

After Zuma: Mining Charter remains a bone of contention

By [Marius Roodt](#)

24 Apr 2018

The more things change, the more they stay the same. This oldie, but goodie is just as relevant to our current politics and the Mining Charter in particular as it was when French journalist, Jean-Baptiste Alphonse Karr first used it in 1849.



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Since former President Jacob Zuma resigned in February and Cyril Ramaphosa came to power, the country has been caught up in what some have called Ramaphoria – a state of ecstasy stemming from the knowledge that Zuma is no longer our leader. Following his elevation to the presidency Mr Ramaphosa reshuffled his cabinet, and the new appointments were generally welcomed with some exceptions.

Some of Zuma's most ardent supporters – such as Bathabile Dlamini and Malusi Gigaba – were retained in the powerful positions, including the latter being shifted back to the important portfolio of home affairs. However, one portfolio where a Zuma loyalist (or perhaps 'Gupta loyalist' would be a better description) was unceremoniously booted was that of mineral resources. Mosebenzi Zwane, acknowledged by many to have been a disaster as mines minister, was replaced by Gwede Mantashe, the national chairperson of the African National Congress (ANC) and former secretary-general of the National Union of Mineworkers (NUM).

The appointment was seen as a vast improvement after Zwane's disastrous tenure.

Moving the goalposts

Mantashe's appointment was hailed by senior figures in the mining industry, including the Chamber of Mines and other senior mining figures, such as Mark Cutifani, the CEO of Anglo American. Initially it was hoped that Mantashe would scrap the flawed third Mining Charter. However, it now seems that he and the ANC will – instead of getting rid of the Charter – look at certain elements of it but retain its overall thrust. This is a mistake. The government needs to ensure that the charter is one which will allow the industry to be an engine of economic growth – the potential is there, as long as the policy environment is conducive to this, which is not currently the case.

The industry and government needs to move away from having a document which constantly moves the goalposts. According to [Business Day](#), a senior mining executive argued that the Mining Charter should be something more akin to a constitution, rather than a document which is amended every few years. A constitution-type document would govern the

relationship between the various mining stakeholders, and only be amended in the face of serious flaws. This idea is sound and would also provide the industry with some certainty, as well as, to a degree, protect the industry from poor ministers, such as Zwane.

James Lorimer, a member of Parliament for the Democratic Alliance (DA) and the party's shadow minister of mineral resources, [argues](#) that there has been no acknowledgment of the transformation that the industry has achieved in the two decades since the end of apartheid, nor that billions of rand in value has been transferred to previously disadvantaged individuals. He also notes that the voices of communities are often sidelined, with any new Charter likely to – once again – be something akin to an elite pact, with little concern given to communities affected by mining.

False dawn

Many thought that Ramaphosa's ascendancy would see a New Dawn for mining – unfortunately it seems this dawn is more false than new. Tinkering with the Mining Charter rather than creating a new document that will encourage investment in the South African mining industry is the wrong approach. The government and the industry, along with community representatives, must work together to determine a way forward for the mining industry. It is clear that it can no longer be 'business as usual' for either side, and government and mining companies must act as partners to plot a roadmap for the industry that will see it thrive. At the same time other important stakeholders – such as communities and labour – must be included, and their concerns listened to. Every effort must be made to determine the real concerns of communities, and not allow gatekeepers with vested interests to usurp true community representatives.

At the same time the mining industry needs certainty. Clarity must be gained on principles such as once empowered, always empowered. Although the chilly state of relations between the industry and the government appeared to be thawing, it seems that this was not the case. It is not impossible that the chamber may decide to once again seek to have a judicial review of the third charter, if the two parties cannot come to an agreement. This will be a poor outcome for both the government and mining companies but if no agreement can be reached on the charter, perhaps this will be inevitable.

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