its objectives.

In its *Social and Labour Plan Series: Phase 2, Implementation*, CALS finds that if the SLP is defined as “a mechanism to effect fair distribution of the benefits of mining to all South Africans” then it is not working.

It says that a major reason for this is that currently SLPs are non-inclusive with the leverage of communities taken away - and their accountability. CALS found that there is a lack of a framework for public participation of communities in the compiling of SLPs. The report conclusion further states: “This absence of clear participation requirements extends throughout the life cycle of SLPs.”

It must be noted that this research was not conducted in the gold mining areas, but in areas where mining is relatively “new” when compared to the gold mining industry. This said, it is my view from my research that the same can be said for the gold mining communities, despite it facing some different challenges.

The biggest of these is that it is a sunset industry, which means that SLP in this industry need to have a much bigger focus on the future with a view on how these mining communities are to be sustainable in the future without the mines.

Apart from this, while the system set up by AngloGold and the Merafong City Municipality is commendable, a majority challenge is the municipality. In general, the SLP is flawed before it can even begin as it is tied to the Integrated Development Plan (IDP) of the municipality.

Firstly, this makes it very difficult for the community to get the projects they want and need on the table, and with so many municipalities in the country under resourced, they are using the mines to do the work they are meant to do, such as infrastructure.

Secondly, even if the community succeeded in getting the projects they want implemented, after these are handed over to the municipalities, the municipalities do not have the resources to keep them going and they then fall into disrepair, such as the park in Carltonville.

A key weakness that has to be noted is the regulator. The current regulator is weak, but also under resourced and so is not able to monitor the implementation of SLP. Mining companies are also operating in an uncertain regulatory environment with the awarding of mining rights often a haphazard affair. Negotiating various stakeholders is also complex for mining companies.

This is not to say that they can walk away without taking responsibility; they have reaped the benefits of the gold ore, while neglecting the communities they operate in. This is clearly visible in the Carltonville community. Now they are playing catch-up, but with a declining ore body, this is almost impossible.

Too often SLPs have been tick box exercises and too often mines take the easy way out, building parks and swimming pools, when they should have been working on solutions that are sustainable for the community that do not need the mines in the future.

With the mines in the gold mining region of the West Wits in their sunset years, since this research was completed AngloGold announced it is selling part of its Tautona mine while over 8 000 retrenchments took place on their mines in 2017 in Carltonville, these communities need to redefine themselves. Yet, they need the mines help them do this.

I have to agree with the conclusion of the CALS Phase 2 research that states: “Given that the system (SLP) is designed to redress the historical legacy of inequality through creating binding obligations on companies to ensure mining benefits workers and communities, it is an important step forward. However, in its present form the SLP system is not capable of achieving these objectives.

Living in a ghost town

Back at the EDC, Tshidiso and Moeketsi tell me that they want to leave Carltonville, but for various reasons, cannot.

“I would like to leave, but I am an only child and my mother won’t leave,” says Tshidiso. Once the mine closes, and it employs 90% of the people living in this town, the town will close; it will be a ghost town.”

Moeketsi nods his head in agreement. Also born and bred here, all his family live here. “I don’t want to move; all of my family live here, but the town is down. It is going to end up a ghost town, like Blyvoor.

He is referring to the Blyvooruitzicht mine and town. Sitting on the doorstep of Carltonville today the town and mine are a far call from its former glory.

The town’s pride and joy, the recreation club that featured in the Villagers, is roofless and the golf club lies deserted, hardly recognisable as a golf course as the natural bush and grass has encroached to claim it back.

The mine has been stripped by Zama Zamas who have taken over the houses left deserted by the town’s former inhabitants. The houses not occupied by the Zama Zamas have been looted with the windows and doors and anything else of value stolen. But most of the houses and flats are not liveable anymore as they have not power or water supply. The flats are especially dangerous. There also use to be a hospital, but it has disappeared completely.

It is a wild and dangerous place. The road leading into the town is a patchwork of potholes and tar and sewerage trickles down the sides of the road. There are no people, and the few you do see are Zama Zamas. It’s too dangerous to come here at night and my guide informs me that even the SAP does not venture into Blyvoor after hours.

The road to the mine is even worse than the road leading to the town. This is Zama Zama territory - and was featured in Carte Blanche. No one goes here as there is no security. It is here that the Zama Zamas gain access to the Gold Fields and AngloGold side. As the shafts are all linked, they go underground and get to these mines where they have threatened the legal workers there.

The Blyvoor plant is another no-go area. Anything and everything that can be stolen and sold has been. The pipes that are part of the rehabilitation process have been broken. The AngloGold mine, Tautona, can be seen on one side of Blyvoor, and on the right, Sibanye's Driefontein mine. You can also see Blyvoor from the Anglo side.

It is not the only town in the area like this. Elandsrand and Deelkraal are the same; if not worse. Is this the fate that is slowly, but steadily crawling closer to Carltonville?

SECTION TWO: Methods Document

Abstract

The mining industry, while the catalyst for changing the South African economy from an agricultural one to a resources-based one, is also seen to represent the system of Apartheid and what is stood for. Despite having been the backbone of the South African economy for years, mining is an industry that has a legacy that needs to be reversed.

In 1994, when the country became a democracy, the new government set out to achieve this. Legislation was drawn up to reverse and ameliorate the legacy. The main piece of legislation is the Mining Petroleum Resources Development Act (MPRDA) 2002, (No 28 of 2002). It changed the ownership of mining rights from the previous system where the companies owned the mining right to the government.

This meant that for a company to be granted, or to renew a mining right, it had to apply to the Department of Mineral Resources (DMR), which is the regulating authority in the mining industry. To be granted a mining right, the company must satisfy a number of requirements, one of which is a Social and Labour Plan (SLP).

The SLP outlines how the mining company is going to, amongst others, uplift, economically and socially, the mine workers and mining community within which the mine operates. As such it is one of the tools used to address the imbalances that have existed in the mining industry before 1994.

Today, the mining industry is not the golden goose it was in the decades since the discovery of diamonds and gold and later platinum. In particular, the industry that started it all, gold, has seen a decline since its heydays of the 1970s and 1980s.

West Wits, stretches from Johannesburg to Klerksdorp for about 180km and is one of the two main gold mining regions in the country, with most of the communities along this reef established as gold mining communities.

It is at this juncture that this narrative takes up the story, examining how the decline in the gold mining industry has affected the communities, with a focus on the Carltonville municipal area. In this context, the SLP, as the tool government requires mining houses to use to change the circumstances of the mining communities in this area, is examined. The narrative provides a finding on the impact of the SLP, negative and positive, on the host mining community.

Introduction

When I decided to examine SLPs, I thought of the gold mining industry, which had been my introduction to the mining industry in the 1990s. Despite gold having already begun its decline, the industry still fascinated me.

Like gold, the industry captivates; it is both compelling and repellent at the same time. The story of mining, in particular gold, as the backbone of the economy and as able to transform the country is a romantic one, but underneath this lies something dark. Like any fairy-tale, mining has its malevolent side.

The dark underbelly of mining was exposed to the world on 16 August 2012, on a dusty koppie, in Marikana, deep in the heart of the platinum belt in the North West Province, when protesting mineworkers were met by police and in the ensuing massacre, 34 mineworkers died.

But this is not where my story begins. Marikana might have exposed the extent of the mining industry's failure to address years of injustice, and the failure of government's attempts at transforming the industry.

To understand why this event happened, and to provide context, we have to go back to the past, back to gold, and track what led us to that dusty koppie 143 years later. The event might have taken place hundreds of kilometres from the gold mines of South Africa, but it is in gold that this tragedy finds its roots.

Mining, gold mining and SLPs

While South Africa has been a resource-led economy for more than a century – in 2010, Citibank called it the wealthiest mining jurisdiction in the world – it is the most unequal country in the world. The same Citibank report states that poverty and income inequality continue to be more widespread than in other middle-income economies (Thobatsi, 2014).

Thomas Piketty has described South Africa as the: “most unequal country in the world.” In his best seller, *Capital in the Twenty-First Century*, South Africa plays a starring role, and the opening of his book focuses on Marikana. Piketty says: “South Africa is really at the top of the class, so to speak.”

The mining sector has a starring role in this book and it all started in 1869 when gold was discovered on the Witwatersrand. This discovery would set the industry on a course premised on the exploitation of the low-wage, migrant labour of black South Africans. Facilitated by the dispossession of land, the levelling of land taxes and the reservation of higher paid jobs for white workers by colonial and apartheid administrations, the experience of mining was one of wealth generation and opportunity for a white minority; it was about dispossession, exploitation and occupational disease for the black majority.

As the country went through the pains of giving birth to the new industry that gold had provided it with, it also gave birth to something not so shiny; the migrant labour system. The gold in South Africa is low grade and for it to be profitable to mine, it requires a large supply of capital and cheap labour.

To ensure availability of a large supply of labour, first the Boer and then the British governments established a system that required African men to pay tax. This led to thousands of African men, from South Africa and surrounding countries, to work on the mines. This system was later adopted by the mining sector and became known as the migrant labour system, a system which, despite attempts to dislodge it, still exists today in a variety of forms in the industry.

Politically, the discovery of gold led to the Boer Republic being annexed by the British seeking to control its gold. This began what would ultimately lead to the system of Apartheid, when in 1920 the National Party (NP) established its rule over the country. Its rule would continue for 48 years and see the country become a Republic (1960), during which time the system of Apartheid, a policy or system of segregation or discrimination on grounds of race, was adopted.

Apartheid would remain in force until 1994, when South Africa would eventually become a democracy. The first democratically elected government, the African National Congress (ANC), inherited a country that was characterised by inequality following years of Apartheid.

The racial and economic injustices in the mining sector and the need for their rectification had occupied a central place in the aspirations of the liberation struggle against Apartheid, and the transformation of the mining sector was a key objective of the first democratically elected government.

To achieve this objective, new legislation was implemented. This legislation ranges from Broad Based Black Economic Empowerment (BBBEE) to very specific legislation in the mining industry, the MPRDA (Social and Labour Plans First Report Trends and Analysis, 30 March 2016).

The MPRDA is fundamental to the transformation of the industry. It changed the ownership of mining rights from mining companies to the State. To be granted a mining right, or renew a mining right, a mining company needs to apply to the State. Previously, mining rights belonged to the mining company. Embedded in the awarding of a mining right are three requirements. One of which is an SLP.

- *The SLP: what is it?*

The SLP is the formal tool by which the State regulates that various entities should benefit from mining, to reverse historical, social and economic inequalities in the mining community in the area of the mining right.

The SLP seeks to readdress a number of issues, of which one is the development of the community within which a mine operates, both while the mine operational and once mine closure takes place. The SLP also includes the areas from which a mines sources its labour.

Basically, the SLP sets out what a mine should do for a community within a specific period (four to five years). This can be building a school, a library, a clinic, providing local infrastructure, setting up Small Medium Enterprises, etc., anything a community requires.

- *The SLP: how does it work?*

To determine what a community needs, the projects in a SLP are determined by a process of consultation with the local community to ensure that the projects are in line with the needs, and wants, of the local community.

This consultation takes place through the local municipality, and the projects of the SLP can follow, or be aligned to the municipality's Integrated Development Plan (IDP).

Once consultation has taken place and the projects agreed upon, the SLP is formulated and submitted together with the mining company's mining right application to the regulatory authority, the DMR. Ironically, the municipality and the mine have to sign the SLP, but not the community.

An SLP operates for a period of four years, after that time it is evaluated and a new SLP is put in place.

- *SLP progress: a mixed bag*

That is the theory. The reality is very different and the SLP as a tool to bring the benefits of mining to entities previously excluded, is being disputed by many stakeholders in the industry.

"In contrast to helping mining communities, it appears the SLPs have not actually catered for the actual needs of communities. There is a stark disjuncture between what is stated in

SLPs and the real-life realties of mining communities," states the *Social and Labour Plans First Report Trends and Analysis (30 March 2016, Wits).*

An example of this disjuncture is housing. The Chamber of Mines of South Africa has stated that 73% of its members had achieved the reduction of occupancy rate in company accommodation by the end 2016 and 63% had completed the targeted conversion of hostels into family units.

In stark contrast to this is the Report of the Judicial Commission of Inquiry into what happened at Marikana, where on 16 August 2012**,** 34 miners were shot and killed by members of the South African Police Service (SAPS) (*Terblanche, 2015).* The Commission severely criticised Lonmin's, "failure to comply with its housing obligations" under the SLPs of its two Marikana subsidiaries. Lonmin had committed to building 5 500 houses for its migrant employees; at the time of the strike, it had built three.

"There is mounting evidence of a stark disjuncture between the rhetoric in SLPs and the lived realities of mine-affected communities, who do not see the promised benefits of mining development materialising," Terblanche's report states (*Terblanche, 2015).*

While the failure of SLPs is most evident in the Marikana Tragedy of 2012, successful use of the SLP in other areas is also questionable. Thus, SLPs as a tool to assist mining communities has increasingly come under scrutiny.

The gold mining industry today

Gold has lost its shine. West Wits towns such as Blyvooruitzicht, Carltonville and Stilfontein, stretching the 180km from Johannesburg to Klerksdorp are no longer the boom towns they were 30 years ago and no longer produce the quantities of gold, nor employ the vast number of people they once did.

These towns, established because of the gold mines, have been deteriorating as gold production has declined. Despite this, the changing political system demands social and economic transformation, shifting the focus of development to mining communities who are demanding their pound of “gold”.

Any examination of SLPs in these communities must be examined in the context of the declining gold mining industry. It must be questioned if SLPs can help these communities reinvent themselves as the clock ticks on the gold mining industry. The alternative is that these towns will become ghost towns, ceasing to exist, or worse, become a haven for criminals, such as Blyvooruitzicht has become.

Rationale

The gold sector is the oldest mining sector in the country and as a result is viewed by many as a sunset industry and one that is long past its glory years. The gold mines in the country face a number of challenges, for example the depth at which they are operating. This, together with the decline in gold production, has led to a reduction in the manpower previously required and has meant the mines are not producing the wealth they did in the 1970s and 1980s.

The legislative changes by the post-1994 government instituted to transform the mining industry is explained. The SLP, in particular, and its role, is examined by various stakeholders, each giving their own perspective on the subject. Often these are contradictory. The voices that must be heard extend from community members, the municipality, NGOs and the mine to stakeholders in the industry (the Chamber of Mines), government (Department of Mineral Resources) and labour (various unions).

This research seeks to interrogate SLPs and the decline in the gold mining sector to understand their effect on gold mining communities, in particular the Carltonville municipal area, and what this means for the future.

Conceptual framework

SLPs and their progress or lack of progress is examined by looking at a microcosm of the industry, the gold mining region of the West Wits.

The rise of social media, together with a decrease in the attention span of the consumer, has led to a decline in traditional media, such as newspapers. Yet telling stories has never been more popular.

"We're fooling ourselves if we think we communicate primarily by bursts of information. We live for stories—whether they're movies or TV shows or plays or poems or even newspaper pieces. We want stories told to us over and over.… They comfort us, they arouse us, they excite us and educate us, and when they touch our hearts we embrace them and keep them with us." - Jacqui Banaszynski, *The Seattle Times* on why we need stories, quoting Mary Lawrence, a journalism teacher at the University of Missouri at a Nieman narrative conference (http://niemanreports.org/articles/thinking-about-storytelling-and-narrative-journalism/).

"Narrative journalism is a growing trend in journalism to sustain reader interest and deepen coverage by telling stories in a style that is different from the way they are usually told in newspapers." (http://niemanreports.org/articles/thinking-about-storytelling-and-narrative-journalism/).

Consider this extract: "Journalism that tells stories," he replied. He marvelled at the transformation of *The New York Times* in this regard. "*The Times* used to be just the paper of record" and now it is a place where readers also find "wonderful stories." From *Thinking About Storytelling and Narrative Journalism, At a seminar with Robert Coles, the topic is stories and how they are best told* (http://niemanreports.org/articles/thinking-about-storytelling-and-narrative-journalism/).

While the form and shape of these stories differ, the long-form narrative has survived. This form of non-fiction, story-telling brings the writer into the story, allows the reader to go beyond the facts and instead, experience.

This is achieved by setting the scene and making the reader familiar with the characters. The scene details and narrative needs to bring the story to life. This is exactly why I have chosen this form of writing. I believe is will allow me to provide the reader with a greater understanding of the subject matter that I would not be able to achieve otherwise.

It will also allow me to take a complex industry and make it more understandable for the reader. I would like to present it almost as moments, that when put together show an entire picture.

The mining industry stretches back almost as far as South Africa's beginnings; certainly, it is responsible for changing, and setting, the course of the country's history, economically transforming it from an agrarian to an industrial nation, and in part for its policy of radical discrimination, Apartheid. In some ways, the industry is a microcosm of South Africa and the profound effect of the policy of Apartheid is tied to the mining industry and needs to be understood.

The long-form narrative gives the subject authority. It empowers the characters and destination in the story, and in doing so, allows the reader to understand the characters, despite not necessarily agreeing with them. It is through these characters that I wish to bring the issues surrounding the SLP to light.

While SLPs are part of legislation and have been discussed in legal and political terms, these are fairly dry and often in a language difficult for everyone to understand. Articles on SLPs in the media often portray a superficial and/or one-sided account of the subject, either for or against, and not the reality, which is a montage. The narrative wants to show this. For example, a mining company executive believes in what he is doing for the community through his company's SLP, while the community member does not. Both are right, and both are wrong. Their perspectives will be shown in the narrative.

The long-form narrative is brought to life through these opposing views, while the narrative makes an otherwise dry subject more accessible and more tasty to the reader. To simply tell the reader what an SLP is, the motivation behind it and why it is important as well as the results thus far would miss the reality of the SLPs and what it means to the mining community, which includes all the stakeholders.

The characters will bring to life the SLP and highlight the problems around its implementation or lack thereof. As *Thinking About Storytelling and Narrative Journalism, At a seminar with Robert Coles, the topic is stories and how they are best told* (http://niemanreports.org/articles/thinking-about-storytelling-and-narrative-journalism/) puts it: “The power of narrative, drawing a connection between the stories he hears and writes and uses in his teaching and stories in our newspapers. He was describing the transformative power of stories, reminding us how stories about others can lead us to discoveries about ourselves and how they absorb the reader into the emotions of the characters”.

Aim

The long-form narrative aims to understand the impact or lack of impact that post 1994 legislation has had on the gold mining communities of the West Witwatersrand, in particular the communities of the Merafong City Local Municipality.

Merafong City Local Municipality's historical development is closely aligned with the discovery of rich gold deposits in the early 1930s. Fochville is the oldest town in the region and was declared a town in 1951. The town of Carletonville was named after Guy Carleton Jones, an engineer from the Gold Fields Ltd mining company, who played a prominent role in the discovery of the West Wits gold field, of which Carletonville forms a part. The mining company decided, in November 1946, to establish the town. Carletonville was proclaimed in 1948 and attained Town Council Status on 1 July 1959.

Carltonville will be examined with regard to the SLPs in the area. How these are determined, the processes in place to determine the projects, and the results of the SLPs. This research project will aim to assess if these plans will make the difference between the community (and town) surviving or thriving in the face of a declining gold mining industry.

Carltonville, which had operating mines, is 10km from Blyvooruitzicht, and the local municipality for Blyvooruitzicht. In 2013, the Blyvoor mine closed unexpectedly. Today, this town is being rapidly destroyed, as it is being systematically stripped while Zama Zamas (illegal miners) are operating the mine and living in the town's deserted houses.

The research piece will attempt to ascertain the degree of success of the SLP as a transformation tool for mining communities, and whether in the future, when we drive from Johannesburg to Klerksdorp we will find a long line of deserted mines and ghost towns, or vibrant communities that have benefited from the country's mineral wealth through plans purposefully put in place to ensure just that outcome.

Research question

Losing its lustre – a narrative of the gold mining communities of the western Witwatersrand focusing on the impact of post 1994 legislation and its ability to transform these communities into flourishing towns or reduce them to ghost towns in the context of a declining gold mining industry.

Literature review

Previous research has been undertaken into SLPs by the Centre of Applied Legal Studies (CALS) at the University of the Witwatersrand (Wits). The second phase of this research involved case studies in the various mining sectors, including coal, platinum and iron-ore, but it did not examine any case studies in the gold sector. This is currently being examined.

Mining host communities have historically endured a disproportionate negative socio-economic impact from mining. One of the requirements of the MPRDA, when a mine applies for a mining right is to submit a Social and Labour Plan (SLP).

The SLP is what a mine puts in place for a period of five years to transform amongst others, the mining community. Mining rights operate through: “integrated socio-economic development for host communities” by cooperating in the formulation of integrated development plans for mining communities with special emphasis on [the] development of infrastructure” (Leon, 2009).

Two sections address what happens in the case of mine closure. The Human Resources Development Programme Section 46(b) provides for skills development opportunities for workers and community members within and outside of the mining sector. This is to ensure the employment prospects of the workers and community members following the closure of a mine.

The Local Economic Development (LED) Programme Section 46(c) is the support and contribution the mine makes to the socio-economic development of mining communities (both host communities and other labour sending communities) including the development of economic linkages to sectors other than mining to ensure that there are other sources of employment/business opportunities during and after mine operations.

Section 46(d): “Processes pertaining to management of downscaling and retrenchment” requires the mine rights holder to provide mine workers access to employment/business opportunities as well as measures to mitigate the impact of closure on local mining communities when mine closure takes place.

(Given that closure can happen earlier than anticipated at the inception of a project, it is important that proactive measures, such as portable skills training, commence significantly earlier than when closure is anticipated.)"

Information on the legislation and policies that explain the goals of SLPs are easily accessed. There are numerous articles where experts give their opinion on what an SLP is, and why it is important and why it is or is not working. However, these are broad-based or specific to the platinum industry.

A major reason for this is the Marikana tragedy. The events of that day and leading up to it and the reasons the event occurred have been examined in the popular press and other sources. These includes an examination of SLPs and the SLP in place in Marikana as a major cause of the event.

The confusion around the SLP is also discussed by experts. Given that the guidelines for SLPs is not included in the primary legislation, but in the Mining Charter (which is not legislated). While the primary legislation does not explain what an SLP should entail, Section 22 of the MRPDA discusses the application for a mining right, and that if an applicant has provided for the prescribed SLP then the minister must award the mining right.

Despite the MPRDA having been in effect for 16 years, many believe it has failed to address the imbalances of the past. "In contrast to helping mining communities, it appears the SLP have not actually catered for the actual needs of communities. There is a stark disjuncture between what is stated in SLPs and the real-life realities of mining communities," says the *Social and Labour Plans First Report Trends and Analysis (30 March 2016, Wits).*

In 2015, when the DMR publicly reported on the industry's performance against the Mining Charter's targets for the past 10 years, the industry, as a whole, while conceding that some of the targets were not fully met, stated that significant progress had been made in meeting and performing beyond the set targets.

The Chamber of Mines, which represents about 80% of SA's mining production, says its members have largely met their Mining Charter agreements. Of its members, 73% had achieved the reduction of occupancy rate in company accommodation by the end of 2017 and 63% had completed the targeted conversion of hostels into family units. Anglo American Platinum aligns itself with the Chamber's views.

The DMR's *Mining Charter Assessment Report* paints a different picture. Of the 962 mining rights that were due for assessment, 442 submitted. This was further reduced to 375, owing to mining rights that constitute the same mining operation and submissions with glaringly erroneous data.

The report found that nationally, only 36% of mining right holders have met their set target on mine community development (MCD).

Limpopo has attained the highest level of progress with reported performance at 73%, followed by Free State and Northern Cape at 67% and 53% respectively. However, the picture shows that Western Cape was the worst performing province with 87% of the mining right holders not meeting the targets, followed by Eastern Cape at 71% and KwaZulu-Natal and Gauteng at 70% each.

Mining communities agree, as do the legislators, that part of the problem is the way in which the SLP system is conceived and the core assumptions underlying it (Social and Labour Plans First Report Trends and Analysis, 30 March 2016).

Deepa Vallabh, Director: Head: Cross Border Mergers & Acquisitions: Africa & Asia, Cliffe Dekker Hofmeyr Inc. has advised mining companies for 17 years. She maintains that the SLP of many mining companies is a tick box exercise, not a strategic plan for long-term sustainable development.

Another problem is the that the actual Mining Charter is linguistically vague and does not impose any obligation on mining companies to allow communities to benefit directly from mining operations (Leon, 2009).

In addition, the 2010 *SLP Guidelines* provides that applicants must prepare the LED component: "through consultation with communities and relevant authorities". Therefore, in theory, SLPs are drafted by mining companies with an interest in mining in an area and are submitted to the DMR when the mining company applies for a mining right. In practice, however, the development of SLPs is often outsourced to consultants.

Mining right holders are required to provide a signed undertaking to deliver on the provisions of the SLP and to make it known to workers. However, this is not what the *Social and Labour Plans Series* (March 2016) found. Instead it found that: "The vast majority of SLPs made no mention of the processes of consultation with communities in particular."

Social and Labour Plans Series, March 2016, an assessment of 50 SLPs by the CALS, found that there was a near-universal absence of acknowledgment of, and engagement with, the disparate impacts of mining on race, gender and socio-economic status.

Of the 50 SLPs it examined, the information on the background and context of the mining operation and its impact on affected communities tended to be vague and incomplete. "Without an understanding of the affected community and the history of the mining operation it becomes impossible to predict impact," the report notes.

It also found that SLPs did not explain the nature and extent of the operation's impact, with very few SLPs addressing negative impacts.

When targets are set in SLPs, the mines must report on an annual basis to the regulator and their shareholders on their compliance with commitments, yet most SLPs provided no evidence of clear mechanisms by which communities could hold companies accountable to their obligations.

A significant number of SLPs also lacked evidence of finality and completion, for example, the absence of signed undertakings and the inclusion of some programmes without targets and timeframes.

The report concludes that the regulatory system is not capable of producing SLPs that can effectively contribute towards the transformative objectives as set out in the Constitution and mining legislation.

The Harvard Law Report is a culmination of six years of research that views the same issues, but through a human rights' lens. It says that government's poor track record of communicating and engaging with residents about mining matters has been almost as problematic as the adverse effects of mining operations. "It has prevented local people from fully exercising two key civil and political rights –the right to receive information and the right to participate in decision making."

Community members have complained, for example, the law report continues, that the government (along with industry) has not provided ample warning about potential risks, or given advance notice of mining activities, or provided remedial measures. In addition, while contamination levels have been well documented, there has been a shortage of epidemiological studies regarding the effects of mining contamination on human health in the region. "The lack of such information has undermined residents' abilities to protect themselves or advocate on their own behalf."

In many cases, it adds, government agencies have also failed to engage meaningfully with communities about mining issues that could affect them. "Residents have reported being left out of discussions related to nearby operations or their own relocation. Frustration at the lack of engagement has led to violence, litigation, and feelings of mistrust. To meet its human rights obligations, the government should increase the participation of community members in decision making. Their participation could produce more effective policies to address the impacts of mining in the West and Central Rand and increase community buy-in for long term plans."

The Marikana tragedy led to the appointment of a Judicial Commission of Inquiry into what happened on 16 August 2012. It found that: "some mining companies have failed to keep their promises – made many years ago – to provide housing. They have cited the downturn of the commodity cycle, strikes that crippled them or the indebtedness of mineworkers ...."

The tragedy is that towns such as Blyvooruitzicht are less known than Marikana, and no commission of inquiry has been appointed. What is happening there has received very little attention in the popular press. Yet Mamokgethi Molopyane, labour activist, categorises what is happening at Blyvoor as far worse than what happened at Marikana. “But no one is accounting for it. There is no commission into why this has happened.” She views it as a, “continuous neglect of the ordinary worker and community because no one has died, yet these people have nothing left”.

Method/methodology

A mixture of desktop research, field trips and interviews.

Desktop research (Sources: see LITERATURE REVIEW)

SOUTH AFRICA's MINERAL RESOURCES

- THE STORY OF GOLD: The discovery of gold; The beginning of the migrant system; Gold Production; Employment; Gold mining areas (including KOSH)
- LEGISLATION: MPRDA; The Mining Charter; A mandatory system

Field trips and interviews

- Stilfontein interview, community members
- Carltonville and Blyvooruitzicht:
    - AngloGold Ashanti Sustainability VP, who deals with SLP in the region.
    - Union leaders in the region
    - Municipal representative in the region for SLP (Albie Nieuwoudt)
    - Community members: business people and Carltonville residents.

Stakeholder Interviews:

With the various stakeholders. These interviews will be brought into the narrative as voices that highlight the different viewpoints of the stakeholders in the industry, as well as highlight the issues that stakeholders are experiencing with SLPs. In this way, the issues around SLPs will be brought into the narrative.

- Industry: Chamber of Mines: *Tebello Chabana,* Senior Executive Public Affairs & Transformation at *Chamber of Mines* of South Africa, Barnard Swanepoel, CEO of Blyvooruitzicht.
- Government: Department of Mineral Resources: Fhedzisani Muthindivhane, assistant director, DMR social and labour plans
- Activists: Mariette Liefferink, CEO of the Federation for a Sustainable Environment (FSE).
- Experts: Deepa Vallabh, Director, Corporate and Commercial Head, Cross Border M&A, Africa and Asia, Cliffedekkerhofmeyr.com

Andre van der Merwe, Head of Department – Mining Studies, MSA Group

Outline

The approach is a long-form narrative to bring together the past, to understand the present and possibly forecast the future. This is the most suitable format in which to relate this textured research.

Giving context to the subject is an overview of the gold mining industry in South Africa, tracing it from its origins to where it is today. It will examine the developments in gold production and employment, tracing the decline of the industry. Hand in hand with this is an outline of the mining houses in the gold mining industry and their evolution. The legislation that calls for an SLP is also examined here, as well as the definition and description of SLP.

The post-1994 legislation and what it seeks to redress and why will be examined with SLPs explained in detail. This will be done though the voices of the various stakeholders, including:

- gold mining company representatives at head office and regional representatives
- experts in SLPs
- The Department of Mineral Resources
- legal opinions and NGOs.

Throughout the narrative and telling the story are the voices from the towns of Blyvooruitzicht and Carltonville. Represented are the union representatives in the Carltonville area (all three unions), business people and residents, the gold mining company representative(s) in the community and the municipality.

This will be achieved through:

- desktop research: set the gold mining in context, what the legislation is, SLPS and their progress
- interviews with experts
- field trips to the West Wits region, Blyvooruitzicht and Carltonville.

Considerations/challenges

My story is pertinent to my research and therefore needs to be brought into the method document. My interest in the mining industry started 25 years ago, when I joined the Council of Scientific and Industrial Research Council's (CSIR) mining division. Based in Auckland Park in Johannesburg (not in Pretoria). Miningtek, as it was renamed, was the old Chamber of Mines Research Organisation (COMRO).

This was the start of the end of COMRO's glory years, when it boasted literally thousands of employees doing world-class research in the mining industry and of the golden years of gold mining.

When I started there, I knew very little about the mining industry, but part of my duties as marketing assistant was to write articles for publication via both internal and external channels, so I had to learn quickly.

As my knowledge about the industry grew (mainly the gold mining industry, but also platinum and coal) so did my fascination. I went underground – at Kloof, then the country's richest gold mine and visited South Deep, the country's deepest gold mine.

When I was offered the position of editor of a mining publication, I jumped at the opportunity. My exposure to the industry became more three dimensional or rounded as I was exposed to more than the industry's perspective of the mining sector.

This included visiting several community developments, mainly in the North West, in the platinum mining region. It is here that probably the most famous mining community resides: The Royal Bafokeng people. At that time (late 1990s/early 2000s) they were paraded as a case study of success in the area of community development and rights by both the Royal Bafokeng authorities (and king) and Anglo Platinum, the dominant mining house in the region.

As journalists, we were hosted, together with analysts, on lavish two-day visits to the mines in the area and the community. To this day, I can clearly remember the housing development we visited: rows and rows of little boxes, with smiling occupants proudly showing their homes.

I was impressed. Mining companies were not only contributing to the economy of the country, through GDP, exports and employment, but they were caring for their mine workers and the communities in which they operated.

But my rose-coloured view of the mining industry did not last long. It was in fact a very short-lived view that became more and more tarnished over time.

The ugly side of mining was revealing itself to me. The houses with their smiling occupants were illusions. The event that really brought this home to me was the 1995 Vaal Reefs Disaster in which 104 miners died. It was called the country's worst mining disaster since 1960 when 437 miners died in a coal mining accident.

What made Vaal Reefs so much more hard-hitting was that it happened just after the country became a democracy and just before the Leon Commission was about to releases its results. The Commission investigated health and safety in the industry, given its appalling safety record. From 1909 to 1994, the county's mining industry had recorded more than 69 000 fatalities.

At this time, I was still working at Miningtek. The division was asked to examine what happened; to find a cause for the accident. I remember the men who went down the mine to investigate coming back horrified by what they found. Most were unwilling to talk about it, but you could read in the press about pieces of bodies being brought to the surface to be identified.

Vaal Reefs was an event that stayed with me, literally, as years later when I was freelancing I won the contract to produce the Annual Report for the NGO, the Vaal Reefs Disaster Fund (VRDF), set up to assist the widows and orphans of the disaster. I produce their annual reports over a period of five years. During this time, I spoke to widows who had not seen their husbands for months before they died and children who had never even met their fathers, or were so young, they could not remember them.

I also travelled to Klerksdorp and Orkney for the NGO. I would attend their annual general meetings, and what they called career days for the children of the deceased miners. Many of these children had been toddlers when their fathers died. The NGO paid for their schooling, and the career days were established to assist them in deciding their path after school. I also attended a memorial service for the miners at the Orkney Graveyard, their final resting ground.

To get to Orkney you take the road to Klerksdorp, which goes through the Witwatersrand gold mining region. From Westonia to Klerksdorp, the landscape is littered with headgears, whose names pop out as you zip by: Driefontein, Lebanon, Kloof, Blyvooruitzicht, Deelkraal ….

It is this road that led me to the topic of my research. I have a strong desire to understand what has happened, is happening to these towns, and what their future will be.

The challenge I face is that, despite having visited the area periodically over the years, and having a passion for the region, is that I have little connection to the area and I am not particularly familiar with it. Therefore, I will need to try to get past the "official" statements of the various parties to be able to uncover to the real issues that face these communities. To ensure this, all stakeholders and interested parties will be interviewed.

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