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Implementation of Social and Labour Plans within the Mining Industry in South Africa

Applied Research Project

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ABSTRACT

The research study explored the implementation of Social and Labour Plans (SLPs) within the mining industry in South Africa, with a specific focus on the challenges of collaborative governance and planning. The research focused on Govan Mbeki and Dipaleseng municipal areas within the Gert Sibande District in the Mpumalanga Province.

The study found that mining companies did not collaboratively identify, design and implement the SLPs with community stakeholders within the stipulated timeframe and budget as per the Mining Charter. There has been clear responsibility shifting among stakeholders, with little understanding of what the SLPs are, absence of collaborative governance and planning, and lack of monitoring and evaluation of SLPs by the Department of Mineral Resources and Energy (DMRE).

Based on the above-mentioned findings, the study recommends that (i) the mining companies should consult and share approved SLPs with mine communities, traditional leaders and other relevant stakeholders during the Integrated Development Planning consultation process; (ii) mining houses/mining rights holders should provide feedback to community stakeholders on progress of SLP project implementation, challenges and collaboratively work on proposed amendments of SLPs where applicable; (iii) DMRE should develop a monitoring and evaluation system to assess the implementation of the SLPs in partnership with relevant municipalities; (iv) DMRE should facilitate roadshows in affected mining communities to educate and empower communities about SLPs, the Mineral and Petroleum Resources Development Act (MPRDA), the Mining Charter and the Mining Charter implementation guidelines.

Key Words:

Social and Labour Plans, Integrated Development Plans, Mining Charter, Mining Rights Holders and Mine Communities

DECLARATION

I hereby certify that I am the author of this report. It is offered in part fulfilment of the Wits Business School's Master of Business Administration requirements, which forms part of the University of the Witwatersrand in Johannesburg, South Africa. To my knowledge it has not been submitted before.

Lepelle Lovedaliah Bambo

October 2023

DEDICATION

To my dearest husband, Malose Mokonyane, for being my support system, for encouraging me when the journey was tough and for keeping our family together, kea leboga Mokwena, modika Tau. To my sons, Tlotlisang and Mogau, thank you for your understanding and for cheering me on; Mama loves you and this was also to demonstrate to you that it is possible to achieve anything if you put your mind to it and work hard. Our household manager, Auntie B (Berninia) for taking care of my children and the household during my studies; it would not have been possible to focus without her help. My parents, siblings and our family, friends and colleagues, thank you for your words of encouragement and support throughout the journey. Above all else, the Almighty Father, my Lord and Saviour Jesus Christ and the Holy Spirit of God for carrying me throughout the journey and for strengthening me. If it had not been for you oh Lord for being on my side, this journey would have been impossible for me to conclude, Ebenezer.

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List of Acronyms

BBBEE	Broad Based Black Economic Empowerment
HDSA	Historically Disadvantaged South African
IDP	Integrated Development Plan
LED	Local Economic Development
MPRDA	Mineral and Petroleum Resources Development Act
SLP	Social and Labour Plans

Chapter One

1.1 Introduction

Many South Africans have previously been prevented from fully engaging in the socio-economic activities of the nation particularly in the mining industry. Mining has disrupted livelihoods and families within the local mining communities. Over the years, the South African government has introduced a wide range of policy measures to address the exclusion of the majority of citizens in the mining industry and distrust between the mining communities and the mining rights holders.

To this end, the Social and Labour Plan (SLP) guidelines were introduced in 2002 through the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) with the aim of redressing the historical socio-economic inequalities, to ensure broad-based economic empowerment and the meaningful participation of historically disadvantaged persons in the mining and minerals industry (Department of Mineral Resources, 2018). The submission of SLPs to the Department of Mineral Resources is a pre-requisite for the granting of mining and production rights (Department of Mineral Resources, 2010). The purpose of this pre-requisite is to regulate the right to operate for owners of mining and production rights as well as the owners' commitment to the socio-economic growth of mining communities. The MPRDA's main aim is to transform the mining and minerals industry to ensure that all South Africans can benefit from it.

The requirement for the submission of SLPs SLPs have not yielded the desired or projected results for government and the mining communities, as revealed by the second evaluation of the Mining Charter, which was carried out ten years after the Charter's inception (Department of Mineral Resources, 2018). The assessment revealed that the majority of mining communities continued to live in abject poverty and that compliance with the Mining Charter was not fully embraced as most mining rights holders saw compliance only as a way of protecting their license to operate (Deloitte, 2019). This essentially meant that the Mining Charter was not achieving its objectives for the mining communities and that there was still much work to be done

to change the mining industry to better the lives of regular people living in mining towns.

The second assessment's findings led to an extensive revision of the Mining Charter in 2015, with the aim of increasing its effectiveness as an instrument for enacting meaningful and widespread transformation in the mining and minerals sector (Department of Mineral Resources, 2018).

The review of the Mining Charter was aimed at removing confusion and simplifying things by introducing new definitions and harmonising the charter with other laws such as the DTI's Broad-Based Black Economic Empowerment Act.

Statistics South Africa (2019) points out that like any other business, the mining rights holders' main mandate is to make profit. According to Statistic South Africa, coal produced in South Africa dominated production with 306 million metric tons produced in 2019. The second biggest mineral was iron ore, followed by chromium and manganese ore.

The Department of Mineral Resources (2018) introduced the Mining Charter III which emphasised the notion of collaborative governance and planning between mining houses and various stakeholders (including mining communities, local and district/metropolitan municipalities, and traditional authorities, among others). The Mining Charter III expects mining rights holders to consult with all relevant stakeholders in identifying developmental priorities for the affected communities prior to implementing the same through an approved SLP (Department of Mineral Resources, 2018).

Van der Walt and Marais (2021), believe that in order to succeed, collaboration must be able to deal with a range of potential challenges and uncertainties such as power disparities, a lack of procedures, unreasonable mandates and expectations, shifting realities, and an unwillingness to take responsibility.

The new Mining Charter III promises to address these challenges with the guidelines developed for its implementation, which also includes the implementation of SLPs within mining communities under the Mining Community Development element. The objectives of the Mining Charter III are to ensure the competitiveness of the mining industry, socioeconomic development, and the advancement of employment and

social and economic welfare for all South Africans (Department of Mineral Resources, 2018).

Van der Watt and Marais (2021) are of the view that the guidelines alone cannot resolve the many challenges faced in the collaborative governance and planning space as there are many issues involved.

According to the Department of Mineral Resources (2018), the mining rights holders are expected to implement the SLPs according to the guidelines of the Mining Charter, which also contain forms and templates to be used in the process of implementing SLPs and the annual reporting on SLPs by mining rights holders.

1.2. Background to the study

In this section, a detailed description of the two local municipalities representing the socio-economic context for the study is presented. These municipalities are the Govan Mbeki and Dipaleseng local municipalities. The Govan Mbeki Local Municipality (2022) is located 150 km east of Johannesburg and 300 km south-west of Nelspruit, the provincial capital of Mpumalanga. It borders the Gauteng Province in the south-west. Govan Mbeki Municipality is one of 18 local municipalities in Mpumalanga and one of the seven local municipalities within the Gert Sibande District; the other districts are Ehlanzeni and Nkangala (Govan Mbeki Municipality, 2022). The Govan Mbeki municipal area is primarily rural and agricultural, with three urban conurbations: Bethal/Emzinoni in the east, The Greater Secunda conurbation (Trichardt, Evander, Kinross, and Secunda/ Embalenhle) in the centre, and Leandra (Leslie, Lebohang, and Eendracht) in the western boundary. All the towns mentioned above had distinct local authorities until 1995. Govan Mbeki is located on the Gauteng/Richards Bay Corridor, which is made up of the National Road N17 and the Richards Bay rail line, which passes through the area in an east-west route.

Govan Mbeki Municipality has the most diverse economy in the Gert Sibande District and is dominated by the petrochemical sector (the SASOL II and III complexes), as well as coal and gold mining (Govan Mbeki Municipality, 2022). The largest underground coal mining complex in the world is located in Govan Mbeki Municipality, which makes it a prime location to research and examine the implementation of SLPs

with a focus on the difficulties associated with cooperative governance and planning (Govan Mbeki Municipality, 2022).

Dipaleseng Local Municipality (2023) also falls under the Gert Sibande District. The municipality is situated in Mpumalanga's northwest quadrant and has boundaries with the provinces of Gauteng and the Free State to the west and south respectively. Dipaleseng Local Municipality (2023) is situated on the R23, which leaves the N3 north of Heidelberg and travels into the province of Mpumalanga, just south-east of the Suikerbosrand Nature Reserve. According to the Municipal Demarcation Act (Act No. 27 of 1998), the municipal boundaries were drawn while taking existing land use patterns, regional economic trends, and population mobility trends into consideration. As a result, the boundaries serve more than simply administrative purposes; they also serve to encourage social and economic advancement as well as to reinforce functional and economic ties within the region.

Due to increased farming and mining-related economic activity in Johannesburg, local native populations grew dramatically, giving rise to Siyathemba in Balfour, where the Dipaleseng population is incredibly dense. Balfour is tucked away in a region that is primarily made up of farms, game farms, and bushland. It is a small village that mostly grows maize and mines coal. Dipaleseng Local Municipality's overall population is estimated to be 42 390 according to the 2011 census data (Dipaleseng Local Municipality, 2023). Between 2001 and 2011, there was a net population gain of 0.87% year. The municipality makes up 12% of the district's inhabitants. Siyathemba is home to 20% of the district's residents, compared to Nthoroane's 7% (Dipaleseng Local Municipality, 2023).

Dipaleseng Local Municipalitys population is primarily low income, with a significant portion of residents living in extreme poverty (R15 196), with no stable source of income. Those with some form of employment make less than R38 200 annually, or R3 183.33 each month. Also, there is a substantial amount of reliance on grant financing, such as welfare grants and pensions (Dipaleseng Local Municipality, 2023).Dipaleseng Local Municipality was selected due to several mining activities taking place in the area.

Mpumalanga, Limpopo and North-West have the largest mining workforces in South Africa (Statistics South Africa, 2019).

It is reported that employment in the mining sector has gone up, however not for mine employees but rather the additional human resources which had to be brought on site through subcontracting. There has been a notable decline in the number of workers employed directly by mines. In 2019, the sector employed 514 859 individuals, the workforce expanded by 3737 individuals between 2015 and 2019 (Statistics South Africa, 2019).

The research study focused on Sasol Chemicals Operations as a single case study due to it being the biggest Sasol operations in South Africa. The name (Secunda Chemicals Operations) has since changed after the interviews were conducted to Regional Operations and Asset Management-ROAS). ROAS comprises of a diverse of portfolio of operations and services which include accountability for operating a gas pipeline infrastructure throughout the Southern Africa region, operating a Wax Blending Plant in KwaZulu Natal, Regional Maintenance and Site Services.

Regional Technical Services, on-site Medical Services and Community Affairs in all areas of operations. The Sasol operations transverse five provinces and 26 municipalities in South Africa and they also have a presence in Mozambique. Sasol operates a Wax manufacturing plant in Durban, KwaZulu Natal and a cross-boarder gas pipeline network that transport methane rich gas from KwaZulu Natal to Gauteng, Mpumalanga; Free State Provinces and natural gas from Mozambique to Secunda. The operations in Secunda are supported by Community Affairs, Human Resources, Finance and Supply Chain (https://www.sasol.com/who-we-are/about-us)

Sasol is a global chemicals and energy company. It harnesses its knowledge and expertise to integrate sophisticated technologies and processes into world-scale operating facilities. It safely and sustainably source, produce and market a range of high-quality products in 22 countries, creating value for stakeholders. Their purpose for “Innovating for a better world” compels them to deliver on triple bottom line outcomes of People, Planet and Profit, responsibly and always with the intent to be a force for good.

It has prioritised four Sustainable Development Goals to ensure its business is environmentally, socially and economically sustainable. It is a public company listed

on the Johannesburg Stock Exchange in South Africa and the New York Stock Exchange in the United States. It strives to deliver sustainable and superior value to all our stakeholders.

Sasol's prioritised Sustainable Development Goals

- SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all,
- SDG 12: Ensure sustainable consumption and production patterns;
- SDG 13: Take urgent action to combat climate change and its impacts and
- SDG 17: Strengthen the means of implementation and revitalise the global partnership for sustainable development (https://www.sasol.com/who-we-are/about-us)

Mining houses/mining rights holders are expected to comply with the required legislation, particularly the Mineral and Petroleum Resources Development Act (MPRDA) and the Mining Charter III as part of their license to operate, failing which the mining rights can be revoked by the Department of Mineral Resources and Energy. Along with other requirements, the industry is required to implement the SLPs in consultation with various community stakeholders for the purposes of uplifting the socio-economic status of communities where mining took place.

The next sub-section describes the legislative and policy frameworks underlying mining, economic and social transformation in South Africa.

1.3 Applicable Legislative Context

1.3.1 The South African Constitution (Act 108 of 1996)

The Constitution of the Republic of South Africa was adopted to improve the quality of life of all citizens (this includes citizens who reside in mining communities). The Constitution is based on the recognition of the injustices of our past which, among other aspects, excluded Black Africans from participating in the mining economy. In order for the Constitution to achieve its aims, the local sphere of government (municipalities) needs to attain specific objectives such as (i) to promote social and economic development, (ii) to ensure the provision of services to communities in a

sustainable manner; (iii) to promote a safe and healthy environment and (iv) to encourage the involvement of communities and community organisations in the matters of local government. It is evident from the Constitution that there is a need to redress past injustices. It is therefore important to ensure the involvement of communities and all relevant stakeholders in the identification, design and implementation of SLPs by mining companies and local government has been given the mandate to ensure that it happens.

1.3.2 The Broad-Based Socio-Economic Empowerment Charter for the South African Mining and Minerals Industry (Mining Charter Three (III))

The Mining Charter was initially developed in 2002, reviewed in 2010 and the most recent review took place in 2018. The Mining Charter of 2018, which is also called the Mining Charter III, has identified the following key elements in the implementation guidelines: (i) identify developmental priorities of the mining community/communities, (ii) the Social and Labour Plan guidelines provides clear targets and timeframes for implementation of mining community development principles; (iii) collaboration among mining houses operating in the same area are encouraged, which simply encourages mining houses to collaborate in identified projects to maximise the socio-economic developmental impact and (iv) amendments to SLPs including the budgets thereof to be done in consultation with the affected mining communities (Louw & Stevens , 2019)

The Mining Charter's primary goal is to support the mining industry's sustainable transformation and development (MPRDA, 2002). It was mainly created to confront the legacy of apartheid, which resulted in high unemployment and the growth of informal settlements because of migration to mining towns. Due to the high unemployment rate, there was no intergenerational transfer of wealth, and Black Africans continued to face discrimination, especially those who wanted to do business with the mining companies (Franks, 2011).

Mining houses are expected to implement 100% of their community development commitments as approved in the SLP, which will be reviewed every 5 years. The SLPs should include approved projects which are to be identified by names, project duration,

project timelines, fees and project implementation which the mining rights holders are to use (Department of Mineral Resources, 2018).

The Mining Charter prescribes that mining houses are to: (i) publish approved SLPs within 30 days of approval in English and one or two additional languages commonly used within the affected mining community, (ii) ensure collaboration occurs on the approved SLP projects through inclusiveness and transparency and (iii) review of SLPs must be done in consultation with mining affected communities (including labour sending areas), adjacent communities, the municipality (local and district) and tribal authorities every five years for the duration of the mining right (Department of Mineral Resources, 2018).

According to the Mining Charter, mining houses were expected to implement the Charter from 01 March 2019 and the first annual reporting on the Charter had to be submitted on or before 31 March 2020. The 2010 Charter only required mining houses (mining rights holders) to contribute to community development proportionate to the size of the investment, however the new charter (Mining Charter III of 2018) expects a mining rights holder to consult with relevant stakeholders (municipalities, communities, traditional authorities, etc.) to identify developmental priorities for the affected communities (Werksman, 2018). This must be stipulated in the mining houses' SLPs which, once approved, must be published within 30 days in English and one or two other languages commonly used within the mine community. The element of community development requires 100% compliance in terms of the Charter (Louw & Stevens , 2019).

1.3.3 The Mineral and Petroleum Resources Development Act (MPRDA)

The MPRDA, Act 28 of the Parliament of the Republic of South Africa, was passed in 2002 and came into effect in 2004. The main aim of the Act is to transform the mining and minerals industry to ensure that all South Africans can benefit from it by redressing the historical socio-economic inequalities. It was through the MPRDA that the SLP guidelines were introduced in 2002, to ensure broad-based economic empowerment and the meaningful participation of historically disadvantaged persons in the mining and minerals industry (Department of Mineral Resources, 2018). The submission of

SLPs is a pre-requisite for the granting of mining and production rights (Department of Mineral Resources, 2010). The focus was on regulating the right to operate for owners of mining and production rights as well as the owners' commitment to the socio-economic growth of mining communities.

The preamble of the Act, acknowledges, among other aspects, that South Africa's mineral and petroleum resources belong to the people of South Africa and that the government is the custodian of these resources. It also reaffirms the government's commitment to ensure equitable access to South Africa's mineral and petroleum resources. The Act also recognizes the need to promote local and rural development and to socially uplift mine communities (MPRDA, 2002).

The creation and implementation of SLPs are mandated by Sections 23 and 24 of the Act as one of the requirements for the granting of mining rights to mining houses. The Act mandates that the municipal, district, and provincial governments, as well as the communities within the labour sending areas, must all be consulted while the SLP is being written (MPRDA, 2002).

If a mining house (rights holder) fails to comply with the mine's community development element and falls between levels 6 and 8 of the scorecard, it will be regarded as in breach of the obligations imposed under the MPRDA, and subject to the provisions of section 93, read in conjunction with sections 47, 98 and 99 of the MPRDA. The said sections stipulate that the Minister of the Department of Mineral Resources and Energy has been given the authority to cancel or suspend the mining rights due to non-compliance of their holders (MPRDA, 2002).

The common themes across all the Acts mentioned above, include socio-economic development, collaboration, community and stakeholder engagement.

1.4 Problem statement

Over the years South Africa has been on a journey to redress past injustices in the mining and minerals industry where most South Africans were excluded from participating in the socio-economic development activities in the country until the government introduced, among other initiatives, the SLPs. The idea of introducing

SLPs was to ensure that mining communities, where minerals are being extracted, are developing economically and socially. The Mining Charter III stipulates that mining companies must involve all relevant stakeholders in the identification, design, and implementation of socio-economic development activities. Despite this stipulation, available evidence suggests a lack of clarity on how mining companies identify, design and implement SLPs. Mining companies have not given attention to how relevant stakeholders (i.e. affected mine communities, municipalities, traditional leaders and local businesses, etc.) are to collaborate in identifying, planning and implementing the SLPs (Van der Valt, 2021). Furthermore, the Mining Charter III (Department of Mineral Resources, 2018) and the MPRDA (Department of Mineral Resources, 2010) only provide guidance as to which stakeholders are to be consulted and not on who the primary and secondary stakeholders are and who will be responsible to ensure that collaborative governance and planning takes place.

1.5 Aims and objectives of the study

This study investigates how SLPs are implemented in the South African mining industry, with a specific focus on the challenges of collaborative governance and planning. Through an analysis of relevant literature and interviews conducted, the study set out to establish the challenges faced by mining rights holders, community stakeholders, municipalities and traditional authorities and various other stakeholders to collaboratively identify, sign off and implement SLPs within the stipulated time frame and within budget. The research report presents findings on the current status on the implementation of SLPs; and makes recommendations for improving the consultative, collaborative governance and planning of SLPs.

1.6 Purpose of the study

The purpose of the study is three-fold. First, the study seeks to contribute to the improvement of consultative and collaborative processes in the implementation of SLPs in order to improve the local economic development of mining communities and reduce poverty and unemployment levels in the mine communities. Second, the study will establish whether collaborative governance and planning with regards to the implementation of SLPs by mining rights holders and various stakeholders is effective.

Finally, it examines the challenges thereof and puts forward recommendations that will make collaborative governance and planning in the implementation of SLPs more effective.

1.7 Research Questions

The study strives to understand how social and labour plans are implemented within the mining industry in South Africa as the key question informed by the objectives of the study.

1.7.1 Primary Question

- The primary question guiding this study is: what are the factors affecting collaborative planning in the implementation of social and labour plans within the mining industry in South Africa?

1.7.2 Secondary Questions

- How have mining rights holders implemented social and labour plans within mining host communities?
- What are the constraints to collaborative governance and planning in the implementation of social and labour plans within mining host communities?

1.8 Structure of the study

The study report is made up of six chapters: (i) chapter one - introduces the focus of the study and provides background information about the socio-economic context of the study areas and the legal context, and also outlines the research problem, the research purpose, and the research questions, (ii) chapter two - reviews the research on SLPs, the stakeholder theory and inclusive model, and the King IV Report on Corporate Governance, (iii) chapter three - presents the research methods and design, and also discusses the study's limitations and importance; (iv) chapter four - presents the data based on interviews with pertinent stakeholders; (v) chapter five - focuses on the analysis of the data and the interpretation of the findings; and finally, chapter six – provides the conclusion and recommendations for addressing the gaps identified.

1.9 Conclusion

This section provided background information by presenting an overview of Govan Mbeki and Dipaleseng municipal areas, and the relevant legal frameworks talking to transformation in the mining industry. It also outlined the problem statement, aims and objectives of the study and the research questions focusing on the main aim of this study to establish how SLPs are implemented within the mining industry in South Africa. The next section reviews relevant literature exploring the implementation of SLPs in South Africa.

Chapter 2: Literature Review

2.1 Introduction

Welman and Kruger (2004), describes a literature review as a procedure whereby the researcher provides a succinct overview of the literature that is connected to the issue being researched. The studies conducted by other researchers on the subject are referred to in the literature review, which may support, criticize, or emphasize issues related to the topic under discussion. The researcher shows how the arguments made by other researchers on the subject under investigation are relevant. Evidence from the literature is used to determine whether collaborative governance and planning in the implementation of the SLPs is yielding positive results for the mining rights holders and all the relevant stakeholders.

2.2 Definition of Social and Labour Plans

The Department of Minerals and Energy (2002) defines the SLP as a social, economic strategy, principle, plan, or act that aims at:

a) redressing the results of past or present discrimination of historically disadvantaged individuals based on race, gender, or disability in the minerals and petroleum industry, related industries, and in the value chain of such industries; and

b) transforming such industries to assist in, provide for, initiate, or facilitate —

(i) the ownership, involvement in or the benefiting from current or future mining, prospecting, exploration or production operations; mining, prospecting, exploration or production operations;

(ii) the involvement in or control over the management of such operations;

(iii) the development of management, scientific, engineering, or other skills of

historically underrepresented persons;

(iv) the involvement in, or participation in the procurement chains of operations;

(v) ownership of and involvement in the benefitting from the operations' proceeds

or other upstream or downstream value chains in those industries;

(vi) the socio-economic development of communities directly hosting or impacted by the operations' labour supply; and

(vii) the socio-economic development of all historically disadvantaged South Africans from the operations' proceeds or activities.

SLPs are referred to more frequently in the study as the study focuses on the implementation of SLPs. Collaborative governance and planning will also form part of the key words to be used in the study as the Mining Charter expects a mining rights holder to consult with relevant stakeholders (municipalities, communities, traditional authorities etc) to identify developmental priorities for the affected communities and implement them within the specified five year period (Department of Mineral Resources, 2018).

The SLP guidelines stipulate that the mining and production rights holders are required to develop and implement comprehensive Human Resources Development Programmes, Mine Community Development Plans, Housing and Living Conditions Plans, Employment Equity Plans, and processes to save jobs and manage downscaling and/or closure (Department of Mineral Resources, 2010).

For the purposes of this study, the focus is on the Mine Community Development Plan which contributes to the social and economic development of all South Africans, at the same time ensuring economic growth and socio-economic development specifically in mining communities.

2.2 Purpose of Social and Labour Plan Guidelines

The SLP guidelines are intended to help individuals submitting applications for mining or production rights with the creation of the required SLPs. The Department of Mineral Resources (2010) indicates that SLPs must be reviewed, authorized, and submitted with the application for mining or production rights by all relevant parties, including communities, municipalities, traditional authorities, and local companies.

2.3 Objectives of the Social and Labour Plans

As per the SLP guidelines (Department of Mineral Resources, 2010) the objectives of the SLPs are to:

a) encourage the development of South Africa's mineral and petroleum resources;
b) encourage employment and the improvement of all South Africans' social and economic well-being;
c) utilize and expand the current skill base for the empowerment of historically disadvantaged South Africans (HDSA) and to serve the community;
d) ensure that holders of mining/production rights contribute to the socio-economic development of the areas in which they operate and where most of their workforce is sourced (Department of Mineral Resources, 2010).

2.4 Theoretical and conceptual framework

2.4.1 The Stakeholder Theory

Freeman et al (Freeman R. E., Harrison, Wicks, Parmar, & De Colle, 2010), define a stakeholder as "any group or individual that can affect or be affected by the realization of an organization's purpose". Freeman (1994) identifies six categories of stakeholders in a company context, including management, suppliers, consumers, investors, communities and employees.

According to Phillips et al. (2003), the stakeholder theory advances the interests and welfare of non-shareholders. The main recommendation of the theory is for managers to pay attention to the interests and welfare of people who may help or hinder the

attainment of the organization's goals. The theory paved the path for addressing the intricate interplay of societal actors and served as the cornerstone for theories about business, such as those about general management, business ethics, and business and society. According to the theory, key stakeholders are those who directly influence the company or are affected by it, as opposed to secondary stakeholders like the media, the government, or civil society organizations (Lock & Seele, 2017).

The central recommendation of the stakeholder theory is that managers pay attention to the interests and well-being of those who can help or hinder the achievement of the organization's objectives. The stakeholder theory promotes the interests and well-being of non-shareholders (Phillips et al., 2003).

Stakeholder theory should not be seen in isolation from the interests of shareholders, according to Freeman et al. (2004), who also contend that (i) the goal of creating value for stakeholders favours shareholders, and (ii) generating value for stakeholders creates the proper incentives for managers to take entrepreneurial risks. In essence, shareholders are stakeholders, and producing value for stakeholders creates value for shareholders. The stakeholder approach enables managers to create a more robust theory of entrepreneurship, which addresses the stakeholders' interest for management to take risks that could increase the size of pie for everyone (iii) it is simpler to create stakeholders out of shareholders (Freeman et al,. 2004).

Freeman et al. (2004) caution against treating shareholders and stakeholders as different entities because they have the same interests and benefits. Through their derivatives and different rules and regulations, shareholders enjoy the same protection as stakeholders. According to the Mining Charter III, the Mineral and Petroleum Resources Development Act, and the South African Constitution, all relevant stakeholders (mining houses, mine communities, and municipalities) have equal protection when it comes to the implementation of SLPs by the mining industry in South Africa.

Harrison and Wicks (2013), point out that managers can evaluate and ascertain value creation from the standpoint of stakeholders thanks to the stakeholder theory. They contend that value creation should include social, environmental, and moral considerations in addition to business profits. This is significant to the study's goal of understanding how the mining industry in South Africa implements SLPs and the

effectiveness of collaboration among all pertinent parties in doing so. The success of a firm depends on how well its interests are aligned with those of its stakeholders, which implies having the capacity to pay attention to, comprehend, and address the needs and expectations of stakeholders (Tullberg, 2013). Particular care must be taken when managing stakeholder relationships, especially when managing the needs of stakeholders rather than managing actual stakeholder groups.

Communication on key subjects and addressing concerns are the main goals of stakeholder involvement. This is crucial to the study since it is anticipated that mining companies are to work with local mine communities and other relevant stakeholders to establish social and labour plans. Community development models increasingly value the participation of community interest groups in local decision-making. This further shows that interactions resulting from community engagement are advantageous for both the business and the community. The community engagement approach is effective in preventing disruptions in the implementation of SLPs since it ensures that community interest groups or community forums are aware of the projects being implemented and are also involved in the process of identifying, designing, and implementing the said projects.

According to Prno (2013), there are five key elements that must be present to develop a social licence to operate for mines: context, concern for sustainability, relationships, adaptability, and public participation and local benefits. The process of interacting with communities should be ongoing throughout the mine's existence rather than being a one-time event. It will be necessary to engage the community stakeholders if communication amongst the stakeholders is to remain strong.

2.4.2 Factors affecting implementation of social labour plans

Van der Watt and Marais (2021) argue that there is no clarity with regards to the role played by local government in the design, implementation and monitoring of SLPs and that there are no procedures for the alignment of priorities and mechanisms to ensure transparency and accountability amongst all relevant stakeholders. They further argue that collaboration alone cannot fix all other challenges that restrict collaboration amongst mining rights holders and other key community stakeholders. Some of the

challenges faced by the stakeholders with the implementation of the SLPs, as observed by Van der Watt and Marais (2021), include lack of guidance in terms of the required financial provision for each mining operation and no clarity on what constitutes the required basis for collaboration. Therefore, clarifying the roles and responsibilities of all key stakeholders could play a huge role in contributing to the collaborative governance and planning in the implementation of SLPs.

The relationships between mining rights holders, community stakeholders and municipalities has been strained over the years due to the implementation of SLP projects by mining rights holders.;

(Lamola, 2017)argues that the majority of SLPs do not provide mechanisms by which communities can hold companies accountable to fulfil their SLP obligations. He further indicates that there is a lack of clarity on the requirements for public participation of communities in the development of SLPs, and on the requirements for evaluation of the adequacy of the SLPs and that over the years, communities have had grievances against mining companies with regards to the implementation of SLP projects and non-consultation of mining communities by mining companies in the identification stages of SLP projects.

2.4.3 Effective monitoring of social and labour plans

In terms of reporting on SLP projects, Van der Watt and Marais (2021) established in their research that mining companies were not reporting on their SLPs, they also did not make SLPs accessible to communities.

Mining has disrupted livelihoods and families within the local mining communities largely due to exclusion of the communities affected and related distrust ((Deloitte, 2019). Over the years, the South African government has introduced a wide range of responses as an attempt to address the exclusion and distrust between the mining industry and the mining communities. In order to address the past socio-economic inequities, the SLP implementation policy was introduced in 2002. The policy was specifically aimed at ensuring broad-based economic empowerment and the meaningful participation of historically disadvantaged persons in the mining and minerals industry (Department of Mineral Resources, 2018), with an emphasis on

requiring mining houses to obtain a license to operate and to contribute to the development of mining communities.

2.4.4 Stakeholders involved in the implementation of Social and Labour Plans

As indicated earlier, a stakeholder is defined as any group or individuals that can affect or be affected by the achievement of an organisation's mission (Freeman et al., 2010). These groups/individuals have a stake in the organisation, which therefore means that whatever happens in the organisation affects them and or whatever they do can affect the organisation either in a positive or negative manner. PricewaterhouseCoopers (2009), affirms this in its summary of the King III Report on Corporate Governance, with principle eight stating that a company's board should appreciate that stakeholders' perceptions affect a company's reputation and that companies should endeavour to be transparent and effective in their communication with their stakeholders for the purpose of building and maintaining stakeholder trust and confidence.

Transparency, trust, and stakeholder confidence is equally important in the implementation of SLPs as this will enable mining rights holders to implement SLP projects timeously and avoid implementation delays. Such delays mostly happen as a result of mine community stakeholders' dissatisfaction with the lack of consultation by mining rights holders with regards to identification and implementation of SLPs.

The SLP guideline produced by the Department of Mineral Resources (2018) provides direction in terms of the stakeholders which mining rights holders should involve in the implementation of the SLPs. Maon et al (2009) developed a typology which classified stakeholders as either primary or secondary stakeholders. In the case of implementing SLPs, mine communities, local municipalities and traditional leaders are primarily affected by mining operations within their areas and therefore it becomes critical for them to be engaged by mining rights holders/mining companies regarding the identifying and implementing of SLPs within their areas, making them primary stakeholders. Stakeholders such as business, civil society and other stakeholder groups who may have less direct impact are classified as secondary stakeholders.

It is therefore evident that collaborative governance and planning amongst various stakeholders is of utmost importance for the successful implementation of SLPs.

2.4.5 Stakeholder Inclusivity

The King IV report focuses on transparency and targeted disclosures in all areas particularly when dealing with stakeholders. The philosophy of the King IV report is focused around: (i) sustainable development; (ii) integrated thinking; (iii) corporate citizenship; (iv) stakeholder inclusivity; and (v) a company's role and responsibility in society (Deloitte, 2019).

The King IV philosophy is well aligned with the Mining Charter III which expects mining houses to not only look at local economic development, but also at sustainable development and stakeholder inclusivity. Stakeholder inclusivity talks to collaboration between mining houses and various stakeholders in the implementation of SLPs. It also refers to the responsibility which mining rights holders have to develop the mine affected areas economically to improve the socio-economic status of the people in the mining area, which will ultimately address the challenges of unemployment (particularly experienced by young people), as well as poverty and inequality.

Through the stakeholder inclusive model, the Board is responsible to all stakeholders for the ethical behaviour of the organization. According to King IV, the Board should consider the legitimate and reasonable demands, interests, and expectations of the stakeholders as a matter of intrinsic worth rather than just as a tool to further the interests of the stakeholder. King IV continues to emphasize the importance of the broader stakeholder (as opposed to the shareholder) in the development of wealth.

The King IV report's objectives include, among others: (i) promoting meaningful and transparent reporting to stakeholders and (ii) portraying corporate governance as being concerned with more than just structure and procedure. These goals are in keeping with the regulations governing the mining sector in South Africa's execution of SLPs. The Department of Mineral Resources (2018) expects mining rights holders to act ethically and to be transparent when reporting on their SLPs to all pertinent parties.

The King IV report established a stakeholder-inclusive approach that highlights the fact that stakeholders' demands, expectations, and interests are independent of and unrelated to shareholder interests. The report also emphasizes the importance of companies managing stakeholder relationships well, especially those that have an impact on value creation and the accomplishment of the company's strategic goals. This can be done by (i) identifying stakeholders and stakeholder groupings, (ii) determining which stakeholders are material, (iii) managing stakeholder risk, and (iv) putting in place dispute resolution procedures. According to the King IV report, mining rights holders should adopt a stakeholder inclusive model to fulfil their legal obligations. This model aims to ensure that all relevant stakeholders are consulted during the implementation of SLPs, demonstrating that the process is not just a compliance or check-the-box exercise but rather one that prioritizes sustainable development of mining areas, stakeholder inclusivity, and corporate responsibility (Deloitte, 2019).

In conclusion, this chapter reviewed relevant literature to examine the connection between collaborative planning and the implementation of SLPs in the South African mining industry. It explored the rationale and guidelines for establishing SLPs, the stakeholder theory and inclusive model, and the King IV Report on Corporate Governance. The first component looked at the establishment of SLPs in South Africa's mining sector. Understanding the interaction between mine communities and their socio-economic growth is fundamentally based on the establishment of SLPs. The second component discussed the stakeholder theory and stakeholder inclusive model. These theoretical models play a significant role in determining how well mining rights holders and other stakeholders collaborate in governance and planning with regard to the implementation of SLPs. Van der Watt and Marais (2021) argue that collaboration alone cannot fix all other challenges that restrict collaboration amongst mining rights holders and other key community stakeholders. Some of the challenges faced by the stakeholders with the implementation of the SLPs, as observed by Van der Watt and Marais (2021), include lack of guidance in terms of the required financial provision for each mining operation and no clarity on what constitutes the required basis for collaboration. Therefore, clarifying the roles and responsibilities of all key stakeholders could play a huge role in contributing to the collaborative governance and planning in the implementation of SLPs.

Chapter 3: Research Methodology

3.1. Introduction

This chapter presents the research approach utilized to conduct the study. The methods used to obtain the data included individual interviews, document analysis, and a review of the literature. The study's goal, as stated in Chapter One, was to determine whether collaborative governance and planning could improve consultative processes in the implementation of SLPs by mining rights holders, as well as improve local economic development of mining communities, and reduce poverty and unemployment rates in mine communities.

Kothari (2004) mentions that the research methodology is a way to systematically solve the research problem. He further states that it can be understood as the science of studying how research is done. In solving the research problem, the researcher will follow processes to collect the data required to respond to the research question (Mathabela, 2010). It is critical for the researcher to know the research methods and / or research techniques and the research methodology.

This study uses a qualitative approach in order to gain more detailed information from the participants. Qualitative research allows one to collect detailed data while using a small sample, where the richness of the data compensates for the relative smallness of the sample. Because of the complex issues facing local communities, the qualitative method is preferred to investigate the issues in this study in a more detailed manner. This study adopts an action research methodology, using interviews as the main research strategy. Action research aims to identify problems and then produce an iterative plan of action with strategies to strive for best practice. There are four basic stages in the cyclical action research process: reflect, plan, act, observe, and then reflect to continue through the cycle (Dickens, L., & Watkins, K. , 1999).

Hakim (2012) asserts that for qualitative research methods, the sample size is often less than for quantitative research methods. This is due to the fact that the qualitative research method is more focused on a thorough understanding of concepts and issues.

Sahu (2013) is of the view that qualitative research is concerned with the subjective assessment of the respondents and this approach is primarily concerned with attitudes, opinions, behaviours and impressions. The main aim of the research is to understand and describe human behaviour. Observational methods utilised in qualitative research include participant observation, interviews and the use of organisational documentation. When analysing qualitative data, there is an emphasis on inductive analytical strategies such as naturalistic observation, ethnography and field research.

3.2. Discussion on Research Methodology

Kothari (2004) defines research as a search for knowledge and that itis a scientific and systematic search for pertinent information on a specific topic and that it is an art of scientific investigation. Babbie and Mouton (2007) are of the view that the purpose of social research is to uncover and comprehend patterns in what is observed through systematic observation of social activity. Kothari (2004) asserts that research is a systematic method consisting of enunciating the problem, formulating a hypothesis, collecting data, analysing the data and reaching certain conclusions either in the form of solutions towards addressing the concerned problem or in certain generalisations for some theoretical formulation.

Research methodology can be viewed as the use of different methods and techniques to create scientific knowledge utilising procedures and objective methods. Welman and Kruger (2004) are of the view that research methodology is wider than research methods, and that research methods are broader than research techniques. However, research methods and research techniques are part of the research methodology. Mathabela (2010), describes research methodology as methods, techniques and procedures that are employed in the process of implementing the research plan and the principles that underlie their use. Yin (2014) asserts that in research, all competing arguments/arguments should be addressed.

3.2.1 Research Setting

When the research work for the study commenced between December 2021 and March 2022, South Africa was still under the Covid-19 lockdown restrictions, therefore interviews were conducted online/virtually. This allowed participants to use their own preferred communication tools (computer, mobile phone, tablets etc.) and their own preferred settings (home, office). The virtual setting worked well as it was convenient, safe, and comfortable for participants with no concerns around safety, privacy and disruption.

3.3 Research Approach

The study utilised qualitative research processes and procedures to explore and examine the challenges associated with the implementation of SLP projects within the mining industry in South Africa. In collecting data, virtual interviews were conducted with participants using Microsoft Teams (MS Teams), Zoom, WhatsApp calls and video calls, and direct mobile calls due to Covid-19 restrictions and challenges which put a halt on face-to-face engagements. The lack of direct engagement made it difficult for the researcher to observe the physical reactions by participants during interviews. However, the use of technology such as MS Teams, Zoom and WhatsApp video calls enabled the researcher to have face-to-face virtual engagements which to some extent enabled the researcher to observe the emotions of participants.

Qualitative research methodology focuses on the quality of the findings rather than the quantity of data collected. The qualitative method is best suited for the selected research focus as it will allow the researcher to explore different views from participants/respondents on the implementation of SLP projects within their mining communities. The researcher is of the view that this method benefitted the study since it allowed the researcher more flexibility in asking additional / follow-up questions in case more information was needed, rather than limiting participants' contributions to a predetermined set of questions.

Table 1: Research approach

Research Philosophy	Research Strategy	Research Strategy Instruments	Data Analysis
• Qualitative • Interpretivism	• Single Case Study	Documents Online/virtual Interviews	Thematic Data Analysis

3.4 Research Design

Bryman et al (2014) indicate that the purpose of the research design is to answer a research question and offer a structure for gathering and analysing data. It provides reasons for selecting a particular method to achieve the research objectives. Kothari (2004) asserts that the research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. He further indicates that the research design looks at decisions which need to be made regarding what is going to be researched, where the research is going to take place, when the research is going to be conducted, how much data will be collected and by what means.

The research design should talk to the research objectives. It outlines the data collection method to be employed such as interviews, surveys or questionnaires. The research design also details how the data will be collected and analysed. Saunders, Lewis & Thornhill (2003), point out that in instances where human subjects are involved, the design stipulates how the researcher will adhere to ethical guidelines. For data collection purposes, this study used the qualitative and content analysis methods. Content analysis is regarded as a flexible method for analyzing text data (Cavanagh, 1997). Content analysis describes a family of analytic approaches which ranges from impressionistic, intuitive, interpretive analyses to systematic, strict textual analyses (Rosengren, 1981).

Different research designs are more applicable to particular types of research studies. For example, in the case of exploratory research studies, the qualitative research design is better suited, and in the case of descriptive and diagnostic research, the quantitative research design would be more applicable. For the purposes of this study, the researcher utilised the qualitative research method due to the nature of the study being exploratory and considering that virtual face-to-face interviews were used the data collection process to observe participants' emotions and reactions while sharing their experiences. The qualitative research approach was most suitable for the study as it enabled participants to express their views and perceptions freely regarding the implementation of SLPs within the mining industry in South Africa.

Table 2: Qualitative versus quantitative research

Quantitative research	**Qualitative research**
Empirical research uses statistical and logical methods to produce quantifiable data	An investigation to gain understanding of how people behave
Objective	Subjective
Quantifies data and extrapolates the findings from the sample to the desired outcome	Clearly expressed expertise and insights on the issue at hand
Conclusive	Exploratory
The emphasis is on statistics	The emphasis is on human emotions, beliefs, attitudes and thoughts
Examines the link between the variables of cause and effect	Investigates and identifies concepts used in current procedures

3.5 Data Collection

The primary method used in collecting data was online/virtual interviews using Microsoft Teams, Zoom and WhatsApp video and audio calls. Semi-structured interviews were used as a secondary method, which allowed questions to be based on experience, study, and theory. All participants were interviewed by using the same formalized interview questions, with the exception that data triangulation was used. In

conducting the interviews, the researcher contacted the participants to confirm the interview date and time. Upon receiving availability confirmation from participants, the researcher scheduled the interviews using either Microsoft Teams/Zoom/Google meet. The day prior to the interview, the researcher sent a reminder to participants via WhatsApp message or short messaging services (SMS).

Each interview with individual participants was scheduled for a period of 20 minutes, except for the focus group interviews which were scheduled for 30 minutes to allow sufficient time. At the beginning of each interview, the researcher introduced herself and reconfirmed participants' willingness to participate in the study and also to request their consent for the interview to be recorded for reporting purposes. Upon receipt of consent from the participant the researcher explained what the study was about and what it intended to achieve before starting the interviews. During the interview process, participants were encouraged to ask for clarity where they did not understand the question. Upon conclusion of the interviews, the researcher thanked the participants for their participation in the study.

3.6. Research Strategy

The study was confined to a mining house based in the Mpumalanga Province to explore its implementation of SLP projects within the communities where it operates. Bryman (2016) defines this study as a single case study using one incident, the focus of a single case study is on understanding a bounded system and the method suitable in this regard is the qualitative research method due to its ability to generate an in-depth investigation of a situation in detail (Bryman A. , 2016).

3.7 Significance of the Research

According to Neuman (2003), social research is a method for pursuing questions; it involves learning something new about the social world, and it is an exciting process of discovery. However, it calls for perseverance, personal integrity, tolerance for ambiguity, interaction with others, and pride in producing high-quality work. Positive results in the joint planning for the implementation of SLPs in the two designated municipalities are anticipated as potential consequences and outcomes of this research. The primary goal of the study is to better understand the SLP programmes

implemented by mining companies in South Africa, particularly in the two municipal areas, and whether or not it contributes to socio-economic development in the targeted area.

3.8 Limitations

It is important to bear in mind that this study has its own constraints. A participant's right to anonymity during an interview should be honoured by the researcher. It was not practicable for the researcher to interview every stakeholder in the local communities of both municipalities and therefore the researcher relied on municipal councillors and officials as the custodian of the community and the community leaders as they had an understanding of what community needs are as they form part of communities. In addition, some of the stakeholders, identified as potential participants, had access restrictions that made it difficult for the researcher to include their perspectives. The biggest drawback was not being able to reach out to and interview more ward councillors as well as other local government personnel and traditional leaders who were working in wards where SLPs were being implemented.

3.9 Conclusion

This chapter described the research methodology and the rationale for selecting the qualitative research approach. Furthermore, it provided an overview of the significance and limitations of the study.

Chapter 4: Presentation of Data and Findings

4.1 Introduction

The presentation of the data and related study findings, based on the information gathered from the interviews, are discussed in this portion of the paper. The findings have been organized into themes, sub-themes, and pertinent research questions in the presentation of the data. The application and effectiveness of the legislation, the legal framework, and sustainable socio-economic development are the three primary concerns.

The presentation of the data firstly includes an overview of the participants selected for the study and the process of selection. The table below indicate the profiles of various participants groups who participated in the study.

Table 3: Profile of participants

Participants Group	Organisation	Designation
Company A	Mining Company	Snr Vice President: Chemical Operations
Company B	Mining Company	Vice President Corporate and Community Affairs
Company C	Mining Company	Social and Labour Plan, Mining Charter and BBBEE Manager
Policy Expert	Management Consulting and Research Development	Managing Member
Company D	Mining Company	Stakeholder Relations Manager (working in the SLP space)
Company E	Mining Company	Social and Labour Plan Manager
Community Representative	Local Community Forum	Chairperson
Community Representation	Local Community Forum	Member

Community Representation	Local Community Forum	Member
Community Representation	Local Community Forum	Member
Traditional Leadership Representation	Local Traditional leader	iNkosi
Policy Expert A	Municipality	Manager: LED
Policy Expert B	Municipality	Manager: IDP
Policy Expert C	Municipality	Speaker of Council
Policy Expert D	Municipality	Ward Councilor
Policy Expert Community Representation	Municipality	Former Municipal Manager Community member

4.2 Population for data collection

In terms of the mining house selected as the case study for this research study, a formal request was emailed to Sasol Secunda Operations through its Senior Vice President responsible for Community Affairs, describing the study's aims and objectives for approval. Upon receipt of approval, which was accompanied by a list of participants to be contacted for the study, the researcher briefed the mining house participants about the study, provided clarity and answered related questions. Community stakeholders and traditional leaders were selected from the various areas of the mining communities where projects were previously implemented and / or where projects were currently being implemented.

In terms of municipal employees, a sample was chosen from those who formed part of the Social and Labour Plans (SLP) committees, Municipal Integrated Development Planning (IDPs) committees and those who were responsible for the IDPs. Ward Councillors were selected based on their experience of working on SLPs within the

municipality and who had SLP projects implemented within their specific wards. All participants were made aware of the study and were asked to provide their informed permission to participate in the study, and to allow the researcher to record the online/virtual interviews for data ratification and to serve as proof that the online/virtual interviews took place.

4.3. Questionnaire

A questionnaire was developed (see attached annexure A) and used to collect data from participants.

4.4 Sampling

Bryman et al (2014) define sampling as the portion of the population that is chosen or recognized for inquiry.

In understanding the effectiveness of collaborative governance and planning in the implementation of SLP projects, the researcher is of the view that the appropriate population who can answer the question at hand are the affected mining communities, the mining company/mining license holder, the local municipality and local traditional authorities. Purposive sampling was utilised for the purposes of exploring the research question. A sample size of 20 participants was planned, however in the end only 16 participants were interviewed which translates into 80% of participation.

The following criteria were used in selecting participants:

- Participants who agreed to participate in online or virtual interviews;
- Participants who agreed to sign non-disclosure and anonymity forms;
- Participants who worked or lived in the affected mining community;
- Participants who agreed to the interviews being conducted in English, Isizulu, IsiNdebele, or Sotho because these languages are widely spoken in the affected mining communities;
- Participants who agreed to have the interviews recorded.

4.5 Data Validity and Reliability

According to Joppe (2000), the reliability of a research instrument is determined by how consistent the results are over time and how accurately they reflect the entire population being studied. If the findings of a study can be replicated using a similar approach, the research instrument is deemed to be reliable. Important assessments for social science research, such as a qualitative descriptive study, include validity and reliability assessments. According to Mouton (1996), research validity refers to how thoroughly the qualitative components and stages of the study - such as conceptualization, operationalization, sampling data collection, analysis, and interpretation - were carried out so as to produce more or less accurate results or outcomes.

Validation of the data was done before the findings were finalised. The researcher reviewed responses and was guided by the research supervisor to effectively review the validation of the data and related findings. Data was gathered from both documented and primary sources, respectively. The section below outlines the steps taken in analysing the raw data.

4.6 Analysis of data

The data was analysed using a thematic qualitative data analysis approach. The methods used to obtain data for analysis purposes included virtual interviews and a review of SLP documentation. In analysing the data, the qualitative data analysis stages by Lester, Cho & Lochmiller (2020) were considered.

Table 4: Qualitative data analysis stages (Adapted by Lester, Cho & Lochmiller, 2020)

Stage	Description
1	To familiarize yourself with the data, read, analyze, and listen to the audio and video
2	Making transcripts of the recorded audio and video
3	Indexes are used to organize the material and enable quick retrieval
4	Making personal data invisible

5	Coding, theme recognition, and redoing
6	Organizing data, creating temporal categorization
7	Looking for connections and parallels across several categories
8	Divisions and themes are being honed
9	Formulating theories based on the findings and fusing them with previously acquired knowledge
10	Putting the notion to the test
11	The sourcing and gathering of data and creating a study

Data from documents were analysed using the content analysis method created by Henning et al (2004). These authors claim that data analysis occurs at each level of gathering information, moving through the various stages in the following ways:

"• Familiarization: The researcher builds a list of major issues and recurrent themes as they become immersed in the raw data (or frequently a pragmatic selection from the information) while studying transcripts and reviewing notes.

• Data sections: The information is then separated into smaller, more practical pieces. A system constructed from the data is used to arrange the units. Inductive analysis is the term used to describe this approach (Henning, Van Rensburg, & Smit, 2004).

• The researcher uses comparisons to establish conceptual similarity, develop categories, and spot trends. Henning et al (2004) assert that analysis should consider respondents' opinions.

According to Henning et al. (2004), qualitative content analysis captures what is reality as viewed by the researcher without interrogating the data, which might result in shallow and naively realistic findings.

The researcher followed the data analysis stages as suggested by the authors above. The researcher conducted virtual interviews to confirm and complement written information, noted any contradictions that may have arisen, and took measures to overcome any bias.

4.7 Ownership of data

To ensure confidentiality of the data collected, the researcher is the sole owner of the data collected. Upon request by participants, the raw data will be made available without identifiable particulars of the specific participants.

4.8 Data storage

The data has been stored on various devices such as a laptop and mobile phones which are password protected. It will be stored for a period of three years after which it will be destroyed.

The findings from the data analysis of the interviews with various participants who participated in the study is presented in this next section of the chapter. The researcher had planned to interview 20 participants/respondents, however only 16 participants participated/responded to the study. Some of the participants who committed to participate, ended up not honouring the interview appointment as agreed with the researcher and some avoided calls and never excused themselves. A summary of the research findings is presented, drawing on the literature reviewed and based some of the responses from the online/virtual interviews with selected participants and the focus group discussion with the community stakeholders.

The study sought to provide answers to the following research questions:

Primary question:

- What are the factors affecting collaborative governance and planning in the implementation of social and labour plans within mining host communities in South Africa?

As indicated in the introductory chapter, mining rights holders are expected to implement the SLPs according to being guided by the Mining Charter and its guidelines. However, mining companies are not implementing SLPs according to the guidelines. There is limited evidence of collaboration with mining communities.

As revealed in the assessment of the Mining Charter (Deloitte, 2019), non-compliance by mining companies is a major factor which negatively affects the implementation of SLPs with the result that mine communities continue to live in poverty conditions.

Measures have since been taken to address this challenge by revising the Mining Charter to clarify the information, to harmonise the various legal frameworks, and to emphasise the notion of collaborative governance and planning between mining houses and various stakeholders (Department of Minerals and Energy, 2018)

Secondary question:

How have proprietors of mining and production rights implemented social labour plans within mining host communities?

What are the constraints to collaborative governance and planning in the implementation of social labour plans within mining host communities?

As revealed in the assessment of the Mining Charter (Deloitte, 2019), non-compliance by mining companies is a major factor which negatively affects the implementation of SLPs with the result that mine communities continue to live in poverty conditions. Measures have since been taken to address this challenge by revising the Mining Charter to clarify the information, to harmonise the various legal frameworks, and to emphasise the notion of collaborative governance and planning between mining houses and various stakeholders (Department of Minerals and Energy, 2018).

4.9 Data Presentation

In the presentation of data, there are four themes identified which all stakeholders' responses were categorised under, namely: understanding of Social and Labour Plans, Planning, Organising, Controlling and Leading.

4.9.1 Existence of 5 Year Periodic Social and Labour Plans

4.9.1.1 Do mining companies in the area have five-year periodic SLP projects?

Various responses were received in answering this question. Municipal officials and councillors indicated that mining companies in their municipal areas do have five-year periodic SLPs.

> “Yes, all mining houses in our municipal area do have SLPs in place.”

Community members and leaders, on the other hand, mentioned in the interviews that they are not aware of any mining house having a five-year periodic SLP.

> “I do not believe so since the mine engages with iNdona (traditional leaders) however information does not cascade to the community, there is no direct consultation between the mine and the communities.”

> “Yes, in paper the social labour plans are there, but practically there are no projects.”

However, the data received from the mining houses proved that they do have five-year periodic SLPs in place, some running from 2022 to 2025 with the previous ones having expired in 2021. According to information from the mining personnel, “the mining house has a five-year periodic social and labour plan, with three mining communities in the Mpumalanga province and one in the Free State province”.

4.9.1.2 To your knowledge were the community and municipality consulted on the identification and implementation of the SLP projects?

Varying responses were recorded for this question. Municipal officials and councillors believed all stakeholders were consulted.

> “Both the municipality and the community have been consulted. Annually, the municipality consults communities through the Integrated Development Plan (IDP) consultation processes where community needs have been identified and social and labour plan projects are then selected.”

Community members and leaders were of the view that they were not consulted.

> “The mining houses do not consult the communities, they come with their own plans which they claim to have consulted the communities.”

Mining personnel mentioned that consultation with all relevant stakeholders took place.

"Yes, there were consultations with various stakeholders. A letter of commitment from the municipality was sent to the Department of Mineral Resources and Energy (DMRE) confirming consultation and agreement on projects."

4.9.1.3 Do you know why the projects were selected/chosen?

Different responses were received as indicated below:

"70% of the population in the municipal area is employed by the mining house. Therefore, some of the projects chosen benefit both the community and the employees who reside in the area where the mining house operates." (Mining personnel)

"Companies want to comply with the legislation, therefore most mining companies consulted the IDP and community stakeholders to identify the projects." (Former mine employee who is also a community member

"As per the community needs, creating sustainable facilities and community development." (Mining personnel)

4.9.1.4 Do you understand the existing procedures used to create and carry out SLP projects?

Below are the varying responses received:

"I don't know as we are not involved, sometimes we are involved after a decision has been made and projects have been identified by the mining houses." (Traditional leader)

"Mining houses will put aside funds to be spent on the SLP projects and consult the municipality and agree on projects to be implemented as per the IDP. Mining houses have the upper hand over the municipality due to having the financial muscle." (Former municipal manager who is also a member of the community)

"Mining charter III expects the mining houses to go to the community and it is a duplication of processes as the municipality would have already consulted the community. Thereafter, the municipality sends a letter confirming chosen SLP projects to the mining house." (Municipal official responsible for IDP and SLPs)

4.9.1.5 How are the SLP's top projects chosen?

Varying responses were received as follows:

"Consultation with various stakeholders." (Municipal official)

"Community representatives identify projects, however sometimes mining companies do not consult." (Traditional leader)

"Public participation, some projects were in the IDP and some were not. After consultation a review took place and the final projects are implemented." (Mining personnel)

4.9.1.6 What part does the community play in the selection, creation, and execution of SLP projects?

Different views were expressed through the responses received as follows:

"Three parts: conceptualisation, prioritisation and implementation. The community is involved to ensure projects are not interrupted and that they take ownership of the projects and monitor the implementation of projects." (Mining personnel)

"Not much contribution. They are the eyes of the municipality to ensure projects are implemented without delays, they also subcontractors of various projects." (Municipal official)

"Community stakeholders are not consulted during the identification of SLP projects, as a result sometimes duplicate projects are identified." (Traditional leader).

4.9.1.7 How did the SLP projects affect society?

Varying positive responses were received as follows:

> "Water pipeline to the community that does not have water, they will now have water." (Municipal councillor)

> "Water and sewer projects improved the standard of living for the community." (Mining personnel)

> "The community has benefitted, and their lives have improved." (Traditional leader)

4.9.1.8 What are challenges faced during the implementation of SLP?

Mixed responses were received as follows:

> "Lack of oversight from government (DMRE) is impacting the community negatively and lack of enforcement on compliance. The DMRE should work together with other stakeholders such as district municipalities to monitor progress and in the consultation process those with loud voices could be heard much more than those who are not [loud], and wrong projects could be implemented instead of what the community really needs." (Former municipal manager and member of the community)

> "Stoppages due to disgruntled business community in the area who wanted to be part of the suppliers for the projects." (Mining personnel)

> "Lack of willingness from the mining companies with regards to making budget and resources available and unrealistic expectations by community stakeholders for job creation, skills transfer which could lead to unrest and delays in implementing projects." (Former mining personnel and member of the community)

It is clear from the varying responses received during the interviews, as mentioned above, that there is more work that needs to be carried out by the legislator (i.e. the Department of Mineral Resources and Energy) to ensure that all stakeholders are

aligned in terms of what SLPs are, what they are meant to achieve, the roles and responsibility of each stakeholder and what the processes are to ensure collaborative governance and planning with regards to the identification and implementation of SLP projects.

4.9.2 Community Stakeholders (community leaders and traditional leaders)

4.9.2.1 Understanding of Social and Labour Plans

Over 80% of the community stakeholders (including community leaders) who participated in individual online/virtual interviews and the focus group online discussion, demonstrated limited knowledge and understanding of what SLPs are, how they work and what the development and implementation process of social and labour plan projects includes.

4.9.2.2 Planning

All participants mentioned that, as community stakeholders, they are supposed to be included in the processes of identification, development and implementation of SLPs; however this has not been the case as they believe they were by-passed by mining rights holders and the municipality.

4.9.2.3 Organising

Over 80% of the participants indicated that they do not have sufficient information on SLPs and referred the researcher to the municipal officials responsible for IDP processes.

4.9.2.4 Controlling

All participants indicated that they based their responses on their own personal experiences with SLP projects implemented within their communities, and on what the municipality shared during IDP consultation processes.

4.9.2.5 Leading

Most community stakeholder participants felt that the information they had on SLPs was insufficient on the aspect of leading, however they believed that the municipality

and mining houses should provide more information to communities regarding SLP development and implementation process. However, 50% of respondents mentioned that the mining house in question seemed to have delivered some of the projects.

4.9.3 Mining House (Sasol Secunda Operations)

4.9.3.1 Understanding of Social and Labour Plans

Mining house participants interviewed had a good understanding of what the SLPs were, how they worked, and what their legislative responsibilities were, however only 90% understood what the development and implementation process of SLP projects entailed and who all the relevant stakeholders to be consulted were.

4.9.3.2 Planning

Mining house participants mentioned that planning for the SLPs was done in a consultative process including various key stakeholders at different levels (from the Department of Mineral Resources, community and municipal stakeholders).

4.9.3.3 Organising

Mining house participants were of the view that the mining house had executed their legislative responsibilities regarding the SLPs effectively and developed and implemented SLPs in accordance with the agreements between themselves and various relevant stakeholders (from the Department of Mineral Resources, community and municipal stakeholders).

4.9.3.4 Controlling

90% of participants believed that the SLP committees were doing a great job in the process of collaboratively implementing the SLPs.

4.9.3.5 Leading

Regarding the collaborative creation and execution of SLP programmes, all respondents said the mining house was a pioneer in the province. Some of the

respondents felt that the mining house was delivering beyond what it is expected to, as they believed that some of the projects, they are implementing, were meant to be implemented by the local municipality.

4.9.4 Govan Mbeki Local Municipality

4.9.4.1 Understanding of Social and Labour Plans

Municipal participants interviewed had a good understanding of what the SLPs were, how they worked, what their legislative responsibilities were, and mentioned that they are currently consulted by the mining house in the development and implementation process of SLP projects, although they acknowledged that previously the mining houses in the area were implementing SLP projects unilaterally without consulting the municipality.

4.9.4.2 Planning

The participants mentioned that the planning process for SLP project development and implementation was done through the utilisation of LED and IDPs as most projects implemented were identified from the municipal 5 year IDP. The respondents also understood the legislative responsibilities of mining houses towards mine communities.

4.9.4.3 Organising

Municipal participants felt that at times, mining houses were not treating them as equal partners as they felt undermined; they further mentioned that over the years the relationships have changed for the better, although they believe there is still room for improvement.

4.9.4.4 Controlling

participants mentioned that the municipality together with the mining house, have put in place a structure called the Social and Labour Plan Committee to collaboratively manage the identification, development, and implementation of SLPs. The structure

has representation by the IDP manager, LED Manager, and the councillors responsible for SLPs.

4.9.4.5 Leading

The participants did not provide clear responses in this regard.

4.10 Findings

Due to lack of clarity in terms of the identification and implementation of SLPs by the regulator, there was clearly no uniformity in the process of identifying, developing, and implementing SLPs by mining houses.

There is no empowerment of local businesses through contracting and or sub-contracting opportunities. The ILO (2002) claims that the development strategy should be centred on generating sustainable economic activity by utilizing local resources and having a competitive advantage globally. The goal of LED is to eliminate the restrictions and constraints that have in the past prevented small and medium-sized businesses from entering the market. However, the reality on the ground is that more and more small and medium enterprises are still experiencing challenges relating to entry to markets as they are required by mining houses to possess skill-sets and experience which a small to medium sized enterprise would not have. Thus it is important for mining houses to bear in mind the importance of skills transfer and training of small to medium sized enterprises during the implementation of SLP projects to ensure that they are equipped for future projects.

There is a lack of employment opportunities for local communities especially for youth and women.

Partnerships by mining houses are limited in implementing massive/big projects for the communities which limits the reach and impact of the projects.

Monitoring, evaluation, and impact assessments are not being conducted sufficiently to determine the progress and effectiveness or impact of implemented SLPs (in terms of whether the projects implemented are benefitting communities as intended by the SLPs). For example, a 24-hour clinic (providing primary healthcare services, maternity,

dental, overnight care, and emergency medical services) built by the mining house and the commitment by the Provincial Department of Health to provide adequate human resources to the clinic for effective service delivery, as provided for by the SLP project plans, has not been effectively monitored or evaluated.

There is limited to no access for mine communities and other relevant stakeholders to information about SLPs, approved SLP documents, the Mining Charter; Mining Charter Implementation Guidelines and the Mineral and Petroleum Resources Development Act documents.

Unilateral and non-consultative/non-collaborative methods are used in the identification, implementation, and amendment of SLP projects which have led to disruptions at project sites, ultimately delaying the implementation of projects.

Mining houses lack accountability for non-compliance which led to some projects being deferred to a new 5 year SLP cycle, without the budget being increased and or new projects being added.

Regulators have limited oversight and enforcement to ensure implementation of SLPs is done as per the Charter and MPRDA.

SLPs and IDPs are not aligned, including a lack of alignment with the annual review of projects implemented under SLPs and IDPs.

Local economic development projects are not sustainable and are insufficient.

Communities are not involved in SLPs by both mining houses and traditional leaders.

Unethical relationships are evident between mining houses, traditional leaders and municipalities due to non-compliance with the mining charter guidelines in terms of implementing SLPs.

Implemented SLP projects are not fully utilised as a result of the mismatch regarding the needs of the mine community and the projects implemented by the mining houses.

Chapter 5: Conclusion and Recommendations

5.1 Conclusion

The study explored how SLPs are implemented within mining communities in South Africa. Upon review of the literature, t the research confirmed Van der Watt & Marais' (2021) assertion that collaboration alone is not a solution for the various SLP challenges. The main research findings revealed that other factors such as non-compliance with SLP-related guidelines, lack of involvement and consultation with community members, need to be addressed to improve SLP implementation in order to meet its broader objectives.

The assessment revealed that the majority of mining communities continued to live in abject poverty and that compliance with the mining charter was not fully embraced as most mining rights holders saw compliance only as a way of protecting their license to operate (Deloitte, 2019).

It is evident that there is a need for all relevant stakeholders to go back to the drawing board and understand that for the successful implementation of the proposed recommendations, there is a need to implement SLPs in a collaborative, consultative and transparent manner.

The Department of Mineral Resources and Energy, as a legislator, needs to set up a multi-stakeholder forum which will be at the forefront of ensuring a just, transparent, collaborative and consultative process in the implementation of the SLPs and conduct oversight on the implementation process to ensure compliance.

The alleviation of poverty and reducing poverty are key focus areas of the National Development Plan (2018) and also of the United Nations' Sustainable Development Goals (SDGs) which South Africa, like most countries, supports. Over the years, the mining industry has been a major contributor to creating jobs and thereby contributing to the elimination of poverty in communities (South African Government, 2013). However, in recent years the Covid-19 pandemic has accelerated the high unemployment rate in the country particularly in the mining industry where many jobs were lost It is evident that the policy and regulatory initiatives put in place to redress the past injustices are yet to be realised as many historically disadvantaged persons

are yet to gain access into the mainstream economy in the mining industry. SLP projects are therefore necessary and critical to improving the lives of communities by creating job opportunities within the mining communities for both community members and local businesses.

It is essential to note that the non-collaborative implementation of SLPs within mining communities has a huge negative bearing on the development of the mining communities and the people in those communities, particularly young people and women.

Further research is needed to study the monitoring and evaluation of the implemented SLP projects country-wide to assess their impact within communities.

5.2 Recommendations

i. The DMRE, in partnership with relevant municipalities, should facilitate roadshows in affected mining communities to educate and empower communities about the SLPs, MPRDA, Mining Charter and related implementation guidelines. This will contribute to ensuring that communities are empowered and understand their roles and that of the mining houses to ensure alignment on expectations, which will in turn assist in SLPs being implemented within the expected time frames as there will be no delays or disruptions in project implementation due to misalignment of expectations.
ii. SLPs should be aligned with Municipal Integrated Development Plans to ensure that the projects implemented under SLPs are projects which are aligned to the needs of the mining communities.
iii. Monitoring, evaluation and impact assessment of SLP projects should be conducted by the regulator (DMRE) post implementation to ensure compliance.
iv. The DMRE should consider increasing capacity in order to address the monitoring and evaluation aspect of the SLP project implementation and impact assessment of implemented projects.
v. Mining houses/mining rights holders should provide feedback to community stakeholders on progress of SLP project implementation and challenges, and should collaboratively work on proposed amendments of SLPs.

vi. Feasibility studies and needs analyses should be conducted prior to SLP projects being implemented to ensure the required projects are implemented as per the needs of the mining community.

vii. Hardcopies of the consulted and approved SLPs should be shared with mine communities, traditional leaders and all other relevant stakeholders during the IDP consultation process and at the post office, as additional points of disseminating the SLPs.

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7. Annexure A: Research questions

- To your knowledge, were the community and municipality consulted on the identification and implementation of the SLP projects?
- Do you know why the projects were selected/chosen?
- Do you understand the existing procedures used to create and carry out SLP projects?
- How are the SLP's top projects chosen?
- What part does the community play in the selection, creation, and execution of SLP projects?
- How did the SLP projects affect society?
- What are the challenges faced during the implementation of SLP projects?

8. Annexure B: Research Cover Letter

Dear Participant

I am a final year Master of Business Administration student at the University of the Witwatersrand, Johannesburg. As part of my studies, I am required to conduct research. The research I will be embarking on will explore the implementation of Social and Labour Plans (SLPs) within the mining industry in South Africa. The challenges faced by mining rights holders and various stakeholders in the collaborative governance and planning of SLPs and the benefits/challenges of the Mining Charter III guidelines in the process of collaborative governance and planning, will also be explored.

You are hereby invited to take part in this research. Please keep in mind that, while your participation is critical to my research, your participation in the study is however, entirely voluntary. Please bear in mind that you have the option to decline to participate in the study at any given time and to withdraw your participation from the study at any time.

The confidentiality and anonymity of all research participants will be protected and maintained. In your answers to the questionnaire, you will not be required to provide us with any details that may be used to identify you or your organisation, and all of your details will be kept confidential throughout the research process. All the data collected in the study will not be shared with third parties; the questionnaire and final report will be used solely for academic purposes, and only aggregate or the combined results will be reported in the final report. Your participation in the survey will be interpreted as your consent to participate in the study. The questionnaire will take about 5-10 minutes to complete.

The research ethics committee at the Wits Business School has approved the study.

Your agreement to participate in this study is of utmost importance to my research and I am available to meet with you online and at a time convenient for you. Should you have any questions or require any clarifications, please contact me via email on my email address: 2401127@students.wits.ac.za.

Best Regards,

Lepelle Lovedaliah Bambo

Master of Business Administration student

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