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A Corporate Social Responsibility (CSR) Conceptual Framework to Address Unregulated Artisanal Gold Mining in South Africa

by

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“The single story creates stereotypes and the problem with stereotypes is not that they are untrue but that they are incomplete, they make one story become the only story. When we reject the single story, when we realize that there is never a single story about any place, we regain a kind of paradise.”

Chimamanda Ngozi Adichie
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In Ziauddin Yousafzai’s memoir, he starts his acknowledgements with a line from the great Pakistani Urdu poet Saleem Kausar. The beautiful verse reads: "there is my reflection in front of the mirror, but there is another (many) behind the mirror". Although this thesis reflects my work, time and energy, there are several people who stand behind my mirror who I would like to thank.

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List of Abbreviations

ASGM – Artisanal and small-scale gold mining
ASM – Artisanal and small-scale mining
B-BBEE – Broad-Based Black Economic Empowerment
CC – Corporate Citizenship
COSATU – Congress of South African Trade Unions
CSI – Corporate Social Investment
CSR – Corporate Social Responsibility
DMR – Department of Mineral Resources
EEA – Employment Equity Act
ICMM – International Council on Mining and Metals
IDP – Integrated Development Plan
IGF – The Intergovernmental Forum
IIED – International Institute for Environment and Development
JSE – Johannesburg Stock Exchange
LED – Local Economic Development
LSM – Large-scale mining
NUM – National Union of Mineworkers
OECD – Organisation for Economic Co-operation and Development
SAHRC – South African Human Rights Commission
SAMRD – South African Mineral Resources Administration System
SDA – Skills Development Act
SLO – Social License to Operate
SLP – Social and Labour Plan
UNIDO – United Nations Industrial Development Organisation
Abstract

Since the start of large-scale gold mining in South Africa in the late 1800s, little effort has been made to include artisanal and small-scale miners in the economic development of the country. This exclusion created an equity gap. It is only in the post-Apartheid period, after 1994, that legislation was first put in place to foster artisanal and small-scale mining in South Africa. However, legislation largely focusses on small and industrialised mining, making no room for any artisanal type of mining, consequently, excluding historically disadvantaged people from the mineral riches of South Africa. Artisanal miners are marginalised by default, and often also labelled as illegal. Therefore, the sector is either ignored or suppressed by powerful actors like mining companies and government.

With South Africa’s high unemployment rate and rife poverty levels, alternative ways in terms of development are urgently needed. Not enough jobs are being created in the formal sector to absorb the unemployed or job-seeking individuals. A failure on the part of mining companies to develop informal sectors like the artisanal mining sector, limits socio-economic opportunities for ordinary South Africans, including the poor. The role that the formal sector can play in supporting the informal sector is, therefore, becoming more recognisable worldwide. In this regard, the International Labour Organisation (ILO 2002: 73) remarked that it is becoming more difficult for corporations to maintain and improve circumstances in the formal economy without addressing the informal economy. Today’s flexible labour markets and worldwide production systems make it difficult for corporations to ignore the informal sector (ILO 2002: 73).

To explore the role corporations can play in developing and addressing unregulated artisanal mining, this study engages with the theoretical domain of corporate social responsibility (CSR). A corporate social responsibility framework was developed through this research, which is the first comprehensive framework that mining companies can use to address unregulated artisanal mining in the South African context. Furthermore, the framework can help the formal sector mitigate the risks that artisanal mining poses to formal mining operations and the formal workforce. The empirical findings of this study provide a new understanding of unregulated artisanal mining in South Africa and the mining company’s role in the matter. Through uncovering the misconceptions, challenges...
and drivers of this marginalised sector, the findings suggest that a change of thinking and proper dialogue is required around artisanal mining in South Africa. An implication of this is the possibility to develop and support artisanal mining. The research, through the corporate social responsibility framework, provides practical initiatives that allow for developing and creating opportunities for historically disadvantaged South Africans to benefit from the country’s mineral resources.
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CHAPTER 1
INTRODUCTION: PROSPECTING AND EXPLORATION

1.1 Introduction

In this introductory chapter, a brief motivation is put forward of why I embarked on research pertaining to artisanal mining in South Africa. Furthermore, the background to the research problem is discussed, followed by the context and rationale of the study. The main research question and its accompanying research objectives are also discussed in this chapter. Lastly, an overview of the methodological approach that was adopted is outlined, followed by a chapter summary of the thesis.

My interest in unregulated artisanal mining\(^1\) goes back to 2011 when I visited the southern part of the Democratic Republic of the Congo (DRC) during a research trip. During this trip, I encountered several artisanal miners. The level of poverty and desperation which these miners faced, struck me hard. During this trip, I became overtly mindful of the power imbalance that occurs in developing countries between the state and corporations on the one hand, and the poor on the other. I returned to South Africa after my visit to the DRC, but the stories from the artisanal miner women, children and men stayed with me.

The issue of unregulated artisanal mining, also known as ‘Zama Zama mining’, entered the South African mainstream media a few years after my visit to the DRC. The phrase Zama Zama is an isiZulu phrase meaning “we are trying”. Media coverage has largely portrayed Zama Zama miners as violent, criminal men who have illegally immigrated to South Africa. The response from the state and mining houses has comprised of policing, resulting in the further marginalisation of this group. My experience in the DRC urged

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\(^1\) The African Minerals Development Centre explains that artisanal mining is characterised by the following characteristics: artisanal mining involves intense manual labour with zero to minimum involvement of mechanisation, minimal geological knowledge, and zero to very low start-up capital (African Minerals Development Centre 2017: 12).
me to look deeper and differently at this phenomenon. I, therefore, embarked on this research to dig deeper into this issue to find a way to respond in a developmental way.

Worldwide, artisanal and small-scale mining (ASM) includes twenty to thirty million participants, and three to five times this number of people who are indirectly supported through ASM activities (Buxton 2013: v). Within this sector, ten to fifteen million miners, including four to five million women and children, are involved specifically in the artisanal and small-scale gold mining (ASGM) sector (Turner 2013; WHO 2016: 4). Estimations propose that artisanal and small-scale gold mining (ASGM) annually produces around fifteen per cent of the world's newly extracted gold supply. Even though both ASM and ASGM sustain a significant number of community livelihoods, the sector is often labelled as informal or even illegal.

Furthermore, artisanal miners in the South African context are most often depicted in media coverage as both criminal and violent (TimesLive 2018; Fuzile 2019; Ryan 2019; Seleka 2019). This creates a distorted picture of Zama Zama mining. Zama Zamas are commonly misrepresented by the media and misunderstood by government (Thornton 2014: 127). This continued misreporting is creating a homogeneous profile and a poor understanding of Zama Zama mining (SAHRC 2015: 6). This, in the end, serves as the motivation for policing instead of developing the sector. Therefore, this study embarked on gaining a deeper understanding of the profile of unregulated artisanal miners in South Africa.

Numerous initiatives worldwide have been developed to address this sector and to support its socio-economic potential (IGF 2017: 33-35; Zvarivadza 2018: 51-54). These initiatives are mostly developed in the context of fostering local development and the role mining companies can play in the matter is acknowledged within this milieu (Calderon, Harris & Kirsch 2016: 189-191; IGF 2017: 33-35). Yet, in South Africa, the case of the unregulated artisanal miner has been left, to a great extent, unaddressed. Apart from criminalising and marginalising the sector, little is done to develop and address it. The South African Human Rights Commission (SAHRC) (SAHRC 2015: 7) has called for a comprehensive framework to facilitate and address unregulated artisanal mining. Existing research on Zama Zama mining does not reveal ways to practically address the sector in a developmental way; nor does it explore the role and responsibilities of mining
companies in this regard. To address these literature gaps, the research undertaken in this thesis explored the part mining companies can play in addressing the matter.

Additionally, since the scope of this research encompasses artisanal mining, it is worth mentioning that artisanal mining is not the same as small-scale mining, even though artisanal mining is generally grouped together with small-scale mining under the umbrella term ASM. A comprehensive unpacking of ASM and a working definition of artisanal mining is discussed in Chapter Two.

1.2 Background to the Study

Gold mining has played a crucial role in the making of South Africa’s history. South Africa’s gold rush periods can roughly be divided into the Pilgrims Rest Gold Rush (1873-1881), and the Witwatersrand Gold Rush which started in 1886 when gold was discovered in the world’s largest gold basin. In its early days, the Witwatersrand basin was beset with many artisanal and small-scale miners, all in search of a piece of gold. Nevertheless, in the span of less than five years, a viable and profitable gold mining industry was established on the Witwatersrand (Davenport 2013: 96). By the year 1890, major European investment houses and banks pioneered the establishment of large mining houses, that took control of the South African mining industry (Davenport 2013: 96).

Since the late 1800s, large-scale mining (LSM) has controlled the extractive landscape of South Africa. With government boosting large-scale mining, no room was left to incorporate small-scale mining, let alone artisanal mining into mining legislation. This one-sided approach from government unfairly favoured the mining houses, which were dominated by prosperous investors. Consequently, little effort was made to include artisanal and small-scale miners in the economic development of the country, thus creating an equity gap. During the Apartheid era, this equity gap was further deepened, and no opportunities existed for artisanal and small-scale miners to benefit from the mineral richness of South Africa (Ledwaba 2017: 33).

It was only after 1994 with the fall of Apartheid that legislation was put in place to foster artisanal and small-scale mining in South Africa. For the mining industry, the key piece of legislation that was developed to create opportunities for historically disadvantaged
South Africans is the Mineral and Petroleum Resource Development Act (MPRDA) of 2002 (Moraka & van Rensburg 2015: 670). This was done through enacting social transformation as part of mining companies’ responsibilities as well as the acknowledgement of a mining sector smaller than large-scale mining. This introduced the recognition of the small-scale mining sector by the South African government. The Act, which was developed and implemented to make room for artisanal and small-scale mining, ironically focusses on large-scale mining with only a few exceptions (SAHRC 2015: 26). These exceptions refer to the requirements of small-scale mining. Since no permitting process exists for artisanal miners, one can only look at the legal requirements aspiring small-scale miners need to fulfil.

As part of the Act, Section 23 explains a permitting process for small-scale mining not exceeding a five-hectare area, within an optimal period of two years (SAHRC 2015: 26). Small-scale miners do not have to submit any social and labour plans (SLPs), as is the case with large-scale mining; nevertheless, they must submit an Environmental Management Plan to the Department of Mineral Resources (DMR). The Environmental Management Plan is a technical and comprehensive document that includes details like locality and project description of the prospecting mine. Furthermore, the plan should include a thorough scientific write up of the mine’s potential environmental impact. The application to obtain a mining permit is made online, and all documents need to be submitted through the online portal of the DMR, called the South African Mineral Resources Administration System (SAMRAD). This is all good and well, but the skills, capacity and financial resources required to meet the range of requirements to obtain a mining permit are high (Debrah, Watson & Quansah 2014: 917). This causes a barrier for those miners who want to mine legally on a small-scale (Debrah et al 2014: 917). This mining permit is the only legal route that an aspiring small-scale miner can follow to engage in mining. The issue is, that there is no other permit, right, or licence for which a miner may apply to be recognised as a small-scale miner (Legal Resources Centre 2016: 28).

For ordinary South Africans, the technical and financial requirements to obtain a mining permit are out of reach. In the end, the Act makes insufficient room for artisanal mining by focussing on small-scale mining rather than on artisanal mining (Debrah et al 2014: 917; SAHRC 2015: 60). This also leaves historical imbalances pertaining to mineral and
land rights still in place. Making inadequate room for artisanal miners means that they are by default marginalised and left out. The requirements for an unregulated artisanal miner to upgrade to a small-scale miner, need strong technical and capital support. Artisanal miners do not have the infrastructure or means required to become regulated small-scale miners. Artisanal mining is, thus, often labelled as informal or illegal.

Two unofficial subtypes of artisanal mining exist, namely informal and illegal. However, in the South African context, there is no formal distinction between informal and illegal mining despite scholars’ efforts to differentiate between the two (SAHRC 2015: 11). It has been stated that informal miners mine on customary land with the permission of the chief (SAHRC 2015: 11), whereas so-called illegal miners trespass on private property. The crux of the matter is that what is considered as informal artisanal mining in South Africa, falls outside of any regulatory law. The informal miners also mine without a mining permit, causing them to also operate unlawfully. On the other hand, Zama Zama mining is associated more with illicit mining since the miners’ activities are portrayed in the media as criminal doings (TimesLive 2018; Fuzile 2019; Ryan 2019; Seleka 2019). This has intensified the misconceptions around Zama Zama mining as being regarded as illegal mining.

Additionally, it has also been argued that it is unclear why Zama Zama mining is considered illegal. It is well documented that miners in this sector trespass on mine-owned property (Thornton 2014: 127). Yet, the same property is used as a thoroughfare by the public to get to work, shops, family and friends. It is illegal to be in the possession of unprocessed gold and other precious metals in South Africa. However, until the final process, which results in refined gold, the miners are, in fact, in the possession of and are dealing with dust and dirt (Thornton 2014: 127). Jinnah and Tafira (2017: 6) have pointed out that the products produced by artisanal mining are legal, but it is the production thereof that takes place outside a lawful context.

Also, it cannot be established whether the artisanal miners are mining with the purpose to sidestep the cost involved with mining legally. In fact, Jinnah and Tafira (2017: 6) stated that there is no indication that suggests that the miners are operating outside the legal framework with the intent to avoid tax and statutory obligations. Rather, the label of
Illegality is a result of the absence of effective legislation and regulatory provision for artisanal mining (Jinnah & Tafira 2017: 6).

It has been argued that before adopting terms such as “illegal miners” it is worth noting that more than 60 per cent of the global workforce operates in the informal economy (ILO 2018a: v; United Nations Institute for Training and Research & United Nations Environment 2018: 17). Yet, terms such as “illegal farmers” or “illegal hairdressers” are not used (United Nations Institute for Training and Research & United Nations Environment 2018: 17). Therefore, when artisanal mining takes place in a legally abstruse context, like in the case of South Africa, and when miners receive little assistance, it is more suitable to classify it as informal rather than illegal or illicit (United Nations Institute for Training and Research & United Nations Environment 2018: 17). Thus, this study will use the terms ‘unregulated artisanal mining’ as synonymous and interchangeable with ‘artisanal mining’, ‘informal mining’, ‘Zama Zama activities’, or ‘Zama Zama mining’, following the example of the SAHRC (2015: 11) report on unregulated artisanal mining in South Africa.

So far, this chapter has pointed out that the MPRDA does not make room for artisanal mining and that artisanal miners operate without mining permits. This is because the process to obtain a mining permit is out of reach for these miners. The following will now discuss the socio-economic impacts of unregulated artisanal mining as well as some aspects of what is currently creating enabling circumstances for Zama Zama mining.

The Minerals Council South Africa, previously known as the Chamber of Mines (CoM), estimates that the country loses around five per cent of its potential annual mineral output to unregulated artisanal mining. In terms of annual revenue, it is expected that the government is losing R7 billion potential revenue annually from what is considered illegal or illicit trading in precious metals and diamonds (Minerals Council 2018: 1). In 2019, current Mineral Resources Minister Gwede Mantashe reportedly said that the illicit mining industry cost South Africa R41 billion in 2018 alone (ENCA 2019: 1). It is unclear exactly how these figures were calculated since the majority of Zama Zama mining is taking place at abandoned and or derelict mine sites, and the activity is unregulated.

Derelict and ownerless mines are mines where the former owners of the mines are unknown. These mines are completely ownerless, and belong to the state. The owners of
these mines have absconded from their responsibilities and the mines years ago. In other cases, the corporations who owned these mines no longer exist. It is further explained that a derelict and ownerless mine is not what is meant by an abandoned mine; rather, a derelict and ownerless mine is one of which the owners were or are untraceable, and such a mine is the responsibility of the state (Parliamentary Monitoring Group 2010: 20). On the other hand, abandoned mine sites still belong to a mining company, and they remain the rightful owner if the mining right is still valid, but the mine, in this case, is no longer operational.

Artisanal miners often exploit resources left behind by mining companies. Artisanal mining generally takes place where it has become unfeasible for industrial mines to continue with their operations. As a result, the impracticality in some instances to continue with large-scale operations resulted in mine closure. Since mining contributes substantially to the country’s Gross Domestic Product (GDP), a look at the economic decline of the formal mining industry in terms of the country’s Gross Domestic Product (GDP) is discussed. Figure 1.1, below, shows the gold mining industry’s declining contribution to the country’s GDP since 2007.

![Figure 1.1: The contribution of gold mining towards the Gross Domestic Product (GDP) of South Africa: 2010 – 2017](image)

Observe that the contribution of gold mining to the GDP declined from 1.5% in 2007 to 0.7% in 2016.

Over recent years, numerous newspaper articles have discussed the anticipated slow death of the gold mining industry (L. Khumalo 2018; Njini 2018; Menon 2019). The shrinking
formal gold mining economy runs parallel with a rising unregulated artisanal mining sector. The number of unregulated artisanal miners will keep on rising amid high levels of unemployment and poverty, coupled with the ongoing retrenchment of mineworkers. The declining formal sector makes it imperative to explore economic opportunities offered by the artisanal mining sector, and specifically, the developmental opportunities the sector holds for historically disadvantaged South Africans. Furthermore, the DMR suggested that artisanal mining exists beyond survivalist mining and should, therefore, be completely integrated into the small-scale mining sector (SAHRC 2015: 60). Yet, the unregulated sector is being marginalised and forbidden rather than developed.

Another significant aspect of Zama Zama mining in South Africa is the matter of ongoing retrenchments in the corporate mining industry. The link between retrenched miners and artisanal mining numbers cannot be ignored. It has been reported that mine retrenchments are, to some degree, fuelling unregulated artisanal mining in South Africa (du Plessis 2018; South African Federation of Trade Unions (SAFTU) 2018). As a result, it is worth taking a closer look at retrenchments in the South African mining sector and specifically in the gold mining sector. Figures 1.2 and 1.3 show the decline in employment in the mining sector and the gold sector, respectively.

![Number of employees in the mining industry 2010-2016](chart.png)

**Figure 1.2:** The decline in employment in the mining industry for 2010 – 2016

Source: Chamber of Mines 2017: 6

Derived from Figure 1.2, the mining industry’s employee numbers have been on a decline since 2012. According to the graph, the mining industry has shed more than 67,000 jobs.
for the period 2012 to 2016. Unfortunately, this trend cannot be expected to abate in the foreseeable future. In 2018, it was reported that Impala Platinum, the world’s second-largest platinum producer, will retrench 13,000 employees over the next two years (Seccombe 2018).

Turning to the gold mining sector, the situation is no different. Over the past ten years, the gold mining industry has shed more than 50,000 jobs. These retrenchments not only have a great impact on the businesses themselves, they also have a massive impact on the community surrounding the mine, as well as the overall social landscape of South Africa. Figure 1.3 shows how the gold sector’s employment has been on the decline since 2010.

![Figure 1.3: The decline in employment in the gold mining industry for 2010 – 2017](source)

As derived from Figure 1.3, the gold mining sector has cut 44,819 jobs between 2010 and 2017. In August 2018, Goldfields reported that they are set to retrench more than 1,500 employees at its South Deep operation in the South African province of Gauteng (Daniel 2018, August 14). In addition, in 2018 Pan African Resources retrenched 1,700 employees at its Evander Gold Mine in Mpumalanga. Most job losses are taking place in the lower skills categories, involving labourers and operators (Leeuw & Mtegha 2018: 31). The National Union of Mineworkers (NUM) voiced its concern in 2017 over the mine retrenchments, also stating that retrenchments in the mining industry are fuelling the rising unregulated artisanal mining activities in the country (Motau 2017).
1.3 Problem Statement

To date little, if any, formal response from authorities, mining companies or the South African government other than policing, exist to address the issue of unregulated artisanal gold mining in South Africa. In attempting to attend to the issue of Zama Zama mining, the then Mineral Resources Minister in 2009, Susan Shabangu, established Illegal Stakeholder Mining Forums in South Africa. The aim of these stakeholder forums is to address the matter of unregulated artisanal mining in the industry. The DMR forums continuously identify and seal open shafts and conduct monthly operations to combat Zama Zama mining and arrest artisanal miners (South African Government 2009). Despite the DMR’s effort to address unregulated artisanal mining through proper mine closure, it seems that the government and many of the mining houses have long abandoned the cause of artisanal miners. Should the mining industry, government and other role players keep on turning a blind eye or keep on marginalising the sector, opportunities to address and develop the sector are sure to slip by.

It has been argued that an approach to address unregulated artisanal mining, based on law enforcement has little chance to succeed (Bello & Bybee 2014: 3). What is needed is “…a more hands-on engagement involving both operators and regulators…” (Bello & Bybee 2014: 3). Traditional law enforcement, combined with improved stakeholder dialogue on capacity building and compliance, will foster the synergy between artisanal and large-scale gold miners (Bello & Bybee 2014: 3). Additionally, it is argued that the ASM sector suffers from important social issues and from ongoing conflict with large-scale mines, mainly due to its questionable legal status (Andrew & Hilson 2003: 27). ASM may be responsible for the ruination of landscapes and, in some instances, mercury pollution that is released into the natural environment (Hilson & McQuilken 2014: 105). Moreover, the working conditions of miners are often dangerous and unsanitary. Additionally, several ASM communities have become a magnet for prostitution, illness and narcotics consumption (Hilson & McQuilken 2014: 105). These issues are generally linked to ASM and contribute to the sector being portrayed in a tremendously negative light. Detrimental social and environmental impacts usually catch the attention of journalists and government officials who then influence, and even manipulate, an ill-informed public (Hilson & McQuilken 2014: 105). In the South African context, the case is not any
different. As a result, the South African Human Rights Commission (SAHRC 2015: 61) calls for any comprehensive framework to strengthen the profile of Zama Zama mining and to improve the practices of artisanal miners. The current one-dimensional label – illegal – will only serve to exacerbate the social impacts surrounding this sector.

Moreover, ASM can have a negative impact, not only on the local community in which it operates, but also on the formal mining sector and the mining communities that surround it. This, of course, poses a risk to those working as employees for the mine and to the mine itself. The reaction is marginalisation and criminalisation of this sub-sector by corporations. These actions can be viewed as attempts to protect the formal sector from the perceived dangers of the informal sector. Yet, it is becoming increasingly difficult for corporations to improve the circumstances in the formal economy without addressing the informal economy (ILO 2002: 73). Corporations are progressively recognising that if they want to protect and nurture the interest of the formal economy and its workforce successfully, they must expand their actions to embrace the informal economy (ILO 2002: 87).

This recognition by the International Labour Organisation (ILO) echoes the growing recognition amongst mines and the government to follow a more holistic approach to address unregulated artisanal mining’s challenges and opportunities (SAHRC 2015: 12). Yet, up until now, little has been done to address and develop the sector. Corporations face challenges in connecting and dealing with individuals in the informal sector because those workers are mostly not registered, and they operate either illegally or with a dubious legal status (ILO 2002: 87).

Furthermore, there is also a lack of knowledge around unregulated artisanal mining. This lack of knowledge is evident in much of the media coverage where Zama Zamases are continuously being portrayed as criminals, illegal immigrants and violent men (TimesLive 2018; Fuzile 2019; Ryan 2019; Seleka 2019). Industry representatives, like the Minerals Council, are sketching the same picture (Minerals Council 2018: 1). The Minerals Council (2018: 1) reported that 70 per cent of the illegal miners are from Lesotho. Even though no comprehensive statistics, to date, exist around the numbers and origin of unregulated artisanal miners, the document, by the Minerals Council, presents concrete figures. Furthermore, it has been documented that Zama Zamas form part of a
wider syndicate group by being positioned at the bottom of the supply chain hierarchy (Hunter 2019: 7). Important to note is that an investigation of this supply chain, was not part of the scope of this study.

The SAHRC (2015: 59) reiterates in their comprehensive report that not all Zama Zamas are part of criminal organisations or, if they are, had the intention to become involved in criminal groups. Supportive of this, OxfamSA specifies that it is a myth that “all informal miners are non-nationals, illegal migrants, part of syndicates, or mine with the intention to become part of the wider syndicates and underground gangs” (TimesLive 2017: 8). In the latter alternative narrative, the miners are viewed as engaging in unregulated artisanal mining to create some sort of livelihood and are doing so because of poverty and unemployment (Kariuki 2015: 4; Dentlinger 2017: 10; Masingi 2018: 5). Against the backdrop of South Africa’s high unemployment rate, these alternative livelihood initiatives need to be carefully considered before forbidding such activities. StatsSA (2019: 1) reported that youth unemployment in the group that is between the ages of 14 and 25 years was measured at 55.2 per cent during the first quarter of 2019 (StatsSA 2019: 1). If these alternative viewpoints are considered, then policing and criminalising the entire sector is missing the mark. This realisation opens up the possibility to explore alternative ways to develop the sector, as opposed to criminalising it without any exception.

A lack of research on the matter underwrites a poor understanding of the profile of the artisanal miner in South Africa; this, in the end, is overlooking the complexity of the issue (SAHRC 2015: 12). Having a simplistic view of Zama Zamas leaves no room for the exploration of developmental initiatives around the sector. This is also leaving corporations with little to no other option other than policing the sector. However, arrest or deportation will not prevent or deter this sector (SAHRC 2015: 12). Also, calls from civil society indicate that a different approach – other than criminalising the sector – is needed. In support of this argument, the Congress of South African Trade Unions (COSATU) commented that “government cannot continue to explain away these senseless deaths and the mining sector cannot pretend that these incidents have nothing to do with them” (South African Labour News 2017: 3). This statement by COSATU implies that the mining sector too, and not only the government, has a responsibility to consider addressing unregulated artisanal mining in a more sustainable way.
Therefore, through discussions with mining houses and relevant stakeholders around the issue of artisanal mining, the study explores the role mining companies can play in addressing the sector. The exploration of the role and responsibilities of mining companies are considered in the context of corporate social responsibility. In addition, the research aims to uncover the perceptions of artisanal miners themselves, civil society workers and representatives of gold mining houses around unregulated artisanal gold mining to explore the feasibility of a corporate social responsibility conceptual framework to address unregulated artisanal gold mining in South Africa.

1.4 Context and Rationale of the Study

As mentioned previously, several countries have embarked on attempts to develop the ASM sector. Countries that have implemented initiatives around artisanal mining include Cameroon, the Central African Republic, the Democratic Republic of the Congo, Peru and Tanzania (Tieguhong, Ingram & Schure 2009: 11-47; UNEP 2012a: 10-13; Matthysen & Montejano 2013: 11-30; World Bank Group 2013: 4-14). Additionally, literature around addressing artisanal mining from a mining company stance is often represented in the context of corporate social responsibility (see Maria & Taka 2012: 137-147; Calderon et al 2016: 189-191; IGF 2017: 34-35).

For example, in Peru, where artisanal mining is also unregulated and challenging, as in South Africa, Canadian mining company Anglo Gold Corp, has engaged with artisanal miners through corporate social responsibility initiatives. The following statement by Anglo Gold Corp (as cited in Natural Resources Canada 2017: 2) reflects its support of ASM as part of its corporate social responsibility engagement initiatives:

> If the artisanal miners are citizens of the country, we will educate them on safe procedures to protect the environment and their families. And we buy their gold at spot price. It makes sense to assist the locals in improving practice because they can be great explorers for us and improving their skill sets helps build a more ethical industry.

In terms of corporate social responsibility, many definitions exist. The International Labour Organisation (ILO) (2018b: 1) says that corporate social responsibility is reflected in a company’s awareness and considerations of their operational impact on society.
Corporate social responsibility is further described by the ILO (2018b) as a voluntary enterprise-driven initiative that is more than just compliance with the law. The definition clearly indicates that corporate social responsibility entails the consideration of societal impacts of a business, moving beyond mere legal compliance. The United Nations Industrial Development Organisation (UNIDO) (2019: 1) goes further by incorporating not only society but also environmental and economic issues in its definition of corporate social responsibility, explaining that when a business includes social and environmental issues as part of its core business practices, it is embracing the notion of corporate social responsibility. Furthermore, corporate social responsibility can also be described as balancing economic, environmental and social matters on the one hand and meeting the shareholder expectations on the other (United Nations Industrial Development Organisation 2019: 1). The interplay between finding a balance between social, environmental and economic matters is also known as the triple bottom line.

The concept and definition of corporate social responsibility are continuously evolving. Since several definitions exist of corporate social responsibility, it is important to view corporate social responsibility as a conceptual space rather than a single concept (Kleine 2014: 196). Also, corporate responsibility is constantly changing as society evolves (Blowfield & Murray 2014: 28). Alongside these ongoing societal changes, our expectations around a business’ role in society also change. Not only are there societal expectations of organisations to contribute towards socio-economic development, but the notion that organisations have the power to address social ills are also becoming more prominent. The introduction of the United Nations Global Compact (UN Global Compact) in 1999 reflects the private sector’s role in terms of addressing social ills.

The United Nations Global Compact calls on the private sector to uphold principles connected to human rights, labour, the environment and anti-corruption (United Nations Global Compact 2019). Regarded as a good starting point for companies’ corporate social responsibility and sustainability activities, the United Nations Global Compact calls businesses to partner with UN associates and non-governmental organisations to foster universal social and environmental values (Blowfield & Murray 2014: 120; CSR Compass 2018: 2). Based on its worldwide use, the United Nations Global Compact is regarded as one of the world’s most popular and widespread used corporate social responsibility standards (Hohnen & Potts 2007: 52; Blowfield & Murray 2014: 120;
Carroll & Buchholtz 2015: 315). Also, the United Nations Global Compact marked a turn where the concepts of corporate social responsibility and sustainable development have become less and less controversial in the business arena. Debates on corporate social responsibility and sustainable development have moved from philosophical quarrels about why companies should engage in social and environmental matters, to the question of how companies can do this in an optimal way. Answering the ‘how’ question has become highly relevant (Pedersen 2015: 16).

In the South African context, corporate social responsibility in the mining industry is encapsulated by legislation pieces of which the MPRDA of 2002 and the Broad-Based Socio-Economic Empowerment Charter, also known as the Mining Charter, are key. Seeing that mining companies are urged by law to improve the socio-economic milieu in which they operate, sound corporate social responsibility activities are a serious matter (Nel, Binns & Gibb 2014: 180). The MPRDA and the Mining Charter are two central pieces of legislation that drive socio-economic development through corporate social responsibility in the South African mining industry. Apart from these two central mining legislature pieces, mining companies are also required to submit and implement social and labour plans (SLPs). The aim of these social and labour plans is to promote the development of the workforce, employee households and the mining community. Additionally, the concept of corporate governance also strongly influences the course of corporate social responsibility in South Africa. This concept led to the development of the King Reports. Although not mandatory, the King Reports have had a significant impact on the course of corporate social responsibility in South Africa. The latest King Report, King IV, underlines that businesses operate in a collective context of society, environment and the economy (IoDSA 2016: 18); therefore, recognising the importance of the triple bottom line and the three pillars of corporate social responsibility, namely society, environment and the economy.

Research around artisanal mining in South Africa is seldom connected to corporate social responsibility. However, some scholars have indicated that unregulated artisanal mining is a result of poor corporate social responsibility (Modimoeng 2016: 67) and that there is a possibility to put corporate social responsibility initiatives in place to address unregulated artisanal mining (Nel et al 2014: 177; Verbrugge 2017: 354). Up until now, no comprehensive conceptual corporate social responsibility framework to address the
issue in the South African context, has been developed. This is unfortunate, seeing that the artisanal mining sector could serve, if it is supported, as a powerhouse of economic development in poor communities (Mutemeri & Petersen 2002: 292). Therefore, the aim of the research is to investigate whether corporate social responsibility is a suitable response to artisanal mining in the South African context.

The next section puts forward the research question and objectives of the study.

1.5 Research Question and Objectives

Based on the background, problem statement and rationale discussed above, the primary research question of this study is: What are the views and experiences of unregulated artisanal miners, civil society workers and representatives of mining houses around unregulated artisanal gold mining, and is corporate social responsibility a suitable way to respond to artisanal mining in South Africa? If so, what would a corporate social responsibility conceptual framework for unregulated artisanal gold mining entail?

The objectives of the study are to:

a) Describe who the artisanal miner is and to provide insight into the profile of unregulated artisanal miners and Zama Zama activity by examining the views and experiences of relevant stakeholders.

b) Critically examine how some of these views and perceptions are currently shaping mining companies’ stance towards and interaction with unregulated artisanal miners.

c) Uncover challenges and risks that are part of unregulated artisanal mining.

d) To explore the relationship between artisanal miners and mining companies to determine what risks or challenges transpire for and between these two sectors.

e) Examine insights from all stakeholders to determine or uncover what drives unregulated artisanal mining.

f) Examine the views and opinions of stakeholders to respond to challenges within the sector. Basically, to uncover proposed initiatives as held by research participants and how role players can assist mining companies in addressing the matter of unregulated artisanal miners.
g) Draw on the data from all participants to consider the feasibility of developing a corporate social responsibility conceptual framework to address unregulated artisanal gold mining in South Africa.

The next section discusses the methodological framework and contribution of the research. The section concludes by outlining the structure of the thesis.

1.6 Methodology and Outline of Thesis Chapters

A qualitative research design was employed in this study. Qualitative research allows for the opportunity to gain an understanding and to explain the phenomena explored by making use of data and literature (Henning 2005: 3). The focus of this study is to uncover the perceptions of unregulated artisanal miners, civil society and gold mining companies in South Africa, and whether corporate social responsibility is a viable route by which to address the matter.

The study took place in and around the Witwatersrand area in the province of Gauteng, South Africa. This area, which is known for its gold mining operations serves as the breeding ground for many unregulated artisanal mining activities in South Africa. The SAHRC (2015: 34) confirmed that Gauteng is the province most affected by informal gold mining activities. Data was collected through in-depth interviews. Interviews were recorded, with the consent of the research participants. The interview recordings were transcribed afterwards to prepare the data for analysis. Thematic analysis was used for the data analysis of the qualitative data.

This thesis has seven chapters, of which two are review chapters. Chapter Two starts by highlighting the difference between artisanal and small-scale mining and argues why it is necessary to discern between artisanal mining and small-scale mining. The section concludes by putting forward a working definition of artisanal mining for the South African context before moving on to incidences of ASM by discussing the numbers of ASM in the African context. The incidence of artisanal mining in South Africa is also addressed. The chapter then turns to the impact ASM has on communities and on mining communities. This chapter also discusses ASM’s impact on the mine itself and looks at the formalisation of ASM. A critical look at formalisation is taken by outlining the process and its outcomes as documented in two other African countries. The chapter then
looks at mining engagements with the ASM sector and concludes by considering mistakes commonly made when ASM is addressed by mining companies. The chapter concludes that corporate social responsibility needs further exploration since it may serve as a suitable developmental way to respond to the ASM sector.

Chapter Three begins with a conceptualisation of corporate social responsibility. A discussion of how corporate social responsibility has developed over centuries is put forward. Following this, the chapter considers the different corporate social responsibility definitions and relevant theories. The chapter also sets forth a corporate social responsibility programme outline that can be used for implementing corporate social responsibility initiatives. The chapter moves on to the next and last section by discussing corporate social responsibility in the South African context and how corporate social responsibility is positioned within the South African mining industry. The chapter critically examines and unpacks certain legislation and regulatory pieces that have created an enabling space for corporate social responsibility within the South African mining industry. The chapter concludes by identifying shortfalls in the implementation of corporate social responsibility initiatives within the mining sector.

Chapter Four unpacks the methodology that was implemented and followed in this research. The chapter starts by putting forward the Zama Zama mining sites that were visited during the fieldwork. This section is followed by an explanation of how the participants were selected. The chapter also provides a detailed account of how the data was collected and analysed during this study. Personal reflections are also discussed in Chapter Four by discussing my role as the researcher in this study. The chapter also discusses ethical considerations and how trustworthiness was ensured. In conclusion, the strengths and limitations of the study are considered.

Chapter Five is the first of the findings chapters and puts forward the themes related to profiling artisanal mining, the challenges around the sector as well as the drivers of the sector. The findings underscore the role that mining companies play with regard to artisanal mining in South Africa.

Chapter Six discusses the findings further by looking at proposed initiatives to address Zama Zama mining. Based on the empirical findings, this chapter also presents and
discusses the corporate social responsibility conceptual framework to address unregulated artisanal mining in South Africa.

Chapter Seven serves as the conclusion chapter and returns to the overall aim of the study by providing a summary of the thesis, including an overview of the theoretical chapters. The chapter also discusses the contribution of the study. Recommendations for further research, as well as concluding remarks, are also made in this chapter.

1.7 Conclusion

This chapter has provided an introduction, background to the study and outline of the context and rationale of the study. This chapter further presented the main research question and research objectives of the study. It was indicated that the issue of unregulated artisanal mining is a pressing matter in South Africa. Furthermore, the point that unregulated artisanal mining is unlikely to disappear, despite the different efforts to curb it, was underlined.

Additionally, considering mine retrenchments, ongoing mine closures and the prevalence of abandoned mines which are creating enabling conditions for unregulated artisanal mining, the responsibility of mining companies becomes a central concern. Also, the intention of the MPRDA of 2002 was to develop and promote South Africa’s ASM sector. Unfortunately, the Act addresses the small-scale sector and not the artisanal side of mining. This has left historically disadvantaged South Africans with very limited options for entering the formal mining sector. The artisanal sector is growing, yet undeveloped, because it is marginalised and criminalised for being considered illegal. The high unemployment rate and poverty levels in South Africa demands to consider this current neglected informal sector in a developmental sphere. The chapter indicated that it is worth exploring the feasibility of corporate social responsibility in this context.

Thus far, as reported by the SAHRC (2015: 12) there is currently a poor understanding around the profile of the Zama Zamas. It was, therefore, reasoned that the research should also uncover the profile of the unregulated artisanal miners. Consequently, the research aims to provide insights into the profile of unregulated artisanal miners and the challenges they experience, together with drivers of the sector and any initiatives that can be put in place to address the sector. In order to explore the possibility of a corporate social
responsibility framework to address unregulated artisanal mining, an understanding around what ASM is and specificity how artisanal mining is positioned in the South African context are first needed. The following chapter provides a description of ASM globally as well as in the South African context.
CHAPTER 2

THE CASE OF THE ARTISANAL MINER

2.1 Introduction

Artisanal and small-scale mining (ASM) occurs worldwide, with most of the ASM activities taking place in the Global South. Over the past few years, the issue of Zama Zama mining has become a pressing matter in South Africa. Calls to address the sector in a more holistic manner have become increasingly urgent (Bello & Bybee 2014: 3; Kantor 2014; SAHRC 2015: 12). The role that mining companies can play in addressing the ASM sector has been recognised (Mària & Taka 2012: 139; Nel et al 2014: 177; Ribeiro-Duthie et al 2017: 1). Yet, in the South African context, the role and responsibilities mining companies have in terms of addressing the unregulated artisanal mining sector is completely overlooked.

In order to uncover the role of mining companies in terms of this social issue, the study aims to answer the following research question: What are the perceptions of relevant stakeholders around unregulated artisanal mining and is corporate social responsibility (CSR) a viable way to respond to the issue of unregulated artisanal mining? If so, what would a corporate social responsibility conceptual framework for unregulated artisanal gold mining entail? To be able to answer the research question in a meaningful manner, and to interpret the interview data, an understanding of the ASM sector globally, and in South Africa, must first be gained. This chapter, therefore, weighs the different definitions of ASM and puts forward a working definition of unregulated artisanal mining for this study. This section is followed by discussing the incidence of ASM worldwide and in South Africa. The chapter then delves deeper into the relationship between ASM and large-scale mining and ASM’s influence on the community and mines. Following this, the chapter reflects on formalisation as government’s general response to the ASM sector. It also looks at the current response in South Africa to deal with artisanal miners. Lastly, the chapter reflects on the ways in which mining corporations currently deal with the issue of ASM.
2.2 What is Artisanal and Small-scale Mining?

Since there can be an overlap between artisanal and small-scale mining, the two types of mining are often grouped together. There is no agreement on what constitutes small-scale mining, and the borders between artisanal and small-scale operations are often not clearly defined (United Nations Economic Commission for Africa 2011: 67). This is problematic since it allows for no distinction between the two, which creates a misunderstanding around artisanal mining, and means that solutions to address the sector often miss the mark. To provide tailored solutions, a contextualisation of the differences between artisanal and small-scale mining is needed (Legal Resources Centre 2016: 26). As an alternative, ASM is often viewed on a scale of mining activities, fluctuating from individuals panning for gold to relatively bigger, mechanised and organised operations (Collins & Lawson 2014: 8). When viewing ASM as a range of mining activities, without properly distinguishing between the two sectors, the difference between artisanal and small-scale mining stays blurred.

In the South African context, the challenge is not any different with ASM often being used interchangeably with artisanal mining. In the literature, artisanal mining is often clustered together with small-scale mining under the collective term artisanal and small-scale mining (ASM) (Legal Resources Centre 2018: 26). The South African Department of Mineral Resources (DMR) refers to artisanal mining under the umbrella term ‘small-scale mining’, without any differentiation. The DMR (2017) defines the following subgroups under small-scale mining: “Artisanal or subsistence mining operations (new entrants); sub-optimal formal mining operations; and entrepreneurs with upfront capital”. Yet, the DMR does not describe each sub-category in detail. Moreover, what differentiates the sub-categories from each other is not clear. The parameters and classifications from the DMR sketch a rough idea of the artisanal mining sector within the wider ASM sector. However, this wide-ranging classification of ASM in South Africa is problematic since it is missing the deeper dimensions and unique characteristics of artisanal mining. Therefore, there is a need to distinguish between these two types of mining (Debrah et al 2014: 918; Legal Resources Centre 2016: 26).

In broad strokes, the African Minerals Development Centre explains that artisanal mining is characterised by the following characteristics: artisanal mining involves intense manual
labour with zero to minimum involvement of mechanisation, minimal geological knowledge, and zero to very low start-up capital. Additionally, the artisanal miners are extremely mobile following ores and are involved in tremendously unsafe and unhealthy working conditions (African Minerals Development Centre 2017: 12). In contrast, small-scale mining is characterised by the following features: small-scale mining is semi-mechanised operations, which involves low to minimum start-up capital, and is most often regulated by a country’s mining law and involves the undertaking of an environmental impact assessment (African Minerals Development Centre 2017: 12). To differentiate artisanal mining from small-scale mining, the Legal Resources Centre (2016: 26) in South Africa describes artisanal mining simply as a type of mining that is regarded as taking place on a small-scale and occurs mostly informally with the use of hand tools and a high degree of manual labour. Artisanal mining does not make use of mechanised machinery, which is more often used in organised small-scale mining (Legal Resources Centre 2016: 26).

Derived from the above-mentioned descriptions, compared to small-scale mining, artisanal mining involves little to no mechanisation techniques. Miners often use hand tools like picks, chisels, sluices and pans to mine (Cuvelier 2017: 205; Legal Resources Centre 2016: 26). Furthermore, artisanal mining involves a high degree of labour intensity and little capital investment. On the other hand, small-scale mining is more mechanised and much more organised by fulfilling certain legal requirements. For example, small-scale miners have most likely completed an environmental impact assessment, which forms part of a country’s mining law.

Picture 2.1 portrays typical artisanal miners at work in the Democratic Republic of the Congo (DRC). Noticeable from Picture 2.1 is the rudimentary tools and techniques that are typical of artisanal mining.
Picture 2.1: Artisanal miners in the Democratic Republic Congo (DRC)

© Copyright: Vidette Bester, Democratic Republic of Congo, 2011

Picture 2.2 shows how copper and cobalt can be stored after mining in the DRC. The method to store minerals also depends on the type of ore being mined. Nonetheless, once more, the elementary ways artisanal miners have adopted are evident in Picture 2.2.

Picture 2.2: Ore extracted by artisanal gold miners in the Democratic Republic Congo (DRC)

© Copyright: Vidette Bester, Democratic Republic of Congo, 2011

Since this research focusses solely on artisanal mining, and not on small-scale mining, a working definition of artisanal mining is needed. This working definition applies the criteria of the previously quoted African Minerals Development Centre (2017: 12) definitions on artisanal and small-scale, respectively. The criteria that can be highlighted from the definitions are as follows: the level of production, the degree of mechanisation
of the mining process including the tools used, the degree of labour intensity and the level of capital investment. Keeping these criteria in mind, as well as the Legal Resources Centre’s definition of artisanal mining, this research understands artisanal mining as follows:

Artisanal mining forms part of the wider ASM sector and is mining that is taking place outside South Africa’s regulatory framework without a mining permit or licence. Additionally, artisanal mining involves using the most rudimentary tools to mine including, but not limited to, hand tools, chisels and slushing pans. Artisanal mining, being informal or illegal, use labour-intensive techniques like the digging and crushing of ore and occurs on the lower end of mechanisation and industrialisation while mechanised mining is on the upper end of industrialisation. The artisanal mining sector, in this research, refers to mining that is purely manual, is informal, illegal or both informal and illegal, has high levels of labour intensity, and which operates with low capital investment or no capital investment at all.

The next section discusses country-specific numbers related to ASM. The section further unpacks the issue of artisanal mining in the South African context by looking at estimated numbers as well as where Zama Zama mining is taking place in South Africa.

2.3 The Incidence of Artisanal and Small-scale Mining (ASM)

Despite the sector’s informal nature and mostly unmechanised operations, it represents an important livelihood. ASM can include full-time miners or seasonal miners (Buxton 2013: 4). Also, when new ore is discovered in an area, an influx of people may occur in a settlement, causing a rapid rise in a community’s population over a short period of time (O’Faircheallaigh & Corbett 2016: 961). Artisanal miners exploit over 35 different minerals but tend to concentrate on high-value minerals such as gold, coltan and precious and semi-precious gemstones like diamonds and sapphires (Toteu 2017: 6).

Gold, which alongside diamonds and sapphires, account for most of ASM’s production, attracts large numbers of miners. The rising price of gold since 2003 has attracted an increasing number of miners into the sector. In terms of worldwide artisanal gold production, it is estimated that 400 tonnes of artisanal gold are produced annually (Telmer
2014: 16). This constitutes an overall 15 per cent of worldwide annual gold production (Telmer 2014: 16). This further illustrates the scale of artisanal gold mining. Additionally, it has been estimated that about a hundred tonnes of gold, which is comparable to half of South Africa’s yearly output, is mined all over Africa annually by artisanal and small-scale gold mining (ASGM) activities (Vecchiatto 2013: 1).

The sector serves as an income segment for poverty-affected populations across eighty countries in the Global South (World Bank Group 2013). The Intergovernmental Forum (IGF) (2017: 5) reported that ASM hosts an estimated forty million miners worldwide, compared to the seven million people working in industrial mining. The number of people dependent on the sector is much higher than the number of miners who are actively involved in the sector. The IGF (2017: 5) reported that about 150 million people, workers and their families, are dependent on the ASM sector. However, these numbers should be treated with caution, because no reliable figures exist. This is also indicative of the broader neglect and misunderstanding of the sector (Buxton 2013: 1). As for Africa, Table 2.1 depicts estimations of how many people are involved, directly or indirectly in the ASM sector on the continent.

Table 2.1: Artisanal and small-scale mining (ASM) numbers in Africa

<table>
<thead>
<tr>
<th>Country</th>
<th>ASM</th>
<th>Estimated dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tanzania</td>
<td>1,500,000</td>
<td>9,000,000</td>
</tr>
<tr>
<td>Ghana</td>
<td>1,100,000</td>
<td>4,400,000</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>500,000</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Madagascar</td>
<td>500,000</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Niger</td>
<td>450,000</td>
<td>2,700,000</td>
</tr>
<tr>
<td>Nigeria</td>
<td>450,000</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>400,000</td>
<td>2,400,000</td>
</tr>
<tr>
<td>Eritrea</td>
<td>400,000</td>
<td>2,400,000</td>
</tr>
<tr>
<td>Mali</td>
<td>400,000</td>
<td>1,800,000</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>300,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Guinea</td>
<td>300,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>200,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>200,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Sudan</td>
<td>200,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Angola</td>
<td>150,000</td>
<td>900,00</td>
</tr>
<tr>
<td>Uganda</td>
<td>150,000</td>
<td>900,00</td>
</tr>
<tr>
<td>Chad</td>
<td>100,000</td>
<td>600,00</td>
</tr>
<tr>
<td>Cote devoire</td>
<td>100,000</td>
<td>600,00</td>
</tr>
<tr>
<td>Liberia</td>
<td>100,000</td>
<td>600,00</td>
</tr>
<tr>
<td>Mozambique</td>
<td>100,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>South Africa</td>
<td>30,000</td>
<td>No data</td>
</tr>
<tr>
<td>TOTAL</td>
<td>7,680,000</td>
<td>42,800,000</td>
</tr>
</tbody>
</table>

Source: SAHRC 2015: 23
According to Table 2.1, Tanzania is the African country that has the highest number in ASM with an estimated 1.5 million miners, followed by Ghana with 1.1 million miners. The number of dependents for both countries reads as follows: 9 million in Tanzania and 4.4 million in Ghana. In South Africa, the estimated number of ASM miners is between 8,000 and 30,000 (SAHRC 2015: 25). This wide range and the absence of an estimation of the number of dependents reflect the lack of information around artisanal mining in South Africa.

Additionally, artisanal mining can take place at abandoned mine sites or at operating mines. In the case of South Africa, artisanal mining mostly happens at abandoned mines but also occurs at mines that are active. The number of abandoned mine sites in South Africa contributes to the widespread incidences of Zama Zama mining. The estimated number of abandoned, ownerless and derelict mines across the country is close to 6,000 (Department of Mineral Resources 2015: 53; Druten & Bekker 2017: 458).

In cases where ASM occurs alongside an operating mining company, the relationship becomes complex and dynamic, and can be viewed in the context of corporate community relations (IIED 2015: 10). The nature of the relationship is not straightforward, and is usually characterised by strong spatial boundaries, causing conflict. The following section takes a closer look at the complex relationship between these two sectors by unpacking how ASM is affecting the wider community, the mining community as well as the mine.

2.4 ASM: Affecting the Community

Due to the unregulated and informal nature of the ASM sector, it often intensifies the social and environmental issues in mining communities. Since these issues are deepened by the ASM sector, a look at how the mining community and the mine are being affected by this sector will now be considered.

2.4.1 Health and Working Conditions of the Artisanal Mining Community

The working conditions artisanal miners face are extremely dangerous and have been described as follows (Buxton 2013: 9): miners work in the smallest underground mines where they drill and remove rocks with hand tools. The ore is then carried to the surface
in sacks. Most of the time artisanal miners have no protective gear and seldom wear helmets. The use of earplugs and gloves is rare. These working conditions contribute greatly to the dangers surrounding unregulated artisanal mining.

In South Africa, unregulated artisanal mining takes place on the surface and underground, at mines that have been decommissioned, abandoned or are still operational (Minerals Council 2018: 1). These miners travel up to four kilometres underground, sometimes living there for several days at a time. Also, formal gold mining in South Africa makes use of explosives to blast the underground rocks into smaller pieces. These are then carried out by miners to extract the gold (Motala 2014: 7). Artisanal gold mining techniques are not much different; however, artisanal miners do not have the comfort of the health and safety gear that is used by the legal miners. Miners use local supplies that, excluding mercury, can be bought at any hardware store (Thornton 2014: 128). It has been documented that mercury gets procured through syndicate connections (Martin 2019: 5). The Zama Zamas follow the underground gold-bearing veins that they then dig by hand with spades and iron bars (Thornton 2014: 128). These rudimentary techniques pose a great danger to artisanal miners’ health and safety.

The media frequently documents the high level of danger artisanal miners face. In February 2014, a rescue team gave up on their mission to rescue several trapped illegal miners in a mine on the West-Rand of Johannesburg. The rescue mission was stopped due to underground gasses and unstable rock (Motala 2014: 10). In the end, the news report concluded, it was family and friends that brought the bodies of the Zama Zamas to the surface (Motala 2014: 10). A more recent event took place at Welkom in May 2017 where an estimated forty illegal miners died underground due to an explosion.

Despite these dangers, Zama Zamas continuously mine under these conditions. For them, artisanal mining is a means to create a livelihood. Artisanal miners have been reported to stay underground for days or weeks, facing inhumane circumstances, all in the hope of finding minerals to make a living (Hosken 2017: 5). In terms of miners’ health and safety, these highly unsafe working conditions are not the only issue affecting miner’s health and safety. Mercury usage in artisanal mining is very common.

In artisanal mining, mercury is used to extract the gold from the ore by forming an amalgam. Amalgam is a 50:50 mixture of mercury and gold (UNEP 2013). The amalgam
is then heated, and the toxic mercury gets evaporated, leaving gold behind. This type of mercury exposure is regarded as severe and acute, because the dosage that gets inhaled by the ASM miners is very high and mainly causes damage to the kidneys and lungs, which may potentially damage the nervous system (Richard, Moher & Telmer 2014: 7). Despite the negative impacts of mercury usage in artisanal and small-scale gold mining, it is still widely used, as it is inexpensive, effective in the gold process, easy to use, easily accessible by miners, and miners can use it independently (Persaud & Telmer 2015: 7).

These types of exposures affect not only artisanal miners but also the surrounding communities living and working close to the artisanal mining sites (UNEP 2012b: 12). In this regard, Richard et al (2014: 8) explained that when the amalgam is heated, mercury vapours are released. What is further alarming is the fact that these vapours can also be carried by the wind towards local communities, causing contamination (Richard et al 2014: 8). The Environmental Law Institute (2014: 4) described this pathway as particularly harmful because more mercury enters the body through breathing in the vapours than through ingestion or direct contact.

Artisanal miners are often unaware of these negative impacts of mercury usage (Chupezi, Ingram & Schure 2009: 6). As stated, the use of mercury not only affects the miners’ and the community’s health and safety, but it also impacts the environment. The following section provides an overview of the environmental impacts of artisanal mining.

2.4.2 The Environmental Impact of ASM or ASGM

Mining, regardless of the size and scale, has various impacts on the environment. The United Nations documented several examples of major environmental impacts of large-scale or industrialised mining (United Nations Economic Commission for Africa 2011: 46). These examples are as follows: the environmental and social problems caused by mining can include acid mine drainage and mining waste (United Nations Economic Commission for Africa 2011: 46). Also, there are overall negative consequences on the ecology caused by mining, for example in the forests of the DRC (United Nations Economic Commission for Africa 2011: 46). Additionally, large-scale mining also entails posing dangers to human health from uranium mining, and the extensive pollution of air and land (United Nations Economic Commission for Africa 2011: 46). This type of
pollution is mainly caused by core mining activities like digging, pumping, the discarding of wastewater as well as smelting operations that release sulphur dioxide.

The ASM sector also has impacts on the environment. For one, artisanal and small-scale gold mining (ASGM) is regarded as the primary source of mercury (Hg) into the global atmosphere, accounting for 37 per cent (727 tonnes) of all global emissions (Rajee et al 2015: 8972). Mercury is an element and, therefore, does not degrade in the environment. ASGM activities occur worldwide causing global mercury releases, affecting developing countries the most. Figure 2.1 depicts that mercury releases are mostly high in Africa, South America and Asia, most of which are developing countries. ASGM is also found in North America and Australia, but with less visible mercury releases.

![Figure 2.1: Mercury releases from ASGM](source: Kocman et al 2017: 7)

Apart from the negative impact of mercury on the environment, other environmental impacts also occur, such as erosion and land disturbance (Rajee et al 2015: 9002; UniZambeze & Mining Development Fund 2012). Soil erosion happens when the ground’s topsoil wears away over time (Rasheed & Abdulgafar 2014: 77). Removing the vegetation and topsoil of land also reduces the agricultural and ecological productivity of an area (Rajee et al 2015: 8999). Land disturbance, caused by ASM, is another negative environmental impact (Hagos et al 2016: 94). Artisanal gold mining operations often involve the digging up of river channels and banks as well as surface trenching.
The lack of environmental regulation and compliance around ASM, exacerbates water pollution, making artisanal miners’ contributors to water contamination. Artisanal and small-scale gold mining is using water for panning and processing, consequently affecting the water canals (Mujere & Isidro 2016: 101). Rajee et al (2015: 9002) stated that artisanal mine tailings are seldom treated before it is discharged in natural water sources. These tailings often contain mercury and other heavy metals, such as lead, cadmium, arsenic and their inorganic compounds. All are poisonous to humans and the environment (Rasheed & Abdulgafar 2014: 77). It has been widely documented that these metals pose serious threats not only to human health but also have other negative impacts, such as affecting the quality of food, groundwater, and micro-organism’s activity and plant growth. In this regard, Rajee et al (2015: 9002) stated that the water acidity in gold mining is of a low pH, thus affecting the marine life and people’s health via contamination, siltation, and results in extreme water withdrawals. Yet again, miners often lack the knowledge, resources or the prerequisite to work in an environmentally friendly manner.

Based on the above, mining, regardless of size, has a vast environmental impact. The only difference between the large-scale mining and ASM in this sense is that it becomes more difficult to hold the ASM sector accountable, due to the sector’s illegal or informal nature. This kamikaze approach to mining makes the ASM sector a key contributor to detrimental environmental impacts.

2.4.3 Violence and Conflict Linked to ASM

Apart from the influence that artisanal mining is having on the environment, ASM is often associated with violence and conflict. The WHO (2016: 12) indicated that where artisanal and small-scale gold mining operations are regarded as illicit, conflict can cause an upsurge in violence between miners, authorities and local land users.

Deadly fights between rival unregulated artisanal mining groups are common in the South African context. On September 29, 2015, the media reported that the bodies of five Zama Zamas near the Grootvlei mine close to Springs were found (Molosankwe & Dipa 2015). Also, earlier in September 2015, many Zama Zamas died at various abandoned mine shafts across the country; nineteen Zama Zamas died after a gun battle between rival groups in Benoni, Gauteng (Molosankwe & Dipa 2015). Since 2012, over 300 illegal miners have died in fights for the control of mine shafts (Hosken 2017: 2). This figure
excludes the deaths as a result of gas explosions, heatstroke, rockfalls and diseases (Hosken 2017: 2).

Since policing is used to address artisanal mining, police raids contribute to highly conflictive situations at mine dumps (Jinnah 2016: 6). Also, miners themselves are often mercilessly exploited by police, government representatives and criminal gangs (Thornton 2014: 128). When miners are arrested, they pay a fine for trespassing and the charges are often dropped (Jinnah 2016: 6). More commonly, miners bribe the police to be released after they have been arrested (Jinnah 2016: 6). Despite these challenging working conditions, the unregulated artisanal miners continue their work in the hope of earning money.

An issue linked to the informality and illegality of the ASM sector is that of conflict minerals. Buxton (2013: 10) explained that conflict minerals are used by armed groups to fund violence and revolutions. These conflict minerals may include the following: gold, the ore for tin, coltan and tungsten ore. To further explain this, Bafilemba and Lezhnev (2015: 1) stated that conflict gold might serve as an income source to armed forces. The gold is often used for trading weapons and ammunition. These armed actors include the rebel group Democratic Forces for the Liberation of Rwanda (FDLR) as well as the Mai Mai Sheka factions, as well as Congolese army commanders. These groups are ruthless in their actions and have been known to murder and sexually abuse citizens. Bafilemba and Lezhnev (2015: 1) underlined that gold remains an important means to finance conflict groups and corrupt army officials, despite efforts to address the matter.

The experiences of women who are part of this sector is another concern. The global artisanal and small-scale gold mining (ASGM) workforce comprises 30 per cent of women. Women are often witnessing or are victims of sexual harassment (Peyer & Maillard 2011: 24). Seeing that women have such a strong prevalence in the ASM sector, a more detailed look at women in artisanal mining follows.

2.4.4 Women in Artisanal Mining

The World Health Organisation (2016: 6) reported that women make up ten per cent of the artisanal and small-scale mining population in Asia, up to 20 per cent in Latin America, and 40 to 50 per cent in Africa. The role and responsibilities women play in
terms of artisanal mining vary greatly. For example, women in artisanal mining are usually the providers of services and goods to artisanal mining sites (Environmental Law Institute 2014: 5). These duties can range from providing food to working in the sex trade (Environmental Law Institute 2014: 5). However, women can also be involved in the processing stages of the ore, which includes the crushing, washing, panning and amalgamation with mercury (Environmental Law Institute 2014: 5).

Women working as artisanal miners in the DRC, often work twelve hours daily, for a salary of 1 000 Congolese francs (1 US dollar) per day (Peyer & Maillard 2011: 24). It has been reported that women earn less money than men despite working more hours. This often leads to women seeking other sources of income, amongst other things, prostitution (Environmental Law Institute 2014: 6).

Women in artisanal mining societies are commonly subject to violence, which has been documented on a global scale (Environmental Law Institute 2014: 6). For example, Bafilemba and Lezhnev (2015: 5) stated that Sexual and Gender-Based Violence (SGBV) is common in mining areas in eastern DRC amongst artisanal mining. The United Nations has documented high rates of SGBV by armed groups and army commanders in some countries where artisanal mining occurs. For example, according to the United Nations Security Council (2015: 30) “…sexual violence, including forced marriage, continues to be a problem in eastern Democratic Republic of the Congo”, a region notorious for its artisanal mining. It was reported that “…during the first six months of 2014, the United Nations Population Fund documented 2,774 cases of sexual violence only in North Kivu” of the DRC (United Nations Security Council 2015: 30). These incidences are likely to cause a spike in HIV/AIDS and other sexually transmitted diseases in a community (Environmental Law Institute 2014: 6), having an undeniably negative effect on the mining community. Picture 2.3 portrays women with children that are part of the artisanal mining sector in the Democratic Republic of the Congo (DRC).
In the South African context, there is limited literature around women in *Zama Zama* mining. The sector is continuously being portrayed as if men are the only miners involved (TimesLive 2018; Fuzile 2019; Ryan 2019; Seleka 2019). However, a report from Gauteng City-Region Observatory provides some insight into the role women play in this sector. The report describes the part of women as follows (Gauteng City-Region Observatory 2018: 120): women often work with babies on their back and are involved in the grinding and crushing of the rocks. Many women prefer to work hard and use their earnings to start a small business such as an informal restaurant called *shisa nyama*. *Shisa nyamas* serve as the main eating places for many *Zama Zamas* and people living in informal settlements. As stated, the role women play in *Zama Zama* mining is largely overlooked in the South African literature. Furthermore, apart from women in artisanal mining, children are also very much involved in this sector.

### 2.4.5 Children in Artisanal Mining

According to the International Labour Organisation (ILO) (2011: xii), there are an estimated 215 million child labourers worldwide, of which, more than half (53 per cent) do hazardous work, like artisanal mining. Moreover, the ILO (2011: 33) confirmed that most child miners work in the ASM sector. The WHO (2016: 6) reported that it is nearly impossible to eradicate children’s participation in artisanal and small-scale mining.
because of this sector’s strong family angle, its temporary and informal nature, as well as the high levels of poverty.

Children who work in mine pits and excavations are regarded as the poorest of the poor. The ILO (2011: xv) described poverty as one of the main drivers of child labour. Further research done in the DRC shows that many children work at these artisanal gold mines and comprise up to 40 per cent of the labour force (Bafilemba & Lezhnev 2015: 5). The ILO (2011: 34) has documented a list of common mining and quarrying tasks for children in artisanal mining alongside related hazards and consequences. These are presented in Table 2.2, below.

Child miners fulfil a range of tasks, including ore transportation, rock crushing and the processing of gold through mixing it with mercury (Human Rights Watch 2013: 29). Child miners can be intensively involved in the mining process by fulfilling tasks such as the digging and or handpicking of ore to amalgamating the ore. Even though these tasks are less harsh as opposed to those for adults, child miners are far more prone to severe injuries (Bafilemba & Lezhnev 2015: 5). Child miners could develop a range of health problems such as respiratory problems, silicosis, neurological damage and musculoskeletal disorders to name but a few. Since artisanal mining involves mercury, children are exposed to a high degree of mercury poisoning through contact with mercury as well as inhaling mercury fumes (Human Rights Watch 2013: 7). The dangers are that mercury may cause developmental and neurological problems in children because it attacks the central nervous system (Human Rights Watch 2013: 7).

Other tasks child miners may fulfil can include cooking for adult miners, transporting minerals or ore and the selling of goods and services to miners. These tasks put child miners at risk for physical and sexual abuse. Overall, children who are part of artisanal mining run the risks of missing out on educational opportunities and experiences (Human Rights Watch 2013: 10).
<table>
<thead>
<tr>
<th>Task</th>
<th>Dangers &amp; risks faced by child miners</th>
<th>Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Digging, hand-picking ore, slaps or rocks, tunnelling and going down into tunnels</strong></td>
<td>The use of heavy tools and explosives; carrying of heavy tools, heavy loads, doing repetitive movements; exposure to dangerous heights and open holes; exposure to confined spaces with faulty support structures, exposure to radiation, poisonous gasses, dust and damp.</td>
<td>Children die or get injured from tunnel collapse; they suffocate from compressor mining; get injured from explosions; develop silicosis and related respiratory diseases; children get exhausted from this labour-intensive work. The child miners develop joint and bone deformities; blisters on hands and feet; cuts and slashes on the body; back and muscle injuries occur; head trauma; noise-induced hearing loss; respiratory difficulties are common; frostbite, sunstroke and dehydration.</td>
</tr>
<tr>
<td><strong>Crushing, washing and amalgamating; Removing waste or water from mines and transporting of minerals</strong></td>
<td>The usage and exposure to lead, mercury and other heavy metals; extreme exposure to dust and carrying of heavy loads.</td>
<td>Neurological damage; genito-urinary disorders; musculoskeletal disorders; fatigue; immune deficiency.</td>
</tr>
<tr>
<td><strong>Cooking and cleaning for adults and selling goods and services to miners</strong></td>
<td>Exposure to unsafe stoves; explosive fuels; physical and verbal abuse.</td>
<td>Injury from beatings; sexual abuse; behavioural disorders; burns.</td>
</tr>
<tr>
<td><strong>Mining and quarrying in general</strong></td>
<td>Remote locations; lawless atmosphere; poor sanitation; contaminated drinking water; stagnant water and mosquitoes; inadequate nutrition; recruitment into the sex trade; gambling, drugs and alcohol.</td>
<td>Death for lack of medical treatment; behavioural disorders; addiction; sexually transmitted diseases; pregnancy; stunted growth; diarrhoea and digestive disorders; malaria and mosquito-borne diseases.</td>
</tr>
</tbody>
</table>

Source: International Labour Organisation (ILO) 2011: 34
The preceding discussion shows that ASM has the potential to exacerbate social and environmental issues. These issues include poor health and safety impacts, a dire environmental impact, the involvement of conflict minerals, sexual violence against women and child labour (Buxton 2013: 7-10; O’Faircheallaigh & Corbett 2016: 962; Rustad, Østby & Nordås 2016: 475). Aforementioned ASM-linked issues often causes a social breakdown in the mining and local community (Macdonald, Lund, Blanchette & McCullough 2014: 401). This breakdown may have an impact on mining companies too. The next section looks at how ASM is affecting the formal mining sector.

### 2.5 ASM and Mining Companies

The relations between mining companies and the ASM sector are complex and mostly conflictive (Bolay 2014: 118). In recent decades, many countries have seen an increase in large-scale mining on the one hand, and labour-intensive ASM on the other (Verbrugge 2015: 1023). Most often, these two sectors exist alongside each other, affecting each other. ASM and mining companies are, in some cases, in competition over mineral deposits, leading to conflict between the two sectors (Verbrugge 2017: 352). Hostile interactions have the following two characteristics in common: firstly, artisanal miners are most often labelled as illegal in these conflictive contexts, and secondly, the core reasons for their labelling as illegal, is because of the competition over land tenure and formalisation issues (Bolay 2014: 118). Both these commonalities contribute to the prohibition of artisanal miners (Bolay 2014: 118).

The relationship between ASM and mining companies can be viewed as a competition of who gains control of mineral deposits (Verbrugge 2017: 353). Mining companies are in a far more advantageous position to win the competition. Analysts emphasise that large-scale mining companies make use of financial, authoritative power, and security forces to remove and suppress artisanal miners (Verbrugge 2017: 353). Furthermore, artisanal miners lack geological knowledge and negotiation skills to negotiate on a fair level with mining companies over mineral deposits (Mwaipopo, Mutagwaba & Nyange 2004: 61). This power imbalance and bullying from mining companies, adds to ASM miners’ frustration and eventually violent acts. In addition, this misuse of power by the mining houses adds to the grievances of artisanal miners, increasing the likelihood of violent conflict (Carstens & Hilson 2009: 301-322).
Apart from the existing power imbalance and conflictive relationship between large-scale mining and the ASM sector, an interesting form of exploitation may also occur during the relationship between these two sectors. Luning (2014: 71) clarified that mining companies “free ride on artisanal miners as an index for promising patches”. This free ride comes in two ways, simplified by Luning (2014: 71) as follows: mining companies follow the footsteps of artisanal miners until these miners find promising land and start extracting and mining minerals. Subsequently, mining companies then start exploring sites adjacent to artisanal mining sites, causing conflict.

Conflict over land is common between artisanal miners and mining companies. Artisanal mining commonly takes place on legally owned concessions of mining companies. Mining corporations have claimed their right to mine from government, but artisanal miners view the situation differently. Based on traditional rights, artisanal miners perceive their claim to work the land as also valid (Geenen & Claessens 2013: 86). Both sectors comply with different legislation, but mining companies have a more advantageous position since they have access to economic resources and are accommodated and favoured in legal frameworks (Geenen & Claessens 2013: 86).

The International Institute for Environment and Development (IIED) (IIED 2015: 10) has described how ASM can be both a danger and an operational risk to a mining company. Artisanal and small-scale mining has the potential for being the biggest problem for mining companies by destabilising the company’s social license to operate (SLO) (Buxton 2013: 8). Goldfields (2012: 23) stated, for example, that the impacts of the ASM sector threaten to undermine the company’s social license to operate.

The phrase ‘Social Licence to Operate’ developed from within the mining industry as an answer to social risk in the mid-1990s (Boutilier & Thomson 2011). Nelson (2006: 161) explained that a “[s]ocial licence to operate is a means to earn accountability, credibility, flexibility and capacity for both stakeholders and industry”. Obtaining a social licence to operate means to gain the buy-in and approval of all stakeholders involved who are being affected by a new project (Nelson 2006: 161). A mining company’s social licence to operate comes under threat as a result of the environmental and health problems, conflict with security, allegations of human rights abuse, and the dispute over land and ownership associated with ASM (Buxton 2013: 8). These impacts were discussed in the preceding
sections, and the negative impact ASM has on the mining community and mining companies was pointed out. To address these impacts and to respond to the risks and challenges of ASM, formalisation has been regarded as a typical response.

2.6 A General Governmental Response to ASM: Formalisation and its Challenges

The following section provides a critical discussion in terms of formalisation. Firstly, a closer look at what is meant by formalisation in general is put forward, followed by a critical discussion of formalisation in the ASM sector. The section turns to Ghana and the DRC to illustrate how the formalisation process has been unsuccessful in addressing the ASM sector. The section concludes by taking a closer look at what has been happening in South Africa thus far in terms of government’s approach to the ASM sector.

2.6.1 What is meant by Formalisation?

Overall, formalisation can be understood in different ways. For one, formalisation can imply removing people from the informal sector to the formal sector (Chen 2018: 42). Yet, the formal economy cannot create enough jobs for the unemployed, let alone for those in the informal economy (Chen 2018: 42).

Another way to interpret formalisation is that it entails tax registration of informal enterprises. The issue with such an approach is that many of the informal enterprises already pay some sort of licence fee, operating fee or market rents and they already pay value-added tax on purchased goods (Chen 2018: 42).

A third approach could involve focusing on the regulation of the sector by enforcing the informal sector to comply with licensing and business zone requirements (Fourie 2018: 468). This entails the authorisation and control of business settings, which could be damaging if the relevant authority’s aim is to enforce compliance to gain revenue (Fourie 2018: 468).

In responding in a more developmental way as opposed to the above-mentioned approaches, the ILO developed and adopted Recommendation 204 in 2015. This recommendation focusses on a transition from the informal economy to the formal economy. Also, Recommendation 204 calls for government to create enabling
environments for informal employees and enterprises to exercise their right to organise and bargain. The ILO, as part of Recommendation 204, also endorses a social dialogue between participants in the informal sector and those in government (Chen 2018: 43). Furthermore, it is suggested that an alternative tactic to formalisation is to adopt a developmental approach to formalisation.

A developmental approach to formalisation entails two suggestions (Fourie 2018: 469). Firstly, formalisation should not be regarded as the end goal or a policy accomplishment. Rather, formalisation should be considered as a means to aid the quest for better livelihoods and for stronger and more self-sufficient informal initiatives. Secondly, such a formalisation approach may require a component of registration and licensing for an informal enterprise to receive support. Support can include but is not limited to the following: obtaining access to appropriate business premises, access to basic services such as water and electricity, and receiving bookkeeping training. These supporting elements may vary and depend on the type of sector that needs support. It is explained that the various elements could be considered as steps in the formalisation process (Fourie 2018: 469). This introduces a much more flexible approach towards formalisation that enables the development of certain informal initiatives. Several degrees of formalisation should co-occur along with the range of informal enterprises (Fourie 2018: 469).

As stated, formalisation is a general response to address the ASM sector. Formalisation is often supported and regarded by international organisations and governments as the main interventionalist step to address the social and environmental issues surrounding this sector (Siwale & Siwale 2017: 192). The laws of a country determine the legal, illegal, informal or formal status of artisanal mining. For that reason, governments worldwide are regarded as a primary force in transforming the ASM sector through formalising it (IIED 2015: 11). A look at formalisation in the ASM context will now be discussed.

### 2.6.2 Formalisation of the ASM Sector

Formalisation, in terms of ASM, usually entails legislation amendments. Legislation amendments are much needed and serve as a good starting point for formalisation. However, the issue with granting legal titles is that governments assume that formalisation ends when a legal title is granted rather than viewing the process as ongoing
(Dzimunya et al 2018: 44). Many sub-Saharan African countries have tried to formalise their ASM sectors by amending or introducing legislation (Hilson et al 2017: 80). Yet, operations in sub-Saharan Africa are still mostly unlicensed and limited to ‘informal spaces’, despite formalisation efforts (Hilson et al 2017: 80). Supportive of this, Siwale and Siwale (2017: 191) stated that experiences from several of the region’s countries are proof that formalisation is not having the desired outcome. Scholars have argued that many of these counties lack specific ASM legislation that explicitly addresses the nuances of ASM (Collins & Lawson 2014; McQuilken & Hilson 2016: 13). In addition, the IIED’s research stated that a lack of knowledge, capacity and political will in governments are documented as challenges that government face to improve the artisanal and small-scale mining sector (IIED 2015: 11). Such capacity and technical shortages are making formalisation not as straightforward in its quest to address artisanal or small-scale mining.

To discuss the critique of formalisation further, country-specific formalisation developments will now be evaluated. With ASM occurring in more than 80 countries, the literature shows an abundance of formalisation strategies and initiatives that have been developed and implemented over the past decades. Ghana and the Democratic Republic of the Congo (DRC) are examples. Ghana is included since it is regarded as a pioneer in the formalisation of the ASM sector (Hruschka 2015: 8). Also, in terms of its formalisation approaches to ASM, the country shows many similarities to the current situation around ASM in South Africa.

2.6.3 **Formalisation of Ghana’s ASM Sector**

Formalisation of ASM in sub-Saharan Africa started in Ghana with the implementation of its Small-Scale Gold Mining Law in 1989 (Collins & Lawson 2014: 16). In short, the law allows for granting mining licences to small-scale miners provided they fulfil the requirements. Initially, to be granted a small-scale mining licence an environmental assessment by the government’s environmental protection agency had to be done (Debrah et al 2014: 919). Since 2016, this is no longer a prerequisite (McQuilken & Hilson 2016: 20). However, the process remains an onerous task for aspiring small-scale miners. A mining licence for a concession of 0.4 hectares to 2 hectares is subject to the review and approval of government every three years, and concessions between 2 hectares to 10 hectares must be reviewed every five years (McQuilken & Hilson 2016: 20). Applicants
are required to submit site plans of the area, completed application forms and copies of such, as well as pay a fee to the Minerals Commission. Aspiring miners do not have to submit a social and labour plan for being granted a mining licence (Debrah et al 2014: 191).

Several projects have been sponsored and implemented to support the ASM sector in Ghana. For example, the Small-Scale Mining Project (SSMP) was introduced in 1989 to handle relevant policy-related matters in the sector (Hruschka 2015: 29). The aim of the project was to issue licences and implement relevant industry policies. Furthermore, in 1991, the Small-Scale Mining Department (SSMD) was established to better address industry policy and regulatory issues. The SSMD was strengthened during the mid-'90s by the financial support of the World Bank who contributed towards the development of a Mining Sector Development and Environmental project (Hruschka 2015: 29). The project intended at enhancing the capacity of the mining sector organisations, which were responsible for regulation (Hruschka 2015: 29).

Despite these initiatives to support the small-scale mining sector, the miners still find it extremely challenging to meet the demands of a mining licence. The matter of land has been highlighted as a critical point. The Ghanaian government has allocated land for small-scale mining, but overall, the exercise has been described as ineffective (Hilson 2017: 113). Instead of identifying areas viable for mining, the government has instead waited for mining companies to abandon their concessions, with the result that some concessions do not have viable quantities of gold available anymore (Hilson 2017: 113).

Additionally, research has also indicated that artisanal miners have been dispossessed of their traditional livelihood sources like farming when government awards land to mining companies (Afriyie, Ganle & Adomako 2016: 500). Furthermore, research has shown that prospecting small-scale miners find the bureaucratic process and the exorbitant fees extremely challenging (Tschakert & Singha 2007: 1306; Teschner 2012: 309; Afriyie et al 2016: 503; Hilson 2017: 113). The result is that most of these miners do not meet the requirements, and when they do not, they fall through the legal framework and are considered illegal miners.

Ghana’s pioneering role in terms of ASM formalisation is curtailed by the fact that the legal framework makes room only for the higher end of the ASM spectrum, namely small-
scale mining, and not the lower end of the poverty-driven artisanal miners (Hruschka 2015: 32). The issue of illegal mining in Ghana has recently culminated in the country, launching a total ban on its own artisanal mining sector. In Ghana, illegal mining is colloquially known as *galamsey*. In public and policy discourses, an anti-*galamsey* discourse depicts the local miners as a “threat”, a “menace”, a “headache”, and “reckless environmental polluters”, which requires a “lasting solution” (Tschakert 2016: 123). This growing criticism of *galamsey* activity resulted in the #StopGalamsey campaign, which was launched in 2017 by a regional radio station in Ghana (Hilson 2017: 109).

Instead of addressing the symptoms of unregulated artisanal mining in Ghana like child labour, conflict, women in artisanal mining and so forth, the government has opted to use armed forces to clamp down on artisanal mining. Using military forces to clamp down on artisanal mining has never been successful in Ghana or elsewhere (Afriyie et al 2016: 497; Hilson 2017: 114). It has been explained that policing of the sector has failed because the focus is on the impacts or social ills of the sector, for example on the infiltrations of foreigners, child labour or environmental deprivation (Hilson 2017: 114). Instead, the focus should be on the drivers of the sector, which will address the problems that have been responsible for creating the sector and its negative impacts (Hilson 2017: 114).

It can be argued that it is necessary to insist that artisanal miners should not mine without the mandatory mining license (Afriyie et al 2016: 503). Such compliance will ensure that the doings of these miners are effectively regulated. However, seeing that limited livelihood options are available in some of these communities, the matter of stopping these miners is not so simple. It can be argued that it is more problematic and inhumane to stop the miners from earning a living than to allow them to mine without a permit (Afriyie et al 2016: 503). Also, placing a ban on these activities will continue to fail if sustainable livelihood sources are not provided to communities (Afriyie et al 2016: 503).

The parallels between ASM in Ghana and ASM in South Africa are striking. Both countries have enacted small-scale mining in its legislation, without any reference to artisanal mining. Neither the MPRDA nor Ghana’s Mineral and Mining Act of 2006 recognises the diverse requirements of the artisanal, and even the small-scale miner (Debrah et al 2014: 918). Both mining legislation pieces speak to only one part of existing ASM actions, namely the small-scale type of mining. This is leaving the artisanal miners
who function at the spectrum’s lower end to be excluded from legislation (Debrah et al
2014: 918). The governmental responses to both artisanal mining activities in Ghana and
in South Africa similarly address the matter through the deployment of security forces.
South Africa’s current Mineral Resources Minister, Gwede Mantashe, stated in 2019 that
a police task force would be set up to combat and clamp down on Zama Zama mining
activities (ENCA 2019: 7). This approach is worrying and as explained, is completely
missing the mark by ignoring the nuances of the artisanal mining sector in South Africa.

Turning now to another example of ASM formalisation, the situation in the Democratic
Republic of the Congo (DRC) will be considered. The DRC is one of the few countries
where artisanal miners are explicitly recognised within the country’s legislation. Such
recognition demonstrates a complete contrast to how artisanal mining is positioned within
South Africa’s legislation. It is, therefore, worthwhile to look at how the process and
outcome of formalisation played out in the DRC where artisanal mining is explicitly
recognised.

2.6.4 Formalisation of the Democratic Republic of Congo’s ASM
Sector

Artisanal mining in the DRC was first recognised in its 2002 Mining Code through
allowing artisanal exploitation zones. Requirements under the Mining Code stipulate that
artisanal miners must apply annually for an artisanal mining card. Additionally, artisanal
miners must form a cooperative in order to gain access to the artisanal mining zones
(Singo & Seguin 2018: 14). It is also required that these miners should meet the
requirements and regulations in terms of health, safety and the environment (Singo &
Seguin 2018: 14). However, the Mining Code of 2002 tried to revive the large-scale
mining sector by attracting foreign investment (Karaki 2018: 2). This resulted in large
concession areas being given to mining companies. In some cases, artisanal miners were
present in these areas (Karaki 2018: 2).

In the country’s updated Mining Code, as adopted in March 2018, artisanal mining zones
are again recognised. These designated zones are the main practice for providing artisanal
miners with access to land (Singo & Seguin 2018: 14). Zones are often allocated in areas
where it has become unfeasible for industrial mining to continue to operate (Singo &
Seguin 2018: 14). Furthermore, the law provides for the possibility to close any artisanal
exploitation zone if new deposits making large-scale mining feasible, are discovered (Geenen & Claessens 2013: 90). Should a company or individual obtain mineral rights to an area where artisanal miners are mining, the artisanal miners are required to stop their operations and move away (International Conference on the Great Lakes Region (ICGLR) 2017: 14). According to the country’s Mining Code, the miners can be given a two months’ notice to vacate a concession should a large-scale mining company apply to mine the same land (Singo & Seguin 2018: 15). Consequently, artisanal miners are forced to move off the land and, in most cases, they continue their operations on land outside the designated artisanal exploitation zones. The miners are, therefore, forced into operating outside any legal framework and this fuels conflict between the artisanal mining sector and mining companies (Karaki 2018: 2). Furthermore, the miners have limited capital and geological knowledge, which has led to the fact that some of these designated artisanal mining zones have not been mined (Singo & Seguin 2018: 15).

Moreover, the requirements to obtain an artisanal mining card signify barriers for artisanal miners to mine legally (Karaki 2018: 3). One can then rightly argue that although artisanal mining is recognised explicitly in the Congolese Mining Law, formalisation still falls short by not providing supportive initiatives. In the end, the artisanal miners operate without any artisanal mining card or licence. Additionally, the recognition and sanction of artisanal mining zones have been unsatisfactory; the result is that artisanal miners mine in areas not lawfully zoned off for them (Singo & Seguin 2018: 15). The DRC experience indicates that strong implementation of legislation is necessary, coupled with realistic regulatory expectations and ongoing support.

2.6.5 A Snapshot of Progress made by Government in South Africa’s ASM Sector

It is now worth looking at what the South African government has been doing in terms of ASM formalisation in South Africa. As stated, the MPRDA mostly focusses on large-scale mining, but room was made for small-scale mining. According to the Act, a mining permit can be granted provided the applicant fulfils the requirements of an environmental assessment plan and pays a fee. However, limited developmental opportunities for current and aspirant small-scale miners have been established since the MPRDA has been enacted (Ledwaba 2017: 33).
To promote the development of the small-scale mining sector in South Africa, the Department of Mineral Resources (DMR) established the Directorate of Small-Scale Mining in 2004. The Directorate of Small-Scale Mining supports aspiring small-scale miners in the following ways (Department of Mineral Resources: 2017: 6):

Establishment of a legal entity, guidance towards the identification of mineral deposits, environmental impact assessments (EIAs), legal and contractual arrangements, reserve estimation of the selected deposits, mining feasibility study, market study and development of the mining equipment.

However, these attempts to regulate the ASM sector and to specifically promote the small-scale sector have been largely unsuccessful (Ledwaba & Nhlengetwa 2016: 41). Research into the matter has indicated that small-scale miners still face challenges in accessing mineral rights, markets, capital, information, and appropriation technology and that there is an overall lack of institutional support (Hoadley & Limpitlaw 2004: 5; Ledwaba & Nhlengetwa 2016: 32; Ledwaba 2017: 33). The South African Human Rights Commission reported in 2015 that there is no indication of the progress made by the DMR to regulate and support the small-scale mining sector (SAHRC 2015: 25).

Formalisation has generally been criticised for inadequately integrating the experiences and perceptions of the local miners (Salo et al 2016: 1059). Institutional design and rule implementation must go further by gaining an understanding of how the rules and practices will be received by artisanal miners (Salo et al 2016: 1059). This viewpoint also shows the strain that exists between artisanal miners, local developmental policies and national frameworks. On a macro level, formalisation policies are often developed without the proper knowledge of the recipients, namely artisanal miners. The design and implementation of inappropriate initiatives areunderwritten by a poor understanding of the targeted ASM population (Banchirigah 2008: 32). Misunderstandings around the nature of artisanal mining sectors add to government’s failed attempts in addressing the matter (Banchirigah 2008: 32). Viewing artisanal miners as a homogeneous group with similar backgrounds, equal skills levels and educational levels have contributed to failed initiatives (Banchirigah 2008: 32).

Formalisation comes with many challenges, and the process seems to be underestimated by the legalists. Regulation falls short in the sense that it lacks providing overall support
for the ASM sector and is, on its own, insufficient, with the consequence that fresh supporting initiatives are long overdue. Even though the legal frameworks for ASM and large-scale mining differ from countries, international standards such as the United Nations (UN) Global Compact require mining companies to address social and environmental matters as part of their business models (International Institute for Sustainable Development 2017: 34). It is important for mining companies to work with communities to ensure compliance with legal and human rights requirements as well as to obtain a social licence to operate (International Institute for Sustainable Development 2017: 34). Yet, developing corporate social initiatives for ASM have received little attention in contrast to efforts to amend legislation.

Considering South Africa’s deteriorating economic environment, high unemployment rate, continuing mine retrenchments and a rising death toll in artisanal mining, alternative ways to address unregulated artisanal mining are long overdue. To support the ASM sector’s socio-economic potential, both mining companies and the government need to attain sustainable resolutions (Geenen 2014: 99). These solutions should be based on a model of co-occurrence between artisanal miners and industrial concerns (Geenen 2014: 99). Subsequently, the following section takes a closer look at mining companies’ engagement with the ASM sector.

2.7 Mining Company Engagement with the ASM Sector

A general response of mining companies was, and often still is, to protect their property through private and public security forces (Swiss Agency for Development and Cooperation 2011: 17). This leads to police and military raids, arrests and violent confrontations between security forces and artisanal miners. In 2002, the position of the International Council on Mining and Metals (ICMM) was indifferent towards the ASM sector (Swiss Agency for Development and Cooperation 2011: 17). The ICMM stated that artisanal, small-scale mining and mining legacy issues are important and complex, but they are beyond the capacity of the ICCM. Rather, government and international agencies should take the leading role and address these matters (Swiss Agency for Development and Cooperation 2011: 17). A few years later, the ICMM changed its position completely regarding the ASM matter by recognising the need for engaging more proactively with the sector. The ICMM stated that as part of their members’ corporate
social responsibility, the interface between ASM and mining companies should be improved (Swiss Agency for Development and Cooperation 2011: 17).

Considering that the ASM sector is associated with certain social and environmental issues within mining communities, mining companies are increasingly being motivated to engage with the ASM sector. The incentive for large-scale mining companies to engage with the ASM sector will differ from operation to operation, but will most likely be classified into at least one of the following broad groups (Business for Social Responsibility 2014: 16):

- Risk minimisation and security: where mining companies and ASM activities occur in proximity, ASM has the potential to cause health and safety concerns for mining companies. Proactively engaging with miners can possibly mitigate risks;

- Maximising development opportunities for communities: supporting the ASM sector can form an important aspect of a mine’s community development strategy. Community development can be described as a mutual process. By helping communities towards being sustainable, a company is, in the end, serving itself too because it is creating a healthier and more equal society; and

- Maximisation of company benefits: mining companies can benefit directly when engaging with the ASM sector. For example, when a good relationship is developed between ASM miners and a mining company, mining companies can more easily retain and gain access to exploration licenses and a social license to operate (SLO). Additionally, when ASM miners are involved in mine closure planning, the legacy of a mining company, as well as the livelihoods of artisanal miners, can be addressed simultaneously.

Apart from these motivations, which support the business case for addressing artisanal mining by the mining company, corporate accountability may also play a part in addressing ASM. There is room to discover whether artisanal mining can be merged within local development initiatives and within corporate social responsibility programmes of mining corporations (Nel et al 2014: 117).

Some successful cases, as demonstrated in Sustainable Development reports of mining companies operating in Latin America and Africa, have been observed. In these reports’ health, safety and environmental impacts have been addressed through cooperation
between mining companies and ASM, ultimately advancing the community (Ribeiro-Duthie et al 2017: 1). Based on the reports, the following broad themes can be identified around the initiatives: providing training for artisanal miners, creating an open dialogue in terms of alternative livelihood projects, and providing support to miners so that they can practice their trade in a more formalised and supportive manner. These initiatives will now be discussed in more detail.

In Ghana, Burkina-Faso and Indonesia training was provided on safer mining methods for artisanal miners; this included mercury-free gold processing techniques (Ribeiro-Duthie & Castilhos 2016: 35). A further training initiative by a mining company in Colombia involved the offering of training to artisanal miners at their facilities, to employ them in the future (Ribeiro-Duthie et al 2017: 147).

One more Colombian based initiative that involved training coupled with an alternative livelihood initiative was executed by Anglo Gold Ashanti. Discussions between the mining company and 153 artisanal miners were held at the mine’s concession in terms of alternative livelihood strategies (Ribeiro-Duthie et al 2017: 146). It was reported that the miners who wanted to start their own businesses and start-up companies received entrepreneurship training. Part of this initiative involved the development of business plans and the start of new cooperatives (Ribeiro-Duthie et al 2017: 146). This initiative happened with the involvement of local and regional government entities of the country.

Other than training, different initiatives that aim to provide support to artisanal miners have been documented before. These initiatives are quite diverse in their approaches, but, overall, the goal is to support the artisanal miners in a more sustainable manner. Some various initiatives are as follows: in the Congo, a committee was formed to manage the conflict between a mining company and 3,000 ASM miners by creating a buffer zone around the company’s mining site to allow artisanal miners to mine (Ribeiro-Duthie et al 2017: 146). Another mining company, in Tanzania, established an advisory group comprising the national government and the World Bank, with the aim of formalising the ASM sector as a long-term sustainable solution. A mining company operating in Ecuador has also assisted the formalisation of ASM activities. Seventeen artisanal miner groups have signed arrangements and have applied to the government to form an association.
allowing artisanal miners to pursue international fair-trade certification (Ribeiro-Duthie et al 2017: 147).

In the South African context, little effort has been made to address artisanal miners in a developmental way because of Zama Zamas lack of legal status. Yet, in 2018, the Department of Mineral Resources (DMR) together with Kimberley Ekapa Mining Joint Venture granted Zama Zamas mining permits to mine diamonds on the mine’s concession (S. Khumalo 2018). This initiative was hailed as a historic achievement for the communities who were criminalised and marginalised for mining without permits previously. Kimberley Ekapa Mining Joint Venture allowed thousands of unregulated artisanal miners to mine legally on a mine owned property. Ekapa Mining stated the following: “Ekapa Minerals has always been willing to work towards a solution to the issue of people mining illegally on the company’s property”. However, in November 2019 violence hit the project, with artisanal miners that was not included in the initiative. These miners attacked the infrastructure and miners that were part of the project (Heiberg & Reid 2019: 4). Imperative to note is that the model or deal that was struck between Zama Zamas, Ekapa Mining and the DMR is most likely not duplicatable since so many differences exist amongst Zama Zamas, of which the type of ore they mine, is but one. Yet this initiative, together with its complications, can be used to inform and develop similar initiatives with multi-stakeholder partnerships.

It is worth noting that the initiative by Ekapa Mining is currently an exception. It was also not developed in the space of corporate social responsibility. Rather, miners were granted mining permits with the authorisation of the DMR. Currently, few, if any, corporate social responsibility initiatives from gold mining houses are in place to address the matter of Zama Zama mining in South Africa.

Several pitfalls have been documented in the literature when mining companies do decide to incorporate the issue of artisanal mining into their local development strategies or corporate social responsibility programmes. Alternative livelihood projects fail because artisanal miners find the proposed livelihood initiative unfitting. This mismatch is often the result of no dialogue between mining companies and the ASM sector. The unsuitability of many alternatives, like agricultural jobs being promoted, prevent artisanal miners from abandoning their activities (Banchirigah 2008: 36). Miners will not readily
abandon their livelihood without any viable and profitable alternative that they feel comfortable with. Also, those initiatives that involve pure force to clamp down on artisanal mining activities are unsustainable and ineffective.

Another reason for failure is because community initiatives from mining companies are often developed without engaging with the targeted community. Several corporate-sponsored programmes target individuals living in the communities near mining companies, and not artisanal miners (Banchirigah 2008: 36). This mistargeting assumes that the mining community is homogeneous and bounded (Bolay 2014: 118). Numerous scholars alluded that when addressing the challenging ASM sector, it is imperative that the complex heterogeneous nature of the ASM sector is recognised (Banchirigah 2008: 37; Verbrugge 2016: 114; Verbrugge & Besmanos 2016: 134). Most often, initiatives from mining companies, and from government, fail because of an erroneous assumption that the sector is homogeneous (Banchirigah 2008: 32; Verbrugge & Besmanos 2016: 134). Assumptions about the homogeneity of artisanal miners are fuelled by a lack of baseline research. It has been explained that failed ASM interventions could have been avoided if a proper baseline study about the artisanal miners was completed (Hilson 2007: 242). A case in point is the Shamva Mining Centre in Zimbabwe. A centre was constructed to serve as a centralised processing point. Initially, the Shamva Mining Centre was built to provide service to 40 local gold miners, but shortly after its construction, it started to process ore from over 500 artisanal and small-scale operations. Needless to say, the capacity of Shamva Mining Centre could not meet the growing needs of the miners. In the end, the miners had to wait between three to six weeks for their minerals to be treated. It is argued that this problem could have been avoided if a baseline study was conducted in ASM communities. Focussing on the size of the artisanal mining populations, their different skills levels, and their various demands for services would have put the developers and designers of the central processing centre in a better position to meet the local needs and demands. This poor understanding of the artisanal mining communities results in inappropriate support initiatives. The problem with the homogeneous assumption fuelled by no baseline research is that corporate social strategies from mining companies add to social fragmentation at a local level, leaving no room to consider the local group dynamics (Bolay 2014: 118).
The tendency to disregard the heterogeneous nature of ASM in the South African context has led to the Zama Zama sector mostly being portrayed in a negative light. The media, as well as mining representatives such as the Council of Minerals, often report that the miners are from neighbouring countries, for example, Zimbabwe and Mozambique, therefore labelling them as illegal or undocumented immigrants (Minerals Council 2018: 1; Ryan 2019; Seleka 2019). Certainly, some miners are from neighbouring countries like Mozambique and Zimbabwe, but these miners work alongside miners from South Africa (Thornton 2014: 127). This indicates the heterogeneous nature of the sector, and how it is currently being misunderstood by claiming that all miners are immigrants. Supportive of this, it has further been stated that not all Zama Zamas are foreigners, and neither are they all illegal migrants (SAHRC 2015: 6; TimesLive 2017). Also, the SAHRC (2015: 6) further iterated that there is a poor understanding of the profile of the artisanal miner in South Africa. This is evident in the overused statement that all artisanal miners are involved in criminal activities, a statement frequently reported in the South African media. The SAHRC (2015: 59) indicated in their report that not all Zama Zamas are involved in criminal syndicates or, if they are, had the intention to become part of criminal activities.

2.8 Conclusion

In this chapter, a critical stance was taken in terms of the formalisation debate. This was done by discussing Ghana’s and the DRC’s formalisation approaches around ASM. The shortfalls of the formalisation process were pointed out and discussed. Scholars have argued that altering legislation is a good first step in formalising the sector, but as the two case studies have shown, it requires ongoing support. If formalisation is not considered within a developmental space, and merely as an amendment to legislation, it is bound to fail. The issue in South Africa is that there is a policy around the ASM sector. However, legislation on this matter is falling short since it is not making room for artisanal mining. Instead of developing the sector, government and mining houses respond in ways to ban the sector. It was argued that the South African government is unlikely to address the complex issue of artisanal mining. As discussed, this is mainly because the small-scale mining sector has been left unaddressed, and the state is recovering from a decade of state
capture. It is, therefore, essential to look for an alternative way to address artisanal mining and introduces the role mining companies can play in the matter.

A range of reasons why it is important for mining companies to engage with the artisanal mining sector have been considered in this chapter. The fact that ASM poses a threat to a mine’s social licence to operate, is a motivation for mining companies to at least begin to consider how to address the ASM sector. The chapter has indicated that some mining companies have indeed started to see the ASM sector as a social issue, by engaging and developing it. Still, the contribution that mining companies can make in terms of the promotion of artisanal miners’ human rights is still rarely considered (Mária & Taka 2012: 138-139). This oversight of mining company’s role in terms of corporate social responsibility is evident in South Africa since limited, if any, corporate social responsibility initiatives exist to address the matter. However, more and more mining companies, in other parts of the world, are recognising the possible paybacks of a collaborative approach to address ASM (Verbrugge 2017: 354).

To address the ASM sector, mining companies integrate the matter into their corporate social responsibility plans (Verbrugge 2017: 354). This also confirms the link between mining companies and addressing the artisanal mining sector through corporate responsibility. In acknowledgement of the co-culpability for ASM and the resulting social responsibility of the formal mining sector, the following chapter focusses on the theoretical nature of corporate social responsibility as well as its position in South Africa’s mining industry. The development of the corporate social responsibility framework aims to shed light on the role mining companies can play through corporate responsibility to address unregulated artisanal gold mining in South Africa.
CHAPTER 3
THE WORKINGS OF CORPORATE SOCIAL RESPONSIBILITY

3.1 Introduction

While mining companies in other parts of the world have started engaging with the artisanal and small-scale mining (ASM) sector through corporate social responsibility initiatives, in South Africa, the role and responsibilities of mining companies in this regard are under-researched. Furthermore, in South Africa, artisanal miners are not always considered as a stakeholder of mines. This is mainly since artisanal miners are unregulated. Nonetheless, opportunities for mining companies and unregulated artisanal miners to improve their relationship are acknowledged (Williams 2015: 75). One way in which to improve the relationship is for mining companies to identify unregulated artisanal miners as stakeholders. In addition, mines need to acknowledge that artisanal miners have a direct influence on communities and mines, which poses a risk to a mining company’s social license to operate (SLO).

A sound understanding of corporate social responsibility globally, as well as corporate social responsibility in the South African context, is key to answering the research question of this study. The study aims to uncover the perceptions of a range of relevant stakeholders with regards to unregulated artisanal mining, to establish if corporate social responsibility is a suitable response to the matter, and if it is, what would a corporate social responsibility framework entail. Hence, this chapter provides a description of how corporate social responsibility has developed over time, followed by a theoretical overview of the concept by discussing the different corporate social responsibility theories and how the notion is defined in each theoretical sphere. After the comprehensive theoretical discussion of corporate social responsibility, the chapter focusses on implementing corporate responsibility programmes by unpacking six key steps for the application of corporate social responsibility. This section is followed by a discussion of how corporate social responsibility has evolved in South Africa and specifically in the mining industry, followed by a consideration of the shortcomings of corporate
responsibility initiatives within the mining industry. The chapter concludes that multi-stakeholder involvement is critical for sound corporate social responsibility initiatives.

3.2 The Evolution of Corporate Social Responsibility (CSR)

The complex relationship between business and society, together with the roles and responsibilities that business takes on in society is visible throughout human history. Corporate responsibility did not appear out of thin air and was certainly not part of a corporation’s activities from the early stages of trading. The notion of corporate social responsibility (CSR) has developed over decades. With regard to the history and practices of corporations, the question of what a company should be responsible and accountable for, are part of a global timeline of corporate evolution (Blowfield & Murray 2014: 32). For purposes of this study, the development of corporate social responsibility was divided according to three broad historical stages, namely:

1. The Industrial Revolution (1760 – 1840);
2. The 20th century; and
3. The 21st century

These respective stages will now be discussed.

3.2.1 The Industrial Revolution, 1760 - 1840

The Industrial Revolution entailed a transition from an agrarian and rural society to an industrialised society involving factory work. Characterised by a substantial social class shift, many of the poor moved from the countryside to cities in search of job opportunities and a better life. This massive migration brought with it several issues, such as child labour, overcrowding and diseases (Blowfield & Murray 2014: 33). For some, an improved living standard did occur, however, for the working class, the revolution mainly caused exploitive employment and poor living conditions (Evans 1999: 197-198).

Not surprisingly, these grim circumstances led to frequent civil unrest, demanding the improvement of working and living conditions for the working class (Blowfield & Murray 2014: 33). The establishment of the trade union movement can be traced back to the Industrial Revolution. Unions during this time started demanding better working
conditions for workers (Donado & Wälde 2012: 991). The formation of trade unions was a direct response to the cruel conditions’ workers endured. Labour unions played a pivotal role during the Industrial Revolution. The role the unions played forced corporations to at least start considering the working conditions of their workforce. Important to note is that corporate social responsibility was not explicitly practised and was not part of a company’s business objectives during those years. The only signs of a slight social consciousness during this period were the philanthropical activities practised by some industrialists and entrepreneurs (Pedersen 2015: 5). It is worth mentioning that these charitable or philanthropic activities were the exception and not the rule during this period.

The founder, owner and manager of a company was often the same individual during this time (Pedersen 2015: 5). The company and its environment were, therefore, a direct reflection of the business owner. This, of course, served as a motivation for some industrialists and philanthropists to engage with altruistic actions. One farsighted philanthropist was Robert Owen. Owen established a communal setting for his factory workers called New Lanark. At this village, the workers stayed, worked and had access to food stores and schools. Another example of a philanthropist during this time is Andrew Carnegie. Carnegie funded more than 2,500 libraries to create public benefit from corporate wealth (Pedersen 2015: 5).

It is clear that neither the concept nor the practice of corporate social responsibility occurred during this period. The main drive during this time was to make money even at the expense of workers. In fact, conditions for workers were inhumane, and businesses had no one to answer to in terms of the consequences of their operations. The work of unions and some philanthropic activities were the only light beams for workers during this dark age. After the Industrial Revolution the 20th century had a remarkable impact on business’ position in society.

### 3.2.2 The 20th Century

The 20th century marks an interesting period for the business-society debate. During this period, a realisation that corporations should seriously consider their role in society, rooted. Five main business-society areas of focus developed overtime during the 20th
century. A look at these areas will contribute towards an understanding of corporate social responsibility’s development over this century. The five areas of focus are the disproportionate power of corporations, the disproportionate power of US corporations compared to those from elsewhere, the relationship of the corporation to consumers, minorities, and to the environment, the broader social impact of business, and finally, corporate social responsibility. The discussion evolved as follows:

A) During the early 1900s, the main debate revolved around the disproportionate power of corporations (Kercher 2007: 2-3). The general discussion circled around the role and purpose of the corporations, which solely had a shareholder focus. Business was exclusively viewed as a vehicle to attain profit during the first half of the 1990s and to maximise shareholder profit. However, a realisation that business should assume wider responsibilities, including those towards society and the environment, did occur in the early 1900s. This inspired the founding of the International Labour Organisation (ILO) in 1919. The ILO marked the beginning of a gathering between government, business and trade unions. This led businesses to consider their impact on society. Yet, the notion that a business should act beneficially towards society did not gain attraction at first. It was only after the Wall Street Crash in 1929 that the debate was refreshed around a company’s responsibility.

B) Throughout the 1950s, US corporations possessed an excessive amount of power over society. The power businesses had during this time was completely out of balance with that of society’s authority. Therefore, the 1950s debate revolved around the disproportional power of the US corporation compared to other nations (Kercher 2007: 2). It was also during this time that some prominent corporate social responsibility literature developed. Howard. R. Bowen’s (1953) landmark book, *Social Responsibilities of the Businessman* was one such a piece of literature. Bowen, also often referred to as the father of corporate social responsibility, discussed the issues around business ethics and social responsibility in much detail. The 1950s clearly marked the start of a realisation by management that a company has a responsibility towards the social sphere in which they operate.
Towards the end of the 1950s, a clear shift came in terms of society’s expectations of businesses. Society started demanding more of business than just profit for shareholders. The debate on what role a company needs to play circled wider than just profit and power during these times. The notion of business ethics and social responsibility were gaining much traction. During this time social responsibility was considered as “…the obligations of businessmen to pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society” (Bowen 1953: 6).

C) The debate during the 1960s and 1970s revolved around the corporation’s role in relation to minority rights, environmental degradation and consumer protection (Kercher 2007: 3). These years were marked by an extensive expansion of corporate social responsibility’s scope. Corporate social responsibility was considered as a move towards emphasising the institution’s effect on the overall social system. It was argued that corporations do not exist alone and that a healthy business cannot exist within a sick society, because of the mutual dependence that exists between society and business (Davis 1967: 46). It is also during this period that the well cited paper of Milton Friedman appeared in 1970. Friedman (1970: 1) argued as follows: “…a corporation is an artificial person and in this sense may have artificial responsibilities but a “business” as a whole cannot be said to have responsibilities.” Furthermore, Friedman (1970: 6) defined social responsibility as follows: “…there is one, and only one social responsibility for business – to use its resources and engage in activities designed to increase profits…” Within this view, social responsibility and everything that goes beyond shareholder interest is a “fundamental misconception of the character and nature of a free economy” (Friedman 1970: 6). The 1960s and 1970s clearly marked the start of a deeper business-society relationship debate. This debate developed into a more principled discussion during the following decades.

D) The question of addressing social impacts was introduced at the beginning of the 1980s. Although this was a shift towards a more socially responsible stance, the company still had the option of choosing which social demands they will address or not address. During the 1980s, the term ‘public liability’ was introduced by Preston and Post (1981) into the corporate social responsibility sphere (Moura-Leite & Padgett 2011: 532). The term ‘public’ was chosen instead of ‘social’ to highlight the
importance of the public aspect. Preston and Post (1981) argued that companies should consider the consequences of their actions but should not intend to solve all social issues (Moura-Leite & Padgett 2011: 532). Instead, companies should rather target problems or issues that are related to their activities and interests. This approach might seem virtuous, but it still limited and protected the company in terms of their social responsibility scope. Companies could detect, scan and respond to those social demands that achieved, in their opinion, social legitimacy, greater social acceptance and prestige (Moura-Leite & Padgett 2004: 58).

It was also during the 1980s that the stakeholder approach gained momentum. Although the term ‘stakeholder’ has been used in business literature since the 1930s, the term merely referred, at that time, to the main groups towards which companies had different kinds of fiduciary duty, particularly, shareholders, customers, consumers and employees (Blowfield & Murray 2014: 203). It was only later, during the late 20th century, that the term was reviewed. Edward Freeman’s pivotal 1984 book Strategic Management: A Stakeholder Approach, was discussed as a proposal for organisational strategic management. The motivation behind this approach is broadly premised on the argument that not only capital controls all the means of production, but that the other stakeholders in the wider society exert significant influence on a company (Eccles, Pillay & de Jongh 2009: 22-23). The development of the stakeholder approach was instrumental in steering the practice of socially responsible corporate behaviour away from a philanthropic approach towards embedding corporate responsibility in the company’s core business strategy (Eccles et al 2009: 22-23). The stakeholder approach affirms that businesses are morally responsible for addressing the concerns of a larger group of stakeholders. This group of stakeholders may include owners, customers, vendors, employees and the wider community rather than only shareholders i.e. the owners of the business alone (Rodin 2005: 561). The stakeholder approach presents stakeholders as something more extensive, complex and nuanced than before. A stakeholder in an organisation can be defined as any group or individual who can affect or is affected by the achievement of the organisation’s objectives (Freeman 1984: 46). Based on this definition, Freeman (1984) further distinguished between primary and secondary stakeholders. A primary stakeholder is those without whose participation the company cannot
survive (e.g. investors, suppliers, employees, government and communities providing infrastructure). Secondary stakeholders may be able to help or harm the company, for example, the media, and in a negative sense terrorists (Blowfield & Murray 2014: 205), or in this study’s case, unregulated artisanal miners.

E) During the last part of the 20th century, a wider contemporary discourse around corporate social responsibility started. This discussion revolved mainly around corporate social responsibility’s expansion and whether environmental and social issues should form part if its scope. Furthermore, the relationship between development and corporate social responsibility was clearly articulated during this time and is reflected in a definition of corporate social responsibility by the World Business Council for Sustainable Development (WBCSD). The WBCSD defines corporate social responsibility as a commitment by business to contribute towards sustainable economic development and to improve the quality of life by working with employees, their families and the local communities to find ways that are good for business and the society (WBCSD 1999: 3).

The increasing uptake of corporate social responsibility over the course of the 20th century culminated in the United Nations (UN) Global Compact as adopted in 2000. The UN Global Compact entails ten principles, which are based on the notion that corporate sustainability starts with a company’s value system, and that corporate sustainability needs to be driven by a principled approach (United Nations Global Compact 2015: 11). These ten principles are derived from the Universal Declaration of Human Rights of 1948, the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work of 1998, the Rio Declaration on Environment and Development of 1992, and the United Nations Convention against Corruption of 2003. The ten principles have been classified into four groupings, namely human rights, labour, environment and corruption. Principles one and two refer to human rights and the role of businesses in ensuring the upholding of basic human rights and not to be complicit in human rights abuses. Principles three, four, five and six relate to workers’ labour rights, including the right to collective bargaining, and the right to work in a discriminatory free workplace environment. Principles seven, eight and nine pertain to the environment and a business’s role in the protection of such, but also in fostering environmentally friendly technologies. The last principle, principle ten, refers to a business’s role against corruption.
Adopting the principles entails that the CEO of each joining company has committed to integrating human rights, employment rights, environmental rights and anti-corruption principles into the company’s operations. Furthermore, it also entails the commitment to disclose progress annually through reporting. The UN Global Compact Principles launched in the year 2000, with only 40 organisations present. Currently, more than 9 000 companies in 140 countries have joined the UN Global Compact. By 2007, only ten South African companies had adopted the Global Compact (Bezuidenhout, Fig, Hamann & Omar 2007: 45). As of 2018, 32 South African companies have adopted the UN Global Compact (United Nations Global Compact 2018). This indicates that in just over ten years, the number of South African companies tripled. The UN Global Compact does not solve every problem in the corporate responsibility landscape, but it addresses issues in a way that offers practical and technical lessons to corporates, governments, and non-governmental organisations (Post 2012: 61).

Looking at the five stages that shaped the business-societal relationship, it becomes clear how corporate social responsibility evolved during the 20th century. The debate throughout the 20th century around business-society went from business being solely there to generate profit to business being regarded as a social change agent. Over the years a greater consciousness around the role of business in society developed. Also, government alone is no longer regarded as the only agent of change and problem solver. The role businesses ought to play is widely recognised (Flores-Araoz 2011). A societal expectation that companies should gradually undertake a larger role in participating and promoting overall societal and environmental well-being is reflective in the Global Compact Principles. The UN Global Compact can be regarded as the gamechanger for corporate social responsibility at the end of the 20th Century. Not only did the UN Global Compact underscore the role business ought to play in society, it also gave clear principles to uphold, marking it as a global framework to which corporations aspiring to become responsible organisations can align their activities (Blowfield & Murray 2014: 341). Furthermore, the UN Global Compact introduced the notion that multinational companies can no longer operate under the cloak of secrecy (Post 2012: 58).

The 21st century is having a profound influence, not only on corporate social responsibility, but on the entire business-society relationship. The next section provides some insight into this matter.
3.2.3 The 21st Century

Joel Bakan’s famous book and accompanying documentary, *The Corporation: The Pathological Pursuit of Profit and Power*, raised the consciousness of corporate social responsibility in the 21st century to a new level (Horrigan 2010: x). *The Corporation* was published in 2004 and explains that the corporation’s structure is largely to blame for the illegalities that plague the commercial world (Bakan 2004: 79). By design, the corporation protects those who run and own it from legal liability; this leaves the company, a person, “with a … psychopathic contempt for legal constraints” (Bakan 2004: 79). Contrasting views around a corporation’s role in the 21st century has also emerged. In opposing opinions, corporates and specifically multinational corporations are regarded as the “…backbone of our current global web of institutions that is deserving of praise” (Horrigan 2010: 5). This view is at odds with the description of the global economy in Webster, Lambert and Bezuidenhout (2008: 1). On the one hand, the global economy has created opportunities for wealth creation, while on the other, it threatens established livelihoods (Webster et al 2008: 1). Webster et al (2008: 215) indicated that the ecological harm of the market has become the central social issue of the 21st century. Kovel (2002: 66) regarded multinational corporations as ‘ecological destroyers.’ Apart from being regarded as ‘ecological destroyers’, multinational corporations may also violate human rights. The matter of human rights violations and corporations are so widespread during this century, that the United Nations Human Rights Council universally recognised the Guiding Principles for Business and Human Rights in 2011.

In this challenged context, corporate social responsibility becomes an essential part for businesses, specifically when it comes to widespread destructions of human rights and the environment (Haque & Azmat 2015: 170). Centring of the corporate social responsibility business-society debate was also done at the G8 Summit of world leaders in 2007. By placing corporate social responsibility in the spotlight, the G8 world leaders reflected this concept’s prominence. In this context, it is explained that the 21st century has already bared witness to transformational changes in corporate social responsibility thinking, regulation and practice (Horrigan 2007: 90). Furthermore, during the 2012 United Nations +20 Conference on Sustainable Development in Rio de Janeiro, Brazil, the role that corporate social responsibility should play in addressing social and environmental issues was again highlighted (Littlewood 2015: 240).
Moreover, society is increasingly demanding that business and government must share a joint responsibility (Ackers & Eccles 2015: 515). The purpose behind this request aims to guarantee that economic development does not result in compromises where future generations will not be able to meet their own needs (Ackers & Eccles 2015: 515). In other words, society is increasingly demanding that corporations should play a strong role in fostering sustainable development. During the 2017 G7 Summit, it was emphasised that business should be fully committed to conciliating economic growth, environmental sustainability and job creation (Sustainability Academy 2017: 3).

In conclusion, one of the main challenges corporations face in the 21st century is trying to discover the equilibrium between profit, planet and people, also known as the triple bottom line. Fortunately, until now, several role-players such as government, civil society and environmental organisations started demanding that business should play a different role in society. Corporations may also implement corporate social responsibility activities to create a positive image in response to international business requirements as set by the World Bank, United Nations Global Compact and the Organisation for Economic Cooperation and Development. These international business requirements are a consequence of a corporate social responsibility awareness that took place globally since the start of the 20th century and is currently continuing into the 21st century. Furthermore, these international business standards have amplified the pressure on business to act more sustainably. Multinational companies must display their level of responsibility to several significant stakeholders (Egels-Zandén & Kallifatides 2009: 273; Orzes et al 2018: 636). It is impossible for companies, regardless of their size, to ignore the changing nature of the world they inhabit and the roles they play within it (Blowfield & Murray 2014: 4).

The next section discusses how corporate social responsibility is currently conceptualised theoretically by looking at some definitions that developed over time as well as theories relevant to the 21st century business-society relationship.

### 3.3 Conceptualising Corporate Social Responsibility (CSR)

Corporate social responsibility (CSR) finds itself in a dynamic theoretical and conceptual space. The concept is viewed and defined in varied ways by different schools of thoughts, organisations and scholars. These various definitions are mostly steered by the different theoretical lenses that are applied. In other words, corporate social responsibility theories
gave rise to several definitions and views of corporate responsibility. According to Bowen’s (1953: 6) early definition of corporate social responsibility, “businessmen” were obliged to “pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society”. Another definition of social responsibility recognises the intimate relationship between corporations and society, and that executives and managers of a firm have to be cognisant of this relationship when pursuing company goals (Walton 1967: 18). Both definitions point not only to the social responsibility of business, but also to a reciprocal relationship between business and society. The values of society and the relationship between business and society will, in effect, influence business’ conduct and responsibilities.

Carroll’s seminal 1979 definition of corporate social responsibility explains the different levels of responsibilities social responsibility entails. Carroll’s (1979: 500) four-part definition reads as follows:

“The social responsibility of business encompasses the economical, legal, ethical, and discretionary expectations that society has of organisations at a given point in time.”

Each of these responsibilities will be discussed briefly. The economic responsibility indicates the fundamental responsibility of business to manufacture goods and to supply services, as expected by society, whilst making a profit. Carroll and Buchholtz (2015: 32) explained that an economic responsibility is indeed also a social responsibility in the sense that businesses have a responsibility to supply society with the products and services required by society. Even though economic responsibility is needed, it is not enough to foster social responsibility (Carroll & Buchholtz 2015: 32).

The legal responsibility indicates that society expects a business to conduct its operations within the law (Blowfield & Murray 2014: 19). According to Carroll and Buchholtz (2015: 32), legal responsibilities reflect society’s codified view of ethics. Codified ethics echo the basic philosophies of sound business practices as recognised by law. But the law sometimes falls short of fostering social responsibility.

Ethical responsibility refers to the responsibilities that go beyond legal compliance (Blowfield & Murry 2014: 21). Ethical responsibilities entail the full scope of norms, standards, values and expectations that are regarded as fair by society and in line with
protecting the moral rights of stakeholders, which are in fact expectations that society holds with regard to business practices (Carroll & Buchholtz 2015: 33).

Lastly, discretionary responsibilities refer to voluntary responsibilities, i.e. philanthropy (Blowfield & Murray 2014: 18-19). Philanthropical activities are voluntary as they depend on a business’ wish to participate in social activities which are not mandated by law (Carroll & Buchholtz 2015: 33).

The relevance of this four-part definition is that it provides a structure for the different responsibilities a business must fulfil as expected by society. Each of these responsibilities are indispensable to the total social responsibility of business (Carroll & Buchholtz 2015: 34). A major advantage of this definitional model is its ability to accommodate opposing views around corporate social responsibility by characterising an economic responsibility as being separate from a social responsibility (Carroll & Buchholtz 2015: 34). The definitional model intends to demonstrate the entire social responsibility of businesses. It is composed of four separate parts and when considered together, make up the whole (Carroll & Buchholtz 2015: 34). The definition also describes a range of stakeholders to whom a business is responsible.

These different sets of responsibilities can be divided into three approaches, namely the shareholder approach, stakeholder approach and societal approach (van Marrewijk 2003: 96). The shareholder approach refers to the classical view of the business-society relationship (van Marrewijk 2003: 96). This view entails that the only duty of a business is to generate turnover and to foster material prosperity. This approach can be understood as businesses only being concerned with corporate social responsibility to the extent that it should generate value for the owner and business (van Marrewijk 2003: 96). As per Carroll’s (1979) economic responsibility part, this approach only considers the economic dimension. The second approach is the stakeholder approach which indicates that business has an obligation to consider the interest of multiple stakeholders such as its workers, clients, suppliers, state entities and if required non-governmental organisations (van Marrewijk 2003: 96). The last approach is the societal approach, which has a broader view of corporate social responsibility. This approach suggests that a business makes up a vital part of the wider society. Therefore, businesses operate by the consent, also known as the social license to operate (SLO), of the public. It is, therefore, expected that business
should operate in such a manner to satisfy society’s needs constructively (van Marrewijk 2003: 96).

To further conceptualise corporate social responsibility, the concept will be considered with reference to the four theoretical clusters into which Garriga and Melé (2004: 53-62) organised theories of the business-society relationship, namely: instrumental, political, integrative and ethical theories of corporate social responsibility. Alongside Garriga and Melé’s (2004) clusters, reference is also made to Secchi’s (2007) classification of business-society relationship theories. Based on these theories, views on corporate social responsibility are a consequence of how the business-society relationship is understood (Nikolova & Arsić 2017: 27). Each theoretical cluster will now be discussed, respectively.

According to the instrumental theories, the corporation is regarded purely as an instrument to create wealth. The focus of instrumental theories is on achieving economic objectives through social activities (Garriga & Melé 2004: 63). The instrumental theories explain that economic objectives, like an increase in profit, can be achieved by the following: maximising shareholder value, tactics to gain a competitive advantage and cause-related marketing. Maximising shareholder value entails a focus on investments in social demands that could contribute to added shareholder value (Garriga & Melé 2004: 53). Tactics to gain a competitive advantage are focussed on how business can strategically gain a competitive advantage. The distribution of certain resources to achieve a long-term social objective will create a competitive advantage. It is explained that philanthropic social investments by a business can have a powerful effect on a business’ competitiveness (Porter & Kramer 2002: 60-61). Lastly, cause-related marketing entails philanthropic actions which can be used as an instrument of marketing (Garriga & Melé 2004: 55). The goal of cause-related marketing is to increase the company’s profit and sales by boosting the brand (Garriga & Melé 2004: 55). This is mostly done by associating with the social responsibility dimension (Garriga & Melé 2004: 55). For example, a company that is hosting a golf event for a charity reflects cause-related marketing. Although the aforementioned tactics differ in their approaches, they share the same goal, namely, to increase profit.

Similar to the instrumental theories are Secchi’s utilitarian theories. Utilitarian theories refer to the traditional economic approach of the firm. Within the utilitarian framework,
the firms’ behaviour is mainly studied as a profit maximising function. This theoretical group view a company’s social interaction as pointless unless the social interaction adds to the profit line. Both Secchi’s (2007) utilitarian theories and Garriga and Melé’s (2004) instrumental theories include approaches that aim to increase the economic value of the company.

The second theoretical group of Garriga and Melé (2004) entails political theories. These are theories with a focus on the use of business power and its responsibility in the political arena. It is within this theoretical domain that social responsibility is linked with social power. From this viewpoint, social responsibility occurs in relation to the amount of social power the businesses have (Garriga & Melé 2004: 63). It is argued that the power that business leaders hold brings with it a certain moral obligation (Carroll 1999: 271; Carroll & Shabana 2010: 87). This stance gave rise to the well-coined phrase “corporate social responsibility begins where the law ends” (Davis 1973: 313). Furthermore, from the political theoretical domain, it is further explained that a social contract occurs between business and society (Donaldson 1982; Garriga & Melé 2004: 63). The corporation is viewed as a citizen with community involvements (Garriga & Melé 2004: 63).

Secchi’s (2007) managerial theories are closely linked to the political theories of Garriga and Melé (2004). Managerial theories describe socially responsible actions as the responsibility of managers or leaders of the firm. Part of the manager’s responsibility is corporate social performance, social accounting, auditing and reporting (SAAR) and acting on social issues in international business. Corporate social performance aims to determine what the company’s social contribution value is towards its economic performance (Secchi 2007: 355). Moreover, corporate social performance involves measurements and tools to measure social responsibility against corporate performance. In terms of social accountability, auditing and reporting (SAAR), social performance is measured through accounting actions or reporting practices (Secchi 2007: 357). For example, a company’s managers may decide to become more accountable by reporting on certain corporate impacts or actions, followed by an audit of the reporting. Secchi comments that in the domain of social accountability, auditing and reporting provides managers with practical tools to promote corporate social responsibility. Acting on social issues in international business practices are regarded as part of the managerial theories.

It is explained that no international interventions, for example, from the International
Labour Organisation (ILO) or Organisation for Economic Cooperation and Development (OECD) can constrain corporate business. Problem solving remains the responsibility of managers and business owners (Secchi 2007: 358). The managerial theories, as well as the political theories and group theories and approaches, came together on the basis that corporate social responsibility is a consequence of business power in society. Sound corporate social responsibility practices rely on the responsible application of business power within a society.

The next cluster of theories is called integrative theories. These theories examine how integrated social demands are within a business (Garriga & Melé 2004: 57). From this theoretical domain, ways to respond to social demands include a process of issues management and the principle of public responsibility. Issues management is a procedure where a business can recognise, assess and respond to the social issues which may influence the business (Wartick & Rude 1986: 24). Within this milieu, the term ‘public liability’ was introduced into the corporate social responsibility sphere (Preston & Post 1981). Public liability entails that a company must reflect on its societal impacts but without the intention to solve all social issues (Moura-Leite & Padgett 2011: 532). A business should rather focus on the issues associated to their doings.

It is important for companies to target these issues since theorists postulate that a business depends on its surrounding social context for acceptance, success and growth (Garriga & Melé 2004: 57). Closely tied in with this theoretical cluster is Secchi’s (2007) relational theories. Theories emerging from this cluster focus solely on the relationship between society and business. According to these theorists, corporate social responsibility emerges from the interaction between business and society. The concept of social responsibility identifies the close relationship between corporates and society. It further implies that managers of a business should always be mindful of this relationship (Walton 1967: 18).

The last set of theories view and explain corporate social responsibility according to ethics. Ethical theories underline the principled requirements of the business-society relationship (Garriga & Melé 2004: 60). Approaches and theories from this theoretical domain are based on the principles to do the right thing and the obligation to achieve a good society (Garriga & Melé 2004: 60). Corporate social responsibility from this
Theoretical cluster is linked to universal rights, sustainable development and the common good approach.

Human rights, labour rights and respect for the environment are the underpinnings of universal rights. Human rights have been taken as a basis for corporate social responsibility, specifically in the global marketplace (Garriga & Melé 2004: 61). Closely linked to human rights and stakeholder concerns is the matter of sustainable development. The concept of sustainable development emerged during the 1980s as a need to focus on environmental concerns in development planning practices (Cobbinah, Erdiaw-Kwasie & Amoateng 2015: 62). In 1987, these environmental concerns were addressed by the Brundtland Commission in the paper ‘Our Common Future’, where the World Commission on Environment and Development (WCED) (1987: 43) first coined the term ‘sustainable development’, defining it as follows:

Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Over the years, sustainable development gradually became a popular approach to corporate social responsibility. Even though the term was developed at a macro level, it still demands a corporate contribution (Garriga & Melé 2004: 61). The Brundtland commission emphasised the importance of corporate activity (Ackers & Eccles 2015: 515). Lastly, the common good approach upholds the idea that since businesses form part of a society, they need to contribute to the common good (Garriga & Melé 2004: 62). Ways in which a business may contribute to the common good, involve the creation of wealth and the delivery of products and services in an effective and just manner, whilst respecting human rights (Garriga & Melé 2004: 62). Moreover, the common good approach may also contribute to overall societal well-being by creating peaceful conditions, for the present-day and for the future (Garriga & Melé 2004: 62). The common good approach serves as a key reference for business ethics as well as a reference value for corporate social responsibility.

International policies and standards that empower the case of ethical corporate social responsibility is proof of just how society is demanding a change in a business’ role. Guidelines and standards like the United Nations Global Compact, the United Nations
Guiding Principles and the ISO 26000 are directly in support of the ethical based corporate social responsibility agenda. Key elements from these guidelines and standards circle around human rights, stakeholder involvement, sustainable development and society’s overall well-being. This interplay underscores the importance of moral or ethical corporate social responsibility. Businesses have a far wider responsibility than meeting shareholder interest and selecting social demands they feel comfortable with addressing.

Reading through the preceding corporate social responsibility theories and different definitions, the continuing evolution of this concept becomes clear. Since several definitions exist of corporate social responsibility, it is important to view corporate social responsibility as a conceptual space rather than a single concept (Kleine 2014: 196). Corporate responsibility is constantly changing as society evolves (Blowfield & Murray 2014: 28). The one-dimensional notion of the business of business is business (Friedman 1970) shifted over the decades. An acknowledgement that businesses have a responsibility towards society and the environment led to the global uptake of the notion of corporate social responsibility.

However, the above-mentioned theories specifically the ethical theories, do not fully explain how a business will serve the common good whilst making profit. It has been argued by critics of corporate social responsibility, that once a company is publicly owned, its purpose can only be to maximise profit (Blowfield & Murray 2014: 317). This means, regardless of well-intentioned corporate social responsibility practices, it will not serve the common good. Arguments that business serves the common good and society are rejected with examples of companies that have rigged prices, deceived regulators, caused environmental damage and so forth (Blowfield & Murray 2014: 317). For some such examples are evidence that corporate social responsibility needs to be implemented more effectively (Blowfield & Murray 2014: 318). Therefore, corporations should develop an understanding of how corporate social responsibility activities can be integrated within the business’ objectives (Porter & Kramer 2006: 5). Basically, corporations are left with the questions of what the implementation of corporate social responsibility programmes entail, and how to implement corporate social responsibility.

The next section provides a discussion of such, as well as putting forward challenges that arise when implementing corporate social responsibility programmes.
3.4 Implementing Corporate Social Responsibility (CSR) Programmes

A six-step best practice corporate social responsibility implementation framework to guide the design and implementation of such programmes was developed by Hohnen and Potts (2007: 22-74). The framework is relevant to this study since it highlights the important elements of what a corporate social responsibility framework should involve and how to go about implementing corporate responsibility initiatives. The six steps devised by Hohnen and Potts (2007: 22-74) will now be discussed:

A) Conducting a corporate social responsibility assessment

After the company has identified a corporate responsibility related problem or opportunity, the first step is to obtain and assess information about the company’s products and its market (Hohnen & Potts 2007: 22). Furthermore, it is necessary to identify where the firm is positioned in relation to corporate social responsibility (Hohnen & Potts 2007: 22). This means that the company should identify its ethics and values and its existing corporate social responsibility initiatives. Also, important issues that the company can address should be identified, as well as the stakeholders that should be involved in the corporate responsibility project (Hohnen & Potts 2007: 22). In short, this initial step should outline what the corporate social responsibility problem is, who the stakeholders should be, as well as the finances required for the planned project.

B) Developing a corporate social responsibility strategy

The corporate social responsibility assessment should serve as the foundation for the next step, which involves the development of a corporate social responsibility strategy. The strategy should specify the direction to be taken by the firm, the stakeholders’ viewpoints, and an action timeline which indicates the employers responsible with immediate next steps (Hohnen & Potts 2007: 33).

C) Developing corporate social responsibility commitments

Corporate social responsibility commitments are strategies or tools that a company develops to address its social and environmental impacts (Hohnen & Potts 2007: 42). Corporate responsibility commitments should be developed when the company is
done planning and strategising and moving into the doing phase (Hohnen & Potts 2007: 42). The company’s corporate social responsibility commitments should be communicated to all stakeholders, including contractors, suppliers, communities, the state and the public. The corporate social responsibility commitments will serve as a compass indicating to stakeholders what is expected of the company in certain situations and reflect how the company is addressing social and environmental issues (Hohnen & Potts 2007: 44).

D) Implementing corporate social responsibility commitments

Implementing corporate social responsibility commitments involve the daily decisions, processes, practices and activities to ensure that the company fulfils its commitments in terms of corporate responsibility (Hohnen & Potts 2007: 58). To keep track of the company’s progress, the business should provide ongoing feedback to its stakeholders, including internal and external stakeholders. Fundamentally, this step involves the actual implementation of the corporate social responsibility plan, as well as the communication of the corporate responsibility programme’s progress to all relevant stakeholders (Hohnen & Potts 2007: 57).

E) Reporting on corporate social responsibility programmes

Reporting is a vital step that should take place after implementing any corporate social responsibility initiative or programme (Hohnen & Potts 2007: 67). Furthermore, reporting alongside verification are ways to determine if any changes have taken place or not (Hohnen & Potts 2007: 67). The goal of reporting is to gain the trust of stakeholders by sharing information to be considered as credible (Hohnen & Potts 2007: 67). Verifying the reports through third-party assessors is also recommended. Verification is a form of measurement that can involve internal audits or third-party auditors (Hohnen & Potts 2007: 67).

F) Evaluating and improving corporate social responsibility programmes

It is essential to track the company’s general progress, which will inform the basis for improvement and adjustment of future corporate social responsibility programmes. This step should involve management and relevant stakeholders’ comments and suggestions (Hohnen & Potts 2007: 73). Evaluation allows the company to determine whether its current corporate social responsibility programmes
are accomplishing the set objectives. Furthermore, assessment will allow the company to determine whether its implementation approach and overall strategies are correct (Hohnen & Potts 2007: 73).

The corporate social responsibility implementation framework by Hohnen and Potts (2007: 22-73) is a tool which companies can use to develop corporate responsibility programmes. However, the implementation of corporate social responsibility is not without challenges. Corporate social responsibility implementation can be a thought-provoking process since it demands that corporates should find the equilibrium between profit, planet and people. The challenge is to use the competencies of the company to address social and environmental concerns, whilst continuing to make a profit. This often demands a pioneering vision which goes beyond traditional management thinking. To successfully implement corporate social responsibility, this innovative vision must filter through to the company’s structures and processes and even to the day-to-day actions of its workforces (Jonker & de Witte 2006: 237).

Moreover, implementing corporate social responsibility initiatives can be challenging should it include altering traditional business practices to incorporate the new corporate social responsibility agenda. Embracing the new corporate social responsibility agenda requires a change of mindset among managers and the leadership of the company. The shift around thinking differently regarding new initiatives, that an emergent corporate responsibility agenda implies, are difficult to manage (Higgs 2006: 193). Without the full commitment of leadership to foster new approaches in the company, no transformation will take place (Higgs 2006: 193). It is imperative that business leaders understand the context of the new corporate social responsibility agenda, as such an understanding will help to gain buy-in from leadership in the company (Higgs 2006: 193). Also, pilot projects and experiments are meaningful ways of determining the suitability of programmes (Higgs 2006: 193).

Another core challenge in implementing corporate social responsibility is the difficulty of involving and balancing all stakeholder views. Engaging stakeholders is crucial to the implementation of corporate social responsibility programmes. The company should consider all the needs of the stakeholders who may influence the company’s ability to attain its corporate responsibility goal. Stakeholders that will be affected by the business’s
activities should also be engaged and considered (Jonker & de Witte 2006: 244). The community is a very strategic stakeholder; therefore, mining companies ought to gain an understanding of the subtleties in the area they operate in (Msosa 2019: 29). As such, the community’s concerns and expectations of what the corporate social responsibility programmes should entail must be incorporated when programmes are planned and decided on (Msosa 2019: 29). It is imperative that mining companies should set up clear strategies and plans to guarantee that community needs are incorporated into corporate social responsibility programmes (Msosa 2019: 29).

Balancing the needs of communities can become tricky. Not only will community members have different needs, but some of their needs might even speak to the issues in the informal sector. The formal sector faces a challenge in the sense that the matters with which the informal sector needs support, differ from the needs in large formal enterprises (ILO 2002: 84). The formal sector might not have the knowledge and skills to deal with matters in the informal sector, yet ignoring the informal sector is also not the best option. The importance of supporting the informal sector becomes urgent in countries with high unemployment rates. This is mainly because the informal sector can serve to create job opportunities for those who cannot find any work in the formal sector.

In South Africa, the high levels of unemployment and a declining formal economy has increased the growth of the informal economy (Cohen & Moodley 2012: 334). StatsSA reported that youth unemployment, that is between the ages of 14 and 25 years, was measured at 55.2 per cent during the first quarter of 2019. Furthermore, South Africa’s unemployment rate was estimated at 27.6 per cent in May 2019 (StatsSA 2019: 1). This was noted as an increase from the fourth quarter of 2018, which showed an unemployment rate of 27.1 per cent (Trading Economics 2019: 1-2). These alarmingly high numbers reflect not only the dire situation of South Africa’s labour force, but also the fact that job creation initiatives are falling short. It is argued that the majority of people enter the informal sector because of limited opportunities in the formal sector (ILO 2018a: v). Alternative livelihood means are sought within the informal economy because people do not have any other options available to make a living otherwise (ILO 2018a: v).

Adding to the high unemployment rate and weak economy, is the matter of failed job creation initiatives. Creating jobs, which are done to achieve decent work, have been
unsuccessful amidst a global recession and government’s overambitious targets (Cohen & Moodley 2012: 335). Additionally, the solid focus on creating jobs in the formal sector in support of achieving decent work has left the informal sector, to a great extent, unaddressed. National policies like the National Development Plan focus on the formal sector for economic growth and for employment, and entirely ignores the informal sector (Fourie 2018: 103). This is unfortunate since the informal sector holds the potential for offering employment. Such employment opportunities should not be left unaddressed, especially in a county with a staggeringly high unemployment rate. South African policies should approach the informal sector as an essential part of the economy, and as a diverse sector with the potential of employment generation (Fourie 2018: 143).

In terms of addressing the informal sector’s challenges and reaching out to the informal sector, the potential innovative role of corporate social responsibility initiatives has been acknowledged (ILO 2002: 88). Corporations can implement corporate social responsibility initiatives to reach out to the informal sector. When implemented, these corporate social responsibility initiatives may involve the creation of fresh co-operative relations with the informal sector (ILO 2002: 91).

In order to design and successfully implement a corporate social responsibility framework in the South African context, a thorough understanding of how corporate social responsibility is positioned within the South African context is needed. The next section provides an overview of corporate social responsibility within the South African milieu as well as within the mining industry.

3.5 Corporate Social Responsibility (CSR) in South Africa

The political history of South Africa and the development and institutionalisation of corporate social responsibility cannot be separated. The Apartheid era (1948 – 1994) and post-Apartheid (after 1994) era radically shaped the course of corporate social responsibility within South Africa. The first recorded reference to corporate social responsibility in South Africa can be found in a lecture given by Professor Meyer Feldberg in 1972 on ‘Business Profits and Social Responsibility’ at the University of Cape Town (Bezuidenhout et al 2007: 16). Feldberg postulated that businesses should start taking corporate social responsibility seriously by getting involved in the societies they operate in and sell produce to, or from which they draw their workforce.
However, it was only when sanctions against the Apartheid system gained momentum that businesses started setting up voluntary initiatives (Bezuidenhout et al 2007: 16-17). Part of this momentous movement was the introduction of the Urban Foundation and Sullivan principles, which happened around the same time. Together with the Urban Foundation and the Sullivan Principles, the business-society relationship started to change.

A sense of urban crisis led to the formation of the Urban Foundation (Bezuidenhout & Buhlungu 2011: 247). The Urban Foundation was established in December 1976 and was chaired by Anglo-American’s Harry Oppenheimer (Smit 1992: 36). The motivation behind the Urban Foundation came from business organisations, who realised that the country’s economic development is being affected by the black majority’s poor living circumstances (Kabir, Mukuddem-Petersen & Petersen 2015: 282). The Urban Foundation focussed on improving the socio-economic circumstances of black people. This included better-quality housing, schooling, healthcare, overall welfare and community development (Kabir et al 2015: 282).

During 1977, the Sullivan Principles were launched in South Africa. The aim of the principles was to convince American companies to treat their African employees and American employees equally and to stop any discriminatory practices (van den Ende 2004: 36). Furthermore, the principles urged companies to start focussing on policies for an increase in wages and better working circumstances. The Sullivan Principles represented an attempt in America to apply private pressure, as an alternative to sanctions, to put an end to Apartheid (Bernasek & Porter 1997: 172). Additionally, the principles required that American companies that operated and invested in South Africa must contribute to the development of the community (Kabir et al 2015: 283).

Yet, only a minority of multinational corporations embraced the Sullivan Principles, mostly to avoid disinvestment (Bezuidenhout et al 2007: 18). The Sullivan Principles did, however, enter the discourse of the independent labour movements. Bezuidenhout et al (2007: 18) explained that the independent labour movement used the principles as a form of pressure on multinational employers to recognise and negotiate the emerging black trade unions. Scholars argue that the Sullivan Principles can be viewed as a watershed moment in the lexis of corporate social responsibility in South Africa (Alperson 1995: 5;
Bezuidenhout et al 2007: 18). Also, the proclamation of the Sullivan Principles is regarded as a defining moment in a drive to enhance the responsibility of multinational corporations that operated worldwide (Sethi & Williams 2002: 171).

The responsibility that multinational companies had to embrace entailed three aspects and are as follows (Sethi & Williams 2002: 171): it was suggested that multinational corporations should consider and deal with all stakeholders and not only shareholders in a just manner. It was recommended that multinational corporations should, in particular, consider the way they treat poor people since the underprivileged lack the required economic and political power to bargain with multinational corporations (Sethi & Williams 2002: 171). Secondly, the widened responsibility intended that multinational corporations must act as agents of change using their economic power. This meant that multinational corporations must protect basic human rights and democratic values (Sethi & Williams 2002: 171). Thirdly, multinational corporations should not consider these actions as optional or view them as a necessary inconvenience, such as the cost of doing business. As an alternative, these responsibilities must be regarded as the minimum standard of behaviour (Sethi & Williams 2002: 171). Compliance to the principles must be treated as compulsory, transparent and subject to third party auditing (Sethi & Williams 2002: 171).

The responsibilities that the Sullivan Principles underlined, not only served to pressure international companies operating in South Africa, but also to influence the course of corporate social responsibility in South Africa. Two key concepts emerged in the South African corporate social responsibility discourse, namely corporate social investment and corporate citizenship. Each of these concepts will now briefly be discussed in relation to corporate social responsibility.

Corporate social investment is a South African concept (Ndhlovu 2011: 81). It is defined as (CSI Solutions 2015):

Projects that are external to the normal business activities of a company and not directly for purposes of increasing company profit. These projects have a strong developmental approach and utilise company resources to benefit and uplift communities and are not primarily driven as marketing initiatives.
It can be argued that corporate social investment refers to how companies take care of the welfare of the social and environmental environment in which they conduct their business (Njenga & Smit 2007: 4). The concern with corporate social investment is that it speaks to only one aspect of corporate social responsibility, as defined by Carroll’s (1979) four-part definition. Within the traditional notion of corporate responsibility, philanthropy is considered as merely one of four corporate responsibility aspects (Bezuidenhout et al 2007: 39). The others being economic, legal and ethical. However, corporate social investment has evolved over the last decade, from charitable actions to tactical business consideration (Trialogue 2018).

The concept of corporate citizenship has been defined as “serving a variety of stakeholders well” (Carroll & Buchholtz 2015: 47). Furthermore, for a company to be considered a good corporate citizen, it should commit to ethical behaviour and the balance of stakeholder needs, whilst protecting the environment (Carroll & Buchholtz 2015: 47). It is further explained that strong corporate citizenship is displayed through a company’s awareness around social and environmental matters whilst making a positive contribution towards the economy (Freemantle & Rocke 2004: 6).

However, neither concept assigns to firms any moral and ethical responsibilities for their past practices (Fig 2005: 601). The word responsibility in the term ‘corporate social responsibility’ is often interpreted by South African industries as an obligation imposed on them with reference to past deeds (Bezuidenhout et al 2007: 37). Fig (2005: 601) states that “responsibility would imply taking action to acknowledge, recognise and offer to redress for Apartheid-era violations of human rights.”

After Apartheid, legislation reflective of corporate social responsibility was developed and institutionalised. The following section provides an overview of these laws endorsing and driving corporate social responsibility.

### 3.5.1 National Legislation Pertaining to Corporate Social Responsibility (CSR)

After the fall of Apartheid in 1994, local legislation was put in place to address the injustices of the past. The South African government became increasingly conscious of the fact that corporate social responsibility can support the overall upliftment of
historically disadvantaged South Africans (Kloppers & du Plessis 2008: 93). Instead of endorsing compulsory laws with a core and direct focus on corporate social responsibility, the government of South Africa opted to pass several laws that indirectly require industries to take up its corporate social responsibility duties (Kloppers & du Plessis 2008: 91; Ramlall 2012: 273). Examples of such laws include but are not limited to, the Constitution of South Africa, the Company Act no. 71 of 2008, the Skills Development Act no. 97 of 1998 as amended in 2003 together with the Skills Development Levies Act, the Employment Equity Act no. 55 of 1998, and the Broad-Based Black Economic Empowerment (B-BBEE) Act (Kloppers & du Plessis 2008: 91; Ramlall 2012: 273). Each Act will briefly be discussed in the context of transformation to explain its reference to corporate social responsibility.

The South African Constitution, which was adopted on 8 May 1996, is the key driver of transformation in South Africa. The South African Constitution is the highest Act of the country. This means that all other pieces of legislation must follow and support the principles of the Constitution. The Bill of Rights, which is included in the Constitution, “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom” (Bill of Rights 1996: 5). Businesses are subject to the Bill of Rights, which means that by law, a business should consider their conduct relative to the Bill of Rights (Kirby 2014: 2). This means that a company cannot legally pursue profits at the expense of human rights (Gwanyana 2015: 3114).

Although the Constitution recognises the obligation government has in terms of realising socio-economic rights, such as the right to clean water, medical assistance and so forth, it also acknowledges the role business can play in terms of social transformation (Godden, Langton, Maxel & Tehan 2008: 26). The Constitution acknowledges that public-private partnerships had to be established to meet these rights and to mobilise the fight against poverty (Kloppers & du Plessis 2008: 92). The acknowledgement of the role corporations should play in social transformation, emphasises the recognition of a corporate’s social responsibility towards society.

Unemployment and poverty are harsh realities in South Africa. With a record high unemployment rate among the youth and the wider South African population, skills development to curb unemployment is more needed than ever. Moreover, skills
development should be open to those who are not currently in the job market. The Skills Development Act (SDA) no. 97 of 1998 aims to promote the skills of workers in the workplace. Both the Skills Development Act and the Skills Development Levies Act of 1999 aim to provide educational and economic opportunities for all citizens (Steyn 2004: 217). These Acts were the forerunners for the National Skills Development Strategy (NSDS). The National Skills Development Strategy introduced in 2001 aimed to increase the level of skills in the country, and access to quality education, and to ensure that skills offered respond to business requirements (Steyn 2004: 217). Socio-economic development, which is core to corporate social responsibility, requires a skilled workforce. A well-trained labour force is central to sustainable economic and social development. It also aids in the quest to achieve global economic competitiveness (Kloppers 2014: 67).

To address the discriminatory laws and practices of the Apartheid era, the Employment Equity Act (EEA) no. 55 of 1998 aims to promote equity and to eliminate discrimination in the workforce. The EEA focusses on the promotion of historically disadvantaged South Africans in the labour force, which includes black Africans, Indian people, Coloured people, disabled people, and women. The Act requires that companies with a workforce larger than fifty need to draft an employment equity plan. Through this plan, the business must set targets to achieve employment equity, and the company is also compelled to report on its equity plan (Kloppers 2013: 175).

Of all the laws, the B-BBEE Act of 2003 had probably the most significant impact on the course of corporate social responsibility in South Africa. Bezuidenhout et al (2007: 62) argue that Black Economic Empowerment (BEE) is a crucial element of the changing business environment in South Africa. The B-BBEE Act is by far the most progressive Act in terms of fostering socio-economic transformation for historically disadvantaged people. The Act aims to eradicate the economic inequalities and to transform society. The Act is generally viewed as the supreme method to redistribute wealth in post-Apartheid South Africa (Kloppers 2014: 59). It is worth taking a closer look at this Act and its impacts on corporate social responsibility in the South African domain.

To understand the Act and how it is being enforced, a look at the Act’s generic scorecard is necessary. Codes of Good Practice form part of the Act. The Codes measure the level
of compliance together with a weighting attached to each element. The elements are as follows (Department of Trade and Industry 2013: 11): ownership, management control, skills development, enterprise and supplier development and socio-economic development.

The elements of skills development, enterprise and supplier development and socio-economic development have a clear developmental and sustainable development focus (Kloppers 2014: 67). These three elements established the platform for corporate social responsibility (Kloppers 2014: 67). A look at each element and its relation to corporate social responsibility will now be discussed.

The skills development element measures the actions businesses have taken to empower their black workforce. Developing a workforce by means of skills development contributes towards the overall welfare of society and sustainable development (Kloppers 2014: 67). Furthermore, sustainable development and the welfare of society reflect sound corporate social responsibility (Kloppers 2014: 67). Also, skills development is key in fostering sustainable development and is an effective way to create inclusive growth (Sripriya 2017: 59).

The enterprise and supplier development element encourages businesses to socially and economically invest in small, black-owned enterprises. The aim of enterprise and supplier development is to encourage black entrepreneurs to become part of the wider national economy. Examples of enterprise development can include, but are not limited to, grant contributions, and the provision of mentoring and training. The enterprise and supplier development element aims to support the overall socio-economic aspect of the selected small enterprise. In terms of corporate social responsibility, enterprise development is a manifestation of the implementation of social responsibility practices (Kloppers 2014: 74).

The socio-economic development element measures to what extent a business has transformed, empowered and promoted sustainable development in the wider community. Socio-economic development in the B-BBEE scorecard reiterates government’s effort to foster the empowerment of historically disadvantaged black persons by encouraging equitable access to the country’s economy (Kloppers 2014: 75).
In relation to corporate social responsibility, the B-BBEE Act had a momentous influence on corporate social responsibility in South Africa (Hinson & Ndhlovu 2011: 355; Ndhlovu 2011: 81). The gazetting of the B-BBEE Codes of Good Practice in 2007 mainstreamed corporate social investment, mainly through the elements of skills development, enterprise and supplier development and socio-economic development. Companies can now score points on the B-BBEE scorecard through corporate social responsibility initiatives (One Creative Social Investment Consultancy). Also, as summarised by the above mentioned three elements, B-BBEE overlaps considerably with issues associated with corporate social responsibility (Hamann, Khagram & Rohan 2008: 27). Many South Africans view B-BBEE as a requirement and a true display of corporate social responsibility, which is also coupled with widespread social benefits (Hamann et al 2008: 27).

Based on a company’s overall score on each element, a rating is determined. The B-BBEE rating is measured in levels from one to eight. A company’s B-BBEE level is most often a prerequisite in its dealings with state and other companies. Furthermore, a business’s B-BBEE status is used to determine the justification of issuing licenses, for example, mining licenses (Kloppers 2014: 65). In short, the Act calls for the elevation of poverty, fostering of development as well as the reduction of inequality by forcing companies to address such matters. Corporations that desist from obeying with the B-BBEE scorecard may receive negative scores, which also might negatively impact the company’s future existence.

Although the B-BBEE Act has a strong focus on addressing racial imbalances, it also aims to support socio-economic development based on equality and fairness (Flores-Araoz 2011). Yet, in terms of corporate responsibility, B-BBEE creates a significant tension (Bezuidenhout et al 2007: 63). On the one hand, there is a notion that B-BBEE is leading to the enrichment of a select few at the expense of the poor majority and at the expense of environmental quality. Empowerment policies have made limited inroads into addressing the socio-economic conditions of mine workers and their communities. The laws that aimed at empowering the majority only empowered a select few (Horne 2017: 6).
Another Act that impacted the course of corporate social responsibility in South Africa is the Company Act 71 of 2008. Although the Act does not make specific reference to corporate social responsibility, it indicates a move towards incorporating corporate social responsibility into the law by government. In relation to corporate social responsibility, the Act requires companies to set up a social and ethics committee. This is an indication of government’s approval to institutionalise and legitimise corporate social responsibility (Kloppers 2013: 187). Also, the requirement of a social and ethics committee in both the Act and the Regulation indicates that government is aware of the corporate social responsibility movement and is actively taking steps to mainstream the notion (Kloppers 2013: 187). Additionally, section 7 of the Act refers to the Bill of Rights by stating that “the purpose of this Act is to promote compliance with the Bill of Rights as provided for in the Constitution”. The reference makes it impossible to deal with this Act without referring to the Constitution of South Africa (Gwanyana 2015: 3107-3108). The inclusion of the Bill of Rights into the Act, demands that human rights be places at the centre of policy making within a company (Gwanyana 2015: 3108).

Derived from the preceding background, it can be said that corporate social responsibility in South Africa is currently driven by national legislation like B-BBEE and international and local standards and codes. One voluntary code which greatly impacted the course of corporate social responsibility in South Africa, is the King Reports. The following section offers an unpacking of the King Reports.

### 3.5.2 The King Reports

When South Africa became a democracy in 1994, the country underwent changes on a political, social and economic level. Suddenly capital markets, predominately mining, were linked to international markets such as the London Stock Exchange (Siyobi 2015: 2). Thus, globalisation pressurised mining companies operating in South Africa to adhere to international corporate social responsibility codes or standards, like the United Nations Global Compact Principles. In the sphere of local codes of conduct, the King Reports played a pivotal role in how corporations ought to behave socially.

In South Africa, corporate social responsibility was greatly shaped by the notion of corporate governance as mandated by the King Reports. For South Africa, the history of corporate governance goes back to the 1960s. During this time a branch of the Institute
of Directors in London was established (Institute of Directors South Africa (IoDSA) 2016). The aim of IoDSA is to promote good corporate governance in South Africa. After the establishment of the South African branch, membership grew to such an extent that by 1992, the IoDSA Council approached Professor Mervyn King with a mandate to establish a committee. The responsibility of the committee was to draft guidance on corporate governance in South Africa. IoDSA served as a secretariat for the King Committee. By 1994, the first King Report, namely King I was issued, and the King Committee assigned ownership of the Report as well as future reports to IoDSA (IoDSA 2016).

In 2002, King II was issued at a conference in Johannesburg. King II succeeded in linking corporate social responsibility concepts and good governance (Painter-Morland 2006: 355). King II required companies to report on social, environmental and economic issues, also referred to in the King Reports as the triple bottom line (IoD 2002: 10). Reporting on a business’s triple bottom line required companies to acknowledge that social and environmental issues should form part of day-to-day business actions (Painter-Morland 2006: 355). Furthermore, the integrated sustainability section requires companies to report on societal well-being and environmental matters and how these issues may impact on the company’s economic bottom line (Kloppers 2018: 62). Under King II, companies were also required to report on initiatives that support social transformation such as employment equity, B-BBEE and social investments, and procurement practises (Kloppers 2018: 62). In terms of corporate social responsibility, the requirement that companies should report on social investment disclosures was probably the most important requirement. Yet, King II did not specify what is required when companies do report on these matters (Kloppers 2018: 63). King II merely stated that boards should familiarise themselves with the criteria of socially responsible investments (IoDSA 2002: 118).

Further limitations of King II were identified in terms of its application. Since the King Reports are merely voluntary, there was no agreement that all companies should abide by the King II requirements. Scholars also critically pointed out that little information about a company’s actual operation or the result of their interventions are revealed in the sustainability reports (Sonneberg & Hamann 2006: 313; Kloppers 2018: 65). Additionally, it was found that few companies provided any information in terms of social
reporting and stakeholder engagement and, if they did, it was unreliable and random (Kloppers 2018: 65). Considering these limitations, the review of King II was inevitable. Furthermore, due to the new Company Act no. 71 of 2008, an updated version of the King Reports became necessary.

In 2010, King III was released and came into effect during the same year. An important difference between King III and its predecessor was the inclusion of sustainable reporting. This meant that a company should report on economic, social and environmental matters in one place instead of the fragmented reporting that was required under King II. The contribution of King III regarding corporate social responsibility lies in the fact that economic, social and environmental issues should now be reported on as part of the annual sustainability report, accordingly, reflecting what is known as integrated reporting (Kloppers 2018: 76).

Furthermore, King III required that the sustainability report be audited by third-party auditors. This requirement was not part of King II. The verification ensured the integrity of the integrated report (IoDSA 2009: 56). Also, King III required that the company, as part of its integrated reporting, explains how the company had made its profits. This condition was also part of King II but without the prerequisite of an autonomous audit. King III also required that an audit committee must be set up within a company (IoDSA 2009: 56). This was to ensure that sustainable reporting is done independently of a company’s board members.

In terms of corporate social responsibility, issues of ethical leadership and corporate citizenship are also dealt with in King III. King III required a business to engage in effective, accountable leadership that is grounded in an ethical basis (IoDSA 2009: 20). This implies that a responsible board accepts that corporations have an impact on its social, economic and environmental milieus (Kloppers 2018: 72). The King III report states that through this acceptance, a sustainable business is formed which ultimately contributes toward sustainable development (IoD 2009: 118). A step up from the King II report was found in terms of King III’s application. King III follows the philosophy of apply or explain; this implies that should a company not comply, they are required to give reasons for such. King III came under review and gave way for King IV.
At present, King IV dominates the corporate landscape. The King Committee published King IV on the 1st of November 2016, which came into effect on the 1st of April 2017 (Deloitte 2017). In terms of corporate social responsibility, King IV refers to the triple context. King IV requests that companies report on this triple context by reflecting and reporting on social, environmental and economic matters (IoDSA 2016: 4). Furthermore, King IV stresses an interconnectedness between economic, social, environmental factors and success of the company. Therefore, the triple context approach has been adopted to carry the same meaning as corporate social responsibility under King IV (Mathibela 2017: 24).

Additionally, King IV has a deliberate focus on transparency and well-considered disclosure. The report also mandates that corporate governance should be concerned with ethical leadership, attitude, mindset and behaviour. Also, the King Reports underscore the importance of corporate citizenship and what it entails, with King III (IoDSA 2009: 24) stating that:

…in South Africa, corporate citizenship includes, among others, responsibilities outlined in the Bill of Rights of the Constitution, and issues relating to transformation, human capital, human rights, the environment, social capital, safety and health.

In the same fashion, corporate social responsibility focusses on social transformation, the protection of human rights and the consideration of environmental aspects. The King Reports are not legislation pieces in South Africa – they are applied on an apply-or-explain principle. This simply means that should a company not apply the principles of the King Report, they are compelled to explain why they are not compliant to the King IV. Yet, it is required that all companies that are listed on the Johannesburg Stock Exchange (JSE) should apply and comply to the King Principles. Based on this prerequisite, it has become a compulsory condition for all JSE listed companies (Ackers & Eccles 2015: 516). Moreover, the King Reports have made South Africa one of the first countries to require companies to disclose their corporate social responsibility related performances with proof of an independent audit thereof (Ackers & Eccles 2015: 516).

Regardless of whether corporate social responsibility is imposed through mandatory or voluntary legislation or codes, it is expected that corporations balance their
responsibilities in terms of economic, social and environmental matters. Business cannot only consider the interests of its shareholders; the inclusion of all its stakeholders is an expectation held by society and government. Specific industries, such as the mining industry had a huge impact on corporate social responsibility’s position in South Africa, which is spearheaded by its own Acts and charter. These mandatory legislation and charters have shaped an enabling environment for corporate social responsibility.

3.5.3 Corporate Social Responsibility (CSR) within the Mining Industry

As indicated, the political history of South Africa and the rise of corporate social responsibility cannot be separated. It is, therefore, necessary to look at mining practices prior to 1994. These conditions laid the underpinnings in which corporate social responsibility in the mining industry was later motivated. Prior to 1994, the mining industry personified some of the most damaging social practices of that time (Siyobi 2015: 2). The early gold mining industry has been described as “… an extractive industry with little consideration given to possibly adverse long-term effects” (Adler, Claassen, Godfrey & Turton 2007: 33).

The rise of the number of workers that came to the Witwatersrand during the late 1800s is astonishing. It has been reported that “… between 1890 and 1899 the total number of Africans employed on the gold mines of the Witwatersrand rose from 14,000 to 97,000” (Wentzel & Tlabela 1994: 73). These workers, who moved to the Witwatersrand, were mostly migrant workers. Moodie (1994: 11) explained that these men signed up at recruiting stations in their home regions and were then directed to work on the mines, usually hundreds of kilometres away from their own homes. Their contracts ranged from four months to two years for wages that were awfully low (Moodie 1994: 11). The influx of mine workers and the questionable government policies around labour and land ownership at that time created the perfect breeding ground for social issues. Many of these social issues in the mining industry have their roots within the migrant labour system. The backbone of the South African mining industry was built on the migrant labour system.

Seeing that the mining industry was founded on migrant labour, housing became an issue since these workers needed places to stay. In 1955, then Prime Minister Hendrik
Verwoerd ordered the development of the notorious single-sex hostels for mine workers (Magubane & Smith 2001: 13). Mine workers had to leave their families behind and were housed in single-sex hostels. These male-only compounds allowed for offensive reproductive control which involved conditional rules under which husbands and wives could interact (Bezuidenhout & Buhlungu 2011: 244). The migrant labour system had, to a large extent, become synonymous with what people regarded as miserable living conditions in mining hostels (Pelser 2003: 335). Living conditions in the single-sex hostels involved poor sanitation, only cold water, concrete bunks for beds and no privacy due to overcrowding (Magubane & Smith 2001: 13; Creighton 2003). Bezuidenhout and Buhlungu (2011: 245) explained that mining companies controlled the miner’s nutritional intake and supply, managed the entertainment spaces in the compounds and provided the infrastructure for mine stores. Nutrition was also often of low quality and led to protests (Bezuidenhout & Buhlungu 2011: 244). Any leisure activities that existed in these compounds were also controlled by the mining companies.

These dire conditions continued until the early 1980s. During the most part of the ’80s, resistance toward the treatment mining companies reserved for their black workers grew rapidly. It was through the formation of the National Union of Mineworkers (NUM) in 1982 that resistance gained momentum. Mining companies were also starting to rethink the migrant labour system (Bezuidenhout & Buhlungu 2011: 247). Yet, it was only during post-Apartheid that legislation requiring a degree of corporate social responsibility was developed and institutionalised. The following section provides an overview of these laws pertaining to the mining industry.

**3.5.4 National Mining Legislation Pertaining to Corporate Social Responsibility (CSR)**

The key legislation within the mining space in South Africa that drives socio-economic transformation is the Mineral and Petroleum Resources Development Act (MPRDA) of 2002. The Act was developed to address the injustices of the past as created during the Apartheid era. The Act entails nine objectives, and are as follows (Mineral and Petroleum Resources Development Act no. 28 of 2002 (MPRDA): 18):

1. To recognise the right of the state to exercise control over all the mineral and petroleum resources within South Africa.
2. To give effect to the principle of the state’s custodianship of the nation’s mineral and petroleum resources.

The first two objectives of the Act recognise the state’s power to exercise authority over all the mineral and petroleum resources within South Africa. The second objective put into practice the principle that the state has custodianship over the country’s mineral wealth and resources. This means that the government of South Africa has the right to all minerals in the country and that the government is the custodian of the minerals. The third and fourth objectives of the Act are as follows (MPRDA 2002: 18):

3. To promote fair access to the country’s mineral and petroleum resources to all South Africans.
4. To significantly increase opportunities for historically disadvantaged persons, including women, to enter the mineral and petroleum industries and to benefit from the country’s mineral resources.

Objectives three and four circle around the promotion of equitable access to the nation’s resources, to expand opportunities for historically disadvantaged South Africans, specifically for women, and to encourage economic growth and development in the country. In short, these objectives encapsulate the socio-economic matters the government must fulfil as required by the Act. In terms of corporate social responsibility, the Act acknowledges the need for economic growth and development by stating the following (MPRDA 2002: 18):

5. To encourage economic growth and mineral and petroleum resources development in South Africa.
6. To promote employment and advance the social and economic welfare of all South Africans.
7. To provide for security of tenure in respect of prospecting, exploration, mining and production operations.

Objectives five, six and seven speak to the promotion of fiscal growth, the development of socio-economic well-being, the promotion of employment and the respect that needs to be upheld in terms of land. These objectives pertain to the development of the mining industry, workforce and surrounding communities. From a corporate social responsibility point of view, the Act aims to guarantee that mining companies contribute towards socio-
economic development in its operational area (Kloppers & du Plessis 2008: 101-102). These objectives confirm that mining companies have a responsibility towards wealth creation and to attend to a mine community’s socio-economic matters (Kloppers & du Plessis 2008: 102). Furthermore, objective eight of the Act reads as follows (MPRDA 2002: 18):

8. Give effect to section 24 of the Constitution by ensuring that the nation’s mineral and petroleum resources are developed in an orderly and ecologically sustainable manner while promoting justifiable social and economic development.

Objective eight is in relation to section 24 of the Constitution and holds the principle that mining actions should be conducted in respect of the environment and society. In terms of corporate social responsibility it means that a balance between profit, planet and people should be reached and attained. The last and ninth objective of the Act is as follows (MPRDA 2002: 18):

9. To guarantee that holders of mining and production rights contribute towards the socio-economic development of the areas in which they are operating.

The last objective speaks to the responsibility mining corporations have towards socio-economic development of the country. Mining corporations are obliged to contribute towards sustainable development in their area of operations. All nine objectives of the Act emphasise that the mining industry has an obligation to exploit minerals in a manner that it will contribute towards the growth of the economy. In terms of corporate social responsibility, the Act identifies the need for developing and addressing socio-economic matters of the impacted mine communities (Kloppers & du Plessis 2008: 101). Mining communities can include the community that hosts the mine, or the one that provides the mine with the workforce, in other words, the labour sending community. Corporate social responsibility is regarded as a tool to foster the socio-economic development of historically disadvantaged South Africans (Kloppers & du Plessis 2008: 101). The Act also makes reference to skills development of disadvantaged communities, further emphasising the relationship to corporate social responsibility (Kloppers & du Plessis 2008: 101). The MPRDA of 2002 also highlights that mining companies should adhere to corporate social responsibility, to the protection of its workforce, to overall health and
to the development of skills as well as the provision of workplace opportunities for historically disadvantaged South Africans (Moraka & van Rensburg 2015: 671).

Apart from the MPRDA of 2002, the Broad-Based Socio-Economic Empowerment Charter of 2018, also known as the Mining Charter, is another key legislature piece in the mining sphere. The main aim of the Charter is to promote equity and to create opportunities for historically disadvantaged South Africans. The Mining Charter was first developed in 2002 as per the MPDRA. The Charter serves as government’s stance towards regulation in the mining industry. According to the Charter, non-compliance will result in legal action. In 2010, the Mining Charter was revised, and specific targets for each element in the Charter were set. The focus was on meaningful economic participation and development of historically disadvantaged South Africans. Figure 3.1 depicts the elements and targets as per Mining Charter II.

Figure 3.1: Mining Charter 2010
Source: Broad-Based Socio-Economic Empowerment Charter 2010

Mining companies were given a five-year transitional period to reach the prescribed targets. As can be seen in Figure 3.1, the elements and targets were as follows:

- **Ownership – 26 per cent:** This element meant that 26 per cent of a mining company’s shares should be owned by historically disadvantaged South Africans (HDSAs), with full shareholder rights;
• Housing and Living Conditions – 100 per cent: This element indicated that by 2014 all mining hostels should have been converted into family units;

• Employment Equity: Every mining company must have achieved a minimum of 40 per cent HDSA demographic representation at executive management, senior management, middle management and junior management and core and critical skills by the end of the 5-year transitional period;

• Human Resource Development: 5 per cent of annual payroll should be spent on human resource development such as adult basic education training (ABET), artisans’ training, learnerships and core business skills;

• Procurement and Preferential Development: 40 per cent of capital goods should be sourced from BEE entities, 70 per cent of services like gardening or security should be sourced from BEE entities, and 50 per cent of consumables should be sourced from BEE entities;

• Mine Community Development: 1 per cent of Net Profit After Tax (NPAT) should be spent on local economic development and;

• Sustainable Development and Growth.

A new mining charter, Mining Charter III was promulgated in September 2018. The new charter visions to facilitate a more radical stance towards social transformation and development within the mining industry. Figure 3.2 shows the elements and targets of Mining Charter III.
The main differences between Mining Charter II and Mining Charter III are on the ownership element, employment equity and preferential procurement and supplier enterprise development. Mining Charter III demands that the company should sell 30 per cent of its shares to historically disadvantaged South Africans (HDSAs), compared to the previously demanded 26 per cent. Employment equity also changed significantly with set targets for the inclusion of HDSAs at each level of management. The targets per management level are as follows:

- **Board**: At least 50 per cent HDSA, of which 20 per cent must be women;
- **Executive Management**: At least 50 per cent HDSA, of which 20 per cent must be women;
- **Senior Management**: At least 60 per cent HDSA, of which 25 per cent must be women;
- **Middle Management**: At least 60 per cent HDSA, of which 25 per cent must be women;
- **Junior Management**: A minimum of 70 per cent HDSA, of which 30 per cent must be women;
- **Employees**: At least 1.5 per cent employees with disabilities; and
Core and Critical skills: At least 60 per cent HDSA must be represented in the mining rights holder’s core and critical skills.

The last element that changed significantly in the new mining charter is inclusive preferential procurement and supplier and enterprise development. Instead of the previous three elements, namely capital goods, services and consumer goods, Mining Charter III has only two criteria, namely mining goods and mining services. For a mine to achieve its full score on inclusive procurement and supplier development it should identify all goods and services that will be needed by mining companies and that its procurement policies adhere to the following: procure 70 per cent locally manufactured mining goods and procure a minimum of 80 per cent of services from South African based companies.

Mining Charter III is indeed a much more progressive charter than its two predecessors. As can be seen from Figure 3.2, each element has a specific target that is focussed on meaningful economic development and the development of historically disadvantaged South Africans. Mining houses are compelled to adhere to these targets to be granted a mining right to mine. Yet, Horne (2017: 10) argued that it has been reported that the Mining Charter is a worthy policy document but that it is weak on implementation. It has a too narrow-based approach with a single focus on the black ownership element (Horne 2017: 10). Furthermore, the Mining Charter and MPRDA have put corporate social responsibility and sustainable development issues in the hands of the mining industry at national policy level, but both the Mining Charter and the MPDRA have not indicated what this means in practical terms (Cronjé & Chenga 2009: 418).

The main component of the MPRDA of 2002 and the Mining Charter that enables corporate social responsibility strongly, is the requirement of a social and labour plan (SLP) from mining companies. The social and labour plan is the primary compliance mechanism for achieving transformation, empowerment and socio-economic development in the mining industry and affected regions. The social and labour plan aims to foster the employment and socio-economic well-being of those previously disadvantaged (Kloppers & du Plessis 2008: 103). Furthermore, the plan also enforces that mining companies must foster and promote the community’s socio-economic development in the areas they operate in (Kloppers & du Plessis 2008: 103-104). The MPRDA requires that a mine develop and submit a social and labour plan every five
years. The plan serves as mining companies’ blueprint for what it intends to do over the next five years in terms of development.

A social and labour plan needs to be submitted to the Department of Mineral Resources (DMR) for a mine to obtain its mining right. For mining companies to maintain their mining right, a new social and labour plan needs to be submitted every five years to the DMR for approval. Imperative to note is that a social and labour plan is a legal requirement and the DMR will not allow any mine to operate without such plan. Mining companies are also required to submit an annual report to the DMR on their progress in terms of their social and labour plan.

The social and labour plan aims to bring about socio-economic transformation, empower historically disadvantaged South Africans and to eradicate poverty in affected communities. The social and labour plan has five components which a mine not only needs to report on to the DMR but should make provision for. These are as follows: human resources development, mine community development, housing and living conditions, an employment equity plan, and processes to save jobs and manage downscaling or closure. As discussed, the targets for each component are stipulated within the Mining Charter. These targets must be reflected in a mine’s social and labour plan as well as in an implementation plan on how a mining company is planning on achieving the targets over the duration of five years.

In terms of the mine community development component, mining companies are obliged to spend 1 per cent Net Profit After Tax (NPAT) on local economic development. This can, of course, include livelihood strategies or poverty alleviation initiatives to infrastructure development such as a school or clinic. Preferably these local economic development programmes should be based on the needs of the community as identified by themselves. Also, the social and labour plan aims to foster development and sustainability not only during the life of mine but also after a mine has closed. This consideration is evident in the element downscaling and closure as stipulated in the social and labour plan guidelines.

Through the MPRDA a mining company is compelled to put the following mechanisms in place (Department of Mineral Resources 2010: 21-23): the establishment of a Future Forum; strategies to save jobs or the provision of alternative solutions when job losses
are inevitable; the management of retrenchments and mechanisms to manage and improve the social and economic impact on communities when retrenchments or mine closure occurs. Each mechanism will briefly be considered now.

As per the social and labour plan guidelines, a new mining application must make provision for the establishment of Future Forum, and an operational mine must have an operating Future Forum. The Future Forum must include management and other workers or their representatives, for example, unions. The roles of the Future Forum include but are not limited to the following (Department of Mineral Resources 2010: 23): to promote an ongoing conversations and negotiations between worker representatives and employers about the future of the mining company; the Future Forum should identify possible upcoming problems, challenges and possible solutions regarding employment and productivity within the mine; The Future Forum serves to develop strategies to lessen job losses and to improve business sustainability; and lastly the forum should oversee that the agreed upon strategies are being implemented.

The mechanisms to save jobs and to provide alternative resolutions when retrenchments cannot be avoided, should include the following (Department of Mineral Resources 2010: 23): a plan to save jobs with measurable indicators and timeframes; a strategy that outlines the retrenchment procedure involving discussions with organised labour; the proposed plans revolving around mechanisms to save jobs and mechanisms to manage retrenchments should be consistent with the terms of Section 52 (1) of the MPRDA, the National Social Plan guideline of the Department of Labour, and Section 189 of the Labour Relations Act.

The mechanisms to improve a positive social and economic impact on individuals and communities when closure occurs should outline a process to be followed to reduce the impact of closure on communities. The plan must include but is not limited to the following (Department of Mineral Resources 2010: 23): comprehensive self-employment training programmes, a detailed portable skills development strategy and a plan on the identification of projects to absorb the retrenched. The plan must be submitted to the Department of Mineral Resource 24 months prior to commencing the downscaling process.
Furthermore, when a mine starts operating, closure planning needs to be incorporated within the life of mine. Section 43 of the MPRDA instructs the procedure of obtaining a mine closure certificate and the transfer of the environmental liabilities. The mine closure certificate is issued by the Minister of Minerals and Energy and serves to release a mining company from environmental liabilities. This means that a mine is legally bound to plan and put certain measures in place for mine closure. Important to note is that this closure planning does not only pertain to the technical side of the operation itself but also to consider the communities. Essentially, a mining company should plan in such a way that communities can be sustainable after the mine has closed.

Apart from the Mining Charter and MPRDA, another key piece of legislation that shaped the course of corporate social responsibility in South Africa is the National Environmental Management Act (NEMA) no. 8 of 2004. Section 28 of the Act is of importance since it pertains to the prevention of pollution and duty of care (Morrison-Saunders et al 2015: 815). Section 28 of the Act says that reasonable measures should be taken not to cause environmental degradation and, or to stop any environmental degradation that is occurring. As part of this Act, a mine is compelled to do an environmental impact assessment (EIA) before mining commences in an area. Through the environmental impact assessment new projects may be implemented in preparation of mine closure. Furthermore, section 28 was amended in 2009 with the addition of sub-section 1A, granting NEMA reflective application (Morrison-Saunders et al 2015: 815). The Act has extensive consequences and implications for the closure accountabilities of mines and the directors of mining companies (Morrison-Saunders et al 2015: 815). The continuity of socio-economic development in mine communities after a mine has closed is imperative. The socio-economic impacts on a community’s wellbeing after a mine has closed down should be considered during the life of mine (Kloppers & du Plessis 2008:103). NEMA requires that people and their needs should be placed first as part of environmental management (Godden et al 2008: 103). NEMA and the MPRDA can be regarded as the key motivators for mining companies to take its impact seriously and to prevent a negative legacy (Morrison-Saunders et al 2015: 815).

Despite these corporate social responsibility-related laws, there is a gap between policy and practice. This gap between policy and practice most often results in failed corporate social responsibility initiatives from mining companies. The following is a reflection on
the implementation of corporate social responsibility’s shortcomings in the mining industry. The purpose of this section is to highlight what one needs to bear in mind when designing and implementing corporate social responsibility programmes within the mining industry.

3.5.5 Shortcomings of Implementing Corporate Social Responsibility (CSR) Programmes in the South African Mining Industry

Policies around corporate social responsibility and the implementation of corporate social responsibility initiatives are two different ideas. Often polices and practice display a gap in-between. The importance to include people in corporate social responsibility practices is vital. People should form the basis of development, and a continuous investment in people is most needed for development, and for designing corporate social responsibility programmes, according to Bester and Cronjé (2014: 220). However, most often, wealth is favoured over human health, deepening the gap between policy and practice (Nayyar & Chang 2005: 2).

Despite the requirements of international and national codes, standards and legislation, the mining industry is criticised for neglecting its social and environmental responsibilities. Corporate social responsibility strategies from various industries have been under scrutiny and very much criticised. The mining industry is no exception to this. The Policy Gap documents, continually issued by the Bench Marks Foundation, which assess the overall corporate social responsibility strategies and a mine’s corporate personality, are just one example of how the mining industry often fails in terms of its corporate social responsibility strategy (Bench Marks Foundation 2013). Mining companies have engaged and handled corporate social responsibility programmes as once off charitable contributions for a worthy cause (Hamann 2004: 284). These corporate social responsibility actions commonly involved education and health initiatives in the communities they operate in (Hamann 2004: 283). Eventually these corporate social responsibility policies missed the finer nuances of needs and opportunities within communities.

Another example of responsibilities being neglected is the issue around mine closure. As mentioned in the previous section, the MPRDA and NEMA require governing processes for mine closure and rehabilitation. However, it has been recorded that there are 5906
abandoned mines as of May 2008 in South Africa, and that no closure certificate has been issued as of 2011 (Druten & Bekker 2017: 458). Without any closure certificate, a mine is not regarded as lawfully closed.

The mining industry is often criticised of not involving the voices of the communities when local economic development or corporate social responsibility programmes are being designed. This results in mine host communities feeling like that they are not benefiting from mines in their areas (Kloppers & du Plessis 2008: 94). Furthermore, despite community engagements and community consultations, numerous communities feel powerless towards mining companies, which they regard to be in a stronger bargaining position (Kloppers & du Plessis 2008: 94). These concerns and critiques are well captured in the Bench Marks Foundation’s (2012: 117) description of the “top-down” corporate social responsibility programmes in one of South Africa’s mining-intensive areas:

Corporate social responsibility programmes in the platinum belt are … designed by experts and imposed on communities, and there is very little evidence that communities, as stakeholders, are consulted about their needs, or about their frustrations concerning the impact of mining operations on their lives.

Important to note is that this critical examination does not only pertain to the platinum mines. Furthermore, the Bench Marks Foundation (2012) criticised the high proceeds of mines when compared with the workforce’s low salaries. According to the Bench Marks Foundation (2012), the positive upshots of mining are not filtering through down to the workers or the surrounding communities. In line with this, critics of corporate social responsibility have argued that the scope of corporate social responsibility is too narrow (Blowfield & Murray 2014: 322). Critics have pointed out that some CEOs of companies earn more per hour than what workers of the same company do in a year on a minimum wage (Blowfield & Murray 2014: 322). Considering this, it is therefore imperative that corporate social responsibility practices should not be at odds with a company’s policies in other areas (Blowfield & Murray 2014: 323).

Until now, corporate social responsibility initiatives, especially those from the mining industry have been highly criticised in the past. Most often these corporate social
responsibility initiatives are designed top-down, lacking dialogue and co-operation (Bench Marks Foundation 2012: 117; Bench Marks Foundation 2015: 59). Supportive of this, the emerging literature on corporate social responsibility in the mining industry indicates that corporate social responsibility activities in support of artisanal mining are viewed as difficult to sustain (Nel et al 2014: 176). This might be due to corporate social responsibility interventions being created by means of a top-down approach (Hilson 2009: 3). Corporate social responsibility strategies rather need to be developed from the bottom-up, involving relevant stakeholders to make sense for sound development. If mining companies foster stakeholder engagement and facilitate innovative contributions towards socio-economic development, their efforts will not only be sustainable but will also contribute towards human well-being. The following is a review on implementation challenges of corporate social responsibility in the mining industry, further highlighting why corporate social responsibility initiatives are often failing.

Often, there is a lack of collaboration between mining companies and other related stakeholders at the local level (Johannes 2016: 34). This results in the corporate social responsibility initiatives being designed in silos and from a top-down approach. Not only does this result in failed corporate social responsibility initiatives but also causes a breakdown in sustainable development in communities. A case in point is a 2008 initiative from Wesizwe Platinum mine that started an art co-operative to create an income for local women through the making and selling of local art artefacts. Local women were trained in the production of some of the art artefacts which were then supplied to retail outlets. Subsequently, the project was disrupted and brought to a standstill by community factions who claimed that they were not consulted (Bongwe 2017: 63). This lack of collaboration and co-ordination at the regional and local level is constraining the effectiveness of corporate social responsibility efforts (Hamann 2004: 287). Corporate social initiatives get implemented to gain a competitive edge and to enhance a company’s brand image and reputation (Hamann 2004: 285). This competitive motivation behind corporate social initiatives have obstructed the creation of co-operative planning and implementation efforts (Hamann 2004: 285). Being competitive in this regard does not always have negative costs (Johannes 2016: 34). It is, however, a drive that needs to be connected to a greater purpose like contributing to the overall common good or towards sustainable development (Johannes 2016: 34).
Another shortcoming is that mining companies seldom align their corporate social responsibility programmes with national, provincial and municipal policy frameworks (Siyobi 2015: 3). This alignment is imperative since a mine’s social and labour plan should incorporate the issues of the local and district municipalities. Community challenges identified in the municipality’s Integrated Development Plan (IDPs) should serve as a basis for a mine’s local economic development (LED) plans as set out in the social and labour plan. Several past developmental initiatives have failed because of local government’s ambiguity around local economic development plans (Hamann 2004: 288). On the company’s side, there exist minimal commitment to effective cross-sectoral collaboration (Hamann 2004: 288). This lack of cross-sectoral partnership with government entities have led to failed corporate social responsibility programmes. For example, a platinum mine in the Bonjanala District of the North West Province contributed to the construction of a computer laboratory for a school in the district. Subsequently, the Department of Education was not prepared to pay for the employment of a computer teacher at the school. The computer laboratory was merely locked up with the equipment inside (Bench Marks Foundation 2012: 39 & 55).

Corporate social responsibility programmes and strategies are the tools most often applied to gain a social license to operate (SLO) in the mining sector (Prno & Scott 2012: 352). For mining companies, a social license to operate signifies a reduction of possible social risk and enables a mining company to operate without community conflict (Prno & Scott 2012: 346). The social license to operate involves collaboration, mutual trust and an independent structure to monitor the performance of a company (Warhurst 2001: 57-58). The process to gain a social licence to operate happens on a collaborative and informal foundation (Warhurst 2001: 57-58). To gain a social license to operate is to consider and meet the expectations of local stakeholders and the broader society on how a business ought to operate (Gunningham, Kagan & Thornton 2004: 308). On the community’s side a social license to operate reflects meaningful consideration in decision-making and benefits from the corporate social responsibility project (Thulo 2015: 36). A social licence to operate is a way by which a mining company understands and appreciates its obligations towards corporate social responsibility (Bice 2014: 63). Active engagement and establishing a dialogue with stakeholders plays a central role in securing a social license to operate. Dialogue, co-operation and engagement cannot be achieved on a once-
off basis but require an ongoing process. Moreover, engagement must take place throughout the life of a mine and requires a long-term commitment (Thulo 2015: 36).

For the mining companies, failed corporate social responsibility programmes pose a risk to their social license to operate. It has become increasingly evident that obtaining a formal licence to operate from government is not enough (Moffat & Zhang 2014: 61). For example, Rio Tinto’s Richard Bay Minerals (RBM) in KwaZulu Natal had to suspend its operation temporarily in 2016 due to community protests. It was reported that the community objected because they felt that they were being overlooked in terms of skills development and business opportunities (Magwaza 2016: 4-5).

This marks the importance of a social license to operate. Several mining developments have been interrupted or even shut down in the past due to community disagreement and hostility (Moffat & Zhang 2014: 61). This is proof of how important it is to a mining company to attain and maintain a social license to operate from the community. The need to attain a social license to operate was ranked as first on a list of the top ten industry challenges (Ernst & Young 2018). It also continues to be one of the most important aspects in the discourse of the extractive industry (Ernst & Young 2018).

The role of corporate social responsibility in the South African context to foster social transformation is undeniable. This role is clear by considering how corporate social responsibility is being reflected in the national laws and regulatory requirements of the country. Therefore, it can be said that South African mining companies have a responsibility to address the issue of unregulated artisanal mining, and corporate social responsibility can be put in place to address it (Nel et al 2014: 177; Verbrugge 2017: 354). The fact that ASM is a threat to the mine’s social licence to operate can serve as a motivation for mining companies to start seeing the ASM sector as a social issue. Considering increasing public awareness and pressure for corporate social responsibility in the mining sector, positively engaging with ASM can assist mining companies in gaining their social license to operate (Aubynn 2009: 70; UNITAR & UN Environment 2018: 65). The involvement of multiple stakeholders to address unregulated artisanal mining in South Africa is a significant aspect. The stakeholders should include mining company representatives, government officials, civil society members, artisanal miners and international development agencies (Aubynn 2009: 70).
3.6 Conclusion

The concept of corporate social responsibility has evolved over time. Introduced more than half a century ago, this dynamic concept is now widely utilised by academics, businesses, and international organisations. Shaped by several theories and time periods, this concept has grown into a tool for development in a globalised world.

In the South African context, corporate social responsibility is enabled by several pieces of legislation. For the mining companies, corporate social responsibility is embedded in the MPRDA of 2002, the Mining Charter as well NEMA. This legislation was developed largely to address the injustices from the past, to foster socio-economic opportunities for historically disadvantaged South Africans and to guarantee a sustainable environment for mining communities. For the mining industry the intention was and still is to allow historically disadvantaged South Africans to benefit from the riches of the country. Yet legislation, including the B-BBEE Act, the MPRDA of 2002, and the Mining Charters, has to a large extent benefited the elite. In the end, the only sectors that were developed were the industrial-like mining sectors, but certainly not the ASM sector. The issue of unregulated artisanal mining in South Africa echoes failed development, but it also offers an opportunity to truly address the injustices, including those that were created prior to 1994, but also those that developed post-1994.

The shortcomings that were mentioned in the final section of this chapter are mostly the result of corporate social responsibility strategies that have been developed top-down without involving multiple stakeholders like the beneficiaries of developmental programmes, civil society, or local government. The importance of including multiple stakeholders in this study, to address the issue of unregulated artisanal mining, was mentioned in Chapter One. This is due to the complex nature of the social phenomena at hand. Unregulated artisanal mining goes beyond the scope of the social responsibility of a mining company alone. Supportive of this, SAHRC (2015: 7) emphasised the requirement of an all-inclusive, co-operative approach by multiple stakeholders, which includes government, civil society, and mining houses. The methodology that was followed to develop the corporate social responsibility framework is discussed in the following chapter.
CHAPTER 4
RESEARCHING ARTISANAL MINING:
DIGGING DEEP

4.1 Introduction

To uncover the views and experiences of the research participants around unregulated artisanal gold mining, a qualitative research approach was employed. In a nutshell, the research question aims to uncover the research participants’ perceptions, views and experiences around artisanal gold mining. These insights are linked back to corporate social responsibility (CSR) to develop a corporate social responsibility conceptual framework. Furthermore, the purpose of the research is to unpack unregulated artisanal gold mining in South Africa in terms of its nature, challenges, drivers, and proposed interventions that can contribute to the development of a corporate social responsibility framework.

In order to answer the research question, the study is addressed through seven research objectives. In short, the research objectives are as follows: (a) To delve into the profile of the unregulated artisanal miner, by examining the views and experiences of relevant stakeholders; (b) To critically examine how these views shape a mining company’s stance toward and interaction with unregulated artisanal miners; (c) To uncover challenges or risks that are a part of unregulated artisanal mining and to zoom in on the relationship between artisanal miners and mining companies; (d) To examine the insights from all stakeholders to determine or uncover what drives unregulated artisanal mining; (e) To examine the views and opinions of stakeholders to respond to challenges within the sector, in other words, to uncover proposed initiatives as held by research participants; (f) To examine the insights from stakeholders to determine factors relevant for development in the unregulated artisanal mining sector and how role players can assist mining companies to address the matter of unregulated artisanal miners; and lastly, (g) To draw on the data from all participants to develop a corporate social responsibility conceptual framework to address unregulated artisanal gold mining in South Africa.
The data and insights gathered during field research fed directly into the development of the corporate social responsibility framework. The following sections provide an overview of how the field research was conducted. The chapter focuses firstly, on the research sites and participant selection. The chapter then discusses the research design, sampling, data collection and analysis. My research reflections, and how trustworthiness was established during the research, are also discussed. Ethical considerations for the study are also presented in this chapter.

4.2 Research Sites

The history of the gold mining industry is central, not only to the history of South Africa, but is the main reason for the fiscal growth experienced by the Gauteng province. For this study, the data was collected in and around the Witwatersrand area of South Africa. This area, which is known for its gold mining operations, serves as the breeding ground for many unregulated artisanal gold mining activities in South Africa. The SAHRC (2015: 34) confirmed that the Gauteng province is the province most affected by unregulated artisanal gold mining activities; hence the focus on this province.

Figure 4.1 indicates where gold deposits in South Africa occur. The high concentration of gold deposits in the Gauteng province (GP) is indicated. The number of gold deposits in Gauteng inevitably led to the formation of many gold mining companies in the province. The gold mining companies that were selected as part of the research all have operating mines in Gauteng. Mining houses that formed part of the research were Anglo Gold Ashanti, Harmony and Sibanye Stillwater. These are all gold mining companies that mine South-West of Johannesburg. This region forms part of the wider Witwatersrand basin and have many abandoned as well as operating mines. Both types of mine sites in this region are highly affected by unregulated artisanal gold mining.
The Gauteng province also served as the locus of the unregulated artisanal mining sites. At these sites, interviews were conducted with Zama Zamas. Data gathering took place at four different Zama Zama sites.

The unregulated artisanal mining sites are mostly adjacent or sometimes on top of abandoned gold mining sites, where the townships and informal settlements that form part of mining communities around formal mines also occur. Figure 4.2, below, shows how closely to gold mining operations, informal settlements and townships are often located.
Collecting data at the unregulated artisanal mining sites and speaking to Zama Zamas contributed significantly to understanding who artisanal miners are and it facilitated in gaining a deeper understanding of the phenomena. These aspects are central to the research question of the study. As stated, four different Zama Zama mining sites were visited as part of the data collection. All these sites lie in and around Johannesburg. Pictures 4.1, 4.2, 4.3 and 4.4 depict the four different unregulated artisanal mining sites where interviews with Zama Zamas were conducted.
Figure 4.2, above, shows me with Mr Chris Molebatsi from the Bench Marks Foundation and Zama Zama miners in the background, after I conducted interviews at the site.
The civil society workers and key informants who formed part of the sample were all based in the province of Gauteng. These research participants have mostly dealt with Zama Zamas in Gauteng, therefore their inclusion in the study. Some research participants from these groups served as my point of entry into the unregulated artisanal mining sites. The Bench Marks Foundation and one key informant were key in granting me access to these sites. These role-players provided me entry into the unregulated artisanal mining sites because of their previous work and well-established relationships with Zama Zamas.
A detailed discussion of how the research participants were selected will now be explained.

4.3 Research Participant Selection

Babbie and Mouton (2014: 288) advised the consideration of the following criteria when selecting research participants: enculturation, current involvement and the availability of adequate time. This means that research participants should be well-informed, active in the field and willing to make satisfactory time available to be interviewed as part of the study. Thus, to gain a well-informed, heterogeneous perspective of unregulated artisanal mining, participants who have worked with, researched, or who have experience in dealing with artisanal miners, were selected for interviews. Additionally, the participants included those who could provide critical insight into the phenomena. These insights and views from the participants ultimately contribute to the development of a corporate social responsibility framework to address unregulated mining.

Purposive and snowball sampling were used to select the study participants. Purposive sampling can be defined as sampling where one purposefully chooses the elements that they wish to include in the study. By using purposive sampling, I looked at the main research question and research objectives, and based on that I set out to find potential participants under the pre-determined research participant groups, namely gold mining houses, civil society, key informants and Zama Zama miners. Thus, I contacted people that were well informed and willing to provide information on unregulated artisanal gold mining in South Africa. The advantage of this sampling method is the assurance that each element of the sample will assist with the research (Pascoe 2014: 143). Purposeful sampling involves the identification of people or groups that have knowledge or experience with the research topic at hand (Creswell & Clark 2011: 173).

The research made use of snowball sampling to identify the research participants in a network (Neuman 2003: 214). Snowball sampling starts with one individual or a few individuals and develops in such a way that it involves more and more people, making it a multi-stage practise (Neuman 2003: 214). I began the research process with an initial interview which resulted into other referrals and more interviews. This sampling method is repetitive since the researcher is refereed every time by participants; this process of referencing happens continually (Noy 2008: 330). This sampling method worked well
since it allowed for the identification of several research participants who were previously unknown. Participants were very helpful and kept on referring other research participants throughout the data collection phase.

The 21 participants can be categorised into four different groups, namely Zama Zamas, civil society workers, representatives of mining companies and key informants. A full breakdown of participants is included in Appendix A. The sample includes a range of stakeholders from varying contexts. A variety of stakeholders were included to gain rich insight into the issue of Zama Zama mining. Unregulated artisanal mining is poorly understood in South Africa and the incorporation of only one stakeholder would have been insufficient. Furthermore, the study aims to address unregulated artisanal mining through a multi-stakeholder perspective; hence the inclusion of multiple stakeholders in this regard. Briefly, five interviews were conducted with Zama Zamas; five with mining companies; six with civil society informants, and five with other key informants. These four groups together constituted the study participants. The following sections provide a more detailed portrayal of each participant group by using pseudonyms in the descriptions below.

The first group of participants was the unregulated artisanal miners. In total five interviews were conducted with Zama Zama miners. My first interview with this group started with Tommy. Tommy has been involved in Zama Zama mining since 2010. I was then introduced to Sam. Sam has been working as a Zama Zama miner since his uncle, who is also an artisanal miner, gave him some training on how to mine. Martin, who was also interviewed, has been mining as a Zama Zama since 2016. Tim has a certificate in craft, but cannot find work; therefore, he engages in Zama Zama mining. Stuart, who was also interviewed, has been a Zama Zama, but also took part in the selling of the gold.

Compared to the other stakeholder groups, access was not easily gained, since this group cannot be contacted through e-mails or telephone calls. Access to hidden groups and elites require special negotiations for gaining access (Neuman 2003: 373). Neuman (2003: 373-374) explained that to gain access to subcultures or hidden groups field researchers have to use contacts from their personal lives. Access to this group was gained over a period of five months, and I made use of my personal contacts to gain access to this marginalised group. During the research visits to the Zama Zama mining sites, my personal contacts
also served as a sense of security and safety for me. The Zama Zama miners entrusted me with their stories because of my association with these people. Without these people, entering the sites would have been impossible, let alone gathering data. The inclusion of the Zama Zamas gave me the opportunity to view and experience the work and character of artisanal miners first-hand. These interviews made a valuable contribution to the profile of the artisanal miners.

Unfortunately, no women artisanal miners would agree to an interview, despite my requests. On requests to interview them, they completely ignored me and started talking to each other in a language I could not understand. Their reason for ignoring me might be due to a language issue, as well as the distrust Zama Zama miners have towards new faces. My personal contacts who helped me to gain access to the Zama Zama sites had established relationships with groups of men. I can only, therefore, assume that the women were too sceptical about speaking to me. Women Zama Zama miners would be a fruitful area for future research.

The next group of participants was from civil society. A total of six interviews were conducted with civil society representatives. Specific participants from civil society were approached because of their previous and current work with artisanal miners. My initial discussion with civil society workers started with Danny. Danny worked as an advocate researcher and had first-hand experience with Zama Zama miners. Bob, who was also interviewed, worked with Danny for the same civil organisation. Danny and Bob introduced me to Mike, who has done work within mining communities and Zama Zama sites. Mike suggested that I speak to Themba, who had personal experience with Zama Zama miners in Gauteng. Lastly, I emailed Jane and Nicky, who worked for the same civil society organisation and had researched the topic of Zama Zama mining recently. These civil societies, such as the Bench Marks Foundation, Mining Affected Communities United in Action (MACUA), Legal Resources Centre and Oxfam, have done research and work within the artisanal gold mining sphere in South Africa; hence, their inclusion. Access was gained by contacting the participants via e-mail to set up appropriate times for the interviews.

To gain an understanding of the views of mines and their experiences with artisanal miners, and to delve into potential corporate social responsibility initiatives, participants
from gold mining companies were selected for interviews. Access was gained by e-mailing the relevant managers of the mines and providing a brief outline of the research. An interview was then set up at the mine site. Five interviews were conducted with research participants from gold mining companies. The initial interview started with Cobus, who had been a mine manager for many years and has dealt extensively with *Zama Zamas* at the mine’s concessions. I then contacted Will, who was also a mine manager at a mine in Gauteng. Before, Will was a mine manager at Free State gold mine, where he first encountered *Zama Zamas*. Will introduced me to Pete, another mine manager at a mine adjacent to where Will was based. I contacted Bruce and Taylor, through emails, to set up an interview date and time. Bruce was the Vice Principal of Group Security, Human Rights and Sustainability of a gold mining group in Africa, which operates in South Africa and in other regions of Africa. Taylor worked for the same company and fills the position of Sustainability Manager for the group. This part of the study population entailed the mine’s general managers or in some cases the heads of the Sustainable Development Department of the gold mine. These managers work and are responsible for the mine’s corporate social responsibility programmes and for overall sustainable development in the mine. All mining companies that were approached during this study have unregulated artisanal gold miners mining in operating and abandoned sites; hence, their inclusion into the study.

The last group of participants consisted of key informants. Key informants are described as people that have special knowledge about the phenomena studied and that they are willing to share information and insights with the researcher (Moser & Korstjens 2018: 10). In essence key informants in this study had personal experiences with *Zama Zamas* which allow them to have special insight into the research topic. Furthermore, key informants were also willing to share their knowledge with me, which is why they were included in the study. These key informants were artisanal miner representatives and individuals working for corporate social responsibility or Sustainable Development consultancy agencies who have dealt with the matter of artisanal mining before. Access was gained by contacting the participants via e-mail to set up appropriate times for the interviews.

Five interviews were conducted with key informants. A person qualified to be a key informant if the person has worked with or within the field of artisanal mining in South
Africa. The discussion with key informants started with Travis who had written a book on Zama Zama mining in South Africa. Mark, who was interviewed, had worked in the space of consultancy in terms of mine community development for many years and was very familiar with Zama Zama mining. Teo also works for a consultancy business in Johannesburg and has experience in engaging with artisanal mining in South Africa but also in other parts of Africa, specifically the DRC. It was Danny, a civil society worker, who introduced me to Carina. Carina runs an animal shelter in one of the Zama Zama sites. She had very trusting relationships with the Zama Zama miners. The last key informant I interviewed was Jack. Jack is an academic who has written opinion pieces and has done research on the matter of artisanal mining in South Africa.

I stopped with the selection of research participants and the interviews when no new data transpired. This approach is reflective of a guiding principle of qualitative research – to continue fieldwork until data saturation is reached (Moser & Korstjens 2018: 11). Data saturation is reached when themes start repeating themselves. Pascoe (2014: 137) explained that at some point, your research participants are no longer providing new information and that everything that is being said has already been said. In my judgment, I reached data saturation when no new data was uncovered, and very similar stories and themes were repeated by the research participants.

4.4 Qualitative Methodology

Qualitative research concentrates on the explorations of the meanings people assign to a social or human problem (Creswell 2014: 4). As the focus of this research is on exploring the perceptions, lived experiences and life worlds of the unregulated artisanal miners, representatives of mining houses, civil society workers, and key informants around unregulated artisanal gold mining, a qualitative approach was adopted for the research study.

Additionally, qualitative research allows one to gain an understanding of how people think and interpret their own experiences (Merriam 2009: 5). Given the nature of the primary research question, the research design for this study could further be classified as exploratory (Coldwell & Herbst 2004: 36). Exploratory research is useful for research projects that involve a subject about which there are high levels of ambiguity or unawareness (van Wyk n.d: 8). This level of flexibility that is offered within exploratory
research allowed for the adjustment of some of the research questions for the different research participants. This also provided the opportunity to probe the participants when it was necessary.

Furthermore, a qualitative research approach allowed me to delve deeper into aspects and dimensions around this phenomenon. By uncovering unknown aspects around the phenomena, I gained a deeper understanding of artisanal gold mining in South Africa. A qualitative approach was adopted because it works when researching social complexities (O’Leary 2017: 142).

Based on these characteristics, qualitative research proved to be the best research paradigm to explore the understanding, experiences and views of people around unregulated artisanal gold mining. The key concern in qualitative research is understanding the phenomena of interest from the perspective of the participants and not from the researcher’s (Merriam & Tisdell 2015: 16). Keeping this concern in mind, I incorporated the participants’ views as derived from open-ended questions.

Another strength of qualitative research is that it is comprehensive and flexible, allowing participants the opportunity to voice issues that are important to them (Choy 2014: 102). These advantages allowed for the opportunity to gain a detailed understanding around artisanal mining. This also created an opportunity to discuss previously hidden elements around artisanal mining that ultimately contributed to the development of the corporate social responsibility framework.

The research’s qualitative framework is grounded within the critical realism and interpretivist research paradigms. As du Plooy-Cilliers (2014: 31) explained, within the critical realism, the main aim of research is to expose myths, transform society and free people from all forms of oppression. Critical realism further aims to empower people to build a better world for themselves in the process (du Plooy-Cilliers 2014: 31). Critical realism enables the researcher to challenge the status quo, give voice to the voiceless and look for patterns of power and oppression.

Interpretivism is a paradigm that aims to understand people (Babbie & Mouton 2014: 28). According to interpretivism, social reality is characterised by multiplicity because people interpret events differently, creating numerous viewpoints of one incident (Nieuwenhuis 2016: 61). Cohen, Manion and Morrison (2007: 619) clarified that from the interpretivism
paradigm the researcher should strive to “understand, explain and demystify social reality through the eyes of different participants”. By engaging with artisanal miners, civil society workers, representatives of mining houses as well as key informants, to develop the corporate social responsibility framework, the research has created the potential to transform the unregulated artisanal gold mining sector. The research also has the potential to increase knowledge about unregulated artisanal mining. Further, the engagement with miners themselves, and with the other research participants, has the potential to break down myths around artisanal mining in South Africa. Lastly, engaging with different research participants provided a deeper understanding of the life of the artisanal miners and how different stakeholders can help address unregulated mining through corporate social responsibility.

The research methods used in exploratory qualitative studies typically include qualitative methods such as personal and focus group interviews (Davis 2014: 75). The next section provides an overview of the qualitative data collection methods used during the study.

4.4.1 In-depth Interviews

The data was collected over a period of five months (March 2018 to July 2018) through face-to-face interviews. All interviews were conducted in English, and a pre-set requirement was that participants should be able to express themselves verbally in English. As pointed out, this requirement might have been a reason why the women Zama Zama miners did not want to talk to me. All interviews lasted between 30 minutes to 90 minutes. During the research, the setting where the interviews took place was chosen by the participants. This added to their comfort with the research. Before the start of each interview, the research process and project were explained to the participants and permission was asked to record the interviews. Except for one, the Zama Zama miners did not want to sign any documents or papers. I respected their scepticism, and informed consent was gained by asking them to give me permission verbally to conduct the interview. All the participants were guaranteed that the data will be kept private and is only intended to be used for the research analysis. The identities of the participants were also protected throughout the research process by employing pseudonyms as part of the final document. In-depth interviews were the main data-gathering technique. The full
interview guide can be viewed under Appendix B. The following are a few examples of questions posed to each of the research participant groups:

**Questions for artisanal miners**

Why are you doing the work you are doing?
Where did you learn the skill to mine?
What risks or challenges are you facing?

**Questions to mining houses**

How will you describe the company’s relationship with artisanal miners or Zama Zamas?
Is there any interaction with Zama Zama miners? If so, what is the nature of these interactions?
Is there any interaction with Zama Zama miners on abandoned sites?

**Questions to civil society**

In your opinion, who is the unregulated artisanal miner in South Africa?
Are they part of criminal activities?
Are they retrenched miners?

**Questions to key informants**

In your opinion, who is the unregulated artisanal miner in South Africa?
Do we have different types of artisanal miners in South Africa, and if so, what are these types?
Are they part of criminal activities?

Lastly, during the in-depth interviews, I strived to gain a deeper understanding of the experiences and views from numerous research participants around unregulated artisanal mining. Interpreting these views and perceptions allowed me to look for patterns and themes to construct a corporate social responsibility framework to address the social issue at hand. My notes on informal conversations and observations were also written down.

**4.4.2 Observations**

Observations were used during data collection, specifically when the Zama Zama mining sites were visited. Furthermore, the observations that were noted down during this study formed part of a bystander role.
When acting as a bystander to observe, you locate yourself in a field setting that is fluid in time and space (Yin 2016: 152). When a scene is complex and as vast as the Zama Zama mining sites, it is impossible to watch everything all the time. It is, therefore, advised that before making use of observations as a data-gathering technique, that the focus and purpose of the observations need to be defined (Nieuwenhuis 2016: 91). For my observations to be focussed, I kept the research question and sub questions in mind. I decided beforehand what to observe by making use of the following four categories: the characteristics of people, including dress code and non-verbal behaviour, the interactions between individuals, actions of people, and the physical surrounding, including visual and audio cues (Yin 2016: 153-154).

In some cases, photography was used to share my observations at the various unregulated artisanal mining sites. I always asked permission before taking any photograph. Photos are also used to represent and display qualitative data (Yin 2016: 261). Photos can be taken of the participants or research setting or of other objects or aspects of the research location of the study (Yin 2016: 261). The images captured illustrate the nature of artisanal mining in terms of the rudimentary tools used as well as matters or artefacts relevant to the study. Additional photos of Zama Zama mining taken during field research are included in Appendix C.

The unregulated artisanal mining sites can be unpredictable at times. Therefore, I adopted a relatively passive role during the observation process. The issue of unregulated artisanal mining is also a sensitive one, with miners being highly suspicious when they see someone new or unfamiliar in their environment. Thus, I followed the following approach to the observation process: I never sought the data aggressively, and I did not induce behaviour for the research, but I observed events as they occurred in their natural setting (Nieuwenhuis 2016: 90). By adopting this approach, a relaxed environment for both myself and the artisanal miners who participated in the study was shaped. I was cautious of my own behaviour when visiting these sites. For example, I never took photographs without asking permission, in order to ensure that the artisanal miners did not feel threatened by my presence or actions.
4.5 Qualitative Data Analysis

I analysed the qualitative data alongside my sampling and data collection phases. This means that the process entailed going back and forth between sampling, data collection and data analysis. It is advisable to start immediately with analysing your data since an iterative and emerging approach is at the heart of qualitative research (Moser & Korstjens 2018: 15).

Qualitative data analysis aims to make sense of text or image data (Creswell 2014: 195). This type of analysis is focussed on bringing forward the hidden meanings, experiences and patterns of relationships (Babbie 2007: 378). The qualitative data analysis stage proceeded hand in hand with data collection and the writing up of findings. The data analysis process can be considered as a complex procedure that is moving between data and concepts, between inductive and deductive reasoning and between description and clarification (Merriam & Tisdell 2015: 202). The following section is a discussion of how data was analysed during this study.

The data analysis process began with preparing the data. The interviews were organised into the four different stakeholder groups, namely the unregulated artisanal miners, mining houses, civil society and key informants. After all interviews were transcribed, I read through all the transcriptions and coding units to be analysed were defined. Open coding was utilised for this step of the data analysis. Open coding involves reading through the data, identifying relevant themes, or similar themes. The coding units consisted of phrases, paragraphs, or words that were identified as relevant for the research. Since this was the beginning of the data analysis, I included any segment of data I felt that might be relevant and useful. Because you are open to anything being possible at this point, this form of coding is termed open coding (Merriam & Tisdell 2015: 204).

As part of open coding, themes were assigned to text chunks of any sizes, if the chunk represented a certain theme or issues of relevance to the research questions (Bezuidenhout & Cronje 2014: 238). After the themes were identified, categories of themes were developed, labelling relevant themes together. I was also open to creating new themes or to change the initial codes in subsequent analysis (Neuman 2003: 443). When describing codes, themes or categories the following characteristics are suggested (Bezuidenhout & Cronje 2014: 238): they should be exhaustive, meaning that enough codes should be
identified to accommodate all the data. Codes should be mutually exclusive. Each theme and category should be distinct, with no overlap. Lastly, codes should be specific. The relevance should be discernible and clear. These guidelines were followed when categories and codes were identified from the data.

The next step that was followed in the data analysis procedure was axial coding. During this phase, all themes that emerged from open coding were reviewed. This process involved organising ideas or themes and identifies the axis of key concepts in the data analysis process (Neuman 2003: 444). I further look at how to cluster concepts and themes together and how the data can best be organised. This step also involves questioning the data and themes and what to explore deeper or what to leave out. As Neuman (2003: 444) explained, axial coding stimulates thinking about the linkages between themes and concepts, but it also raises new questions about themes.

The third step that was followed was selective coding. As part of this step, I compared categories, themes and concepts to identify connections and relationships and grouped the themes that were similar together. I also used field notes and my observational notes as part of this process to re-organise themes and to create sub-themes. The naming and refining of themes is not a straightforward process and involved going back to the data numerous times, reviewing themes and creating sub-themes throughout the data analysis process up until writing up the findings. Merriam and Tisdell (2015: 209) explained that the process of refining and revising continues throughout the process of writing up findings. In the last step of analysing and writing up the data, I searched for emerging patterns, concepts and explanations in the data. During this step, the researcher brings the analysed data into context with existing theory to disclose how it verifies current knowledge or brings new understanding to a body of knowledge (Nieuwenhuis 2016: 120). This step involved going beyond the data to develop a corporate social responsibility framework. In this regard, the literature review in Chapter Two and Chapter Three assisted with making connections and contributions. The theoretical literature on corporate social responsibility and how it is positioned in the South African mining context, with reference to the Mining Charter, MRPDA of 2002 and social and labour plans, provided support in interpreting the data. These interpretations contributed strongly to the development of the corporate social responsibility conceptual framework presented at the end of this thesis.
4.6 Reflections

During my research, I was conscious of the power within the state and corporations. Since many myths exist around unregulated artisanal mining in South Africa, I cannot help but to reflect on the power the media holds over this narrative around what is labelled ‘illegal’ mining. This tripartite relationship is well reflected in a quotation by one of my favourite authors, Noam Chomsky. Chomsky (1989: 10) said “… the media serves the interests of state and corporate power, which are closely interlinked, framing their reporting and analysis in a manner supporting of established privilege and limiting debate and discussion accordingly”. The biggest challenge during this research was to break through this tripartite narrative, to find other voices, and at the same time to balance all views, without discarding any of them. To remain truthful to the data and research process, I strived to balance all views by not favouring one narrative above another. I looked for patterns in the data across the range of stakeholders, instead of looking at one group’s experiences and views only.

The site visits to the unregulated artisanal miners gave me an opportunity to view and experience the phenomena under study first-hand. I became immediately aware of the level of poverty and desperation again and experienced the miners as friendly and relatively approachable. I use the phrase “relatively approachable” since it took time for them to engage with me. They had never seen me before, and every now and then, I was treated with scepticism. For example, during one site visit, after I disclosed my identity and the purpose of my visit, I was approached by two artisanal miners who wanted to know if I am looking to buy gold from them. I ensured them that I am not looking to buy gold but that I am from a university and doing research. On numerous occasions I referred to my DRC trip. This reference helped me prove to the miners that I was who I said I was, and not a threat nor an informant.

Being a white woman was challenging when interacting with the Zama Zama miners. I was conscious about the fact that distrust and racial perceptions had the potential to create barriers too huge to overcome. Therefore, I used the DRC trip once again to aid me in breaking down the racial barriers. I explained to the miners that I was in the DRC for work, which involved speaking to miners who are doing work like their own. I made it very clear that during the DRC trip, the intention was to gain an understanding of the
miner’s doings, and that I am aiming to do the same with these conversations. By explaining to them that I had encountered workers like them before created some sort of common ground between me and Zama Zama miners. I was also very aware of my social behaviour in these contexts. As far as possible I tried to blend in with the Zama Zama mining sites, for example I usually chose to sit on the ground with Zama Zama miners when conducting interviews. I believe that these small gestures helped in breaking down barriers and it contributed to the fact that the miners relaxed in my presence.

Visiting an unregulated artisanal mining site demands a high level of flexibility and improvisation. I set out to conduct focus group discussions with the artisanal miners, only to find out on my arrival at the first site that my plan to collect data in this way would not suffice. The miners were extremely busy, and most of the discussions took place during their breaks, in between shifts and some even took place whilst doing the processing and crushing of the ore. Arranging them into a focus group was nearly impossible and might have been too coordinated for their liking. I had to then decide on gathering the data by interviewing the miners individually. This approach worked out well since it was more personal, and it gave the miners the opportunity to share more of their personal background and stories that might have gone unheard during a focus group discussion.

4.7 Ethical Considerations

Before every interview, I introduced myself to the research participant and clarified the purpose of the research process. At that point, written consent was obtained by asking the participants to sign a consent form. The consent form is attached in Appendix D. Participants were also given the choice to stop the interview at any point during the research. I used pseudonyms to protect the identities of the participants and treated all data confidentially. The participants were assured that the audio recordings were for the purpose of transcribing the data alone, and that they would not be made available to anyone else. All participants were told that whenever they felt uncomfortable with the research or any questions, they were free to not answer or even to stop the interview.

Informed consent was gained from Zama Zamas by explaining the research purpose and process to them fully. I made certain that they understood the purpose of the research and asked them to sign the informed consent form or to give me permission verbally to conduct an interview with them. In most cases, informed consent was gained verbally
except for one Zama Zama who signed the informed consent form. I recorded our interviews with their permission. Before asking the participants for their permission, I made sure that they understood the content in the informed consent form. After this explanation, I asked if there were any questions to ensure that the matter was understood fully.

Furthermore, whilst visiting the unregulated artisanal mining sites, I protected the participants’ identity by not disclosing the exact sites where these participants were met and interviewed. I also never photographed them where their faces could be identified. I also disclosed my identity and role as a researcher to these participants from the start.

### 4.8 Trustworthiness of the Research

A strength of qualitative research is that the researcher has an opportunity to gain an in-depth understanding of the phenomena. This closeness or intimacy also brings a limitation. A limitation in qualitative research is that the researcher can be too close to the data and research participants. This closeness heightens concerns about the researcher’s ability to collect and interpret data in an unbiased manner (Roller & Lavrakas 2015: 5). To overcome this limitation, I continuously strived to gain trustworthiness in the study, as recommended by Koonin (2014: 258). Trustworthiness can further be divided into four criteria, namely credibility, transferability, dependability and confirmability (Nieuwenhuis 2016: 123).

Credibility refers to how accurately the researcher understood the information obtained from the participants (Koonin 2014: 258). Credibility asks the question, how consistent are the findings with reality (Merriam & Tisdell 2015: 242). To attain credibly, I interviewed a range of stakeholders to gain multiple perspectives around artisanal mining in South Africa. I also recorded all the interviews and transcribed them myself. As part of the data analysis, I developed themes and re-developed themes to be certain that all data was analysed correctly.

Triangulation forms an integral part of credibility and is used to strengthen credibility. Triangulation refers to the combination of numerous theories, methods, observations and empirical resources. This is done to portray a more accurate, comprehensive and objective research picture (Silverman 2011: 369). As defined, triangulation can be obtained through
multiple ways, of which the use of multiple methods of data collection and multiple sources of data were executed in this study. During the field research, I used in-depth interviews as well as observations to collect data. I further attained triangulation using multiple sources, by interviewing a range of stakeholders. This meant data was collected from people with different perspectives. Triangulation, whether you used more than one data collection technique, multiple participants or multiple theories, is a powerful strategy to increase credibility (Merriam & Tisdell 2015: 245).

Dependability is established through the research design, its application, the detail of data gathering as well as the reflective appraisal of the research project (Nieuwenhuis 2016: 124). This examination of the inquiry process is also known as an audit trail and is used to strengthen the dependability in a study (Anney 2014: 278). To attain dependability in this study, I described the data gathering in detail, as well as how the data was analysed and interpreted. It is important to remember that some sites, such as the Zama Zama miner sites are dynamic and fluid; therefore, the sites might change over time.

Confirmability refers to the extent the collected data confirms and supports the researcher’s understandings and conclusions (Koonin 2014: 259). In other words, when someone else looks at the data, they should come to the same conclusion and interpretations as the researcher. Confirmability is achieved through “an audit trail, reflexive journal and triangulation” (Anney 2014: 279). I gave a detailed account of in what manner the data was analysed and interpreted, consequently providing an audit trail. Triangulation was obtained by using multiple data collection techniques and by interviewing a wide range of stakeholders.

Transferability means that when the findings are applied to similar circumstances, it should bring about similar outcomes (Koonin 2014: 258). The rich descriptions of the participants, as well as the research process, will enable the reader or future researchers to assess the findings on whether it is transferrable to their own research. I also included detailed descriptions of the sample, sample size, sample strategy as well as the interview procedure. The findings are described in detail with adequate evidence obtainable in the form of quotes from the participants and field notes. All these rich descriptions will enable future researcher to determine if the findings are transferable or not.
4.9 Strengths and Limitations of the Study

A major strength of this research was the use of qualitative data gathering methods, namely in-depth interviews and observations. The in-depth-interviews allowed me to uncover and to learn more about the participant’s views and opinions. Since the artisanal mining sector is relatively under-researched in the South African context, in-depth-interviews offered a great deal of freedom, permitting me the investigation of this complex topic thoroughly. The in-depth interviews were semi-structured interviews, which granted enough flexibility. This was essential since the research incorporates a range of participants, including those who have been left unheard, like the artisanal miners. The semi-structured interviews encouraged a back and forth dialogue and enabled me to react to comments and change question ordering or to ask new questions. This was a strength of the study since it allowed me to uncover the perceptions of participants fully.

Another strength of the study was the use of observations. Observations allowed me to observe unregulated artisanal miners busy mining. This contributed to understanding the process artisanal miners follow in terms of their mining practises. Furthermore, such insights allowed for rich descriptions around the profile and nature of Zama Zama mining.

As explained, entering Zama Zama sites can be challenging. Therefore, another strength of this study was my personal network and my connection with the Bench Marks Foundation. The Foundation has very good relationships with miners at some Zama Zama sites. These longstanding relationships helped me immensely, not only to enter the different Zama Zama sites to observe mining practices but also to conduct in-depth interviews with the miners.

A limitation of the study might be the focus and locus of study, for which fieldwork was conducted only in the province of Gauteng, and specifically on the West Rand and Far West Rand. Furthermore, the study only focused on gold mining and not on the mining of any other mineral resources. A larger sample of Zama Zama miners cutting across minerals would most likely provide further insight into the nature, challenges and opportunities within this sector. Also, the lack of willingness of female miners to participate in the study might be considered as a limitation.
Overall the study’s methodology worked well, because it allowed me to uncover rich data. The data is presented in Chapter Five and Chapter Six as themes. The themes that were uncovered are as follows: towards a diverse profile, challenges around artisanal mining, drivers of unregulated artisanal mining and proposed initiatives to address unregulated artisanal gold mining. These themes were satisfactory towards developing the corporate social responsibility conceptual framework.

4.10 Conclusion

This chapter has provided a discussion of the research approach that was adopted for this study. The study was positioned within the qualitative research paradigm by considering and discussing the key characteristics of qualitative research. The advantages of qualitative methods for this research were also discussed. Together with the key characteristics and advantages, the motivation for a qualitative methodology became clear throughout this chapter. The use of semi-structured, in-depth interviews and personal observations served as the primary data collection techniques. The in-depth interviews were also discussed in terms of their strengths and the justification for adopting this data gathering technique was also clarified. The chapter offered a detailed explanation of how participants were selected, how the data was collected and analysed, research reflections, how trustworthiness was ensured and the ethical aspects that were considered for this study. The final themes that emerged from the research data are presented in Chapter Five and Chapter Six. Direct quotations are also presented to provide insight into the themes, subjective views and experiences of the participants.
CHAPTER 5
NATURE, CHALLENGES AND DRIVERS OF UNREGULATED ARTISANAL MINING IN SOUTH AFRICA

5.1 Introduction

Unregulated artisanal mining in South Africa is a multifaceted and complex sector, which demands that the sector should be explored from several perspectives. This chapter responds to the first part of the overarching research question of the study, namely: what are the perceptions and experiences of unregulated artisanal miners, civil society workers and gold mining houses representatives around unregulated artisanal gold mining?

This chapter draws on qualitative data collected during the course of 21 in-depth interviews with Zama Zamas, civil society workers, representatives of gold mining companies and with key informants. All participants, at the time of the fieldwork, were based in and around Johannesburg, in the Gauteng province of South Africa, an area well known for its gold riches as well as high numbers of unregulated artisanal miners. Direct quotations from the interviews are presented alongside themes to provide access to the subjective views and experiences of the participants. Statements from participants are presented verbatim, but to protect them, pseudonyms are used. The chapter offers insight into a range of perspectives and experiences of unregulated artisanal mining in South Africa.

To answer the research question, certain research objectives were developed. In line with the first research objective, the study aimed to delve into the nature of unregulated artisanal mining in South Africa. An understanding of who Zama Zamas are, serves as a crucial departure point for the study since so little is known and not much is well understood about the sector. The second research objective explored how certain views, perceptions and experiences participants have around Zama Zamas, shape interactions with this sector. These views contributed to a more heterogeneous profile of unregulated artisanal miners and provide insight into the ways in which particular views and
perceptions shape mining companies’ interaction with Zama Zamas. Additionally, in line with the above-mentioned research objectives, misconceptions and the importance of a heterogenic profile of Zama Zamas are discussed in more detail under the theme Towards a diverse profile for Zama Zamas. These findings implicate certain considerations for a mining company’s interactions with Zama Zamas, and these are also evaluated.

5.2 Towards a Diverse Profile of Zama Zamas

There is currently a poor understanding of the profile of artisanal miners in South Africa. Media coverage on Zama Zamas tends to create the impression of a homogeneous group of people sharing similar characteristics such as criminality, illegal immigrant status, and a propensity for violence. The next section provides a discussion on certain misconceptions that are part of this dominant narrative. Misconceptions that were uncovered during the research can be classified into three groupings, namely: that all Zama Zamas are criminals, secondly, there is a misconception that the sector involves only illegal immigrants, and thirdly that all Zama Zamas are men. Each misconception will now be discussed and unpacked respectively.

5.2.1 Misconception: All Zama Zamas are Criminals

Mining companies most often regard Zama Zamas as criminals and deal with the sector by policing it. This stance from the formal sector is based on the perception that all Zama Zamas are criminals. The following statement by a participant indicated how this mining company is currently viewing and dealing with Zama Zamas.

Bruce, vice president of sustainable development at a mine, said:

There is no interaction. Because one thing we are clear on, we are all supportive of trying to formalise the issues that are around ASM and illegal miners for that matter, but at the same time, we cannot deal with people perpetrating criminal acts.

The above statement shows that some mining companies perceive artisanal miners as criminals. Such viewpoints from mining companies reflect a lack of insight and understanding around unregulated artisanal mining. Furthermore, the above statement
clearly indicates that the mining group will not tolerate criminal acts. This intolerance from mining companies deepens the cycle artisanal miners get trapped in.

In terms of addressing the sector, mining companies often deal with unregulated artisanal mining by either not engaging or by policing them. When considering the aforementioned misconceptions, the banning of artisanal mining should be treated with more critique than is currently being blindly accepted. It is not to say that there is no criminal element involved in the sector. In cases where the workforce of a mining company is threatened, the mining company’s stance is understandable. The study found that in some instances, police and security deployment are used to protect the workforce of a mining company; a statement reads as follows:

Fighting. It’s an us vs them. Cause the reality is here on my mine, for instance, they’ve disrupt[ed] my production, so they are preventing us from producing to our full potential. And the things that they do is putting my people in danger. Two reasons why, one: if we catch a guy and he is assisting an illegal they fire him, he is fired from the mine, he gets blacklisted, and he will never work on a mine again. So his personal career is gone and then they actually in physical danger in terms of water that they put into my tips. I mean the guy at the bottom who needs to operate the box he doesn’t know [how] so he opens up and he gets engulfed in mud and water and stuff like that. So they actually, there is a physical danger that they pose as well as the personal danger, or the career danger. Cause if this guy gets caught, I mean, we block him he will never work again on the mine. - Will, mine manager.

The above statement specifies that criminalisation in this regard is used to protect production as well as the workforce. The problem with this approach is that it is currently the only manner being used to deal with every single Zama Zama. The study found that little else is being done to address the matter of unregulated artisanal mining.

The majority of the participants agreed that unregulated artisanal miners were not criminals. Participants were of the opinion that Zama Zamas are participating in artisanal mining to avoid a life of crime. The following statements by Zama Zamas show that they are engaging in the sector because they don’t want to turn to crime. The miners also stated that they are doing what is labelled Zama Zama mining to create some sort of livelihood. Two miners commented as follows:
This kind of work is not like we like it. But it is that we don’t want to steal from people. So, we are feeding for ourselves. - Sam, Zama Zama.

For the money. To eat. This life is so difficult. - Tim, Zama Zama.

Other research participants also indicated that they did not view miners as criminals. In their opinion, the miners were merely trying to make a living:

So we see artisanal mining has one of the ways in which ordinary communities can engage in the mining industry for better livelihoods, so as a livelihood coping strategy. - Themba, civil society.

Firstly, the artisanal miners, they call themselves Zama Zamas. Zama Zama means somebody who’s trying to do some work for them to be able to put bread on the table. - Mike, civil society.

Carina, a key informant, commented:

It’s huge. I mean that’s a very difficult question to answer because there are so many layers. Obviously, because it is an illegal and unregulated activity there is gangsterism; there is murder. But I think there are huge misconceptions. I mean all the people I come across and talk to are just ordinary people. They need to stay alive. And most of them have families. So yes, the misconceptions that’s there, to say every Zama is a murderer is absolutely crazy. They are ordinary people that are caught up in something which is hugely dangerous with huge poverty.

As pointed out, Zama Zamas are often regarded and portrayed as criminals (Solomons 2017; Chambers 2018; Minerals Council 2018: 1). These statements by research participants show that generalised reports, specifically by representatives of the formal mining sector, such as the Minerals Council, must be treated with caution. Skewed statements presented as facts not only maintain misconceptions, but it also enforces and reinforces the responses from the mining sector, which is policing.

So far, the study has argued that the sector is heterogeneous, and that one-dimensional approaches such as banning and criminalising artisanal mining will not suffice. Moreover, criminalising should not be used to address unregulated artisanal mining on the basis that these miners are criminals and illegal since these claims are not always accurate.
Literature explains that relations amongst surrounding communities and mining companies are often conflictive in many countries of the South (Bolay 2014: 118). According to Bolay (2014: 118), cases explaining conflictive interactions have the following in common (Bolay 2014: 118): firstly, artisanal miners are most often labelled as illegal in these conflictive contexts. Secondly, the competition over land and issues of formalisation are often used as the main reasons for their labelling as illegal. Both these commonalities contribute to the embargo of artisanal miners (Bolay 2014: 118).

Furthermore, criminalising the sector will not make it disappear. The country’s socio-economic fabric where unemployment and poverty are realities for many will keep the sector in place. It remains a sector that provides employment in a country where jobs are becoming scarcer. It has been documented on many occasions that a developmental approach is needed to deal with Zama Zamas.

In most cases, this misconception justifies marginalising the artisanal mining sector. As stated, this is not to say that there is no criminal element involved in the sector. The study merely found that a deeper understanding is demanded before condemning every Zama Zama to be a criminal. A deeper understanding will allow the sector to respond in alternative ways other than the deployment of security forces and policing. In addition, the study found that there is a misconception that all Zama Zamas are illegal immigrants. This theme is discussed next.

5.2.2 Misconception: All Zama Zamas are Illegal Immigrants

A misconception that came to the fore was the immigrant status of Zama Zamas. The participants indicated that not all Zamas are illegal immigrants and the sector mostly consists of a mixture of people. The following extracts from Danny, a member of civil society, reflects the misrepresentations around unregulated artisanal mining and illegal immigrants:

Yes, the thing is the media and the mining industry and government… and I attended meetings of the safety and security sector in Gauteng, where we discussed the topic of Zama Zamas. Where the minister of safety and security blamed small-scale micro and survival mining on foreigners… There are people from Lesotho, there are people from Zimbabwe, there are people from
Mozambique, there are people from the Eastern Cape, there are people from the Free State, there are people from Gauteng. So, it is a mixture of people.

Cobus, a mine manager, agreed:

There is a lot of locals, and there's also foreigners that are coming in, but they come and go.

As with the first misconception, these statements reflect the need for a more comprehensive understanding of the sector. There is a mixture of people taking part in unregulated artisanal mining, local people as well as people from neighbouring countries. If one looks at the history of the formal mining industry, it can be said that unregulated artisanal mining is not that different from the formal mining sector in this regard. As discussed in Chapter Three, South Africa’s formal mining sector is built on migrant labour, when it served the state, and formal mining industry immigrants were lured to the country.

Should there be illegal immigrants in the sector, then it is up to the state to address the matter in a humanitarian way. The sector cannot be blindly criminalised because it is assumed and thoughtlessly accepted that every Zama Zama is an illegal immigrant. Policies need to be put in place to address this in cases where illegal immigrants are prevalent.

5.2.3 Misconception: All Zama Zamas are Men

There is a misconception that all Zama Zama mining involves men only. Through observing the Zama Zama sites, I saw that many women were involved in unregulated artisanal mining. Although no women agreed to be interviewed, I did observe their actions and what it entailed. It was found that women play an integral part in artisanal mining by mostly doing the crushing of the ore. As stated, no exact figures exist around men and women involved in the sector, but through fieldwork observation, it was observed that many women form part of the sector.

During the field research, participants explained that women seldom, if ever, go underground. The crushing of the ore serves as the first step when the ore is brought up from underground by miners. The following quotes from Carina and Teo, both key informants, explain the role and status of women:
They only do the processing. I’ve never come across a woman who has gone underground. - Carina, key informant.

Women do have a role but that role, I think is right at the bottom level of production and probably doesn't bring them very much, by way of income and so on. I don't think they get significant livelihoods from it. - Teo, key informant.

A Zama Zama miner confirmed the role women play by stating the following:

Yes, we are working with them (women), but they don’t go underground. They do the crushing. - Stuart, Zama Zama.

Picture 5.1 and Picture 5.2 show women involved in the processing part. Both pictures were taken during the field research.

Picture 5.1: A woman working as a Zama Zama

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The challenges and risks women face as being part of the Zama Zama mining sector are worrying. It was pointed out that women are in a more subordinated position to men in the Zama Zama sector. In other words, of an already marginalised group, women are further suppressed and marginalised by the agents in the groups. Also, one participant pointed out that the role of women is mostly about providing support to the men. The following quote sheds some light on the aforesaid:

They are exploited in every possible way, especially the women I feel so desperately sorry for the women because they pay rent in nearby townships, they pay up to R400 a month rent, and they earn a pittance… So, they have, they often access contraception at the local clinics they are frightened to go, they don't report rape. So, they're totally at the mercy of what of whatever men actually use their services for the crushing but not all the men use the woman to do that crushing others use what they call the pendukas. So, yes the women are the ones I feel the most sorry for. - Carina, key informant.

You've got the processing, which is a mixture of men and women. You often have like a support system that's there as well, for the illegal mining, so women bringing food and so on. - Teo, key informant.
A penduka can be described as a cylinder with iron balls in it and is turned for hours on end to crush the ore inside. Furthermore, one participant described women as being completely disempowered and even went so far to state that they are invisible. Carina, a key informant, further added the following:

…they don’t report crime. They are completely disempowered, and they're invisible. - Carina, key informant.

The matter of these women’s children also came to the fore. Through the field observations, I observed many children alongside their mothers. The babies are exposed to grave danger, for example, at one Zama Zama site (see photo 5.2) a toddler stood next to where the mercury was mixed and occasionally stuck his hand in the mixture. This is just one example of the danger’s children face by being in the Zama Zama site. Carina, a key informant said the following about women and their children:

…and very often a lot of them have got their children with them. Babies on their backs with that dust…

This finding has important implications for developing initiatives around the sector. The insight gained from these empirical findings indicates that women were in an inferior position to men in this sector. In fact, their voices were seldom heard, and this adds to their already disempowered position. Also, this finding showed that women faced different challenges than men. Very little was found in the literature around women Zama Zamas, apart from the roles they fulfil (Gauteng City-Region Observatory 2018: 120). The insight into the women’s position, the challenges and risks women face is a significant aspect that should be considered when any initiatives are developed to address the sector. Literature indicates that the gender element brings added challenges when addressing artisanal mining. The scale of gender-based violence must be recognised (McIlwaine 2014: 498). Furthermore, gender-based violence undermines sustainable development; therefore, its inclusion in the Millennium Development Goals (MDGs) which underline both gender and age-based violence. The MDGs recognise that these groups need protection; however, concrete policies and campaigns must be developed further (McIlwaine 2014: 498).
Several participants indicated that the misconceptions have strong grounds in how the media is representing *Zama Zamas*. The next theme looks at this.

### 5.2.4 The Role of the Media and Misconceptions

The afore-mentioned misconceptions can, to some extent, be explained by the role the media is currently playing in the narrative. Participants indicated that the role media is playing in representing these misconceptions cannot be ignored. Several participants stated that the current narrative was being dominated by formal industries like the mining industry and state. Participants were of the view that journalists, in most cases, blindly accept a narrative, which is carefully choreographed by the state and formal mining sectors. One participant argued that journalists do not take any effort to research the matter of unregulated artisanal mining. According to the participants, journalists would rather reproduce stories about shooting.

> Well, I think first of all the journalists are extremely lazy, and they don’t want to make the time to meet with small scale miners. They base their accounts on other media reports and those media reports are based on, it’s all second-hand information. And it usually comes, the media usually writes about mining when there has been a shooting incident where syndicates have tried to take off the gold or the proceeds. - Danny, civil society.

The statement below reflects that a critical stance is needed when it comes to the narrative surrounding *Zama Zama* mining. The participant indicated that the reason *Zama Zama* mining gets questioned is because the narrative in the media gets driven by mining houses.

> And why are we asking questions around the artisanal miners and not around the mining houses? The reason is because the person asking the questions are the mine houses themselves. So that’s the discourse or the narrative that they draw out, and it’s a very misleading narrative. - Jack, key informant.

Another participant remarked that the complex issue of *Zama Zama* mining is being oversimplified by the media.

> Having worked in the media, the media is very good at simplifying complex issues; this is a very complex issue. - Travis.
By missing the finer nuances around the artisanal sector, identical stories are repeated. This reinforces misconceptions and creates a deeper skewed story. Again, these concoctions of misunderstandings add to the views of a homogeneous profile which eventually fuels a reluctance to engage with the sector from the mining houses’ side.

5.2.5 The Skewed Homogeneous Representation

The previous discussion with regard to misconceptions about unregulated artisanal mining in South Africa clearly demonstrated the lack of understanding that exists about the sector. Research participants indicated that there is a tendency to represent the artisanal miners as a homogeneous group. The generic profile which is strongly based on misconceptions creates a one-dimensional view of unregulated artisanal mining in South Africa. Several research participants indicated that this one-dimensional profile of Zama Zama’s is currently being oversimplified. A statement by a participant reads as follows:

I must also just say that there are different kinds of micro and survival mining operations. And people unusually say that Zama Zamas are a blanket term, but they don’t differentiate between the different categories of groups of people that there are. - Danny, civil society.

Participants indicated that there exist differences amongst the Zama Zama miners on several levels. Firstly, the type of minerals artisanal miners mine was mentioned as an element that differentiates groups of Zama Zamas.

Well, I think to some extent that coal artisanal mining is very different from gold. Because the coal that people mine just get sold to people in the townships and so on, as energy. Whereas the gold gets sold onto the international market. I think that illegal mining in diamonds is similar to gold, except that they’re, well in Kimberley there are abandoned dumbs that people are mining. That De Beers doesn’t want them to mine, but De Beers is not doing anything about the dumps themselves. In platinum there is miners, but in platinum it is not on abandoned mines it is not on surface mines it is this syndicated type of operations that I have described earlier. - Danny, civil society.

Jane, a member of civil society, had the following to say in terms of the importance to consider the different types of minerals the miners mine:
From my point of view, the idea that you have a generic profile across all minerals is problematic. Because I think that, there are very different profiles and conditions both in terms of the miner, as well as in terms of the geology for different minerals. And there are then also different prospects for whatever is done at the artisanal level, how that's used.

A participant indicated that a good starting point to unpack the differences between Zama Zamas would be an interrogation around the Zama Zama’s socio-economic backgrounds. Nicky, from a civil society, stated the following:

I think, socioeconomic factors and, and which standpoint you're looking at it from also, has a huge impact on how you would look at a profile of an artisanal miner. And I think people[’s] socioeconomic circumstances need to be interrogated. - Nicky, civil society.

Considering and investigating the different socio-economic circumstances of Zama Zamas will acknowledge the heterogenic nature of this sector. Currently, little reference to distinguishing characteristics are ever made. The acknowledgement of a heterogenic profile is rarely, if ever, considered. Furthermore, it confines any engagement initiatives and fuels policing which, in the end, marginalises the sector further. Both consequences of course are highly unsustainable.

Some participants indicated that there are different types of Zama Zamas. Two participants strongly specified that there should be a distinction made between Zama Zamas mining in operating mines and those mining in abandoned, derelict or ownerless mine sites. Jane, a member of civil society, said:

For me, where there have been instances, where formal, formally employed miners have used their position of formal employment, to allow access, I think that that's very, very problematic. I mean, I certainly don't... It's not about moral judgement but it's about the extent of the exploitation...it's illegal and exploitative. There's no way to incorporate it into legal processes. So that, that I think, I would distinguish from that point of view. Not, not from a moral judgement point of view.

In a similar vein, another member of civil society, Danny, reasoned that differentiating between the different types of Zama Zamas is important. Danny
specially commented on the differences between Zama Zamas in abandoned mines and those in operating mines, he said:

There are different kinds of micro and survival mining operations. And people unusually say that Zama Zamas are a blanket term, but they don’t differentiate between the different categories of groups of people that there are. There are those who occupy abandoned mine sites, and there is usually huge informal settlements on these abandoned mine sites, and they operate these abandoned mine sites. Meaning that, legally speaking, they are not trespassing because the mine site is not owned by anyone. Okay. And the mining rights are not owned by anyone. Then you have what you have in ultra-deep level mines in the Far West Rand and also at places like Welkom. You have formal mining operations in which there is shadow mining taking place and that is where the illegal operators come in, go down with the legal employees of the mine stay underground for six months at a time and send up what they produce through the formal cage system what is going up the shaft. And receive food and payment down the shaft all the time.

Imperative to note is that these viewpoints were not shared among all participants. Asked if there are any differences between Zama Zamas in abandoned mines and those mining in operating mines, Themba, a member of civil society, said:

I think that would-be location specific. Yeah, it would be location specific for instance in the East Rand most of the gold mines are abandoned gold mines, but if you go more towards Mpumalanga, the Barberton area, there is still some form of formal mining happening, and the Zama Zamas operating side by side.

On the other hand, Mark, a key informant, offered the following:

I think the only difference is, is in abandoned mines they are not often open, they are not bothered. Whereas in existing operations they're more careful not to be caught so some of those activities would take place at night.

These opposing viewpoints reflect not only the complexity of the matter but also the heterogeneous nature of Zama Zama mining. For a mining company to consider differentiating between types of Zama Zamas will ultimately shape its overall interaction
with the sector. It will also allow mining companies to properly assess the risks posed by unregulated artisanal mining and develop strategies accordingly, instead of reacting by criminalising the sector across the board.

Through the field research, it was also found that some Zama Zamas had educational backgrounds. The following statement by a research participant indicates once again how diverse the sector is.

...some of them I've met geologists and metallurgists who are qualified professional people. - Carina, key informant.

These differences should be considered when any initiatives or policies are developed. It is imperative not to assume that the entire sector consists of unskilled labourers that will blindly follow any initiative that is put forward to develop the sector. Through the field research, it was found that some Zama Zamas are engaging in this sector because they cannot find a job matching their current skill set or educational background. One of the Zama Zamas who were interviewed mentioned that he has a certificate in craft production but is engaging in Zama Zama mining to make a living. The following exchange took place:

Zama Zama: “I have a national certificate in craft.”
Researcher: “Wow, that is amazing. Why are you doing this?”
Zama Zama “No work”.
Researcher: “If you could choose, would you want to do craft or this?”
Zama Zama “Craft.”

The findings pertaining to the profile of Zama Zamas have important implications for future initiatives targeting Zama Zama mining. For one, the findings underscored the fact that when initiatives are considered and developed, it should be coupled with thorough baseline research. The issue with the misrepresentations is that they stigmatise and curb developmental initiatives. One of the issues that emerges from these findings is the matter around the different types of artisanal mining that exist. It was indicated that it is problematic to have a generic profile across miners. An implication of this finding is the need to uncover socio-economic factors within the sector. Further linking to the diversity of the sector, is the matter of women. The findings have shown that gender roles and statuses should also be incorporated when developmental initiatives are considered.
Taken together, these findings suggest that unregulated artisanal mining is complex and that an oversimplification of the profile of miners is erroneous. In creating sustainable solutions, an accurate understanding of the sector is needed. This point has also been argued by scholars researching informal settlements. It has been pointed out by studies focussing on informal settlements that ‘slums and squatter settlements’ are being oversimplified. It has further been argued that effective intervention programmes, that aim is to improve the lives of people living in informal settlements, must be based on an accurate understanding at a local and national level (Huchzermeyer & Karam 2006: 3). It seems that the informal sector, be it informal settlements or informal mining, is frequently oversimplified and presented rigidly. Groenewald et al (2013: 94) stated that the changeability and multifaceted relations of informal settlements are mostly lumped together into one homogeneous category. The same can be said about unregulated artisanal mining. No distinction is ever made in terms of socio-economic factors nor is the flexibility of the sector recognised. The danger with misunderstanding and oversimplifying unregulated artisanal mining is that no intervention will succeed. Research around artisanal mining shows that when the profile of artisanal miners has been presented homogeneously, initiatives to address the matter have failed (Banchirigah 2008: 32; Verbrugge & Besmanos 2016: 134).

By further breaking down the conceptual misunderstanding around the sector, the following section provides insight into challenges around unregulated artisanal mining. The misconceptions and the skewed homogeneous representation of Zama Zamas are all adding and shaping different challenges faced by unregulated artisanal miners. It is important to note the challenges are not lone-standing and are most often a consequence of being part of a marginalised group which is poorly understood.

The next research objective explored the main challenges around unregulated artisanal mining. An understanding of the main challenges faced by the miners who participated in this study will aid in creating focussed developmental initiatives. The following research objective zoomed in into the relationship that exists between Zama Zamas and mining companies, to uncover any risks or challenges that transpire for and between these two sectors. Some of the challenges that were uncovered during this study present risks to mining companies too.
5.3 Challenges around Unregulated Artisanal Mining

This research embarked on uncovering the key challenges around unregulated artisanal mining. Insight into these challenges provides for the creation of opportunities to transform the sector in a sustainable manner. Furthermore, some risks and challenges are also the consequence of the relationship between artisanal miners and mining companies. The following section provides insight into the challenges and risks faced by the unregulated artisanal mining sector.

5.3.1 Artisanal Mining is Deemed Unlawful

In South Africa, unregulated artisanal mining occurs outside any regulatory framework, making the activity thus illegal. This was found to be the biggest challenge faced by Zama Zamas. Numerous participants believed that artisanal miners are left with no choice other than to operate outside the sphere of law.

It was found that Zama Zamas are operating in this manner since they do not have the financial and technical support to upgrade to small-scale miners. Small-scale miners can obtain a mining permit but must achieve certain requirements. Requirements include the submission of an environmental plan and the fulfilment of certain financial conditions. To meet the terms to obtain a mining permit are not achievable for the artisanal miners.

The following quotations from the participants indicate and confirm the impossibility for these artisanal miners to obtain a mining permit. Danny, a member of civil society, asked:

Or basically as it is now at the moment small-scale mining, if you are a small-scale miner and you want to apply for a mining licence you must come up with R500 000, where are you going to get it from?

Mike, also a member of civil society, commented:

One thing that they find out that is very disturbing is, to have a mining right, you need to have almost over a million rand. And to have a permit for you to even just do the mining, you need to have over R250 000. And that itself you’ll never be able to be legal of such monies. They find it very difficult.

The above statements show that current mining legislation is too narrow. The artisanal miners are, therefore, forced to operate without any mining permit, thus labelling them
illegal. The Legal Resources Centre (2016: 92) highlighted that apart from this mining permit, there exists no other right, permit or licence that these miners may apply for.

The following statements from participants show how the label of illegality is a barrier for these miners, which is in some cases, used as an excuse for engagement by the state:

The Department of Mineral Resources, … they should be engaging. … The biggest problem is the DMR doesn’t want to open a platform and talk to them because they say they are not prepared to talk to criminals. - Mike, civil society.

Since these miners operate outside the law, they also have inadequate access to markets, finance and to any technical support. Artisanal miners are labelled illegal since the Mineral and Petroleum Resource Development Act (MPRDA) of 2002 makes insufficient room for artisanal mining. As indicated through the findings, this label of illegality is creating barriers for Zama Zamas to enter markets. Thus, these miners are being excluded from markets or any institutional access that may have supported them. At the same time, having no market and institutional access keeps the label of illegality in place. This creates a big challenge to miners, as it inevitably creates a poverty cycle they cannot escape from.

The next statement from a participant indicates how difficult it is for miners to access any kind of market since they are labelled illegal.

You have to have as I’ve said, your feasibility studies done, so that means access to finance, capital. If you were an artisanal miner, most likely you’re unemployed. There is no bank that is going to give you money for you to go and try to become an artisanal miner. So, access to finance is a problem. Access to [the] market is a problem as well and part of that relates to the way the regulation has been laid, the fact that you are illegal or declared illegal, that already takes away the bulk of your market. It’s very difficult for you to deal with the formal market in that sense, so you always have to almost remain illegal throughout, not just in the exploitation of the minerals but also in your access to finance and in your access to [the] market. And that entire chain, kind of maintains these artisanal miners in the underground economy, if you like and that is, those are some of, for me, the key challenges. - Jack, key informant.
The miners in this study found it nearly impossible to access any financial or institutional support. This challenge contributes and creates other challenges that are discussed in this section. The fact that the miners are deemed unlawful adds to health and safety risks and causes them to be expropriated and exploited. Furthermore, this label of illegality also has an impact on the relationship that transpires between mining companies and artisanal miners. The nature of this relationship also poses challenges and risks both for artisanal miners and for mining companies.

5.3.2 Health and Safety

The use of mercury is common in the processing of the ore in artisanal mining. This poses great health and safety issues to miners. Through the field observations, it was confirmed that mercury was being used during the process. After the crushing and washing of the ore, mercury is mixed within a type of slush that contains gold. The mercury combines with the gold and an amalgamate is formed. This is essentially a half-half mixture of gold and mercury. The amalgamation process can be seen in photos C1 and C2 in Appendix C. The mercury is then burnt away with a blue torch leaving only the gold behind.

It was found that no protective actions were taken when miners use mercury as part of their process. In fact, miners are oblivious to the dangers of using mercury. The following extracts portray the use of mercury during the artisanal mining process and the ignorance of the dangers.

Ja, there is a daga that are breaking that stones nê. After that, you crush it to make it fine, and you put water to make daga nê, after that you through mercury inside and start to squeeze it so that mercury is going to do what, gold. - Martin, Zama Zama.

Also, consider this exchange:

Researcher: “Do you use mercury in your processing?”
Zama Zama: “Yes.”
Researcher: “Do you wear anything to protect yourself when you use the mercury?”
Zama Zama “No”.
Researcher: “And a mask?”
Zama Zama “Ja, no mask”. - Sam, Zama Zama.
The use of mercury is coupled with the use of rudimentary tools. The fact that the miners cannot access any formal markets results in them using rudimentary tools for mining. These rudimentary tools also pose a danger to artisanal miners, since they lack basic Personal Protective Equipment (PPE) gear. Picture 5.3 and Picture 5.4, below, show the rudimentary tools used by Zama Zamas. More examples of typical artisanal mining tools are shown in photos C3, C4, C5 and C6 in Appendix C. All pictures were taken during the fieldwork for this study.

Picture 5.3: An artisanal miner using a Penduka

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Picture 5.4: Tools of the Zama Zama trade: Slush pans

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Apart from the mercury usage, miners face other health and safety risks like rockfalls and blasting. Unregulated artisanal mining usually takes place at mine sites that have been abandoned by mining companies. Photos C7, C8, C9 and C10 in Appendix C show typical artisanal mining sites and entrances to underground tunnels.

Poor mine closure, from mining companies, creates the perfect circumstances for *Zama Zama* activities to take place, unfortunately, under highly unsafe conditions. The following extracts portray the health and safety risks faced by these miners.

The biggest risk by now is death. People are dying. Why people are dying, people they don’t have knowledge, they don’t know actually where it’s dangerous. Where there is barricade, where there is no entry no go area. We are using these places that’s closed for a long time you see. - Tim, *Zama Zama*.

Martin, another *Zama Zama*, agreed with his colleague:

The risks. Underground you go there is big rocks. So some rocks there are cracks so us we are just checking for gold; if you touch wrong the rock is going to what? It’s going to fall down. So that you are going to get dead or big injury. You understand?

Carina, a key informant, added:

My goodness, the major challenges. I don’t think I can put them in any, in any particular [order], but it is the danger underground. So, its theft, it is their personal safety, personal safety whether it be underground or above ground. That's the biggest, the biggest challenge.

These risks do not only pertain to the unregulated artisanal miners themselves but also to the mining companies. As indicated in *Chapter Three*, a mining company remains responsible for its concession as long as the mining right allows for it or until a closure certificate has been issued by the Department of Mineral Resources (DMR). This means that even when a mining company has abandoned a site, it will remain responsible for the land if there is still a mining right. The following statements by research participants indicate the risks mining companies are facing in terms of the health and safety of *Zama Zamas*. 
And there is a health and safety issue to artisanal mining I mean, even where there's abandoned or closed down mine areas, the mining companies have decommissioned those areas, [but] still have the liability of those areas so people die, artisanal miners die in those areas, this are increasing the liabilities of those companies that are at risk ultimately they have to comply with the mines health and safety regulations. - Mark, key informant.

Bruce, vice president of sustainable development at a mine, said:

And then obviously abandoned mines your risk is much higher when I say abandoned mines, mines that have closed down or whatever.

There is a direct risk for a company when artisanal mining takes place on concessions where a mining company is the holder of the mining right, regardless, if a mining company is in operation or abandoned. It was discussed under the MPRDA of 2002 in Chapter Three, that a mine remains responsible for any happenings on its concession until the transfer of liabilities via a closure certificate. When artisanal mining takes place at abandoned or operating mine sites, clashes between the mine’s security forces and, or police and artisanal miners are common. Addressing the matter through security forces are the default approach adopted by mining companies. This of courses poses health and safety risks for both Zama Zamas and mining houses. Apart from the health and safety of miners and mining companies being threatened, extortion and exploitation of artisanal miners are also posing a challenge and risk for them.

5.3.3 Extortion and Exploitation

It was found that Zama Zamas were being exploited by various parties. The participants indicated that the police often blackmailed Zama Zamas. This also posed a challenge for the miners, who often commented on being harassed by police, as in the following quotations:

They (Police) took our stuff and leave us. They say you must give us R2000 and we will going to leave you. - Martin, Zama Zama.

Every now and then we get arrested; they (Police) tell us, they take the ore or ask for money. - Sam, Zama Zama.
Participants also mentioned that *Zama Zama* miners were often exploited by syndicates. The following statements are just another illustration of the level of exploitation faced by the miners.

They are being exploited. These guys who have established this as their gang territory exploit the informal miners because they set the price and conditions under which these guys may mine. - Danny, civil society.

Artisanal miners, they remain poor. They tell you for instance that its, I forgot how much they sell but it’s almost they end up with R4000 a month for something that is worth R27,000, but they get R4,000. So some of them are from Lesotho, some of them are from South Africa. They can’t even go home. They only just send that little bit of money. - Mike, civil society.

These issues of exploitation and expropriation contribute to making the working conditions of artisanal miners not merely unsuitable, but also unsafe.

**5.3.4 A Tense Relationship with the Formal Sector**

In cases where a relationship emerges between mining companies and artisanal miners, it is tense. This poses a challenge for both mining companies and artisanal miners. This challenge is mostly a consequence of mining companies’ stance towards artisanal miners. When criminalising unregulated artisanal mining over and over, it comes as no surprise that relationships between the two sectors have broken down. The following statements show that in some cases no relationship exists and if one does, it is unhealthy.

Our relationship in South Africa with the illegal miners is obviously not a good one, for one simple reason because there is no interaction between the companies and the actual illegal miners. – Bruce, vice president of sustainable development at a mine.

Mark, a key informant, had the following to say:

Tense. Once again, it's that, it's that the tension that's at play, where mining companies have to manage their footprints and their mining boundaries under the parameters of their mining license. They have to comply with mining regulation, health and safety. If you do a study on those regulations, you will clearly deduce that substantial penalties are enforceable on mining companies
that particularly break mine health and safety. And so much so that the CEOs or General Managers can be locked up and put in prison where there's negligence, where it's proven they were negligent, or where they have not adhered to those regulations and the directors of these companies can be sued and prosecuted in their personal capacity. So, the ramifications are significant. Remember we're not only talking about decommissioned mining sites or closed mines. We're talking in many instances active mines where artisanal mining is conflicting with active mining.

The last statement indicates that mining companies run a risk when *Zama Zama* mining takes place on operating mine sites. Managing these risks introduces the idea of risk management. Literature on the motivations for mining companies to properly engage with the artisanal and small-scale mining (ASM) sector ranges, but risk mitigation is certainly one of them and was also discussed in *Chapter Two*. As pointed out in *Chapter Two*, mining companies need to decide if they are going to treat the issue of unregulated artisanal mining as a security or social issue. In the South African context, risk is currently being managed by the deployment of security forces, thus treating the matter as a security issue. This contributes to an unhealthy relationship between the two sectors. In the end, a destructive cycle is being created where criminalisation and unhealthy relationships are continuously being fed by each other. To break this cycle, risk management should be approached differently and in a more humane way.

Risk management that involves proper engagement with artisanal miners stands a better chance to create a healthier relationship. Such an approach will not cause a tremendous breakdown in the relationship. It might even create a space for co-existence in some cases. Important to note is that these challenges do not exist in isolation. They flow over to mining communities too – ultimately threatening the social licence to operate.

The challenges that were uncovered during this research around unregulated artisanal mining contributes to a deeper understanding of artisanal mining in South Africa. These empirical findings confirm the highly unsafe and unhealthy conditions faced by *Zama Zama* miners. A finding of particular significance is the risk that mining companies face in terms of unregulated artisanal miners’ health and safety. This insight gained underlines the interconnectedness of these two sectors. This new understanding should help mining companies to improve their approaches towards risk management.
To conclude, these findings suggest that inadequate policy and regulatory frameworks are the biggest challenges faced by Zama Zamas. The miners are deemed unlawful and can rarely escape this cycle and remain trapped. Inadequate policy gives rise to other challenges such as expropriation and exploitation and health and safety issues faced by the miners. It is also through the label of illegality that the challenging relationship between the miners and mines transpire. Therefore, it can be argued that this overall lack of access to institutional, financial and technical support limits the sustainability of the sector. Policy around ASM in African countries are seldom adequately supportive. Policies lack financial provision, environmental information and an overall lack of support in terms of skills provision for the miners (SAHRC 2015: 25). In the South African context, the provision of technical, financial and institutional support can turn unregulated artisanal miners into small-scale miners. Such initiatives can form part of the mines local economic development (LED) programmes and may also be added to the Broad-Based Black Economic Empowerment (B-BBBE) scorecard. Sound LED initiatives can count towards scoring mining companies points on enterprise development. When such initiatives are set up correctly it can also realise the requirements of the Mining Charter III in terms of enterprise development. Sound enterprise development has the potential to address issues such as unemployment and poverty, thus contributing to the economic growth of the country.

As in line with research objective a and b, the profile and challenges of unregulated artisanal mining were discussed up until now. This provides insight into the internal mechanisms of the sector. Research objective c aims to provide an understanding of what drives the sector. By examining these drivers, a better understanding is formed of how one can go about addressing the matter through a mining company’s corporate responsibility. This is done by examining the empirical data and by linking the findings back to corporate social responsibility’s position in the mining sector. The drivers are discussed in the next section and are explored alongside the role of mining companies in South Africa.

5.4 Drivers of Unregulated Artisanal Mining in South Africa

Uncovering the drivers of unregulated artisanal mining in South Africa opens up pathways of exploration regarding what can be done to address the matter. For the nature
of this thesis, the drivers that were uncovered through the fieldwork are viewed alongside the role and responsibilities of mining companies. The first driver that strongly came to the fore is unemployment and poverty. The following section provides a discussion of such.

5.4.1 Unemployment and Poverty

It was found that unemployment and poverty cannot be overlooked when the issue of unregulated artisanal mining is being examined. South Africa’s unemployment rate stands at 26.7 per cent for the first quarter of 2018 (StatsSA 2018). The provincial unemployment rate for Gauteng reads at 29.7 per cent as of 2018 (StatsSA 2018). This is worrying since the province has a strong economy. In 2016, StatsSA compared the province’s economy with that of the rest of Africa. Gauteng ranked seventh largest in Africa, surpassing heavyweights such as Kenya and Tanzania.

The high unemployment rate is seen as a major driving force behind unregulated artisanal mining in South Africa. The following statements by research participants indicate how the country’s unemployment rate and high poverty levels are fuelling unregulated artisanal mining:

Well, we have a country where the real unemployment is approximately 40 per cent of the population. We have, we have 60 per cent of people in South Africa earning less than R2500 a month. We have the movement who wants to put a minimum wage now at R3000 per month, which is wholly inadequate. We have the greatest inequality gap in terms of the Gini coefficient. Okay. So, people are trying to find means to support and survive. - Danny, civil society.

So now they just go the Zama Zama route. And I mean with the current situation that we are in jobs are scarce. So, people are turning to this to get money. - Will, mine manager.

Carina, a key informant, had the following to say:

Simply no employment, there is hunger hardship at home. There's no other means to be employed, there’s no employment. - Carina, key informant.
Artisanal mining has been described as labour intensive; therefore, it provides employment and income to many people. This usually happens where opportunities for formal employment are limited (Mujere & Isidro 2016: 102). Since the current Zama Zama situation in South Africa is highly unsustainable and dangerous, for both artisanal miners and mining houses, reactive ways to respond to these drivers are needed. Scholars have suggested reactive and proactive ways to address the matter of unregulated artisanal mining. In terms of poverty, Mkhize (2017: 73) suggested that initiatives to reduce poverty levels that target artisanal miners should be implemented. Such initiatives should include the provision of artisanal miners with skills to improve their employability in the formal sector (Mkhize 2017: 73).

Closely linked to the issue of unemployment and poverty is the fact that limited livelihood strategies exist in and around mining communities. This, the participants indicated, is fuelling the occurrence of unregulated artisanal mining in South Africa.

### 5.4.2 Limited Livelihood Strategies

The role the mining industry ought to play in terms of creating livelihood strategies is endorsed in legislation and regulatory requirement. The MPRDA of 2002 and Mining Charter III speak directly to the issues of socio-economic development and sustainable development in and around mining communities. The fact that limited livelihood strategies exist within mining communities shows that more can be done to address the matter. Of course, mining companies cannot take full responsibility for every single social issue in South Africa, but it is often reported how they are failing in their own mining communities.

The elements of local economic development and enterprise development that form part of Mining Charter III demands that mining companies develop opportunities within the mining communities. These opportunities must be sound economic enterprise development initiatives that will foster growth in a community. Yet, the study finds that limited alternative livelihood opportunities exist and that this is driving Zama Zama mining in South Africa. The following statement shows the reasoning of many participants on this matter.
See the tragedy of poverty is the poor have very limited options. That's called the poverty trap, so they are forced, for example, to degrade their natural resource base or engage in artisanal mining because they have no other viable choices. – Mark, key informant.

The following statement not only refers to the element of desperation that occurs but also to the fact that there is a responsibility on the government and mining houses to create employment. Interestingly, this participant paralleled mining houses to the state and indicated that both sectors are not fulfilling their responsibilities.

…with people that have worked in the mines that were not adequately compensated, retrenched or pensioned or their health dealt with, and are so desperate and have no other way of putting food on the table, which is squarely at the defeat of government and the mining industry. - Nicky, civil society.

A Zama Zama stated that he is engaging in Zama Zama mining even at high health and safety risks. This reflects how desperate people have become to create some sort of livelihood.

This is a high-risk business. If anything comes to my side, I can stop going underground. I can stop working underground. - Tommy, Zama Zama.

The statements by the research participants introduce the notion of alternative livelihood strategies. Caution must be practised when any alternative livelihood strategy is posed to miners since the retrenched miners might not necessarily have the skill to survive in any other industry. This does not mean that alternative livelihood strategies should not be explored, but careful consideration with thorough research must take place. Should alternative livelihood strategies be suggested, it should be coupled with thorough skills training and the provision of tools if any are needed. Any alternative livelihood strategy should enhance people’s resilience and must serve as a tool to create a meaningful living.

It is important to note that not all unregulated artisanal miners want to do ‘something else’. For some miners, it is the only skill they know, and the socio-economic value of the sector cannot be argued away. This calls for a more direct approach in terms of supporting the ASM sector. Ways to make it safer and more feasible will ultimately exploit the hidden value of this sector. With such initiatives mining companies will
ultimately create a mining industry inclusive of historically disadvantaged South Africans, which is, in any case, the main aim of the MPRDA of 2002. A mining company that funds and assists ASM is fulfilling its corporate responsibility and duty of care to society. The assistance extended to ASM by mining companies helps the mine to comply with the requirements of sustainable development (Zvarivadza 2018: 53). These requirements are stipulated in the MPRDA of 2002 and Mining Charter III.

5.4.3 Poor Mine Closure and Rehabilitation

It was found that poor mine closure and rehabilitation are a key driving force of unregulated artisanal mining in South Africa. As explained in Chapter Three, the MPRDA of 2002 orders a regulatory process for mine closure and rehabilitation. Section 43 of the Act instructs the procedure of obtaining a mine closure certificate and the transfer of liabilities. The mine closure certificate is issued by the Minister of Minerals and Energy and serves to release a mining company from its liabilities.

Several participants indicated that poor mine closure and rehabilitation are driving unregulated artisanal mining in South Africa. Not only do mining companies not close properly, but sustainability in mining communities after a mine has closed is non-existent. The following statements from the research participants reflect how mines are not fulfilling their legal responsibility, and that this inevitably drives Zama Zama activities.

… we do research on corporate social responsibility, and the major concern for us is the failure of closing mines properly. So, mines simply get abandoned. Okay. And when mines are abandoned that is when the possibility of small-scale mining opens up. So what happens is when you have an abandoned mine site, usually what happens is it gets occupied by informal settle[ment]s because it is the only land available in Gauteng for occupation.
- Danny, civil society.

Themba, a member of civil society, indicated the role communities’ members ought to play when it comes to a mine closing down. Themba said the following:

Especially like we have discussed earlier, these issues around rehabilitation and mine closure operations. Where we are saying, it was always known that a mining company will come here and then have a shaft and then there is a life of mine. At the end of the life of mine, then they are supposed to do the
rehabilitation and mine closure operations. Those rehabilitation and mine closure operations should be subject to free prior informed consent to the extent that the local community, the indigenous community, the project affected people are the ones that’s supposed to decide what they want to do with the site. And then out of that process the money that is set for rehabilitation is supposed to be put towards assisting those people who are start engaging in the activities that they said they would want to engage with, out of that old mine site.

Jane, a key informant, mentioned that when mining companies merely walk away from concessions without addressing social and health issues in communities, they add to issues such as unregulated artisanal mining. Jane commented as follows:

So, a last thing would just be to say that, we… have been involved in various, matters that, hopefully, are finally reaching a conclusion, that deal with people in the gold mining industry and the impact of silicosis on their health. And so again, I mean, that, for us, is a very clear manifestation of the fact that, washing hands of people when a mine closes, is what compounds the problem.

Setting the legal responsibility aside, a participant felt that a mining company has a moral responsibility too, to address the matter of mine closure. On this point, Danny from civil society commented:

Well it is also the industry’s responsibility in the sense that they have been making money out of South Africa for the last 130 years. Now at least, the least they can do as they move towards closure is to actually say we will assist the mine workers and the community that are here to become the small-scale miners in a meaningful way. In a way that is not as destructive as the current fashion is. Because now they are simply abandoning it and people are going into those mines without being properly prepared and train[ed] to do the work that they are doing.

The above statements clearly indicate that mining companies are avoiding their legal and moral responsibility when it comes to mine closure and rehabilitation. Important to note is that poor mine closure, and rehabilitation create dreadful environments, and this leads to issues within communities. Research explains that environmental degradation such as
mine waste, acid mine drainage and soil erosion outlast the lifespan of a mine (Krause & Snyman 2014: 2). Such negative legacies pose a daily threat to the well-being and safety of communities (Krause & Snyman 2014: 2). Furthermore, high levels of illnesses like respiratory diseases and skin diseases have been reported in mine-affected communities. In addition, where mines have closed like in the case of De Beers at Kleinzee, South Africa, communities were left in dreadful circumstances (see Cronjé, van Wyk & van Wyk 2009).

This introduces a social dimension to mine closure and rehabilitation. The social dimension is reflected in the mine’s social and labour plans (SLP). Social and labour plans were discussed in Chapter Three, and it was stated that when a mine starts operating, a mine closure planning needs to be incorporated within the life of mine. This means that a mine is legally bound to plan and put certain measures in place for mine closure. A significant characteristic of the social and labour plan is the requirement to create a sustainable environment throughout the life of mine as well as after mine closure. The social and labour plan speaks directly to corporate social responsibility issues, sustainable developmental and to mine closure. Yet, so many mines are closed poorly, creating a breeding ground for risks.

Participants indicated that mining companies’ blasé attitude around the requirements of mine closure is what fuels unregulated artisanal mining. This blasé attitude is partially created because mines are oblivious to or remain ignorant around their impacts. Mining companies often evade critical self-reflection on their role in national development (Littlewood 2014: 4). Furthermore, mining companies seldom evaluate their role in the making of social and environmental issues (Littlewood 2014: 4).

The way artisanal mining is currently being dealt with by the mining sector, which involves the deployment of security forces, indicates that mining companies seldom take time to self-critique. The use of security forces to address artisanal mining is another technique by mining companies to avoid their corporate responsibility. Responsibilities are often side-stepped by mining companies during the life of mine as well as when closure occurs. Proper planning for closure will not only lessen the impacts on communities and a mining company’s workforce, but it can also create the space for a thriving artisanal mining sector.
These spaces can be created during the environmental impact assessment (EIA) phase, which falls within the National Environmental Management Act (NEMA) as mentioned in Chapter Three. Through the environmental impact assessment process, new projects may be implemented when a mine ceases to exist. Such projects must incorporate the surrounding communities as well as ASM activities that can continue or proceed with the absence of the mine (Morrison-Saunders et al 2015: 816). Such post-mine life ASM considerations will most likely require project-based analysis at an environmental impact assessment level (Morrison-Saunders et al 2015: 816). The general oversight of ASM considerations in a relatively wealthy country underlines the need to align the private sector and governments on the ASM matter (Morrison-Saunders et al 2015: 816).

Post-mining projects have the potential to incorporate ASM considerations. Such provision demands an alignment from the private sector with on the ground social issues. This hypothetical synergy will not only extend the life of mine but has the potential to create a thriving artisanal mining sector. Yet, ASM issues seem to be completely ignored by the mining industry. It seems that mining companies are operating and dealing with Zama Zama activities in a way that is detaching itself from the unregulated mining sector. This pathological detachment is creating a breeding ground for previously discussed challenges and fuels the expansion of the sector.

The following driver – failed re-skilling – also indicates how a mine’s lack of taking full responsibility drives the unregulated artisanal mining sector.

5.4.4 Failed Re-skilling

It is required by the mine’s social and labour plan that the mine should assist the retrenched with other suitable forms of employment or sustainable livelihood opportunities. The following statements reflect how retrenchments are currently being handled by the mining companies.

So, part of the retrenchment package is for mines that closed down, Tumela help me out here I don’t know if you saw that list. But there was something like nearly 20 type[s] of life skills that every employee gets offered. So, whether it’s welding, sewing, bricklaying, there’s a whole lot of stuff. Okay. where people were put on to do training courses in view of the mines closing. Okay. And that's part of the retrenchment so it’s not just a financial thing that
every single employee could choose. Alright. So, whether you want to be a cook, a chef, whatever we gave them the basic skills to go out there and do something. The day that they leave, let's say I chose welding and that I have done my 12-week welding course, I know how to weld. The day I leave the mine, they give me a welding machine. Okay. There you go, so you have learned now, there's a welding machine for you this is the least we can do for you. And then you still get your whole retrenchment package. There is things like, you know the whole financial advisors thing, the whole normal stuff. But over and above that, this whole thing about giving people alternative skills which can even possible be use outside. And that’s how we have basically done that. – Bruce, vice president of sustainable development at a mine.

The above statement refers to portable skills training. Legally the mine must offer portable skills training to its employees. The next statement also speaks to portable skills training, but the participant critiques this approach by indicating how it fuels the unregulated artisanal mining sector.

So, we teach this guy how to build how to do electrical work, how to go and do car maintenance. How to be a mechanic, we teach him all other types of skills. So that when he gets retrenched, he actually can fall back onto something else. But the problem is, there is not a lot of money in that. Working on a mine for a guy that’s got like a standard six he is making more money than some people that’s got degrees. Now we take him off we say you are not earning this R 12, 000 anymore. You must now go back to be an uneducated South African on the streets. What does he do he tries maybe to fix cars for a living, and he makes R4, 000 a month, and he sees he is not making money. Sometimes he doesn’t make money. He can find a job in the private sector maybe as a builder what do you pay a builder, a minimum wage of R4, 000, R5, 000 a month. He is use to R12, 000 a month. He is supporting a family of 20 people; he doesn’t survive so what does he turn to. He turns to things that he knows. Now he has to do it illegal. He makes the R12, 000, he even can make more than R12, 000 being an illegal miner. So, he will turn to that side. It works for good honest people it will work because it gives him a means but for the guy that’s use to a lot of money who doesn’t what to work the hard way. - Will, mine manager.
This statement indicates how flawed the approach is currently for retrenchments in the mining industry. Another critical view of the current retrenchment process was voiced by a key informant, Jane:

You know, our re-skilling in general, not just in terms of the mines, yes but I think that the bigger part about an, an industry to do re-skilling, is that it should be finding ways to re-skill in relation to its own corporate sectoral responsibilities. That's not to suggest that if a person who was a miner, you know, if the mine has, for example, some bursary scheme, which gives that person the opportunity to, I don't know, learn basic skills of administration … or bookkeeping or whatever it is, that white-collar work should be something that is not an option … or even plumbing or whatever. But the point is that, at least, the mining industries should start with their own responsibilities.

The above statement indicates that when re-skilling for retrenchments is considered that the mining industry should look within to replace the person. Creating internal opportunities should be the first step. However, Mark, a key informant, specified how he sees retrenchments taking place:

Where mining operations are beginning to close down extend those mines lives. And as I'm thinking about it, I'm just thinking off the top of my head, one could even incorporate those as [an] alternative opportunity for mine employees that face retrenchment.

This statement specifies that internal job opportunities should be considered and created before retrenchments happen. Not only does this statement reflect a more sustainable way, but it will also add to the life of a mine, ultimately contributing to the socio-economic development of people and society. A lack of portable skills training is failing, not only the retrenched employee, but also the mine and society at large. Alternative ways need to be developed, and a good starting point is within the mine. Such ways demand creativity and fresh thinking. When no such opportunities exist within a mine, retrenchments are bound to happen.

5.4.5 Mine Retrenchments

Through the research, it became evident that mine retrenchments are also driving Zama Zama activities in South Africa. Large-scale retrenchments in the mining sector are
currently ongoing. Data from StatsSA shows that 37,000 people lost their jobs in the mining industry just between the second quarter of 2017 and the beginning of 2018 (StatsSA 2018). The Minerals Council (2018: 11) reports a total number of 54,058 job losses for 2017 in the mining sector.

Several research participants indicated their concern around mine retrenchments and stated that mine retrenchments play a huge role in fuelling unregulated artisanal mining. The following statements by the research participants are evident that retrenchments can be strongly associated with the incidence and rise of unregulated artisanal mining in South Africa.

Bruce, vice president of sustainable development at a mine, said:

So, the Free State and asking why I’m saying 2000, [to] 2005, when Zama Zama mining became very prevalent. That’s about the time when all the Free State mines were closing down. And there were plenty of them. And a lot of those mines were our mines that we sold to other companies because, unfortunately, mines have finite lives. That’s just the nature of the game. And mining has been going on for many years in this country. So, when that happened when the mines started closing down people saw a gap, okay.

Will, a mine manager, commented:

So, I can’t talk about other shafts. But the shafts that I am at, we have definitely had people that we bring out has been ex-employees of the shaft. So, this shaft went through a restructuring process in I think in 2012, it was before my time now, they can’t recall the amount of people, but I think it was something close to a thousand people were retrenched. So those people not a lot of them but some of them turned the Zama Zama route. So they know the place, they get into contact with the Zamas, and they then go and operate underground cause they know the place.

According to the above statement, a possibility exists that retrenched miners will go the Zama Zama route. Many reasons may exist behind such a decision, but according to the participant, it is because of a miner’s underground knowledge and skill. The retrenched miner has very few other options left to survive. Reliance on previous work experience and skill are push factors into the unregulated artisanal mining sector. Danny, from civil
society, also reflects on the reasons why retrenched miners enter the unregulated mining sector:

Of course, there are many mine workers who have been left behind in Johannesburg [when] ones’ mines have suddenly shut down. Very often, mines just shut down, and the retrenchment packages workers have aren’t even enough to get them home to Mozambique or Zimbabwe or Lesotho or the Eastern Cape. So they just stay around on the mine property. And they themselves have got the expertise with which to actually find the mineral. And they start operating and mine on a small and survival scale.

As mentioned in Chapter One, the National Union of Mineworkers (NUM) voiced their concern in 2017 over the mine retrenchments by stating that retrenchments in the mining industry are fuelling the rising Zama Zama mining activities in the country (Motau 2017). Reasons behind retrenchments may vary, but it is mostly profit-orientated. Mines are often trying to cut costs, and the first place where costs are cut is by shrinking the workforce. A research participant indicated if the costs of mining companies can be lower, retrenchments would happen less. The participant indicated that the state can assist mining companies in such matters and referred to an initiative that saved the mine costs by implementing energy-saving techniques.

It is BB Energy. It is a company that’s working for government, and they are looking at ways, they are implementing initiatives to save electricity. You are cutting costs; we can actually then lower the margins on what we actually mining at. So we can mine for longer, we can get, ja we can basically mine for longer. Postpone the end of the mine. - Will, mine manager

Such initiatives will add to the life of mine and will also reduce retrenchments. Cost-saving initiatives can be a creative way of avoiding retrenchments. Indirectly this will reduce people from flooding the current unsafe unregulated artisanal mining industry.

Moreover, as part of the MPRDA of 2002 mine retrenchments and downscaling should be addressed throughout the life of mine. The social and labour plan, once again, makes provision for when a mine will downscale and retrench. Under the section ‘Programme for managing downscaling and retrenchment regulation 46(D)’ the mine is compelled to prepare for situations of downscaling and retrenchments. The social and labour plan
stresses that a mining company, through its Future Forum, should make provision for the downscaling and management of potential retrenchments by means of a skills development process.

5.5 Conclusion

In line with the study’s aims, this chapter presented findings around the profiles of the artisanal miners, the way in which mining companies are addressing artisanal miners, the challenges faced by the miners, and the drivers of the unregulated artisanal mining sector.

I found that the popular representation of Zama Zamas tends to ignore the rich diversity of the sector, and that media accounts neglect the many Zama Zamas who are not men, violent, immigrants, or criminals. This does not suggest that an element of violence is not part of the sector, nor does it imply that there are no illegal immigrants within the sector. This study finds that the sector is more complex than what is often presented in reports like those published from the Minerals Council. Such oversimplified reports lead to a homogeneous picture of Zama Zamas which contributes to the prohibition of the sector.

The main challenge faced by the miners is the fact that the MPRDA of 2002 makes insufficient room for the miners. This has been argued throughout this thesis. The fact that the miners are operating outside the legal sphere creates more challenges. Of which expropriation and exploitation and health and safety and poor relations between mining companies and artisanal miners are central issues. On the health and safety side, it was found that mining companies face risks when unregulated artisanal miners operate at their abandoned mine sites.

The third section of this chapter discussed the drivers of Zama Zama mining. Unemployment and poverty were mentioned by the participants as driving Zama Zama mining, but an interrogation of the drivers facilitated a recognition of the role and responsibility of mining companies regarding unregulated artisanal mining in South Africa.

In the mining industry, local economic development is a key aspect of the MPRDA of 2002 and the Mining Charter. The aim of the Act and the Charter is to push the mining industry to create jobs and to address poverty; ultimately the mining industry should serve as a driver for social transformation. Yet, even with the Act and Charter in place
unemployment and poverty are harsh realities around mining communities. The fact that industrial gold mining is on the decline makes this situation more worrying. The study finds and argues that unemployment and poverty should be addressed from two sides by mining houses. The first is to offer sound enterprise development initiatives in mining communities, as part of LED programmes. This will most likely reduce the numbers of people entering the current Zama Zama mining sector if sound entrepreneurial opportunities are created. The second approach is to support artisanal mining initiatives to such an extent that it is turned into a sustainable environment for the miners. Both these initiatives reflect enterprise development and fulfil the requirements of the Mining Charter and MPRDA of 2002 in terms of LED projects.

It was found that poor mine closure and rehabilitation are a key driving force behind Zama Zama mining. Participants mentioned that mining companies often avoid following legislative procedure when it comes to mine closure and rehabilitation. Mine closure and rehabilitation are integral to a mine’s corporate social responsibility (see Van Eeden, Liefferink & Durand 2009). Participants further indicated that retrenchments are also driving unregulated artisanal mining. Currently, mining companies are addressing retrenchments through portable skills training. Participants critically examined this and explained that portable skills training is not sufficient, and it seems to be failing in reality, at least in some instances. Fresh ways of addressing retrenchments are needed, and a good starting point is to re-employ people internally. A participant indicated when a mine is near closure, the life of mine can be extended when employees who face retrenchments can mine on a small-scale. An approach like that, will most certainly create a more sustainable environment for artisanal mining. When such a space is created ASM has the potential to be an economic contributor too.

It seems that creative and flexible thinking is needed when addressing the unregulated artisanal mining sector. Outdated and hard-handed approaches, like the deployment of security forces, will not solve this issue. It is also time for mining companies to start a process of self-critique and an examination of how their actions contribute to existing social issues. The country’s high unemployment rate and the mines corporate responsibility that is recognised in legislative and regulatory frameworks demand a different take on the current Zama Zama mining situation. Zama Zama mining has the potential to be turned into feasible artisanal small-scale mining where miners benefit as
well as mining communities. Or, alternatively, at the very least the drivers like the 
retrenchment process and mine closure and rehabilitation need to be reconsidered and 
restructured.

The next chapter provides a detailed discussion of the proposed initiatives from research 
participants. The chapter also puts forward the corporate social responsibility framework 
to address unregulated artisanal mining in South Africa.
CHAPTER 6
TOWARDS A CORPORATE SOCIAL RESPONSIBILITY (CSR) FRAMEWORK

6.1 Introduction

The final research aim of this study was to develop a corporate social responsibility (CSR) framework to address unregulated artisanal gold mining in South Africa. In line with the study’s research objectives, the previous chapter discussed findings in terms of the profile of Zama Zamas, challenges within the sector as well as drivers of the sector. The findings of the next research objectives are presented in this chapter. Corresponding to the research objectives, the study explored and uncovered views and perceptions by stakeholders that respond to challenges within the sector. These responses are offered through proposed initiatives as held by research participants and are linked back to a mining company’s role in the matter. Lastly, I meet the last research objective by drawing upon all data from participants to develop and present a corporate social responsibility conceptual framework to address unregulated artisanal gold mining in South Africa.

The research stayed within the scope of the research objectives by continuously weighing up the role of mining companies alongside the findings of the empirical research. Reflecting on the role mining companies can play in artisanal mining, adds to the development of the corporate social responsibility framework.

6.2 Proposed Initiatives

During the research, participants responded to the current challenges in the unregulated artisanal mining sector. Participants mentioned a number of proposed initiatives that can be put in place to address the Zama Zama sector more sustainably, and these are presented below.

6.2.1 Changing Mindsets

It was found that a change of mindset is required from mining companies and regulatory bodies like the Minerals Council when it comes to addressing unregulated artisanal
mining. It was suggested by the participants that a change of thinking, other than viewing the Zama Zamas as criminals is needed. Moreover, participants stated that an understanding and appreciation of the sector from powerful players in the industry like mining companies would allow for a more humane way of viewing this marginalised sector. By viewing the sector differently, developmental initiatives will start emerging. Jack, a key informant, said:

I think the one big problem, or the starting point in my view, should be to deal with the artisanal miners and illegal miners in a developmental way. That change of thinking is required. At the moment it’s confrontational, it’s criminalising them.

Nick, also a key informant, commented that a mind shift could allow for the redistribution of resources that will ultimately close the poverty gap. Nick remarked:

And you know, again, when you talk about the mind shift and you talk about redistribution of resources, you talk about closing the poverty gap.

Another key informant, Mark, said that mining companies need to start appreciating and understand that the increasing poverty in communities is the root cause of artisanal mining. Mark commented as follows:

Well, I stated before from the mining industry perspective, from the mining companies there needs to be an appreciation and understanding of what is the root cause that is driving this occurrence of artisanal mining. And the root cause is increasing poverty in communities surrounding mining operations.

Considering the above statements, a change of mindset will allow mining companies and government entities to view and treat unregulated artisanal mining in a less confrontational way. Proper dialogue between relevant stakeholders like Zama Zama miners, mining houses and government will lend itself toward the exploration of developmental ways of which an engagement process forms the foundation. The implication of a proper engagement process will allow adequate space to explore poverty alleviation initiatives. For a mining company to understand the root causes of unregulated artisanal mining, may result in a change in how the sector is viewed and addressed. Ultimately this understanding may create room for mining companies to evaluate their own role in the matter.
It would be naïve to reason that mining companies will start having an appreciation of unregulated artisanal mining overnight. An understanding of the sector will take time and can possibly be expediated when an incentive is communicated to mining companies. Reducing the risk unregulated artisanal mining is having on the company and mining communities, can serve as an incentive for companies to start addressing *Zama Zama* mining in a more sustainable way. Yet, this change of mindset requires a process of self-assessment and a mature evaluation of impacts around mining operations. The IIED documents stated, that one of the challenges for companies is to decide whether ASM should be approached as a security or social issue (IIED 2015: 10). The IIED (2015: 10) explained that ASM can be both a security threat and an operational risk to a company. Treating the issue of unregulated artisanal mining as a social issue requires a shift in thinking and an understanding of experiences at this level, where it has been handled differently.

Closely linked to a change of thinking around unregulated artisanal mining is also a change of thinking around development. The following quote from Mark, a key informant, indicates how erroneous development is often approached by formal structures like mining companies and the governement:

> …and what is required is alternative thinking, and one cannot think in terms of structured large-scale businesses because that's the tendency, that's the prevalent thinking in South Africa. People who are sitting in a position of authority in government and industry, that's how you think about it. How can we grow the formal sector? But what I'm suggesting, and this is the work that we do, how can we grow the informal sector.

This alternative thinking around development also involves a critical look at a mine’s own local economic development (LED) programmes. In the end, this change of mindset involves a fresh view and approach around development. Development should be centred on people and, as the participant stated, it should not involve a top-down approach. For the mine to develop communities successfully, programmes should be focused on people with an increase in their well-being. Furthermore, community development should involve social reconstruction and an acknowledgement of social justice. In the realm of development theory, social justice implies development that benefits the ordinary lives of the masses (Coetzee 1989: 157). In the South African context access to wealth and
resources are skewed and divided along racial and class lines. Therefore, mining companies should consciously consider their surrounding communities in terms of needs and opportunities for wider community.

When a different kind of thinking is created around unregulated artisanal mining in the formal mining space, a different kind of narrative will start to develop in terms of development. And vice versa. One way to accomplish this, is by adding to a body of knowledge in terms of development. The next theme provides a discussion on the need to create dialogue and accurate information around Zama Zama mining.

6.2.2 Creating Dialogue for Accurate Information

It was found that there is a lack of dialogue and true information in terms of unregulated artisanal mining. Participants stated that little, if any, discourse exists between Zama Zamas, mining companies and state entities like the Department of Mineral Resources (DMR). Civil society specifically showed their willingness to facilitate a dialogue between Zama Zamas and mining companies:

I think the relations have broken down between the mining houses and the artisanal miners. But certainly, if mining houses were to come to say look we need to be able to discuss with the artisanal miner’s certain issues such as how can we better support them, which of the concessions we can give them to mine freely. Then we are in a position to facilitate that kind of discussion. - Themba, civil society.

The role civil society can play in this matter should not be undervalued. It has been stated throughout this thesis that the matter of unregulated artisanal mining is far too complex and currently out of hand to be dealt with by only one stakeholder. Involving civil society as a partner on the route to sustainable development is not only a wise decision but will most likely create sound developmental initiatives.

Apart from a lack of dialogue between the two sectors, participants, mostly from civil society, indicated that accurate information should be communicated to the state and public too.

Mike, from civil society, said:
One is to like we are doing now to give information, to show DMR, to say let’s look at the unemployment rate first. It is almost 30 per cent or beyond that. And what is the government doing to create jobs? Nothing. We have people who are showing skills, who have committed themselves not to do crime, but to try and get money. This is the artisanal miners.

Danny, also from civil society, agreed:

Well, I think the first point is advocacy. And advocacy means informing the public, about the real issues and not the emotional issues. Okay. And that means having proper media campaigns around the issues. I think that, that is a form of education for the general public.

The need for dialogue does not only include media, but there is also a discourse needed in academia around this matter. It is only thorough rigorous academic work and research that the sector will enter developmental narratives.

Further on the theme of dialogue, the inclusion of Zama Zamas themselves is imperative when developmental initiatives are being designed. On more than one occasion during the field research, the Zama Zamas indicated their willingness to engage with mining companies to discuss ways forward, provided that the engagement takes place in a safe environment where the miners are not prosecuted afterwards. Sam, a Zama Zama miner, said:

…Because there are different people I can’t speak on their behalf, but I am willing to engage.

Important to note, is the necessity to do a proper baseline study prior any intervention, as pointed out in Chapter Two. Unsuccessful interventions are often fuelled by a failure to recognise the heterogeneity of artisanal miners. Through a proper baseline study different socio-economic factors will be uncovered. Furthermore, involving Zama Zamas in a dialogue to help build a body of knowledge is most crucial for developmental initiatives. There is enough willingness from civil society’s side to facilitate a dialogue between Zama Zamas and mining companies. This introduces the idea that development approaches should take place in a multi-sectoral partnership. Although multi-stakeholder networks can vary from situation to situation, they all share certain characteristics (Roloff 2008: 237). Most multi-stakeholder networks are tripartite, meaning that there is a
representative from business, civil society as well as the government at some stage in the process. Multi-sectorial networks can be defined as follows (Steets 2010: 7):

Voluntary cooperative arrangements between actors from the public, business and civil society that display minimal degree of institutionalisation, have common non-hierarchical decision-making structures and address public policy issues.

Derived from the definition, a multi-stakeholder approach is rather flexible. The minimal degree of institutionalisation alongside the voluntary arrangements between partners indicate a strong, flexible nature.

Literature indicates that the creation of a dialogue through multi-stakeholder partnerships is often proposed to address unregulated artisanal mining (Buxton 2013: 15; IIED 2015: 13; World Gold Council 2016). Where no dialogue emerges, initiatives from mining companies to address unregulated artisanal mining have mostly failed. The inclusion of people’s voices in addressing this matter is crucial for sound development. Such an approach implies that research should follow a bottom-up approach instead of a top-down approach. This means that development must be based on the wellbeing of humans, as defined by individuals themselves (Coetzee 2001: 122-126; Theron 2013: 7-9). Additionally, through creating a dialogue around Zama Zama mining, different developmental ways to address the sector can be explored.

6.2.3 Addressing Health and Safety Issues

Zama Zama miners face several health and safety risks. These challenges also pose risks to mining companies, when unregulated artisanal mining is taking place at concessions where a mine still holds a mining right. Participants indicated that initiatives around health and safety campaigns in areas where Zama Zama activity is taking place could curb risks and challenges, for both mining companies and the miners. The following statement is from one Zama Zama miner and indicates that there is a lack of knowledge around the dangers of mining among the Zama Zamas themselves:

People are dying. Why people are dying? People they don’t have knowledge they don’t have, they don’t know actually where it’s dangerous. Where there is [a] barricade, where there is no entry, no go area. We are using these places that’s closed for a long time you see. - Tim, Zama Zama.
This statement reiterates that there is a lack of knowledge and a need for capacity building among the miners. Initiatives that address health and safety will empower the miners. A further two participants mentioned solution-based initiatives around health and safety, as follows:

That is why you also need health officers from the government to actually to check up on the health of these guys. - Danny, civil society.

…it's the actually mining, how do they mine and very important in the formulation process is the processing of the material. To eliminate mercury and cyanide use totally. And there are technologies, gravity concentrated technologies available now. And that is part of our project that we are doing in Columbia. There is equipment, its gravity that's brilliant… So, you have a lot of knowledge, as a company and you can actually transfer it to here. – Bruce, vice president of sustainable development at a mine.

Mining companies, together with the civil society, can assist artisanal miners in adopting more sustainable mining techniques. Assistance can be in the form of offering the miners safer mining methods, specifically in terms of mercury usage. Developmental initiatives such as the pilot programme from Ekapa Mining Joint Venture, that was mentioned and discussed in Chapter Two, reduce health and safety risks for both the mining company and artisanal miners. It will also positively add to the community’s perception of the mine. This will increase a mine’s chance of securing a licence to operate. Such developmental initiatives will serve to address overall risk management and reflect corporate responsibility. Research shows that corporate social responsibility programmes have been used to manage social risks and to address the challenges around the ASM sector (Smith, Smith, John & Teschner 2017: 51).

### 6.2.4 Curbing Extortion and Exploitation

Extortion and exploitation are challenges Zama Zama miners face regularly. The fact that the miners are being exploited served as a motive behind the pilot programme Ekapa Mining Joint Venture established. A research participant indicated that such initiatives are also possible in the gold mining sector. Not only will this create an opportunity for artisanal miners to make a decent living but will also reduce the risks of getting exploited.
For me, this is what I would have done if I was the government. But this, this will only help the people that want to make a living out of this. And not to get rich like the syndicates. But you can, if you can give them some of the sup-outcrops. So a sup-outcrop is the one you can mine from surface. You can mine it like two or three metres down. Now we do have some of those resources. So if you can give them portions like that and you tell them there’s a block of ground, there is some gold here on the surface you can go and mine there. – Will, mine manager.

Themba, a member of civil society, had this to say:

If for instances the person who has the concession could provide the market and also the negotiations to start to say when you are going to find this is how much I’m going to give you per ounce of gold. Or whatever the case may be. Then it allows also the mining house to continue to secure the area and also provide a system how people can, when they come out of underground … can hand over the produce. And then they can be paid safely under those circumstances, provided that they are given a fair market price for their gold.

The above statements reflect that initiatives like Ekapa’s pilot programme are possible within the gold mining sector. The gold mining sector differs from the diamond industry in terms of health and safety. Since gold mining involves underground mining, the risks become substantially higher; hence, the reference to the outcrops which do not pose any serious dangers to the miners. Ekapa’s pilot programme is not only an example of how expropriation and exploitation can be mitigated, but it is also an example of where a mining company assisted Zama Zamas to become legal artisanal miners. Such innovative initiatives are of value not only for unregulated artisanal mining but can obviously contribute towards socio-economic development in the country. Thus, making such initiatives, when structured and motivated correctly, sound local economic development (LED) initiatives.

6.2.5 Amending Legislation

Several participants indicated that some sort of legislation amendments are needed for future artisanal miners. Participants indicated how narrow the Mineral Petroleum Resources Development Act (MPRDA) of 2002 is, in that it offers South Africans only
two options namely small-scale mining, which is semi-mechanised, and industrial mining.

… there has to be [a] legislative amendment. Because at the moment, unfortunately, we only have large-scale mining and small-scale mining. And small-scale mining, with the mindset that you have, that you have to have a business plan and you have to have a legal entity that's registered and all of those sorts of things … makes no provision and will forever, exclude this type of, of situation. - Nicky, civil society.

The above quote highlights the fact that the current requirements to obtain a mining permit, as stipulated in MPRDA of 2002, leaves no other option for artisanal miners than to operate outside the realms of the law. The fact that there is nothing else other than the current mining permit to apply to mine legally, as an artisanal miner, causes many difficulties. A review of the current Act by government will create a safer space for such mining. Should a review of the Act happen, other legislation matters should also be considered. Participants pointed out that artisanal miners cannot operate at the same standard as industrial mines. Therefore any regulation that is developed should take that into account. Bruce, vice president of sustainable development at a mine, said:

There has to be a middle ground somewhere, so government will have to come to the party and say, okay, so for this to work we've got our laws when it comes to safety health environment whatever. But for the artisanal or Zama Zama mining formalisation of that process we're going to have to relax some of those, I’m not saying let's relax it to a point where they can just pollute the environment or kill people daily or whatever. But it has to be relaxed, so you have to start somewhere.

Danny, a member of civil society, added:

I think that civil society organisations like BF can assist with concept legislation. So, in other words we can propose legislation that we can submit to government and say why don’t you consider changing the mining law in the following ways to make it possible for micro and survival mining to take place.

These reflections indicate that legislation should change in terms of artisanal mining. Important to note is that it is up to the state to review and amend legislation. The state is the custodian of minerals in South Africa, granting mining companies mining licences. This same power can, therefore, be applied in making room for artisanal mining. This
power was demonstrated and applied when *Zama Zamas* received mining permits from the Department of Mineral Resources (DMR) in 2018, in the case of Kimberley Ekapa Mining Joint Venture. *Zama Zamas* were granted permits without fulfilling to the small-scale miner requirements. This proves that the state can bend the Act and that there is no need to wait for an Act to change before unregulated artisanal mining can be addressed in a sustainable manner. In any case, currently, little talk occurs in amending the Act. If it does start happening, it will take time. This is essentially leaving the sector completely unaddressed unless a mining company takes up its social responsibility and assists *Zama Zamas*.

A theme that links to policy amendment is the matter of formalisation. The next section is an exploration of that.

### 6.2.6 Moving beyond the Formalisation Debate

The research found that some participants felt that formalising unregulated artisanal mining would solve risks and challenges. The following statements reflect this belief:

> From a company perspective, we have a clear position, all right, where our approach is to look at formalisation of artisanal and *Zama Zama* mining. - Bruce, vice president of sustainable development at a mine.

> It can all be formalised; it can all be regulated. - Nicky, civil society.

The statements above from participants imply that formalisation is the silver bullet. However, the participants never indicated what this process involved and what the result would look like. This fixation on an elusive idea will fall short since so little is understood about *Zama Zama* mining. Also, a mining company’s role in the entire formalisation process is rarely defined yet they indicate that they drive the discourse around this.

In the case of Kimberley Ekapa Mining’s pilot programme, it can be argued that *Zama Zamas* were to an extent formalised since they received mining rights. Yet, they remain entrepreneurial, and their operations and way of operating did not change. They also do not have to now jump over endless bureaucratic ropes. The essence of their mining remained the same. Is this what is envisioned when mining houses are discussing formalisation in boardrooms? It is not always clear what this process involves, especially
when conversations around policy do not include all the stakeholders, especially those that are marginalised.

Another critical point to consider is that formalisation will not happen overnight. Any activity that has been in the informal market will not readily abandon its known ways and means. Apart from this, what about the formal market is so admirable that every single informal activity needs to aspire and turn to it? This fixation on formalisation sketches an idea that the formal market is flawless and that every activity taking place in it is virtuous. Negative impacts on societies from formal market activities, especially from formal mining industries, show that the sector should not be worshipped. Unfortunately, the state and the formal sector have idealised the formal market since it contributes to a country’s GDP.

When talks about formalisation and regulation are introduced, critical thought needs to be applied. As argued in Chapter Two, formalisation must be treated with critique and sensitivity. Additionally, formalisation ought to be viewed as a process that must provide support as opposed to a once-off happening by merely changing legislation. Formalisation of artisanal mining has failed on so many occasions in Sub-Saharan Africa that this should be enough to show that it is not the silver bullet. This does not say that a matter of regulation is not needed; it is for many reasons needed, of which safety is one. When the sector is loosely regulated as in the case of Kimberly Ekapa Mining’s programme, the sector can be economically empowering. Apart from safety and economic empowerment, exploitation will also be limited. Rather, case by case engagements and custom-made initiatives should be explored. In the end, this should also lead to some sort of formalisation but leaving the unregulated artisanal mining sector formally informal.

Some participants indicated the importance of the informal sector and that unregulated artisanal mining should be accepted as part of the informal economy. A participant, Jack, a key informant, indicated that instead of formalising the artisanal mining sector, it should be embraced for what it is. The statement reads as follows:

That is my problem. I think if we changed the shift to realise that these are informal, this is an informal economy and they are here to stay. The one big discourse around the informal economy and I think that has changed, there
was a big hype around we need to formalise, we need to get them to formalise, and we got to a point where we realised, but hang on, but informal economy is actually here to stay. It’s not going anywhere. It employs up to 70 per cent of the population in the entire continent.

The realisation that the informal sector is here to stay is most certainly not embraced. To a large extent, the informal economy in South Africa is being overlooked. Since it is not entirely incorporated and embraced as a proper sector, other issues, like labour rights and such, are rife in the informal economy. For this, the informal economy is criticised and are often forced to formalise. Careful thinking is needed when dealing with the informal sector since so many people are reliant on it for a livelihood. South Africa is classified as one of the most unequal countries in the world. For one, this shows that the majority of ordinary South Africans cannot access the formal economy or formal markets. By formalising unregulated artisanal mining to control and to tax, a likelihood is created that may result in just another formal, organised sector inaccessible to the ordinary poor South African. The formal mining sectors and state should engage in a debate around how to de-criminalise and sensitively regulate the sector on a case by case basis. Supportive of this is the adoption by the ILO of Recommendation 204 in 2015, as discussed in Chapter Two. Recommendation 204 concerns itself with the transition from informal to formal. Recommendation 204 includes key provision for those informally employed and circles around a call for government to generate a supportive environment for informal employees and enterprises (Chen 2018: 43). Government is also encouraged to consult with those operations in the informal economy to join in a dialogue about the transition to the formal economy (Chen 2018: 43). This shows a much more inclusive approach that supports the growth of the informal sector and a new approach to formalisation. Rather than to simply try to register those in the informal sector so they can be taxed.

Moreover, some participants indicated that the fact that unregulated artisanal mining is being criminalised does not make sense. When continuously being further marginalised by attempts to curb its activities, unregulated artisanal mining is not reaching its full potential in terms of socio-economic development. Rather, the sector is kept in the dark and kept illicit, by not being allowed to operate in the informal economy space peacefully. A statement by one participant reads as follows:
Durban is a very good example, we had well previously the discourse around criminalisation of informal trade and so on this was prevalent around not just South Africa but the world, but there was a shift in the 1990s into the 2000s and in Durban, you see them converting dump sites... and they build up a massive informal trade market. And it’s thriving, it’s a global example, and Tekweni has also been very progressive in their dealing with the informal trade. They built up stalls; if you’ve walked or driven along the former West Street and Smith Street, you have some nice stalls there, and they pay a bill there. The last time I checked they would pay about 30 bucks every month just for maintenance and accountability purposes. That kind of approach forms part of the National Informal Economic Policy. I don’t understand why artisanal miners or illegal miners should not be considered as part of the informal economy. - Jack, key informant.

It becomes imperative to allow a supportive space for unregulated artisanal mining in the informal economy since the formal mining sector is on a decline in South Africa. This decline is also having a large effect on the country’s GDP, as pointed out in Chapter One. By not being in support of the artisanal mining sector, results in a total oversight when it comes to socio-economic development. If unregulated artisanal mining is de-criminalised and allowed to flourish in a non-violent space in the informal sector, it can be supported and developed in more sustainable ways.

The importance of other informal sectors around unregulated artisanal mining was also mentioned during the field research. Carina, a key informant, stated the following:

Okay, so the community gains. They sell food; they sell alcohol. There is, of course, the sex workers, and I don't see a disadvantage, and in fact if you speak to local people they will say what if we didn't have the gold here we would have people coming, but they would turn to crime.

The above statement indicates that there is a wider informal economy around artisanal mining. This intertwined net of informal economic activities should be enough motivation to start exploring ways to develop, or at least to stop criminalising, the sector. An entire informal industry will collapse if unregulated artisanal mining is continuously being clamped down on and marginalised.
Literature around this shows that South Africa is not entirely tolerant towards its informal sector. In 2013, a ‘clean up’ campaign was launched in Johannesburg against informal street vendors (Fioramonti 2017: 33). It was only after the street vendors won the court case that they could continue with their work (Fioramonti 2017: 33). Additionally, scholars have argued that it is problematic and a misconception to consider formality with informality as two opposites (Groenewald et al 2013: 109).

Current approaches like banning and policing are motivated by the fact that unregulated artisanal mining occurs outside the formal sector and belongs to the informal economy. Such approaches from formal sectors are marginalising the sector further. Instead of responding to the sector’s informality, formal sectors should rather look at ways to add to the miner’s quality of life. This argument is supported by research from Groenewald et al (2013). Their research refers to studies done in the informal settlement spaces but can rightly be applied more broadly and to the context of this research. Groenewald et al (2013: 108) stated that informal and formal processes are neither separate nor inseparate. Webster (1995: 66) argued that the informal and formal economy are not separate from each other. There exists no ‘Chinese Wall’ between the two sectors (Webster 1995: 66). The challenge is that those ‘making a living’, namely those in the informal economy, are in a lesser position within the economy and lack access to economic resources and market data, not that they belong to ‘a separate economy’ (Webster 1995: 66). For development, the challenge then is to move away from binary views and instead move towards a thinking that acknowledges the interconnectedness between the informal and formal economy (Groenewald et al 2013: 109).

Scholars have suggested that the best way to achieve formalisation is to accompany it with a matching developmental approach (Fourie 2018: 469). This implies that formalisation should be considered to support improved livelihoods and stronger informal enterprises, not as a policy accomplishment. In line with this suggestion, Webster (2011: 171) proposed that the goal of decent work should be an objective to aspire to that can be progressively achieved over several years. This involves that decent work is not an immediate goal (Webster 2011: 171).

Moreover, the focus of formalisation should not be on regulation or control but on ways to provide support to informal enterprises (Fourie 2018: 469). Formalisation, in this sense,
is much more developmental orientated. Criminalising and marginalisation of unregulated artisanal mining show recklessness when considering the high poverty levels and high unemployment levels among mining communities. Any approach from any formal sector, be it the state or the mining industry, that results in curbing or formalising to regulate and control Zama Zama activities must relook at its stance towards developmental initiatives. Accepting and celebrating the sector instead of criminalising it is a step towards development.

6.2.7 Seizing an Opportunity for Development

It was found that unregulated artisanal mining offers a significant opportunity for socio-economic development. Numerous participants indicated that the sector is overlooked and underdeveloped when it comes to socio-economic development. Participants reason that the sector is not being recognised as a source of economic development and this results in a massive missed opportunity for sustainable development. Statements from research participants reads as follows:

Maybe these artisanal miners and I know it's not as simple as it sounds, there would need to be proper impairment and skills development done around this, and proper legislation put in place and, but it's an opportunity for economic empowerment of people who, who are disadvantaged. - Mark, key informant.

Themba, also from civil society, remarked that the high unemployment rate in South Africa and the limited opportunities to create jobs should urge government to look at the artisanal mining sector as a sector that could create jobs. He commented the following:

And, again when we engage the government, we engage from the fact that [the] unemployment rate in South Africa is almost over 30 per cent and there is almost no way of creating jobs. So, the government should be looking at these people and say, how can we really make this sector work for the people.

Nicky, from a civil society, said that artisanal mining holds an opportunity to address the country’s current youth unemployment rate as well as an opportunity to foster growth and redistribute resources. Nicky said:

So, we talk about youth unemployment, we talk about all of that, and to not have that middle mechanism, between small-scale sort of company mining
and the large-scale industry, leaves a whole lot of gap in between, and I think again, are lost opportunities for employment and growth and … redistribution of resources.

Bruce, vice president of sustainable development at a mine, surmised:

… If a large mining company is going to close a mine down and you've set up a co-op of artisanal miners and whatever then and deploy the mining company’s fund for them to have a mine manager that is competent that’s whatever, and a couple of supervisory people and say off you go. Compliant to the law. They are going to make money.

These statements call for a far more inclusionary approach to unregulated artisanal mining. The current approaches, namely prohibition and policing, are suffocating a socio-economic opportunity. This gap between the formal mining economy and the small-scale mining economy that participants pointed out, is currently being filled with unregulated artisanal mining. The sector, if addressed and supported, clearly offers opportunities for employment and growth for those that cannot access such otherwise.

Besides, the sector offers an opportunity where the people of South Africa can access and benefit from the country’s resources and wealth. Offering historically disadvantaged people access to the country’s resources was the reason why the Mineral and Petroleum Resources Development Act (MPRDA) of 2002 was developed after Apartheid. The following quote from a participant reflects not only the way forward, but it also indicates how important this sector is and how it should be addressed. Mark, a key informant, phrased it this way:

There needs to be an inclusive discussion held between all parties, which then results in regulatory changes and frameworks which can accommodate such artisanal mining because it is an opportunity for broad-based development within the informal sector. And one needs to look at… One cannot be narrow-minded in the approaches for economic development opportunities in our nation. So as in other countries in Africa, it provides viable income in impoverished communities.

Development itself should, therefore, be viewed differently. This will eventually create a realisation where the importance of unregulated artisanal mining is recognised.
Development is often viewed narrowly and alongside material wealth. For too long, development was and is still associated with an increase in capital. In the attainment of responsible well-being, participation and self-reliance can be considered as the two most vital features of responsible well-being. Participation means to include the people at the bottom and to do away with any powerful structure that prohibits involvement (Coetzee 2001: 122-126; Theron 2013: 7-9). Wellbeing, inclusive of sound spiritual, emotional, communal and people’s experiences is the end goal of development (Coetzee 2001: 122-126; Theron 2013: 7-9). Allowing and creating a space where the artisanal miner’s wellbeing is considered will eventually lead to the creation of broad-based development initiatives.

6.3 Addressing Unregulated Artisanal Mining in South Africa through Corporate Social Responsibility (CSR)

The motivation for the private sector to address the informal sector was assessed in this thesis. It was also mentioned that corporate social responsibility could be put in place to reach out to the informal sector. In the South African context, with its high unemployment rate, innovative ways are required when it comes to creating jobs and securing livelihoods. For a company to address such social matters, it implies a move beyond upholding only its economic responsibilities. It encompasses a transfer to incorporate social and environmental matters into its business activities, upholding the triple bottom line. Considering Carroll’s four-part definition of corporate social responsibility, the responsibilities corporations ought to embrace in society stretches wider than mere revenue. The beginning of corporate social responsibility starts with being profitable, therefore, fulfilling its economic responsibility (Carroll & Buchholtz 2016: 35). Simultaneously, business is expected by society to obey the law and to go as far as to be ethical. Being ethical, at its most basic terms, means to do what is equitable and to avoid or minimise harm to stakeholders (Carroll & Buchholtz 2016: 35). Lastly, it is expected that business should act as a good corporate citizen, contributing to the overall development and improvement of communities (Carroll & Buchholtz 2016: 35).

This improvement in quality of life in society reflects the role of business in fostering sustainable development. Internationally, the United Nations Global Compact radically
changed the business-society landscape as well as corporate’s social responsibility to its communities’ and wider society. The United Nations Global Compact is regarded as an important landmark in the evolution of international corporate social responsibility (Post 2012: 53). The United Nations Global Compact developed out of an evolving state of consciousness by incorporating human rights, labour practice and environmental protection and corruption as areas of corporate responsibility (Hohnen & Potts 2007: 52). Underlining once again that a business has a wider responsibility than just adhering to its economic responsibility.

These theoretical underpinnings served as the backdrop of the corporate social responsibility framework that was developed. Through this research, it became clear that various aspects can be considered to address the current state of unregulated artisanal gold mining in South Africa. The corporate social responsibility framework that was developed can be used by South African mining companies. Also, the corporate social responsibility framework was specifically developed for the South African mining industry as opposed to the general guiding principles and framework of the United Nations Global Compact and Hohnen and Potts (2007). Although the United Nations Global Compact and Hohnen and Potts’ guidelines served useful in the broader theoretical sense, this framework provides practical corporate social responsibility initiatives for a specific problem, namely unregulated artisanal mining, in the South African context.

The framework makes room for the involvement of civil society to assist mining companies in this matter. The empirical findings served a twofold purpose: firstly, it provided the basis for the development of the framework, and it also informed the framework. Secondly, the findings were viewed and considered within a corporate social responsibility space. The contextualisation of corporate social responsibility in the previous sections of this thesis also served to inform the corporate social responsibility framework. The literature review of this thesis helped to foreground corporate social responsibility activities. Essentially, connections between the findings and corporate social responsibility’s contextualisation were made. The main aspects of the corporate social responsibility framework are as follows:

• Taking note of a diverse profile;
• Responding to challenges;
• Responding to drivers and;
• Acting on proposed initiatives.

6.3.1 Taking Note of a Diverse Profile

Since the misconceptions are feeding the current skewed homogeneous picture of Zama Zama mining, it is imperative for mining companies to do their own research. Baseline research will uncover the profile of artisanal mining near the mine’s concession. Companies will seldom do anything about corporate social responsibility unless the board of directors and management recognise that some sort of corporate social responsibility related problem, opportunity or challenge exists (Hohnen & Potts 2007: 22). Acknowledging and researching the topic will, in the end, inform how a mine may respond to Zama Zama mining activities. Recognising an issue will fuel a corporate social responsibility assessment with a purpose to better understand the problem, its challenges and opportunities, and its consequences (Hohnen & Potts 2007: 22). Also, as part of the mine’s research and assessment, the mine can also research what other mining companies in the Global South are doing to address artisanal mining. Furthermore, setting up a line of communication between the mine’s head of security and the sustainable development manager will inform appropriate methods to address Zama Zama mining. This will allow them to respond with case by case initiatives. Such a procedure creates the possibility to incorporate the often-overlooked gender element.

6.3.2 Responding to Challenges

The research found that criminalising the sector cannot be used to respond to unregulated artisanal mining without considering any alternative ways. As derived from the empirical findings, an engagement with relevant stakeholders is needed to establish the risk and opportunities Zama Zama mining is posing to the mine. An assessment of the situation in and around the mine will inform how the mine should respond and will also shape the corporate social responsibility response (Hohnen & Potts 2007: 32). Additionally, a thorough engagement with all stakeholders, including the Zama Zamas, will shed light on the risk a mining company is running in terms of its social license to operate (SLO). The corporate social responsibility framework provides for alternative ways of answering to the sector’s challenges.
6.3.3 Responding to Drivers

Poor mine closure and rehabilitation is a key driver behind Zama Zama mining. The review of a mine’s current social and labour plan (SLP) in terms of mine closure could prevent the current flooding of Zama Zamas in unsafe mine areas. Also, by reviewing the mine’s Environmental Impact Assessment (EIA), a possibility is created to allow for integrated mine closure or for small-scale mining to take place. Since re-skilling serves as a driver, a review of the mine’s re-skilling policy to suit the current job market will be useful. Furthermore, the Mining Charter enforces mines to focus on the development of human resource skills. Mining companies are compelled to provide comprehensive skills-development plans every five years as part of its social and labour plan. This includes artisan training, apprentice training, bridging courses and adult basic education training (ABET). This can gear-up the workforce with an alternative skill set that they can fall back on should retrenchments take place. Through the Mining Charter, the mine is compelled to foster local economic development. Unemployment, poverty and limited livelihood strategies link strongly to local economic development programmes that a mine must offer to mining communities. A fresh look at such with a focus on poverty alleviation strategies will lead to the development of sound livelihood strategies in a community. The MPRDA enforces sound mine closure. Yet, consultations with mine communities seldom takes place, thus leaving the community in dire straits that eventually fuel the current unsustainable Zama Zama mining sector.

Proper consultation with mining communities, uncovering their socio-economic status and needs will enforce the existence of sustainable mining communities post mine closure. These engagements can take place through the Future Forum of the mine. As pointed out in Chapter Three, the role of the Future Forum is to encourage continuing negotiations and discourse between the workforce, worker representatives and the mine about the mine’s future and any anticipated problems. This collaborative discussion ought to shed light and inform workers about future problems and possible solutions that may impact employability and job losses. These transparent discussions have the potential to improve not only business sustainability but also to curb the possible influx into the current unsustainable Zama Zama practices.
Responding to the drivers asks for certain corporate social responsibility commitments within different mining departments. For example, employees from human resource development and local economic development do not necessarily always work together and often operate in silos. Creating a working group to develop corporate social responsibility commitments aimed at *Zama Zamas* will cut across departments. Hohnen and Potts (2007: 47) remarked that the working group should involve representatives from all levels of the company. For example, the working group should include board members, middle to junior management as well as front-line employees. A prerequisite could be that the members should be trustworthy, reliable and knowledgeable and should also have the time and resources to commit to the work involved (Hohnen & Potts 2007: 47). The creation of such a working group in terms of executing corporate social responsibility commitments to address artisanal mining will create more focussed and holistic initiatives from the various departments.

### 6.3.4 Acting on Proposed Initiatives

A partnership between mining companies and civil society to launch health and safety campaigns in *Zama Zama* communities will contribute towards safer working conditions in the sector. By involving multiple stakeholders like civil society and government representatives in a dialogue, will contribute towards true and fresh information around *Zama Zama* mining. By recognising the importance of the artisanal mining sector, alternative avenues other than criminalising the sector will open. The exploration of integrated mine closure, involving civil society, unregulated artisanal miners and government will contribute towards inclusive socio-economic growth in the mining industry.

The aforementioned four main parts should be considered and applied in conjunction with the recommendations provided in the conceptual framework. The corporate social responsibility framework is organised according to the study’s research objectives. The next section provides an explanation on how the framework was designed.
6.3.5 A Corporate Social Responsibility (CSR) Framework for Unregulated Artisanal Mining in South Africa

The research objectives around uncovering the profile, nature, challenges and drivers of artisanal gold mining are all presented on the right side of the framework. This means that the findings that were presented and discussed in Chapter Five are all presented on the right side of the framework. The research objective that uncovered proposed initiatives is all set forth on the left side, that is, the findings that were discussed in this chapter. The last research objective, namely, to draw on all the data from the participants to develop a corporate social responsibility framework, is of course, the visual as well as the write-up attached to the visual corporate social responsibility framework.
A corporate social responsibility (CSR) conceptual framework to address unregulated artisanal gold mining in South Africa

**Taking note of a diverse profile**

1. Set up a research team focussing on *Zama Zama* activity
2. Develop a task team to uncover the socio-economic factors of *Zama Zamas* close to or on the mine’s concession
3. Commit to developing a deeper understanding of the issue
4. Recognise the heterogenic nature of *Zama Zamas*
5. Allow for case by case responses instead of universal criminalisation
6. Set up lines of communication between the mine’s head of security and the sustainable development department
7. Uncover the presence and role of women in *Zama Zama* activities
8. Inform regulatory bodies such as the Minerals Council with new and fresh information

**Responding to challenges**

1. Develop risk management strategies when engaging with artisanal miners
2. Allow and develop strategies other than criminalising the sector
3. Engage with communities to understand not only their social issues but also how artisanal mining is positioned within the community
4. Allow proper engagement with all stakeholders
5. Evaluate the risk and opportunities *Zama Zama* mining is posing to the mine’s social license to operate
6. Partner with civil society and allow for technical support to upgrade artisanal miners to small-scale miners
Responding to the drivers

1. Review the mine’s closure and rehabilitation strategy
2. Evaluate social and labour plans in terms of mine closure and downscaling
3. Set up a Future Forum as per the social and labour plan requirements and stipulations
4. Put mechanisms in place to manage downscaling and retrenchments as in line with the social and labour plan requirements
5. Explore the feasibility of integrated mine closure
6. As part of the National Environmental Management Act (NEMA), integrate artisanal mining considerations in the mine’s Environmental Impact Assessment (EIA) phase
7. Develop strategies to extend the life of mine
8. Review the mine’s re-skilling strategy
9. Develop sound training and skills development plans for current employees
10. Review and amend the mine’s portable skills strategy

Responding to the drivers (cont.)

11. Develop sound local economic development initiatives for mining communities
12. Review all local economic development programmes and determine if it is making a meaningful difference in communities
13. Align local economic development programmes with the municipality’s integrated development plan (IDP)
14. Develop local economic development programmes to respond to community issues and opportunities
15. Review relevant policies to allow sustainability in communities beyond the life of mine
16. Shift a focus from goods and infrastructure to income-generating activities in communities
17. Evaluate current company impact on surrounding communities
18. Foster enterprise development in local mining communities
Acting on proposed initiatives

1. Partner with civil society to launch health and safety campaigns around Zama Zama activities in communities.
2. Partner with civil society to explore and promote mercury-free strategies for artisanal mining.
3. Evaluate the state and safety of abandoned mine sites.
4. Review the concession span and assess the possibility for the mining of outcrops.
5. Partner with government and civil society to review and amend mining legislation inclusive of artisanal mining.
6. Recognise the importance of artisanal mining and allow for the development and incorporation of the matter into new and current policies.
7. Engage in a wider dialogue that goes beyond formalisation.
8. Develop developmental strategies beyond formalisation.

Acting on proposed initiatives (cont.)

9. Establish a forum consisting of a range of stakeholders involving Zama Zamas, civil society and government.
10. Establish a task team to explore the transition from industrial mining to artisanal and small-scale mining.
11. Develop an artisanal mining policy to promote the sector.


6.4 Conclusion

This chapter has presented initiatives proposed by participants as well as a comprehensive conceptual framework for corporate social responsibility. The research found that the current view is dismissing and ignoring the socio-economic value of the sector, even though it offers a livelihood for thousands of people in South Africa. When this value is recognised, it opens the possibility for the sector to be considered as an informal economic activity.

In addition, participants indicated a need for dialogue and trustworthy information. It is suggested that this element can serve as the first step in any developmental process. Since the sector is completely under-researched with little incorporation of Zama Zama voices, it was stated that their involvement is vital. Not only for addressing the matter in a more sustainable way, but also to offer Zama Zamas a chance to develop, add to or reject any developmental programmes. It is within this space that civil society has a prominent role to play.

It was argued that to allow the sector to operate freely in the informal sector, curbing the sector should be treated with much critique. This is not to say that it should be a free for all. Regulation should be introduced, but in a manner that will not curb or criminalise the sector again. Allowing the sector to flourish will add to the development and sustainability of other informal sectors that exist around Zama Zama activity. When such a space is created, the socio-economic opportunity unregulated artisanal mining offers can be fully explored.

It has been indicated more than once that case by case approaches, and policies should be developed for success. There is most definitely no one size fits all approach, and certainly, no macro-level international development policy should be tried and applied here. Case by case research and initiatives will also create opportunities for implementing pilot programmes. It is imperative that any policy that is created in the future needs to stem from pilot programmes. This will develop and create realistic policies embedded in an understanding of what is taking place on the ground.

To conclude, unregulated artisanal mining frequently occurs where large scale mining companies are not utilising mineral wealth. Since formal gold mining in South Africa is
on a decline, this will happen more and more. *Zama Zama* mining is not going to disappear; therefore, our way of dealing with it should change. The corporate social responsibility conceptual framework offered in this chapter can serve as a starting point for addressing the sector in a developmental way.

In cases where *Zama Zama* activity exists on operating concessions, mining companies can manage their presence if they seek suitable ways to engage with the sector. This will, in the end, reduce the risk faced by mining companies. Since the sector serves as an opportunity for economic empowerment, it can also add to the mine’s LED programmes. The setup of such programmes is not out of reach for the mine, especially when civil society can convene a discussion. This can offer the mine and the beneficiaries of the programmes an opportunity to develop sustainable poverty eradication initiatives. However, it requires innovative thinking where people in the local economy are being developed.

Apart from risk management, the drivers of unregulated artisanal mining strongly indicate towards a mine’s responsibility. Failure to fulfil its own corporate responsibilities contribute to the creation of the current unhealthy and unsustainable *Zama Zama* mining sector. Therefore, the role of corporate social responsibility cannot be detached from the issue of unregulated artisanal mining any longer. The next chapter serves as a conclusion to the thesis by putting forward a summary as well as recommendations for future research.
CHAPTER 7
CONCLUSION: A GOLD MINE OF OPPORTUNITIES

7.1 Introduction

As per the Mineral Petroleum Resource Development Act (MPRDA) of 2002, there is no room for artisanal mining. As it was pointed out in Chapter One, the MPRDA of 2002 makes insufficient room for artisanal mining. This is unfortunate since it also limits opportunities for historically disadvantaged people in the mining domain.

The issue of unregulated artisanal mining has become a pressing matter the last few years in South Africa. It has been argued that mining companies do have a responsibility to address not only matters in surrounding communities but also the matter of unregulated artisanal mining in South Africa. It was stated that corporate social responsibility (CSR) deserves attention to determine if it is a feasible way to respond to the issue of unregulated artisanal gold mining in a developmental way. The point was also made that the one-dimensional approach of criminalising and policing the sector will most certainly not do any good in a country where unemployment and poverty are rife. The high unemployment rates in South Africa should serve as a motivation to strengthen and support sectors in the informal economy, such as the artisanal mining sector. What is more, the formal gold mining industry is declining, and an alternative unregulated type of mining is growing. This context demands that artisanal mining should be approached in a developmental manner.

Calls to address the matter through a comprehensive developmental framework have been made. This demonstrates that the sector not only demands attention but that it also asks for an approach other than policing. As indicated in Chapter One, thorough research is a prerequisite to answering the call or need for alternative approaches to unregulated artisanal mining. It can be said that too little research existed to establish frameworks or initiatives straight away. Additionally, more research was needed to develop a corporate social responsibility (CSR) framework where a mining company’s role is central to
addressing the matter in the South African context. It was against this backdrop that the study set out to develop a corporate social responsibility framework.

### 7.2 Overview

The thesis consists of two literature review chapters. *Chapter Two* explored artisanal and small-scale mining (ASM) globally as well as its position within the South African context. The chapter stated that artisanal mining is serving as a livelihood strategy for millions of people worldwide and for thousands in South Africa. The impact the ASM sector has on the communities and on mining companies were discussed extensively. It was pointed out that a response to address these issues is mostly made through formalisation. Thus, the chapter engaged fully with the debate surrounding formalisation by drawing on formalisation practices in Ghana and the DRC, respectively. The discussion indicated how these processes have fallen short in their pursuit to address the ASM sector sustainably. This, of course, allowed one to consider the matter more critically. The inroads the South African government has made in terms of addressing the ASM sector were also discussed. This discussion highlighted the fact that the South African government has limited capacity, based on the insufficient support that has been given to small-scale miners, to address complex social issues like artisanal mining. Furthermore, instead of looking for developmental ways to address *Zama Zama* mining, the government opts to police the sector.

Yet, calls have been made to address the sector in a more developmental way since it holds value for creating livelihoods in settings where unemployment and poverty are rife. The chapter further explored the role large-scale mining companies can play in supporting the sector and initiatives from mines were pointed out. It was also indicated that there are no current corporate social responsibility initiatives from mining houses in South Africa. The chapter concluded by acknowledging the formal mining sector’s role and social responsibility towards artisanal mining. This introduced the notion of corporate social responsibility.

Corporate social responsibility was explored and discussed in *Chapter Three*. Specific reference was made to the United Nations (UN) Global Compact, which was described as a game-changer in terms of the business-society relationship by the end of the 20th century. The United Nations Global Compact provides principled guidelines companies
should follow in pursuit of sound corporate social responsibility. Moreover, it also underscores the role companies have in terms of addressing social matters. The onus is not anymore on government alone to address social ills; business has a prominent role to play in fostering sustainable development and wellbeing in society. Reference to the informal sector and the formal sector’s role in supporting the informal sector was also made. More importantly it was argued that support for informal sectors are needed, specifically in the South African context, since the unemployment rate is staggeringly high.

Through the literature review, Chapter Three further discussed that it is evident that corporate social responsibility has a strong foundation in the South African mining industry. Legislation like the MPRDA, Mining Charter and National Environmental Management Act (NEMA) incorporates the notion of corporate social responsibility indirectly. The broad aims of the key legislation pieces, as were pointed out, are to foster transformation and socio-economic development within the mining industry. The chapter concluded by reviewing the shortcomings of corporate social responsibility programmes in the mining industry and suggested that co-operation between civil society and government entities are key for sound corporate social responsibility practices. Further, the involvement of people, mostly the beneficiaries of corporate social responsibility programmes is needed for comprehensive sustainable development initiatives.

The first of the two findings chapters, Chapter Five, explored the nature, profile, challenges and drivers of Zama Zama mining. It was found and discussed that Zama Zama mining is a diverse sector that is often being presented as homogeneous. The misconception that were pointed out are fuelling prohibition and curbing the exploration of any developmental initiatives. The challenges within the sector entail those faced by the miners as well as by the mining companies. This, as it was argued, introduces the idea of risk mitigation from the company’s side. Risk mitigation is often addressed through a mining company’s interactions with its community members. The investigation of drivers of Zama Zama mining has shown that unemployment and poverty serve as driving forces for unregulated artisanal mining. The empirical findings in this chapter have created a stronger link between unregulated artisanal mining, environmental and socio-economic factors. It became clear that these miners were choosing this route out of desperation and that any alternative livelihood strategy was likely to be considered by them. Yet, it was
also found that for some, it was the only trade they know. Furthermore, the literature indicated a link between poverty, unemployment, abandoned mines and retrenchment. The empirical findings contribute towards a deeper understanding of these links by also unpacking the responsibility of mines in this regard. Mining companies’ responsibility with reference to these drivers were not clearly recognised in the literature. The empirical findings bring to the surface the role of mining companies in terms of poor mine closure, failed re-skilling and limited input into livelihood strategies. These insights created a space for considering and exploring alternative and creative ways to address the artisanal mining sector through corporate social responsibility.

In Chapter Six, initiatives to address unregulated artisanal mining were uncovered by participants. These initiatives range from quite practical ones like addressing the health and safety of the miners to more abstract policy ones where the recognition of the informal artisanal mining sector should take place. The corporate social responsibility framework that was developed and discussed in Chapter Six provides a blueprint to address the matter of unregulated artisanal mining in several ways. As stipulated, the framework consists of four parts, which was developed out of the empirical research with theoretical underpinnings. These parts are as follows: taking note of a diverse profile, responding to challenges, responding to drivers and acting on proposed initiatives. The practical implications of implementing the corporate social responsibility framework or parts of such will differ from mine to mine, since no two unregulated artisanal mining sites are the same. Recognising the heterogeneity of the sector serves as a good starting point in addressing the matter. Thereafter, how the mine plans to respond to the challenges, drivers and proposed initiatives will be determined by the mine’s capacity, values, available resources and vision.

The role corporate social responsibility can play and should play in addressing unregulated artisanal mining in South Africa cannot be ignored any longer. Corporate social responsibility initiatives are a means for mining companies to create opportunities that will foster socio-economic development in the areas they operate in. In this case, such opportunities can be created and directed to address artisanal mining in South Africa. Unregulated artisanal mining is not going to end. Building relationships and addressing the sector in a more sustainable manner will be beneficial for mining companies and
artisanal miners. Together with mining corporations, government and civil society have a significant role to play in addressing the sector.

To conclude, the contribution of the study is the generation of new knowledge on the issue of unregulated artisanal mining in South Africa, with specific reference to the role mining companies can play in the matter. The conceptual framework provides policy and practical corporate social responsibility actions for mining companies to embark on to address the current unregulated artisanal mining sector in South Africa. The next section provides more details in terms of the study’s contribution.

7.3 Contribution of the Study

In South Africa, the issue of unregulated artisanal mining is a national issue that needs to be addressed. The matter is currently not only having an impact on the mining sector but is also spilling over into wider societal networks. It may rightly be considered as an issue that is currently being faced by society. The thesis is, therefore, timely and holds the potential to contribute towards solution-driven initiatives. This study has gone some way towards enhancing our understanding of Zama Zama mining in South Africa. This was done by providing empirical data on who the Zama Zama miners are, challenges faced and drivers of the sector.

Corporate social responsibility initiatives of mining companies, mostly in conjunction with government and civil society, are being developed and implemented in other parts of the world to address unregulated artisanal mining. South Africa is clearly lacking corporate social responsibility initiatives in this regard. This research appears to be the first study to comprehensively investigate the role mining companies can play in the matter of Zama Zama mining. Moreover, this research went a step further by specifically developing corporate social responsibility strategies that can be put in place by mining companies to practically address unregulated artisanal mining. Taken together, these findings have a significant impact on our understanding of who can and who may access minerals in South Africa. Moreover, these findings raise important questions about the access, or lack of access historically disadvantaged persons have to South Africa’s mineral riches.
In terms of corporate social responsibility, it has been remarked that there appears to be a gap between policy and practice. Failures of current and past corporate social responsibility practices are evidence of this discrepancy. Therefore, this research contributes to closing the gap between practice and policy by providing mining companies with practical initiatives. Also, in corporate social responsibility, initiatives are often being designed using a top-down approach, resulting in philanthropy with no sustainable developmental effect. Therefore, this research contributes to practical sustainable corporate social responsibility initiatives involving the beneficiaries of these initiatives, namely unregulated artisanal miners.

These corporate social responsibility initiatives that were developed from the study, lay the groundwork for future corporate social responsibility strategies in addressing the same matter. The corporate social responsibility framework that was developed through the research, not only addresses some of the social issues surrounding artisanal mining, but also serves to support the sector which is serving as a livelihood for thousands of people in South Africa.

7.4 Recommendations for Future Research

The matter of artisanal mining in South Africa is highly complex. What is adding to this complexity is that little information is available on Zama Zamas. Too often, true information is lost in a narrative that is driven by the media and regulatory bodies like the Minerals Council. The issue is not that these role-players have a voice or opinion, but that the narrative is dominated by these role-players. Consequently, the matter of unregulated artisanal mining is reduced to an oversimplification. To develop the sector in a sustainable way, future research is needed in certain areas of which the following were established during my own research:

Women in artisanal mining: Further research is needed focussing on the role, challenges and status of women in Zama Zama mining. The presence of women in unregulated artisanal mining is overlooked. Research into this will also inform developmental initiatives sensitive to the gender element.

The status of immigrants: It would be worth researching the status of immigrants in this sector. More information is needed to oppose the current skewed view that all Zama
Zamas are illegal immigrants. Research is needed to establish how migration and more specifically, the historically migrant labour influx played a role in the current Zama Zama phenomena.

More than gold: Researching Zama Zama activities where other types of minerals are mined would be valuable. This will inform who takes part in Zama Zama mining, the challenges faced and will contribute to profiling Zama Zamas and a deeper understanding of them.

Case studies: Research focussing on case studies or certain groups of Zama Zamas is much needed. This will allow zooming into the matter and uncovering socio-economic differences. In cases where initiatives have been established, like the case of the Ekapa Mining Joint Venture, research can be done to evaluate and inform future initiatives as well as policies, should any be created in the future.

Lastly, future research might explore the realisation of mineral rights, coupled with land rights, within this unregulated artisanal mining debate.

7.5 Concluding Remarks

This study was motivated to explore and provide insights into a current marginalised and criminalised sector. Given the fact that unemployment and poverty are rife in South Africa, ways to develop potential socio-economic sectors are needed more than ever. The South African mining landscape is dominated by large-scale industrialised mining. The concern with industrialised mining is that it offers its riches to a select few on the backbone of black labourers. This reality motivated the study to seriously look at opportunities for historically disadvantaged South Africans within the mining landscape. The realm to explore these opportunities was the current artisanal mining sector of South Africa.

The literature review, as well as the empirical findings about the drivers of the sector, demonstrated that the role mining companies can and should play has become undeniable. What is more, the current state of Zama Zama mining cannot be left further unaddressed. It is too unsustainable, but it is also holding hidden socio-economic opportunities within. It was argued that the best way to address and to apply the corporate social responsibility framework, is on a case by case basis. The matter of unregulated artisanal mining can, at
stages, become overwhelming; therefore, case-specific approaches are imperative. The corporate social responsibility framework was designed in such a way that it provides for the creation and implementation of a range of corporate social responsibility initiatives. Companies differ in their approaches to corporate social responsibility, and some are also more advanced and mature in corporate social responsibility matters. The framework, therefore, allows for the incorporation of something as elementary, yet of huge value, as a company’s own research on Zama Zama mining. Therefore, gaining an understanding of the sector. Additionally, mining companies can also embark on reviewing and redeveloping their re-skilling strategy to suit the job markets and not to fuel the current unsustainable Zama Zama sector further. On the other end, the corporate social responsibility framework ultimately offers a blueprint to explore and develop unregulated artisanal mining to its full extent. This can be done by incorporating artisanal mining into the end of the life of a mine, into integrated mine closure plans or to allow for the development of the sector alongside industrialised mining.

As pointed out, the poverty levels in communities and specifically mining communities are alarming. My work regularly exposes me to a diverse range of mining communities where, currently, not even the most basic human rights are being met. In some mining communities water, sanitation, schooling and access to health services are far off dreams for many. The problem with not meeting these basic needs is that people cannot develop or move forward if they are stuck between unfulfilled basic human needs. Therefore, it becomes imperative to empower people for them to capitalise on socio-economic opportunities. Fresh, creative social strategies that would focus on inclusion rather than exclusion are needed. The importance of poverty alleviation initiatives for historically disadvantaged South Africans are required to strengthen a diversity of livelihoods and alternative economies. This shift in thinking should also incorporate long-term planning rather than the usual once-off arbitrary interventions or programmes that mining companies often execute. Through this research, I have provided the foundations for such thinking by providing a deeper description of artisanal mining and the corporate social responsibility framework for addressing it.
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Humans are not able to consume raw text.


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## Appendix A: List of research participants

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<thead>
<tr>
<th>Pseudonym of participant</th>
<th>Stakeholder group</th>
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<tbody>
<tr>
<td>Tim</td>
<td>Unregulated artisanal miner</td>
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<tr>
<td>Sam</td>
<td>Unregulated artisanal miner</td>
</tr>
<tr>
<td>Martin</td>
<td>Unregulated artisanal miner</td>
</tr>
<tr>
<td>Tommy</td>
<td>Unregulated artisanal miner</td>
</tr>
<tr>
<td>Stuart</td>
<td>Unregulated artisanal miner</td>
</tr>
<tr>
<td>Danny</td>
<td>Civil society worker</td>
</tr>
<tr>
<td>Bob</td>
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</tr>
<tr>
<td>Themba</td>
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<tr>
<td>Mike</td>
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</tr>
<tr>
<td>Nicky</td>
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<tr>
<td>Jane</td>
<td>Civil society worker</td>
</tr>
<tr>
<td>Jack</td>
<td>Key informant</td>
</tr>
<tr>
<td>Mark</td>
<td>Key informant</td>
</tr>
<tr>
<td>Carina</td>
<td>Key informant</td>
</tr>
<tr>
<td>Teo</td>
<td>Key informant</td>
</tr>
<tr>
<td>Travis</td>
<td>Key informant</td>
</tr>
<tr>
<td>Will</td>
<td>Mining company manager</td>
</tr>
<tr>
<td>Pete</td>
<td>Mining company manager</td>
</tr>
<tr>
<td>Cobus</td>
<td>Mining company manager</td>
</tr>
<tr>
<td>Bruce</td>
<td>Mining company: Vice Principle of Group Security, Human Rights and Sustainability</td>
</tr>
<tr>
<td>Taylor</td>
<td>Mining company: Sustainability Manager</td>
</tr>
</tbody>
</table>
Appendix B: Interview guide

Questions for artisanal miners

1. Why are you doing the work you are doing?
2. Do you only mine this site, or do you mine any other place too?
3. Have you mined as a Zama Zama in operating mines before coming here?
4. Tell me about your work, what does it involve?
5. Do you have a specific task?
6. Do you get sick often?
7. Did you work in the mining industry before?
8. Did you get retrenched?
9. Where did you learn the skill to mine?
10. What risks or challenges are you facing?
11. What can be changed to make your life and work safer?
12. Do you have any interaction with mining companies or representatives of mining companies?
13. Do you like the work you are doing?
14. Would you prefer to do something else?
15. What can be done to make your work easier?
16. How do you process your mineral? Briefly describe
17. What tools do you use?
18. How do you protect yourself from when mining and using mercury?
19. Do you feel you are making enough money for the work you are doing?
20. Do you have a family that you are supporting from this activity?
21. Are you willing to interact and engage with mining companies or civil society?
22. Tell me about the syndicates and police?
Questions to mining houses

1. How will you describe the company’s relationship with artisanal miners or zama zamas?
2. Is there any interaction with the unregulated miners? If so, what is the nature of these interactions?
3. Is there any interaction with Zama Zamas on abandoned sites?
4. How is the mining company handling the issue of artisanal mining in the rest of Africa?
5. Are the illegal miners’ part of operating or abandoned shafts in your mine’s concessions?
6. Are the illegal miners posing a risk to the mine and its workers?
7. Are the illegal miners having an impact on the mine’s community?
8. Who do you think the illegal miner is?
9. Do you think there are different types of Zama Zama miners?
10. Are they retrenched miners?
11. Why do you think the Zama Zama miners are doing the work they do?
12. Do you think the mining company and unregulated miners can peacefully co-exist?
13. Is there room for engagement?
14. If, so what needs to change or what factors are critical for such co-existence?
15. What can be done from government’s side to support the mine in its relationship with the illegal miners?
16. Do you think civil society has a role to play in supporting the mine in this matter?
17. How does the mine handle retrenchments?
18. What happens in terms of mine closure and rehabilitation?
19. When we talk about the life of mine is there a possibility to transition the mine from a large-scale mining company to a small – scale mining company that incorporates artisanal miners?
20. Any other relevant information that you would like to share?
Questions to civil society

1. In your opinion, who is the unregulated artisanal miner in South Africa?
   1.1 Are they part of criminal activities?
   1.2 Are they retrenched miners?
   1.3 Why are the unregulated artisanal miners doing the work they do?
   1.4 In the media the unregulated artisanal miner is often portrayed as negative, why is that?
   1.5 Are there misconceptions around the nature of the artisanal miner?
   1.6 What are the major challenges faced by the unregulated artisanal miners?
2. Is the unregulated artisanal miner operating in abandoned or operating shafts?
3. How is your organisation engaging with the unregulated artisanal miners?
4. How will you describe artisanal mining? For example, do we have different types of artisanal mining?
5. Why do we have unregulated artisanal mining in South Africa?
6. Do you think artisanal mining is being addressed in a developmental way currently?
7. In your opinion, how can your organisation (Civil society) assist in addressing the issue of unregulated artisanal mining?
8. How can civil society assist mining companies around the matter of unregulated artisanal mining?
9. Do you know of any mining companies that are engaging or have engaged with artisanal miners?
10. Any other relevant information that you would like to share?
Questions to key informants

1. In your opinion who is the unregulated artisanal miner in South Africa?
2. Do we have different types of artisanal miners in South Africa, and if so, what are these types?
3. Are they part of criminal activities?
4. Are they retrenched miners?
5. Why are the unregulated artisanal miners doing the work they do?
6. In the media the unregulated artisanal miner is often portrayed as negative, why is that?
7. Are there misconceptions around the nature of the artisanal miner?
8. What are the major challenges faced by the unregulated artisanal miners?
9. Is the unregulated artisanal miner operating in abandoned or operating shafts?
10. What do you think is causing unregulated artisanal mining in South Africa?
11. What are the major challenges faced by artisanal miners?
12. How will you describe the relationships between artisanal miners and that of the community?
13. Can you describe the nature of the relationship that transpires between mining company and artisanal or illegal miners?
14. What role do you think does mine closure and rehabilitation play in terms of the manifestation of artisanal mining?
15. When miners get retrenched do you think they are getting out a fair package or deal?
16. If not, what can be done to better or make the retrenchment more reasonable?
17. In your opinion what aspects do you feel are critical to the success of maintaining or improving this relationship?
   OR in your opinion what aspects are critical to enhance the lives and workings of artisanal miners?
18. Do you know of any mining companies that are engaging or have engaged with artisanal miners?
19. What role do you think mine closure (poor) play in the incidence of Zama Zama mining?
20. Any other relevant information that you would like to share?
Appendix C: Field research photos from Zama

Zama mining sites

Picture C1: Mercury, gold and water: The amalgamation process

© Copyright: Vidette Bester, Johannesburg, 2018
Picture C2: The amalgamation process

© Copyright: Vidette Bester, Johannesburg, 2018
Picture C3: Zama Zamas at work using a penduka

Picture C4: A self-made drainage system to allow gold particles to be separated from sand

© Copyright: Vidette Bester, Johannesburg, 2018
Picture C5: Zama Zamas busy washing the ore for the drainage process to begin

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Picture C6: The drainage process

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Picture C7: A typical Zama Zama site

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Picture C8: Another Zama Zama site

Picture C9: An entrance into an underground tunnel

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Picture C10: An opening to an underground tunnel

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Appendix D: Participation information sheet and consent form

Participant Information Sheet

Dear Participant,

My name is Vidette Bester and I am a student at the University of Johannesburg in South Africa. I am going to give you information and invite you to be part of this research. Before you decide, you can talk to anyone you feel comfortable with about the research. This information sheet and consent form may contain words that you do not understand. Please ask me to stop as we go through the information and I will take time to explain.

I am conducting research for my doctoral degree in the Department of Sociology at the University of Johannesburg. My research is entitled: A Corporate Social Responsibility (CSR) Conceptual Framework to Address Unregulated Artisanal Gold mining in South Africa.

My research focuses on the perceptions of mining houses, non-governmental organisations or non-profit organisations, and artisanal miner representatives about unregulated artisanal mining, to develop corporate social responsibility actions around this sector. I would like to invite you to take part in this study and seek your formal permission for you to do so in an individual interview or focus group discussion that will be held at a convenient time and venue for you. This interview or focus group discussion will take around one hour. This study is conducted with the ethical approval of the University of Johannesburg.

Please take note of the following information concerning participation in this study:

1. Your participation is completely voluntary, and you can decide to stop the interview at any time, for any reason, and without any prejudice.
2. Your real name, identity and affiliation will not be revealed in the thesis or transcripts. When writing about your responses, I will use pseudonyms (false names) to protect your identity.
3. The information that will be collected from this research will be kept private. Any information about you will have a pseudonym. Only I, as the researcher and my supervisors, Professor Tina Uys and Doctor Liela Groenewald, will know what your pseudonym is. The information will not be shared with or given to anyone.

4. As for the focus group discussion(s), I will ask you and others in the group not to talk to people outside the group about what was said. I will, in other words, ask each of you to keep what was said in the group confidential and not the reveal the identities of the other participants. However, I cannot stop or prevent participants who were in the group from sharing things that should be confidential.

5. The focus group will be audio-recorded to accurately capture what is said. If you participate in the study, you may request that the recording be paused at any time. You may choose how much or how little you want to speak during the group. You may also choose to leave the focus group at any time. The focus group will be audio recorded to ensure accuracy. You may ask to pause the recording at any time.

6. The individual interviews will also be recorded using a digital recording device to capture your views correctly during writing. Only I, as the researcher and my supervisors, Professor Tina Uys and Doctor Liela Groenewald will have access to these recordings and transcripts of them. All recordings and transcripts will be stored in an encrypted storage device for 10 years for legal and ethical purposes.

7. There is no compensation for taking part in this research.

8. The results will be used to complete a doctoral degree. Furthermore, the results of this study may be distributed at relevant meetings and conferences such as the annual South African Sociological Association (SASA) or the International Sociological Association World Congress. The research results could also be published in relevant academic journals.

If you are willing to participate in the research study, please detach and keep this information sheet for reference. Also, please read and sign the informed consent form on the next page.

If you have any questions about this study, feel free to contact me at videtteb@gmail.com or my supervisors, Professor Tina Uys at tuys@uj.ac.za and Doctor Liela Groenewald at lielagr@uj.ac.za

Yours Sincerely,
Vidette Bester
Participant Informed Consent Form

Dear Participant,

Thank you for agreeing to participate in this study. Your most truthful responses are greatly appreciated. Please complete below:

I, ___________________________ have read the foregoing information, or it has been read to me. I have had the opportunity to ask questions about it and any questions I have asked, have been answered to my satisfaction. I consent voluntarily to be a participant in this study; therefore, I agree to be interviewed as a research participant in Vidette Bester’s doctoral study.

I also agree that the researcher may contact me after this interview for any questions that may have been missed or for any follow-up questions as a result of this interview.

Please do not sign this form if you do not understand the scope and nature of the study.

Signature: ___________________________

Phone Number (if applicable): ___________________________

Date: ___________________________