

NELSON MANDELA
UNIVERSITY

**CONFLICTS BETWEEN HOST COMMUNITIES AND MINING
HOUSES IN BOJANALA PLATINUM DISTRICT MUNICIPALITY,
SOUTH AFRICA, 1994:2020**

BY

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SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

**MASTER OF ARTS IN CONFLICT TRANSFORMATION
AND MANAGEMENT**

IN THE

**FACULTY OF HUMANITIES
THE DEPARTMENT OF HISTORY AND POLITICAL STUDIES**

AT THE

NELSON MANDELA UNIVERSITY

SUPERVISOR: DR NTSIKELELO BREAKFAST

DECEMBER 2022

NELSON MANDELA UNIVERSITY

DECLARATION

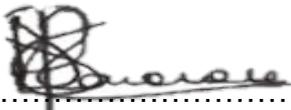
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In accordance with Rule G5.11.4, I hereby declare that the above-mentioned thesis is my own work and that it has not previously been submitted for assessment to another University or for another qualification.



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SIGNATURE

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22 August 2022
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PREFACE

The drafters of the Freedom Charter, 1955, envisaged a “country where the people share the country’s wealth and the mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole”, not just a few elite and oligopolies (Aluka, 1969). The object of the Freedom Charter was to establish a united, equal, and, prosperous South Africa.

After the 1994 elections, South Africa commenced the protracted and complex process of achieving a united, prosperous country post-apartheid. One of the most critical issues for the African National Congress (ANC) government was economic equality. Mazibuko (2016:3) states that “Coloniality and whiteness in South Africa are very noticeable through the continued conditions of inequality and economic injustice...”. To date, South Africa is still shackled by the chains of coloniality and apartheid, characterised by economic inequalities (Mashau, 2018).

The South African government’s overhauling of the mineral regulatory regime in 2004 from private ownership to state custodianship did not help much in transforming the mining industry in South Africa (Davies, Berman, Pillay and Sonnerbergs, 2018). The mining sector remains male-dominated and most of those who are at the top echelons of this sector are predominantly white males (Department of Employment & labour RSA, 2020/21). The white male dominance in the mining sector entrenches white supremacy and patriarchy and perpetuates racial and gender inequalities in this sector (Golash-Boza, Duenas and Xiong, 2019).

Anecdotal evidence reveals that the top echelon of the management structure of the mining sector of South Africa, which is predominantly white, lacks lived experience in the mining host communities, which are predominantly black. Manen (2015, as cited in McIntosh and Wright, 2019) opines that the lived experience is about comprehending the world from experiencing it, rather than conceptualising it and it is informed by personal experience and choices.

ACKNOWLEDGEMENTS

I appreciate the opportunity that Nelson Mandela University provided and I want to express my gratitude to all the staff of the Faculty of the Humanities, Department of History and Political Studies for their administrative support during my studies. Through their unwavering support, I managed to complete my master's degree in Conflict Transformation and Management. I also acknowledge the following people who contributed to the completion of this study:

- My supervisor, Doctor Ntsikelelo Breakfast, is the best academic mentor.
- Professor Barry Hanyane (May his soul rest in peace) continuously encouraged me to further my studies and to contribute to the knowledge economy and promotion of the public discourse.
- My family, Nomvula, Mohau and Khanyisa. Their undivided, amazing love and support remain my pillar of strength.
- My sisters and brothers always encourage me to rise and strive to achieve more.
- My father and mother, may their souls rest in eternal peace and continue to be my guardian angels.
- My off-line academic mentors, Mister Joe Papi Komane and Miss Viola Ntsetsao Motsumi's, words of encouragement and wisdom carried me through.
- My language editor, whose editing made this journey much lighter.
- The participants, who participated in this study availed their time and shared information freely.

I am indebted to all who always avail their shoulders for me to lean on when I am not strong. I will appreciate their selfless and giving hearts. I will always strive to return the gesture.

ABSTRACT

This study aims to gain an in-depth understanding of the causes of conflicts between mining host communities and mining houses with specific reference to Bojanala Platinum District Municipality (BPDM), South Africa, 1994:2020. The study was limited to the BPDM and, therefore, the findings will be contextually limited to the BPDM. However, the findings of this study might be important to identify the critical causes of conflicts between the host communities and mining houses in South Africa.

The theoretical framework for this study is the human needs theory. In addition, the study uses the frustration-aggression theory, relative deprivation theory and Marxist theory to explore and describe the phenomenon under investigation. This study used a qualitative method to answer the research questions and address its problem statement. The data were collected through focus group discussions and elite interviews. The study used a purposive sampling technique and the sample included 32 participants.

The central question of this study encompasses the causes of conflicts between the host communities and the mining houses in the BPDM in the North West province of South Africa (SA), which was answered. The findings of this study suggest that the causes of the conflicts between host communities and mining houses are as follows: mines' unfulfilled promises, mines' rewards to community anarchists, mines' dispossession of community land, nepotism, fraud, mine officials, municipal officials and traditional authorities' corruption, and mines' exclusive community engagements.

At a policy level, the findings of this study suggest that current legislation and policies, governing the mining sector in South Africa, are not adequately aiding the government to eradicate poverty, unemployment and inequalities, in particular, in the mining host communities. Also, it shows that mining host communities have limited knowledge of the legislation and policies, governing the mining sector in South Africa.

KEYWORDS: conflicts, conflict management approaches, mining host communities, mining houses.

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ABBREVIATIONS AND ACRONYMS

ADR	-	Alternative dispute resolution
AMCU	-	Association of Mineworkers and Construction Union
ANC	-	African National Congress
ANCYL	-	ANC Youth League
B-BBEE	-	Broad-Based Black Economic Empowerment
BEE	-	Black Economic Empowerment
BPDM	-	Bojanala Platinum District Municipality
CEE	-	Commission for Employment Equity
COSATU	-	Congress of South African Trade Unions
DMRE	-	Department of Mineral Resources and Energy
EFF	-	Economic Freedom Fighters
FGD	-	Focus group discussions
GDP	-	Gross domestic products
HDSA	-	Historically disadvantaged South Africans
IDP	-	Integrated development plan
MC III	-	Mining Charter, 2018 (Government Gazette, 2018)
MINCOSA	-	Minerals Council of South Africa
MPRDA	-	The Mineral and Petroleum Resources Development Act of 2002 (Act No. 28 of 2002)
MPRRA	-	Mineral and Petroleum Resources Royalty Administration
MPTRO	-	Mineral and Petroleum Titles Registration Office
MTRA	-	Mining Titles Registration Amendment Act of 2003 (Act No. 23 of 2003)
NEMA	-	National Environmental Management Act
NMU	-	Nelson Mandela University

NUM	-	National Union of Mineworkers
OECD	-	Organisation for Economic Co-operation and Development
RET	-	Radical Economic Transformation
SA	-	South Africa
SACP	-	South African Communist Party
SAHRC	-	South African Human Rights Commission
SARS	-	South African Revenue Services
SASCO	-	South African Students Congress
SLP	-	Social and labour plans
StatsSA	-	Statistics South Africa
TKI	-	Thomas Kilmann instrument
YCLSA	-	Young Communist League of South Africa

CHAPTER 1

GENERAL INTRODUCTION

1.1 INTRODUCTION

This study focuses on conflicts between host communities and mining houses, concerning the Bojanala Platinum District Municipality (BPDM), located in the North West province, South Africa (SA). This chapter provides the basis for the chapters to follow. It provides the background to the study, the motivation, the statement problem, the research aim, objectives and questions. Furthermore, Chapter 1 includes the theoretical framework for this study, a brief explanation of the research design and methodology, data collection and data analysis strategies, ethical measures, and consideration. The chapter explains how the study findings are disseminated, the structure of the dissertation and a brief conclusion.

1.2 BACKGROUND TO THE STUDY

The arrival of Jan van Riebeeck in 1652 marked the beginning of white supremacy and land dispossession in SA that was consolidated through the enactment of the Native Land Act of 1913 (Act No. 27 of 1913). The dispossession of land from black South Africans through the colonial and apartheid Native Land Act of 1913 (Act No. 27 of 1913) included land rich in mineral resources. The legacy of the Native Land Act of 1913 (Act No. 27 of 1913) still includes high levels of poverty, inequality and unemployment that continue to haunt black communities in South Africa (Helliker, 2011; Mngxitama, 2006; Bradstock, 2005; Hendricks, 2004; Carter and May, 2001). The dispossession of land also robbed the black majority of an opportunity to mine the mineral resources on their land and, consequently, improve their socio-economic conditions. The Freedom Charter, adopted on Sunday, 26 June 1955, stated that –

the people shall share in the country's wealth, the national wealth of our country, the heritage of all South Africans, shall be restored to the people; the mineral wealth beneath the soil, the banks, and monopoly industry shall be transferred to the ownership of the people as a whole (Aluka, 1969).

The Freedom Charter called for the distribution of all the mineral wealth beneath the soil of SA to the people as a whole and not to a few individuals. The post-1994 period ushered in a new era of legislation, governing the mining sector, aiming to promote equitable access to the country's mineral resources. The Mineral and Petroleum Resources Development Act (MPRDA) of 2002 (Act No. 28 of 2002) empowers the state through the minister of the Mineral Resources and Energy department to serve as the custodian of the minerals and petroleum resources of SA on behalf of all South Africans. To advance the socio-economic transformation of the mineral sector, the minister of minerals and energy is empowered by section 100 (2)(a) of the MPRDA of 2002 (Act No. 28 of 2002), to develop a Broad-Based Socio-Economic Empowerment Charter for the mining and minerals industry (Mineral Charter) to serve as a regulatory instrument.

One could argue that the contribution of the mineral sector to the SA economy is significant. The Minerals Council of South Africa (MINCOSA) 2021 report states that mining contributed R480.9 billion to the country's gross domestic product (GDP), equalling an 8.7% contribution to the GDP. The report further indicates that the mining sector employed 458,954 people in 2021, the mining employees paid R27.0 billion to pay as you earn (PAYE) in 2021, the mining sector paid R15.4 billion to value-added taxes (VAT) in 2021 and the mining sector paid R78.1 billion to corporate income tax in the same year while the royalties were R27.9 billion in 2021.

SA has a lot of mineral reserves amounting to more than US\$2.5 trillion and the mining sector will continue to perform a significant socio-economic development role in SA in many years to come (Van Den Berg, 2015:2). Despite all these reports, one could still argue that most of the mining host communities feel neglected in terms of socio-economic development (Matebesi, 2020). Therefore, mining houses must develop strong cordial mining company-community relationships to address the conflicts between the host communities and the mines (Coulson, Ledwaba and McCallum, 2017). The assertion by Coulson, Ledwaba and McCallum (2017) raises the importance of a mutual and impactful relationship between mining houses and their host communities. Failure to develop meaningful and impactful relations may result in protracted conflicts between mining host communities and mining houses.

The Mining Charter of 2018 (MC III) places host communities at the centre of mining development and requires the mining houses to contribute to the socio-economic development of their host communities. Section 25 of the MC III also draws attention to the importance that mining houses should consult the relevant municipalities and traditional authorities in the formulation and implementation of community development projects. Municipalities are local spheres of government, as stipulated in Section 151(1) of the Constitution of SA, 1996. The traditional authorities are recognised in Chapter 12 of the Constitution of SA, 1996 and the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

These two institutions, municipalities and traditional authorities, which are key stakeholders in consultations with the mining houses to formulate and implement community development projects, are also marred by internal instabilities and conflict. In the 2020-21 Municipal Finance Management Act (MFMA) report, the auditor general of South Africa states that most of the South African municipalities exhibit political and administrative leadership instability, municipal councils' poor oversight, significant financial health problems, continuous service delivery protests and a lack of consequence management for the poor performance of political representatives and administrative staff. The internal conflicts within the traditional authorities harm the stability of the communities and contribute to grievances and opportunities for social unrest in communities (Mboh, 2021). In addition, Mboh (2021) argues that traditional authorities are challenged to mediate conflicts in communities.

Racial and gender employment inequalities still exist in the SA mining sector. The 21st Commission for Employment Equity (CEE) Annual Report 2020/21 indicates that the top management of the mining sector in SA is still white-dominated at 57.9% of which 50.1% are males. This dominance entrenches white supremacy and patriarchy in the mining sector, and these elements also perpetuate racial and gender inequalities in SA (Golash-Boza, Duenas and Xiong, 2019). One could argue that this top echelon of management structures in South African mining lacks the lived experiences of the black communities in South Africa. The current racial and gender employment inequalities in the mining sector are not a new phenomenon, but some can be traced back to the pre-1994 government where legislation, for example, the Mines and Works

Act of 1911 (Act No. 12 of 1911) effectively disqualified blacks from owning mines and occupying positions as skilled labourers in mines.

Minister of Mineral Resources and Energy Gwede Mantashe said mining has managed to address the injustices of the non-recognition of women (Faku, 2021). In May 2021, Nolitha Fakude, became the president of MINCOSA, making her the first female president in the organisation's 131-year history and 135 of official mining in SA. The President of MINCOSA acknowledges that the current statistics show that the employment of women in the mines is far behind. Addressing the International Day of Women in Mining 2022 on 15 June 2022, the President of MINCOSA, Nolitha Fakude, stated that currently the mining operations employ 64,500 women out of a total workforce of nearly 460,000 in SA, which translates to just 14% and this is nothing to boast about (MINCOSA, 2022). Based on these statistics, one could argue an entrenched patriarchal system still exists in the management of the mining sector. The ensuing section discusses the motivation for the study

1.3 MOTIVATION FOR THE STUDY

Both the MPRDA of 2002 (Act No. 28 of 2002) and the MC III indicate that mining houses must consult with the municipalities and traditional authorities before implementing community development projects. Despite this legislative framework, prescribing the engagement protocols, anecdotal evidence of conflict between host communities and mining companies shows that communities are involved in ceasing mining operations. Such events have been comprehensively documented (Browne, Stehlik and Buckley, 2011). The host communities claim that mining houses loot the communities' natural resources and, therefore, mining houses must compensate the local communities by investing in local socio-economic development (Garcia and Ore, 2010). This study explores the causes of conflict between host communities and mining houses and the conflict management approaches to resolving such conflicts.

The South African Human Rights Commission (SAHRC) Annual Report, 2016, states that mining operations are marred by conflicts. Although the mining houses have created jobs and contributed to the GDP of SA, conflicts often erupt between host communities and mining houses. Calvano (2008:799) argues that the relationship between the mining houses and mining communities remains a "battleground". Some

of the violent, community-driven protests in SA that have been reported in the media (Masondo and Lekotjolo, 2010; Naidoo, 2011; Swanepoel, 2011) were aimed specifically at mining houses. In these cited media reports, the mining companies were accused of wrongdoing, which included not employing local community members, not providing business opportunities for businesses owned by host community members, and not fulfilling promises that were made before the mining rights were issued.

The Statistics South Africa (StatsSA) 2019 report on the mining industry states that in 2009, the total income of the mining industry was R552,1 billion and the total workforce in the mining industry was 514 859. The North West province was the largest contributor to the mining workforce with 150 003 (29,1%), followed by Limpopo province (110 319 or 21,4%), Mpumalanga province (94 804 or 18,4%), and Gauteng province (69 965 or 13,6%). In terms of income from sales of goods in the mining industry, the StatsSA 2019 report indicates that Mpumalanga province achieved “R137,3 billion (or 26,0% of the industry total), followed by Limpopo Province (R106,2 billion or 20,1%), Northwest Province (R106,1 billion or 20,1%) and Northern Cape Province (R98,7 billion or 18,7%)”. The SAHRC report also demonstrates the contribution of the mining sector to the economy of SA, but the question remains if the contribution is evident in the mining host communities. The recorded conflicts between mining host communities and mining houses indicate that the mining host communities are not entirely satisfied by the contribution of the mining sector to the socio-economic development of the mining host communities.

Jenkins (2004:27) believes that the mining industry has demonstrated a “devil may care” attitude towards host community-related matters. The conflict has become a permanent feature in numerous mining communities in SA where encounters between mining houses and host communities are increasingly characterised by violent conflict and the notable absence of government intervention. Despite this trend, limited research has been undertaken to understand the causes and to analyse the approaches that are implemented to promote successful conflict management between the mining houses and host communities.

The literature about conflict in mining communities is fairly substantial, but this is not the case in the literature regarding national, provincial, district and local conflicts between host communities and mining communities. In hindsight, the findings of some

studies (Capps, 2009; Mnwana, 2015) are generic with limited or no attention paid to the effectiveness of the conflict management mechanisms that are implemented to resolve the conflict between host communities and mining houses. Therefore, this study explores the causes of conflict between host communities and mining houses in SA, particularly in the BPDM in the North West province. The ensuing section presents the statement of the problem for this research.

1.4 STATEMENT OF THE PROBLEM

Conflicts often occur between the host communities and mining houses in the BPDM in the North West province of SA and although efforts to transform and manage conflicts are being made, the social phenomenon continues unabated. It must be noted that mining houses operate in the jurisdiction of municipalities and/or traditional authorities, but the custodianship of SA's minerals is in the hands of the state through the Department of Mineral Resources and Energy (DMRE), neither the municipalities nor the traditional authorities. The following section provides the research aims, questions and objectives of the study.

1.5 RESEARCH AIM, QUESTIONS, AND OBJECTIVES

This study aims to generate a thorough understanding of the causes of conflict between the host communities and mining houses that contribute to the constant tension between the two parties in the BPDM in the North West province. The study also analyses the conflict management approaches that the various stakeholders implemented to promote stability between the host communities and mining houses.

1.5.1 Primary research question

This study poses several questions related to the research context. The central research question of this study is: **What causes the conflicts between the host communities and the mining houses in the BPDM in the Northwest Province of SA?**

1.5.1.1 Subquestions

- What conflict management approaches do the mining houses use to resolve conflicts between mining communities and mining houses and how effective are these approaches in the BPDM of the North West province of SA?
- What conflict management approaches do the DMRE, traditional authorities, and municipalities use to resolve conflicts between mining communities and mining houses, and how effective are these approaches in the BPDM of the North West province of SA?

1.5.2 Research objectives

As a means to address the research question, the objectives of the study are to:

- identify the causes of conflict between the host communities and mining houses in the BPDM in the North West province of SA;
- explore the conflict management approaches, developed and implemented by the mining houses, DMRE, local municipalities, and traditional authorities to transform and manage conflicts; and
- make recommendations on how to transform and manage conflict in the mining communities.

The ensuing section presents a discussion of the theoretical framework of the study. The main purpose of this section is to affirm and substantiate the theoretical approach and its assumptions which are used in this study by the researcher to analyse and explain the findings of this research.

1.6 THEORETICAL FRAMEWORK OF THE STUDY

The importance of a theoretical framework in research has been thoroughly emphasised by scholars like Adom, Hussein and Adu-Agyem (2018); Ravitch and Riggan (2017); Merriam and Tisdell (2016); Grant and Osanloo (2014); Anfara and Mertz (2015); and Simon and Goes (2011). These scholars assert that a theoretical framework is used to test existing theories in the context of the research problem, and it serves as a basis upon which a research study is constructed, implemented and evaluated. Obasi (1999:35) defines a theoretical framework as a method of applying

“assumptions, postulations, and principles of a theory in the description and analysis of a research problem. It is a way of describing, analysing, interpreting, and predicting phenomena.”

The theoretical framework informs the research methodology and design (Maxwell, 2004). The theoretical framework has its limitations as it channels the researchers to ground their arguments in existing theories to support their findings. With that approach, they are likely to find crucial information relevant to their study (Eisenhart, 1991). A disadvantage of this approach is that when researchers ground their arguments in existing theories, ideological hegemony may occur in their study which is likely to limit new ways of framing a phenomenon (Becker, 1986).

A theoretical framework is drawn from existing theories which have been vigorously tested and accepted in the academic space, while a conceptual framework is drawn from concepts, used by the researcher to explore a research problem (Grant and Osanloo, 2014). It would be an intellectual misnomer to refer to a theoretical framework as a conceptual framework. A conceptual framework is a detailed narration of factors, constructs and variables in a study (Miles and Huberman, 1994). Furthermore, Camp (2001), defines a conceptual framework as “a structure of what has been learned to best explain the natural progression of a phenomenon that is being studied”. Theoretical framework and conceptual framework are interconnected but not synonymous.

The human needs theory is deemed relevant as the theoretical framework for this study because it enables the researcher to gain an in-depth understanding of the conflicts between the mining host communities and mining houses. The human needs theorists argue that non-negotiable basic needs are necessary for human development and failure to meet those needs might result in social conflicts (Burton, 1990:33). Coate and Rosati (1988:3 as cited in Nomarwayi, 2019:25) state that the development in communities, where basic needs are met, brings human satisfaction. Overall, human needs theorists are concerned with individual needs and interests and argue that conflicts emerge when individual needs are not met. Human needs appear to be non-negotiable and human needs theorists agree that the causes of social conflicts relate to the failure to meet material needs.

Nomarwayi (2019:45) argues that the dearth of human needs fulfilment in any society may also promote a violent, conflicting environment. The argument of Nomarwayi (2019:45) does not seek to suggest that human beings are prone to violence but indicates what can cause human beings to resort to violence. Valenzuela (2005:3, as cited in Nomarwayi, 2019:46) argues that the ability of society to consider each other's needs lies in society, connecting all their needs. When addressing human needs, one must distinguish between perceived, erroneous and real needs (Burton,1969). Human needs may be stirred by an internal, physiological desire but also by external demands (Deckers, 2010). External demands that stir human needs include security, identity, distributive justice and a need for control (Sites, 1973). Arguably, no scientific evidence is available that the human needs of those who live in mining communities are unique from the needs of those who do not live in mining communities. One could argue that the needs of communities in mining areas are similar to the needs which are identified in Maslow's hierarchy of needs.

The denial of basic human needs will ultimately lead to social conflict in the community (Burton,1990). Protagonists of social conflicts in the mining communities can take the genuine concerns of the communities' frustrations and use that for their self-serving, nefarious agenda (Burton,1990). Burton's assertion implies that if there is social conflict in a mining community, some of the protagonists can lead the conflict, have discussions with the mining company and reach an agreement. Such an agreement could benefit only the protagonists and an elite segment of society and cause further conflicts between the mining communities. One could argue that such an agreement will not resolve the conflict and lead to a spiral of conflict. In addition, one could argue that the spiral of the conflict may lead to the unmet basic human needs of most of the mining community. Scholars, such as Harris (1995), argue that in Maslow's hierarchy of needs theory, psychological needs represent material needs, such as personal, financial and health security, and the deprivation of basic human needs will ultimately lead to social conflict in the community. Communities are made up of individuals with different needs as well as practical and strategic interests. However, communities have common needs, such as food, shelter and safety. These needs must be met on an ongoing basis and if they are not met, conflict may occur with those who are perceived to be counterintuitive to fulfil these needs. This holds for the communities in the mining areas (Burton, 1990)

Maslow's human needs theory is based on the presumption that humans have essential survival needs and if those survival needs are not met, conflict is likely to erupt. In the context of mining host communities and in relation to the statement problem of this study, the human needs theory fits well for various reasons. First, the failure of the mining houses to address the essential community needs in the host communities might fuel conflicts. Second, if the mining houses do not meet the essential basic human needs, as in the case with some mining houses in the BPDM, host communities would feel antagonistic towards the mining houses. The ensuing section provides an overview of the research methodology and design, which was used in this study. Chapter 4 of this study details the research methodology and design.

1.7 RESEARCH METHODOLOGY AND DESIGN

A qualitative research method was deemed suitable because the study aims to gain an in-depth understanding of the causes of the conflicts between the host communities and the mining houses. Stake (1995:37) describes significant disparities between qualitative and quantitative methods, as "clarification and understanding as to the purpose of the research; the personal and impersonal role of the researcher; and knowledge discovered, and knowledge constructed". The qualitative method allows the researcher to study things of interest in their "natural setting, trying to make sense of or to interpret, phenomena in terms of the meanings people bring to them" (Denzin and Lincoln, 2000:3).

Best and Kahn (2003:12) indicate that it is unrealistic to study an entire population and the population must, therefore, be sampled. Rabothata (2014:34) and Madzidzela (2008:40) opine that "sampling is a process of selecting a subset" from the entire population. Purposive sampling was used for this study and the researcher used personal judgement to select the participants. Purposeful sampling is a "non-random method of sampling where the researcher selects information-rich cases for study in depth" (Patton, 2002). Although purposeful sampling empowers the researcher to select a sample from the entire population, in this study, equality was considered in terms of levels of education, social class and gender when selecting the sample. Purposive sampling is not free from bias. Participants may be chosen because of convenience (Seidler, 1974; Smith, 1983). A maximum of 55 participants were purposively selected for this study.

The main data collection techniques, used in this research study, were focus group discussions and elite interviews. The focus group discussions provided the researcher with an opportunity to reach many participants at the same time and in the same setting (Masadeh, 2012:64). Gibbs (2007:2) opines that focus group discussions draw on the beliefs, feelings, attitudes, experiences and reactions of the participants through interaction in a group. Interviews assist the researcher to obtain the story directly from the participants and examine the non-verbal cues, exhibited by the participants (Pawlas, 1995). Kvale (2007) asserts that the researcher uses interviews to comprehend the meaning of the participants' statements.

Booyesen (1999, as cited in Breakfast, 2009:11-13) posits that effective unstructured interviews necessitate that the researcher gains appropriate, reliable and compelling information from the participants. Mertens (1998, as cited in Breakfast, 2009:11) explains that unstructured interviews enable the researcher to answer the participants' questions. The focus group discussions took a maximum of one hour and were held at a venue that the participants chose. The researcher was responsible for facilitating the focus group discussions. Semi-structured questionnaires were developed to guide the researcher during the discussions.

Various scholars have used the term 'elite' to define people in relation to either their social class in society and/or their status in terms of the position they hold in an organisation or their ability to exert influence (Stephens, 2007; Aberbach and Rockman, 2002; Burt, 1992; Marshall, 1984). Booyesen (1999, as cited in Breakfast, 2009:13) posits that the elite group has access to valuable information. The researcher used unstructured interviews and adhered to Harvey's (2015) warning that the elite is people who wish to freely express their viewpoints and are, therefore, not in favour of closed questions. The interviews did not last longer than one hour and thirty minutes. Semi-structured questionnaires were used to guide the interviews.

This is a qualitative study and much data had to be disassembled and reassembled through coding and themes. The researcher used qualitative data analysis techniques, as advised by Yin (2009), Gerring (2012), Mahoney (2010), and Miles and Huberman (1994). The participants' words were presented verbatim in the qualitative data analysis (Neuman, 2003:437–438). The researcher read and re-read the questionnaire responses and listened to the voice recordings repeatedly to gain a

contextual understanding of the collected data during the focus group discussions and elite interviews. Polit and Beck (2006) highlight the importance of organising data to find meaning and draw reasonable conclusions. Weber (1990) posits that the coding process, which involves reducing much data into categories, is the primary success factor in organising data to deduce meaning. As this is a qualitative study, latent content analysis was applied. The latent content analysis aids the researcher to assess the underlying meaning of the text (Berg, 2001). Although this is a qualitative study, numbers and percentages were used when presenting the demographics of the participants to simplify, process and understand the information (Few, 2004; Tufte, 2001). This section provided an overview of the research methodology and design, adopted in this study. Chapter 4 of this study details the research methodology and design. The ensuing section presents a discussion of the ethical measures and considerations in this study.

1.8 ETHICAL MEASURES AND CONSIDERATIONS

Various scholars have published extensively on an ethically acceptable research approach for qualitative researchers (Fleming, 2018; Berg and Lune, 2017; Denzin and Lincoln, 2001; Haggerty, 2004; Held, 2006). Before undertaking this research, the researcher studied the Code of Conduct for researchers at the Nelson Mandela University (NMU) and applied for ethical clearance from the NMU Research Ethics Committee which was granted on 4 November 2021, under Reference H/22/HUM/PCS-001, 4 November 2021. The researcher started the collection in 2022. Homans (1991:1) opines that “ethics is the science of morality: those who engage in it determine values for the regulation of human behaviour”. Participants took a voluntary decision to participate in this research study without being coerced or forced to participate. Participants were duly informed of their rights to withdraw from participating in this study at any time, without permission. The study only commenced once the participants had granted informed consent to participate and permission for their information to be used in the report. The aims and objectives of the study were explained to the participants by the researcher and reiterated that participation in the study is voluntary and participants have the absolute right to withdraw from the study or decline to respond to any questions. The following section focuses on the dissemination of findings.

1.9 DISSEMINATION OF STUDY FINDINGS

The findings of this study were submitted to NMU in a bound document and electronic copy. Moreover, a summary of the findings will be sent (electronically) to the BPDM, DMRE and MINCOSA. All the participants, who require the findings of the study, will receive a summary of the findings electronically. Research papers on different themes, emanating from this study, will be presented at conferences and webinars. The following section presents the structure of the dissertation.

1.10 STRUCTURE OF THE DISSERTATION

This study comprises six chapters.

Chapter 1: General introduction

Chapter 1 provides the basis for the chapters to follow. It provides the background to the study, the motivation, the statement problem, the research aim, objectives and questions. Furthermore, this chapter includes the theoretical standpoint of this study, a brief explanation of the research design and methodology, data collection and data analysis strategies, ethical measures and considerations. The chapter explains how the study findings are going to be disseminated, the structure of the dissertation and a brief conclusion.

Chapter 2: Literature review

In this chapter, the researcher brings to light various types of conflict, conflict theories, and conflict transformation approaches that are relevant to the study and analysed to gain an understanding of the phenomenon under investigation.

Chapter 3: Contextualisation of the study

The chapter provides an overview of the mining industry in SA by also bringing into light the minerals energy complex, an overview of the BPDM, an analysis of the Constitution of SA, 1996, the MPDRA, 2002 (Act No.28 of 2002), the MC III policy and the National Environmental Management Act (NEMA), 1998 (Act No.107 of 1998). This is to provide the reader with the context of the study.

Chapter 4: Methodological framework and research design

To answer the research questions about the causes of conflict between the host communities and mining houses, this chapter presents the methodological approach, design of the study, validity and reliability of the study, and ethical measures and considerations. The main aim of this chapter is to establish a foundation for Chapter 5, which presents the empirical research findings and analysis.

Chapter 5: Findings and analysis

The primary focus of this chapter is on presenting the study findings and analysing the data, obtained from the focus group discussions and the elite interviews. This chapter is divided into two parts. Part A presents the demographics (gender, race, age, educational profile and economic profile) of the participants, and part B presents content analysis from the focus group discussions and elite interviews.

Chapter 6: Limitations, recommendations and conclusions

This is the final chapter of the study. The chapter presents the limitations of this study, recommendations and critical conclusions, drawn from the earlier chapters. Possible future research projects that could emanate from this research are suggested in this chapter. Furthermore, recommendations to address the findings of the study are presented in this chapter. The next subsection presents the limitations of the study.

1.11 CONCLUSION

This chapter introduced the study and outlined the background, motivation and significance of the proposed study. The research problem and questions and an explanation of the research objectives were also provided. The chapter also discussed the theoretical framework of the study. A brief clarification of the research design and methodology was explained and a detailed explanation is provided in Chapter Four of this study. Ethical considerations were also outlined in this chapter as well as the structure of the dissertation.

The next chapter focuses on a literature review which reveals the causes of conflicts, conflict mapping, conflict theories, conflict dynamics, the relationship between

theories, used in this study, and conflicts between host communities and mining houses, including the conflict-handling modes and conflict transformation approaches that were relevant to the study.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter provides an in-depth analysis of various types of conflict, conflict theories, and conflict transformation approaches that are relevant to the study. Conflict types and conflict theories are causally linked. Informed by the type of the conflict and in-depth understanding of conflict theories one may choose the appropriate conflict transformation approach to transform and manage conflicts which, in this case, are conflicts between mining host communities and mining houses. The following section focuses on the causes of social conflict.

2.2 CAUSES OF SOCIAL CONFLICT

Conflict is a normal activity in society and is driven by socio-economic inequalities (Joshi, 2014). Kriesberg (2011:52) emphasises the fluidity of conflicts, which indicates that conflicts are not stagnant or linear. Conflicts are not the same as violence and, therefore, the prevention of violence does not mean the prevention of conflict (Snodgrass, 2005). Galtung (1996:70–126) argues that conflicts are the enablers of contradictions in society. Based on the aforementioned scholars, and in the context of this study, conflict is defined as a disagreement between people with opposing desires, beliefs, values or goals.

Conflict can be a constructive and or destructive force. As a disruptive force, it has the potential to manage decision-making processes, reduce creativity and innovation, spoil team effectiveness and reduce trust among different stakeholders. However, as a productive force, conflict can also contribute significantly to increasing levels of organisational productivity and creativity (Riaz and Junaid, 2013). The positive consequences of conflict include strengthening human relationships and clarifying goals. These consequences yield three positive outcomes of conflict, namely, bettering the quality of decisions, promoting the level of involvement in engagements and strengthening group unity. Moreover, the benefits of conflict include preventing stagnation, inspiring curiosity, identifying problems and dealing with challenges (Coser, 1956; Simmel, 1955; Jones, 2005; Riaz and Junaid, 2013).

Although some conflicts can be beneficial, the helpful aspects deteriorate quickly if the conflict becomes stronger and problems become more serious. Only when high levels of openness and trust are present can task conflict potentially have a positive effect on team performance. Teams that tend to be more collaborative and less contentious are more likely to deal positively with conflict (De Dreu and Weingart, 2003). Social conflicts have various causes and the next subsection provides some of the causes of social conflicts. Conflicts are caused by the divergence of needs, interests and values (Anstey, 1999). Human beings initiate conflicts and profit from conflicts (Dahnrendorf, 1958). Conflict, which is discord or antagonism between two or more people (Nicholson and Michael, 1992), among others, happens when humans are frustrated due to an inability to meet their basic human needs, which are non-negotiable. Conflictual situations “*are irreducibly based on values...*” (Bradshaw and Breakfast 2019:135). The tussle over values, status, power and resources is the root cause of social conflict (Jeong, 2000). Furthermore, the causes of the conflicts, which could apply to the situation in BDM, which is the focus of the study, are as follows:

- **Value-based conflicts:** Human beings have different socio-political values, including religious and cultural beliefs (Harrison and Boyd, 2018). For example, in mining houses, graves are not of significant value while for the mining communities, graves have a significant value. The National Heritage Resource Act of 1999 (Act No. 25 of 1999) protects the graves; however, the MPRDA of 2002 (Act No. 28 of 2002) permits land to be used for mining.
- **Interest-based conflicts:** Resources like jobs, land and high decision-making positions in the various institutions are limited and human beings compete for such (Pèter, Nocke and White, 2010). Interest-based approaches to resolving conflict need to be implemented (Fisher, Ury and Patton, 2011).
- **Needs-based conflicts:** Human being needs food, security, shelter and independence, and failure to attain such needs might result in conflicts (Nadler and Shnabel, 2011).

- **Data-based conflict:** A lack of information creates unrealistic expectations and misunderstanding, informed by perceptions and not facts. The divergence of opinions on expectations and misunderstandings often leads to conflicts (Ross, 2001; Lawson and Bentil, 2013).
- **Structural conflict:** Economic, social and political power put human beings at odds against each other. Mining is perceived by some communities as the main contributor to the destruction of the economic and social fabric of the community and influences political power (Ramoshaba, 2019).
- **Relationship in conflict:** According to Bradshaw (2008), “Where there is a history of manipulation, bullying, coercion, mistrust *et al* there is likelihood of emergence of conflicts”. The past informs the present and the present informs the future. Various historical conflicts between mining communities and mining companies, of which the Marikana massacre of 2012 is certainly the most noteworthy, have influenced the current relationship between mining communities and mining companies (Heyns, 2019).

Mining operations have the potential of causing irreversible damage to safety, health, and the environmental and socio-political fibres of the communities, thus, creating everlasting conflicts (Hilson, 2002). The South African mining industry is accused of destroying the social fibres of communities through its migrant labour system and entrenched patriarchy through its male-only hostel accommodation (Demissie, 1998). One could argue that insufficient resources, different value systems and poor communication create disharmony among humans which results in conflicts because the BPDM’s host communities and mining houses have different value systems and needs. This misalignment might be one of the causes of the conflicts between host communities and mining houses in the BPDM (Power, 2011; Bradshaw, 2008; Dahnrendorf, 1958). In a relationship between mining companies and host communities, one common source of tension is the perception that the mining companies continue to reap benefits from mining and processing minerals in the communal lands while host communities receive nothing (Cook, 2013, as cited in Mphephu, 2020). The next subsection discusses conflict mapping.

2.3 CONFLICT MAPPING

It is critical to explore the dynamics around the conflict itself to deal with conflict between host communities and mining houses in the BPDM effectively and efficiently. This concept is defined as conflict mapping. Wehr (1979) argues that the ideal way of intervening in any conflict is to first conduct conflict mapping. Multiple parties are involved in the conflict (Wehr, 2006). This study delineates the following aspects of the conflict:

- **Conflict history:** The focus in this element is to assess if the parties have a history of relationship or history of conflict. If the mining host communities have a history of conflict with the mining houses, it will be prudent to assess the previous conflict as that might be the root cause of the current conflict or might have contributed to mistrust based on the previous relationship (Wehr, 2006).
- **Conflict context:** Conflict happens in a particular setting at a particular moment. Often, context is characterised by enhancing opportunities and restraining constraints (Ashraf and Rowlison, 2015). It is also important to locate conflict at a particular level (context). The level includes an individual level, societal level, internal level and global or ecological level. The intervenor must appraise the physical and organisational setting of the conflict (Kriesberg, 1989).
- **Conflict parties:** In conflict, multiple parties might be involved, varying from primary parties to secondary parties. Primary parties, in this case, might be the mine host communities that have a direct interest in the conflict and secondary parties might be political parties or the political elite (Wehr, 2006).
- **Causes and consequences:** The intervener/s must examine the matters that cause the conflict as conflicts revolve around one or more matters (Moore, 2003). Human need theorists argue that conflict is caused by their universal needs that are not met. These needs should be analysed and communicated to resolve the conflict (Burton, 1990).
- **Goals and interests:** The goals are the objectives of the parties which motivate the parties to pursue the conflict (Wehr, 2006).

- **Dynamics:** Conflicts are fluid and ever-changing. Mapping the conflict provides a better insight into the state of the conflict by determining whether the conflict is in stalemate or whether it is escalating or de-escalating (Morton, 1973).

Conflicts do not happen in a vacuum. Conflicts happen in a particular context and are caused by various factors, which include different values, ranging from religious, political and ideological values (Harrison and Boyd, 2018). In assessing the causes of conflicts between host communities and mining houses in the BPDM, it is important to map the history, context, goals, interests and dynamics (Morton, 1973; Ashraf and Rowlinson, 2015). The next section presents conflict dynamics with specific reference to escalation and de-escalation.

2.4 CONFLICT DYNAMICS: ESCALATION AND DE-ESCALATION

This section discusses conflict dynamics by investigating the notion of escalation and de-escalation. Conflicts escalate and de-escalate. Escalation occurs when one side opposes the other's hostile actions (Rubin, Pruitt and Kim, 1994:5-20). Rubin, Pruitt and Kim (1994:5-20) assert that escalation is aggravated by fear and a need to safeguard oneself from perceived harm. De-escalation occurs when there is a peace-making attempt from parties to resolve the conflict (Kriesberg, 1998:182). Prolonged unresolved conflicts lead to escalation and intervention in resolving conflicts will lead to the de-escalation of the conflict. Conflicts are fluid and can escalate and or de-escalate (Galtung,1996; Kriesberg, Stuart and Horson,1991). In summary, conflicts grow over time, some are resolved, some end in a stalemate and others produce additional conflicts. These conflicts are likely to spiral out of control when a perceived need for revenge and defence is evident (Pruitt and Kim, 2004:97). I submit that, as with other social conflicts, conflicts between mining host communities and mining houses in the BPDM will probably not remain stagnant.

Theorists, such as Richardson and Burk (2017), posit that if the conflict is not resolved urgently, the conflict will spiral out of control. Conflict spiralling involves an escalation of the problem, sides are taken, positions harden, communication ceases, resources are committed, conflict overflows into the community, perceptions become distorted, and a sense of crisis ensues (Jeong, 2008). Deutsch (1969 as cited in Anstey, 1999:52) alludes that if stakeholders assume aggressive stances and resolve to use

their last resources to aggravate the conflict, it signals the beginning of the escalation of the conflict. The next section presents conflict-handling modes.

2.5 CONFLICT-HANDLING MODES

Recorded, violent host community conflicts in SA have been reported in the media (Masondo and Lekotjolo, 2010; Naidoo, 2011; Swanepoel, 2011), which were aimed specifically at mining houses. Unfortunately, a paucity of literature is available on how those conflicts were resolved. Kilmann and Thomas (2017) developed a conflict-handling method, known as the Thomas Kilmann conflict mode instrument (TKI). Below in Figure 2.1, conflict-handling modes adapted from Kilmann & Thomas (2017), are presented.

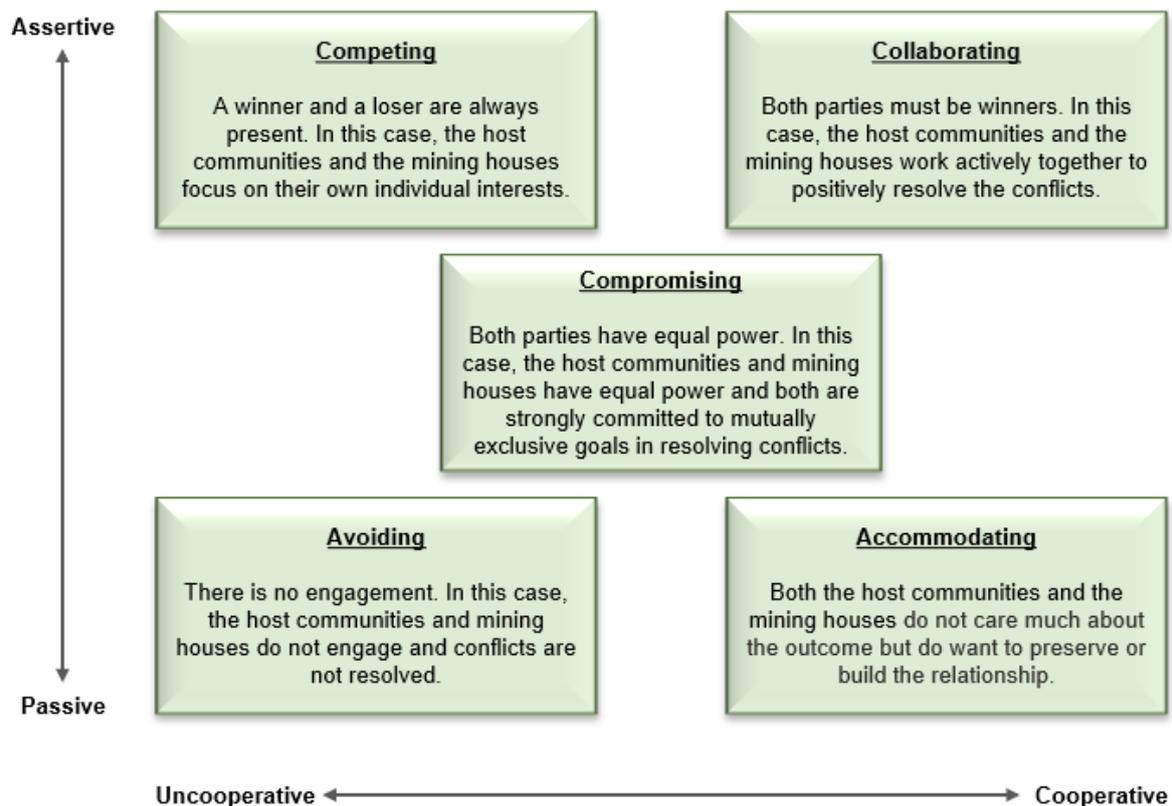


Figure 2.1: TKI conflict-handling modes

The TKI conflict-handling modes indicate various ways to handle conflicts, including between mining communities and mines. These modes include competing, collaborating, compromising, avoiding and accommodating. Competing is a zero-sum game. There is always a winner and a loser. In the collaborating mode, all parties are winners in which they work together to transform and manage conflicts. In the context

of compromising, conflicting parties wield equal power with mutually exclusive goals but working towards transforming and managing conflicts. In the case of avoiding, no engagement is made and this implies that conflict remains. In the accommodating mode, the involved parties pay attention to the outcome but focus on preserving or building relationships. However, in the context of this inquiry, the most effective mode is a collaborative mode (Obhuchi and Suzuki,2003). In addition, by collaborating, rather than avoiding, competing or accommodating, conflicting parties will produce positive results faster (Matsudaira,2017). The TKI states two dimensions when embarking on resolving conflict, namely, assertiveness and cooperativeness. The dimensions are linked to TKI conflict-handling modes, such as collaborating, competing, avoiding, accommodating and compromising. In the context of this study, the assertion by Obhuchi and Suzuki (2003), and Matsudaira (2017) indicates the importance of collaboration between host communities and mining houses in resolving conflicts. The following section presents alternative dispute resolution (ADR) mechanisms.

2.6 ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

Some disputes or conflicts may be resolved outside the court. Mnookin (1998) defines alternative dispute resolution (ADR) as a set of practices and methods, used to resolve legal disputes or conflicts outside the courts. The ADR practises and methods fail to achieve settlement; however, the ADR remains the most flexible method in seeking conflict resolution (Shavell, 1995). The most common and appropriate ADR practices are negotiation, mediation and arbitration (Sithole, 2016). The next subsection presents negotiation as an ADR practice.

2.6.1 Negotiation

Negotiation should be a voluntary process between conflicting parties (Bradshaw, 2008). Alfredson and Cungu (2008:2) position negotiation as the centre of building relations and communicating effectively. Kissinger (1969:15) purports that “negotiation is a process of combining conflicting positions into a common position, under a decision rule of unanimity”. Negotiation is a suitable method to resolve conflicts. However, the negotiation process is not a simple task, in particular, if the

involved parties struggle with understanding the concept of negotiation (Meredith and Mantel, 2009).

The complexity of the negotiation procedure is also influenced by the context and content. Fisher and Ury (1981:46) identify four critical elements of conflicts as follows: “interests, people, options, and criteria”. Fisher and Ury (1981:46) further argue that in negotiation, the conflicting parties must continue as follows:

- **Focus on interests and not on positions:** Conflicting parties must openly explain their interests and comprehend each other’s interests fully when dealing with conflicts.
- **Separate the people from the problems:** Conflicting parties must be honest and transparent about their interests.
- **Explore various options:** Conflicting parties must be open-minded and flexible to consider various options to reach a mutual benefit.
- **Use objective criteria:** Negotiation without objectivity is time-wasting. Objectivity can be promoted by encouraging conflicting parties to present facts only and to avoid generalisations during negotiations.

Two negotiation approaches are discussed: the integrative negotiation approach and the distributive negotiation approach. Breakfast (2020:69) alerts that the integrative negotiation approach requires the conflicting parties to “be soft to each other and hard on the problem” when negotiating. In addition, Batra (2017:54) raises the importance that the person, involved in the negotiations, unties the conflicting matter at hand. The focus must be on the problem, not the person. Breakfast (2020) and Batra (2017) praise the integrative negotiation approach to maintain a positive relationship during the negotiation.

A focus on equality, equity and need characterises the existing principles of the distributive negotiation approach (Thompson, 2009). The principles, identified by Thompson, suggest that, unlike the integrative approach, the distributive negotiation approach encourages competing against the TKI mode. If host communities and mining houses choose to negotiate, each party must be open, transparent and prepared to be accommodating.

Table 2.1 below presents a comparison between integrative negotiation and distributive negotiation¹

Table 2.1: Comparison between integrative negotiation and distributive negotiation

Integrative negotiation approach	Distributive negotiation approach
Open and transparent in terms of information-sharing	Cagy in terms of information-sharing
Collaborative approach	Competitive approach
Building trust and healthy relationships	Threats and manipulation
Win-win	Win-lose
Mutual interest and gain remain the guiding principle	Individual interest remains the guiding principle
Multiple agenda items are discussed	Only one agenda item is discussed
Open and constructive communication guides the negotiation	Controlled and selective communication guides the negotiation
The key priority is relationship-building	Relationship-building is less of a priority

The integrative and distributive negotiation approaches have their advantages and limitations. Resolving conflicts between host communities and mining houses must be a win-win situation. The next subsection presents mediation as one of the ADR approaches.

2.6.2 Mediation

The previous subsection discussed negotiation. Moore (2003) argues that mediation is an extension of negotiation where a neutral party with no decision-making power facilitate the negotiations. Mediation is an old, human practice that was widely accepted in the 1990s (McMahon, 2008:2). During mediation, disputing parties, with the assistance of a mediator, identify their main causes of differences and develop

¹ Adapted from Hawes and Fleming (2014)

various options to settle (National Alternative Dispute Resolution Advisory Council, 2006).

Mediation was practised in SA before the settlers arrived in SA. The land was disposed of and white capitalists took the mineral wealth of SA from the natives. Before colonisation, like in many African countries, in some of the South African communities, traditional leaders and community members controlled the mediation process (Bright-Brock, 2001:16). Phindi (2020:1) purports that the traditional authorities, even during the apartheid and colonial era, were allowed to judge at the traditional courts on cases, stipulated in the Black Administrative Act of 1927 (Act No. 38 of 1927).

The Black Administrative Act of 1927 (Act No. 38 of 1927) aimed to “provide for better control and management of black persons’ affairs”. The traditional authorities worked as a glue of the traditional community before the apartheid and colonisation interfered with the traditional communities and drastically changed the traditional justice systems (Ntsebeza, 2005). If that was still the case, the traditional authorities would deal with some of the conflicts between host communities and mining houses in the BPDM.

The Constitutional Court of SA recognise mediation as an important approach to conflict resolution. In the case of the *Port Elizabeth Municipality v Various Occupiers*, the Constitutional Court held as follows:

not only can mediation reduce the expenses of litigation, but it can also help avoid the exacerbation of tensions that forensic combat produces. By bringing the parties together, narrowing the areas of dispute between them and facilitating mutual give-and-take, mediators can find ways around sticking points in such a manner that the adversarial judicial process might not be able to do. Money that otherwise might be spent on unpleasant and polarising litigation can better be used to facilitate an outcome that ends a stand-off, promotes respect for human dignity and underlines the fact that we all live in a shared society. (The Constitutional Court,2004)

Section 34 of the Constitution of SA of 1996 states that “everyone has the right to have any dispute that can be resolved by the application of the law decided in a fair public hearing before a court of, where appropriate, another independent and impartial tribunal forum”. Nkabinde (2018:60) states the following as favourable conditions for mediation:

- Conflicting parties must have an interest in restoring their relationship.
- Conflicting parties must participate voluntarily and willingly in the mediation process.
- Conflicting parties must have a strong feeling that they have a good case and it must be resolved speedily.
- Conflicting parties must feel strongly about the confidentiality of the matter.
- Conflicting parties must be willing to settle out of the court of law.

The Rules Board for Courts of Law Act of 1985 (Act No. 107 of 1985) states that the main purposes of mediation are to –

promote justice; promote restorative justice; preserve relationship between the litigants or potential litigants which may become strained or destroyed by the adversarial nature of litigation; facilitate an expeditious and cost-effective resolution of a dispute between litigants or potential litigants; and provide the litigants or potential litigants with solutions to the dispute, which are beyond the scope and powers of judicial officers.

The custodian of the mineral wealth in SA is the DMRE. The state is the sole provider of the exploring, prospecting and mining license. Section 54 of the MPRDA of 2002 (Act No. 28 of 2002) empowers the regional manager of DMRE to be the first point of escalation for mediation during conflicts between host communities and mining houses. The next subsection presents arbitration as one of the ADR approaches.

2.6.3 Arbitration

In the South African context, arbitrations are governed by the Arbitration Act of 1965 (Act No. 42 of 1965). The Arbitration Act of 1965 (Act No. 42 of 1965) “provides for the settlement of disputes by arbitration tribunals in terms of written arbitration agreements and for the enforcement of the awards of such arbitration tribunals”. Section 54(4) of the MPRDA of 2002 (Act No. 28 of 2002) acknowledges the use of arbitration in accordance with the Arbitration Act of 1965 (Act No. 42 of 1965) when dealing with conflicts between the surface rights holder and the mining right or mining permit holder. The MPRDA of 2002 (Act No. 28 of 2002) is not explicit on how to resolve the conflict between host communities and mining companies if it is not related to land access.

Speedier resolution of conflicts is possible through arbitration (Mazirow, 2008). One of the disadvantages of arbitration is that sometimes “there is no right of appeal even if the arbitrator makes a mistake of fact or law”. Additionally, when a panel of arbitrators are involved instead of only one arbitrator, the process might be slow and costly (Mazirow, 2008). The post-colonial legal system has eroded the traditional approaches to resolving conflicts. Pre-colonisation in a traditional SA, communities, “chiefs, headmen and kings played a vital role in arbitrating disputes between conflicting parties” (Rantsane, 2020). Stoddard (2018) reports that court rulings curtail the powers of the chiefs when entering into deals with mining houses without the full involvement of the host communities. The next section presents the conflict theories that are relevant to this study.

2.7 CONFLICT THEORIES

Nomarwayi (2019:34) asserts that conflict theorists focus on violent conflicts rather than non-violent conflicts. Conflict theorists, for example, the frustration-aggression theorists, the relative deprivation theorists and the Marxist theorists have dissenting views on the causes of conflict. However, all these theorists agree that the human environment is never a conflict-free zone. The next subsection discusses conflict theories. The first theory is the frustration-aggression theory.

2.7.1 Frustration-aggression theory

Human needs are part of nature and failure to meet these needs leads to frustration (Staub, 2004). Failure to meet one’s needs might lead to frustration, as needs and frustration are distinct but co-occurring (Warburton, Wang, Bartholomew, Tuff and Bishop, 2020). The manifestation of aggressive behaviour persistently presupposes the presence of frustration and, inversely, that the presence of frustration continuously primes some form of aggression (Dollard, Miller, Doob, Mowrer and Sears, 1939:1). The previous scholars' argument advances that (1) aggression is a consequence of frustration and (2) frustration leads to aggression.

Dollard *et al.* (1939:9) posit that frustration and aggression occur in a cycle in which one leads to the other. Therefore, it is a sweeping generalisation to argue that frustration always leads to aggression. No convincing scientific evidence supports the argument that frustration always leads to aggression. For example, if one is frustrated

because of unemployment, it will not necessarily lead to aggressive behaviour. Aggression also does not necessarily lead to conflict or detract from the realisation of objectives (Buss, 1966; Thompson and Kolstoe, 1974). The next subsection presents the relative deprivation theory.

2.7.2 Relative deprivation theory

Aspirational deprivation, progressive deprivation and decremental deprivation are three patterns of relative deprivation (Gurr, 1970). In the decremental deprivation pattern, conflict occurs because people are no longer capable of achieving what they were previously able to achieve. Aspirational deprivation conflict occurs because people cannot attain new and higher goals. Furthermore, progressive deprivation conflict occurs over time when people's expectations and capabilities increase (Gurr, 1970).

The three patterns of deprivation provide a one-size-fits-all description that fails to acknowledge various types of conflict, including political violence (Raju, 1996). Deprivation is not always a cause of conflict, for example, armed conflict. For instance, the majority of black South Africans are economically deprived but not all black South Africans are conflictive. The next subsection presents the Marxist theory.

2.7.3 Marxist theory

Marxism is an ideology critique of capitalism. Marx and Marxists argue that in the contemporary world, society is characterised by the propertied and properties, the haves and have nots, the proletariat and the bourgeoisie. Conflict is inherent in social relations. Engels and Marx (1848:1) proclaim that "The history of all hitherto existing society is the history of class struggles". If then the history of society is littered with struggles between classes, it is evident that the human environment will never be a conflict-free zone. Expecting a conflict-free zone between the host communities and mining houses in the BPDM will be expecting the impossible. Marxists trace the causes of conflict to economic status among people (Wolfson and Funke, 2018).

The Marxists assume that the primary human motivation is economic determinism (Baradat,2002). The argument implies that the contradictions in society are based on economic power relations and nothing else. The Marxists' standpoint on this matter is

that the cause of social conflict is the economic status that has created the working and ruling classes and, consequently, class antagonism. Unlike Warner and Lunt (1941) who argue that social classes are neither mainly nor at all influenced by economic status. In this inquiry, conflict between the mining communities and the mining companies is not only caused by economic factors. Social and political inequalities are also factors (Stewart, 2002). Research indicates that conflict extends beyond matters of class and, thus, include causes such as the deprivation of basic services, namely, water, electricity and infrastructure, for example, tarred roads (Nomarwayi, 2019).

The Marxist philosophy is also concerned with the mode of production, which entails the economic base that influences the ideological and political superstructures (Heywood, 2002). Lipton (1978:109) agrees with Marxists that the causes of social conflict in society relate to different social classes, created by economic status. These submissions imply that an individual's social, economic and political development are linked. The socio-economic life and the conditions under which human beings produce and reproduce their means of existence, determine their social class.

Marxists' ideology critique of capitalism refers to 'primitive accumulation'. In his published work of 1867, titled *Capital: A critique of Political Economy*, Marx succinctly states that "the expropriation of the mass of the people from the soil forms the basis of the capitalist mode of production". The white capitalist class dispossessed land from black South Africans after realising that black South Africans will not sell their labour for survival if they can survive from the land. In SA, land dispossession became essential for capitalism and white supremacy to generate a crisis that would force the dispossessed to sell their labour to whites.

Marx (as cited by Baradat, 2002:177) argues that "It is not the consciousness of men that determines their existence", "but their social existence that determines their consciousness and that what we do politically is determined by our economic circumstance". A person does not choose a class, but that one's material conditions dictate the class to which one belongs (Plamenatz, 1963). This implies that one's economic situation influences one's behaviour and if that assertion is accepted, one can argue that even those who enact laws, such as the MPDRA of 2002 (Act No. 28

of 2002) and the Mining Charter, are influenced by their economic situation. Their interest does not serve the host communities but the ruling elite.

The intrinsic greed of capitalists in maximising profit at all costs can lead to crises (Harvey, 2011:13). The overproduction of goods leads to the crisis of capitalism that can affect all humanity. In the context of this study, the overproduction of mining houses may lead to the retrenchment of staff and may create a crisis of unemployment in the host communities, which results in poverty and economic inequality. Marx (as cited in Mehrotra, 1991) “defines a commodity as a combination of two independent characteristics that on the one hand has use value and on the other has exchange value”. Commodities have use value because their consumption satisfies certain wants and exchange value “in the sense that they are products of labour and exchange according to the quantity of socially necessary abstract labour embodied within them” (Mehrotra,1991).

Marx (as cited in Mckeown, 1987) asserts that every commodity must have these two characteristics. Marx’s submission is that products of labour are exchanged, and that value is attached to those products. These values might create social conflicts among the producers of the products and the people who are attaching a particular value to the products. In a mining work environment, the workers will conflict with the employer in terms of remuneration and conditions of employment.

Moxon (2008:30) indicates that Marx’s theory “has always been something of a chameleon, exhibiting an array of quite different forms”. Moxon (2008) asserts that various theorists have diluted Marx’s theory, thus, affecting its original posture. In other words, Karl Marx’s theory is not stagnant but fluid; it mutates. Marx takes a material analysis of conflict and states that classes emerged because of conflict over seemingly limited resources (Cosser,1977). Although Cosser (1977) agrees with Marx. Dahrendorf (1959) posits that conflict exists in classes through various levels of authority. Furthermore, classes are more social phenomena than economic phenomena.

For Marxists, social conflicts are foreseeable in an economically unequal society. This assertion implies that in the mining host communities, social conflicts are inevitable in the event of uneven economic status. Marxists argue that conflict is necessary to

remove an exploitative capitalist system where the working class and the ruling class have collective interests in conflict. The conflict between these two classes involves the ownership of the means of production that the ruling class monopolises. The next subsection locates the nature versus nurture theory.

2.7.4 Locating conflict in the nature versus nurture theory

The nature versus nurture debate entails biological essentialism and social constructivism. The debate is whether the conflict is innate or inborn or if the conflict is a social construct. It is about biological determinism versus social constructionism. Social structures add to one's social identity through unspoken, unconscious and unacknowledged rules (Sundberg and Michel, 2001).

The study, therefore, posits that human beings, although products of nature, are shaped by external factors that influence their behaviours, beliefs and practices. Every argument that nature has less impact than nurture on human behaviour has a counterargument (Wood and Eagly, 2012). The environment has a limited influence on human behaviour. Therefore, as much as the environment shapes the behaviour of people, their behaviour also shapes the environment and the environment, in this context, may enable as well as constrain human behaviour (Harris, 1995; Scarr, 1992; Lytton, 1990). The next subsection situates conflict between host communities and mining houses in the class, based on theoretical paradigms by providing a relationship between theories, used in this study, and conflicts between host communities and mining houses in the BPDM.

2.8 SITUATING CONFLICT BETWEEN HOST COMMUNITIES AND MINING HOUSES IN THE SOCIAL CONFLICT THEORETICAL PARADIGMS

Frustration fuels aggression that may result in destruction. Conflicts are a creation of economic inequalities which causes frustration. Both nurture and nature have an impact on social conflict, depending on which academic discipline one follows. The causes of conflicts between host communities and mining houses in the BPDM are not inherent but a social construct. One could argue that human needs theorists firmly believe that the failure to meet the basic needs of human beings frustrates them, which might lead to aggression and conflicts. While relative deprivation theorists assert that conflict occurs because people are no longer capable of achieving what they were previously able to

achieve, aspirational deprivation conflict occurs because people cannot attain new and higher goals. Progressive deprivation conflict occurs over time when people's expectations and capabilities increase (Nomarwayi, 2019). In relation to this study, I submit that host communities may feel agitated when their basic human needs are not met, while mining houses reap millions of rand from the mineral wealth on the doorstep of the host communities. One could argue that if host communities were able to graze their livestock freely before the mine occupied the land, deprivation might lead to antagonism towards the mine.

Marx and Marxists advance a class-based theory and view society through the lens of economic classes. Marxists argue that an exploitative capitalist system must be removed and that the working class and the ruling class have collective interests in conflict. Mines are monopolies that own the means of production. The core business of mines is mining to create wealth for the shareholders. The host communities might view the mines as wealth-creation machines for the shareholders, who do not even live in the host communities. The antagonism between the host communities and mining houses exists because of class differences. Furthermore, the Marxists argue that the working classes and ruling classes are antagonistic to each other. The following section is the conclusion of this chapter.

2.9 CONCLUSION

The human environment is never a conflict-free zone. As such the conflicts between host communities and mining houses remain inevitable. The crucial factors lie with conflict transformation and how to manage the phenomenon. Insufficient resources, different value systems, the need for identity and poor communication are the key drivers of disharmony among humans and disharmony results in conflicts. Conflicts are not happening in a vacuum, therefore, the importance to map the history, context, goals, interests and dynamics cannot be overemphasised. Without conflict mapping, the attempts to transform the conflicts remain largely impossible.

In order to transform the conflicts, correct conflict-handling modes need to be adopted. The TKI suggests two dimensions when embarking on resolving conflict, namely, assertiveness and cooperativeness. The dimensions are linked to TKI conflict-handling modes, namely, collaborating, competing, avoiding, accommodating and

compromising. The TKI needs to be aligned to common ADR practises, namely, negotiating, mediating and arbitrating.

This study used various theories to explore and analyse conflicts between host communities and mining houses in the BPDM. These theories are also used in this study to explain the causes of conflicts between host communities and mining houses in the BPDM. Mining houses with their financial muscle belong to the capitalist class that owns the means of production. The members of the host communities belong to the class that sells its labour for survival. The relationship between the mining houses and their host communities will remain antagonistic because of their social classes.

The next chapter presents an overview of the mining industry in SA by highlighting the mineral energy complex, and analysing the Constitution of SA, 1996, MPDRA, 2002 (Act No. 28 of 2002), the MC III policy and the NEMA, 1998 (Act No.107 of 1998), as some of the legislative frameworks and policies, governing the mining sector in SA. The chapter ends by providing an overview of the BPDM.

CHAPTER 3

CONTEXTUALISATION OF THE STUDY

3.1 INTRODUCTION

This chapter presents an overview of the mining industry in SA by also highlighting the mineral energy complex and analysing the Constitution of SA, 1996, MPDRA, 2002 (Act No. 28 of 2002), the MC III and the NEMA, 1998 (Act No. 107 of 1998). The chapter ends by providing an overview of the BPDM. The purpose of this chapter is to provide the reader with the context of the study. The ensuing section presents an overview of the mining industry in SA.

3.2 THE MINING INDUSTRY IN SA

The biggest driver of the South African economy is the minerals energy complex (MEC), which is a system of accumulation that has a direct influence on the social, political and economic aspects of the society (Fine and Rustomjee, 1996). The white elite and their network of families have been monopolising the South African MEC since the diamond rush in Kimberly in the 1860s and the gold rush in Witwatersrand in the 1880s. The Oppenheimer family “controlled almost half the country’s gold and platinum, a quarter of its coal, and virtually all its diamonds, and held critical stakes in banking, steel, auto, electronics, agriculture, and many other industries” (Sharife and Bond, 2011).

During the colonial and apartheid era in South Africa, the landowners were also the owners of the minerals in and under their land and this is also one of the factors that intensified land dispossession to move blacks from mineral-rich lands (Van der Schyff, 2012). The 19th-century diamond and gold rush in South Africa intensified land dispossession, urbanisation, labour migration, a cheap labour system and accumulation (Malherbe and Segal, 2000). Through excessive taxation and land dispossession, blacks, who were self-sustainable through agriculture, were left with no choice but to become cheap labourers in the mining industry (Ogura, 1996).

The white elite, owning, controlling and managing the mineral energy complex of South Africa, was entrenched through discriminatory land ownership laws, like the Native Land Act of 1913 (Act No. 27 of 1913), which had no consideration of the rights of indigenous communities regarding land ownership. Minerals and energy are, among others, the core site of accumulation in the South African economy and other economic sectors rely much on minerals and energy (Rustomjee, 1993).

The apartheid government has always been desperate to curb the rate of black urbanisation through mining and, as such, coercive and draconian government policies were introduced. Some of these draconian laws include, but are not limited to, the Black Land Act of 1913 (Act No. 27 of 1913), the Industrial Conciliation Act of 1924 (Act No. 11 of 1924) and the Mines and Works Act (Colour Bar Act) of 1926 (Act No. 25 of 1926). The Native Urban Areas Act of 1923 (Act No. 21 of 1923) was also promulgated to reduce blacks' access to cities.

Even though huge urbanisation occurred due to mining activities in the 19th century, "labour migration to the mines by the colonial and apartheid regime in South Africa" (Jeeves, 1985; Moodie and Ndatshe, 1994; and Harries, 1994) was strictly controlled. While the imperialist colonial and apartheid masters scrambled for the minerals in South Africa, they also influenced spatial planning by enacting laws that prohibited black South Africans to migrate willingly to the cities in large numbers. Spatial planning during apartheid was skewed in the sense that the investment in infrastructure and provision of basic services were rendered along racial lines while blacks, as well as the mining areas, were excluded or received limited resources (Rakodi, 1986). The unjust segregation laws, like the Mine and Works Act of 1911 (Act No. 12 of 1911) prevented blacks, who were employed in the mining sector, from practising skilled trades, thereby making them sub servants of the whites and coloured workers in mining.

Africans were prohibited from holding mineral rights, as per Section 130(1) of the Transvaal Gold and Base Metals Law of 1908 (Transvaal, No. 35 of 1908). The political and economic changes brought by the social resistance of the 1980s somehow disrupted and compelled the government to change its policies on the ownership, control and management patterns of minerals in South Africa (Bond, 2006). To dilute the white monopolisation of the ownership, control and management

of minerals post-1994, some of the big mining companies recruited the political elite of liberation movements as shareholders and non-executive directors of the mines (Scholvin, 2014).

These mining reforms, which include the political elite at the top echelons of the mines, are also outcomes of a series of meetings, led by the chief executive officer of Anglo American, between the businesses and the African National Congress (ANC) in exile (Levy, Alan and Woolard, 2015). However, the participation of the political elite in the top echelons of the mines had internal resistance from some of the ANC members. The ANC's national executive committee member, Joel Netshitenzhe (2011), questioned the capacity and integrity of the "deployed ANC cadres in a sector that has 'high lootability'". The partnership of the political elite, as part of the black economic empowerment, works to the advantage of the mining companies when applying for mining rights (Pillay, 2007).

These black empowerment deals in mining benefit the few political elite at the expense of the greater society, particularly, the mining host communities (Emkes, 2012; Cargill, 2010; Tangri and Southall, 2008). Among other unintended consequences of Black economic empowerment (BEE) ventures were the creation of a few billionaires, such as "Cyril Ramaphosa, Tokyo Sexwale, Patrice Motsepe, and Saki Macozoma" which happens to be politically connected (Ponte, Roberts and Van Sittert, 2007). One can argue that the mining sector was deliberate by ensuring that the black empowerment deals focused on the political elite. This promoted patronage and clientelism and promoted "circulation via family connections", as described by Horne (2017).

Horne (2017) states that –

by 2007, Patrice Motsepe, the executive chairperson of ARM and brother of Bridgette Radebe (wife of the former Minister of Transport, Jeff Radebe), was considered the third richest South African, with an estimated fortune of £1.4 billion. In South Africa, one of the 183 people worth over £5.6 million is Tutukile Skweyiya (wife of the former Social Development Minister, Zola Skweyiya). Tutukile Skweyiya is also a major shareholder in Continental Africa Power Supplies, which was awarded a lucrative Eskom (the South African power utility company) contract.

Political corruption is entrenched in South Africa. Breakfast and Madumi (2020) assert that the reciprocal relationship between politics and the economy necessitates the government to mitigate political risks, such as entrenched fraud and corruption, that threaten the South African economy. Hyslop (2006) argues that patronage and corruption date to the apartheid era. However, political corruption did not start during the democratic era. Corruption, fraud and misuse of government resources for the benefit of the few, happened before 1994 (Van Vuuren, 2018).

The symbiotic relationship between the state and mineral conglomerates predates the apartheid era in South Africa and such practice is continuing post-apartheid (Hyslop, 2006). Such a relationship was fundamental to the development of capitalism in SA (Terreblanche, 2002). One can also argue that a few black political elite and some families, who are benefitting at the expense of the entire society, monopolise the South African minerals post-apartheid. SA has mineral reserves amounting to more than US\$2.5 trillion and the mining sector will continue to perform a significant socio-economic development role in SA in years to come (Van den Berg, 2015:2). The Brand SA 2012 reports indicate that SA has an estimated reserve worth R20.3 trillion and is estimated as the world's fifth-largest mining sector in terms of GDP value. Table 2 below presents information on the number of operating mines in SA².

Table 3.1: Number of operating mines in SA

Province	Total number	%
Eastern Cape	179	9.60 %
Free State	78	4.20 %
Gauteng	188	10.10 %
KwaZulu-Natal	140	7.50 %
Limpopo	148	8 %
Mpumalanga	235	12.70 %
Northern Cape	316	17 %
North West	374	20.20 %
Western Cape	198	10.7 %
	1856	100 %

² Adapted from: <http://www.dmr.gov.za/mineral-policy-promotion/operating-mines>

As per Table 2, 1856 mines are operating in SA. The North West province has 374 operating mines, which constitutes 20.20% of the total operating mines in SA. The Free State has the least operating mines, which constitutes 4.20 % of the total operating mines in SA.

The governing party, the ANC, has resolved in its 52nd national conference in December 2007 on the “use of natural resources of which the state is the custodian of on behalf of the people, including our minerals, water, marine resources in a manner that promotes the sustainability and development of local communities and also realises the economic and social needs of the whole nation” (SAHO, 2007). This resolution was used by the ANC Youth League (ANCYL) to advance the debate on the nationalisation of the mines.

Dupius (2005:6) explains that nationalisation means that the government is the overall owner and controller of assets. Gripp (1973) hails nationalisation as an important tool to dismantle and replace the exploitative heterosexual system of capitalism that foster unequal relations along race, gender, class and other forms of differentiation within society at different levels and foster conditions for conflicts to arise. The nationalisation of Statoil was influential in the economic success of Norway and, thus, is a progressive national policy (Qobo,2011:41). Coetzee (2010:60) hails Botswana’s 50/50% ownership of mines as a good nationalisation model.

The ANCYL was the lone voice in the ANC that was very vocal and pushing for the adoption of the nationalisation of the mines in the ANC policy. The ANC itself did not support the nationalisation of the mines. Addressing the business and diplomatic community in February 2012, the President of the ANC and the President of the State, Jacob Zuma, said: “nationalisation is not the ANC or government policy. Our policy is a mixed economy. There are no mixed signals. Nationalisation is not our policy. It is very clear” (Merten, 2012). One will argue that the different ideological stances on the ownership of the mines in the ANC represent the multiclass posture of the ANC.

Among the ANC alliance partners, the South African Communist Party (SACP) did not agree with the call of the ANC Youth League for the nationalisation of the mines. The general secretary of the SACP, Blade Nzimande, said:

the call for nationalisation by elements within the ANC Youth League is to save the black economic empowerment elements in crisis and not to address the interests of the workers and the poor, ten years from now, they will be calling for privatisation, after the state has inherited the debt (Cropley, 2011).

However, the Young Communist League of South Africa (YCLSA), which is the youth formation of the SACP, had contradictory views on the nationalisation of the mines. Addressing the national general council of the South African Students Congress (SASCO) in the North West, the national chairperson of the YCLSA, David Masondo, confirmed that the YCLSA agrees with the ANCYL on the nationalisation of the mines and the banks. Masondo stated that –

we understand the cowardice of many of the ANC leaders because the nationalisation of the mines will serve as a blow for their class interests. If truth be told, we have problems in our movement because there are many of our leaders and cadres is about who gets the mining rights, tenders etc. Instead of implementing the Freedom Charter, in collaborating with white capitalists, the ANC has just transferred our wealth to black elite such as Mzi Khumalo, Sakkie Macozoma, Motsepes of this world who have become vultures and bloodsuckers of the working class in the name of the BEE. Of course, nationalisation is not inherently socialist - socialisation is (Masondo, 2009).

In what appears to be an opposing view to David Masondo, the national secretary of the YCL of South Africa, Buti Manamela, was cited in *Business Day* that the ANCYL's call to nationalise mines “only amounts to state capitalism and would not restore SA's mineral wealth to the people” (Brown, 2009). Manamela might have sounded against the nationalisation of mines when delivering the political report to the plenary session of the 2nd National Council of the YCLSA. He argued that the mining charter did not change the ownership patterns of the mining sector as it is “still predominantly private, white and foreign owned”. In the same report, Manamela proposes that the government “mining company must be supported and there must be legislation to compel mining houses to allocate 50% of their profits, ownership and control to workers at the mines” (Manamela, 2022).

One could argue that Manamela's proposal is more worker-controlled where workers of the mines will share the profits equally and have equal responsibilities in the day-to-day running of the mines, instead of the state owning and controlling the mines.

Schweickart (2011, as cited in Vrousalis, 2021) opines that the worker control model reduces intrafirm inequalities. Lenin views a worker-controlled economy as a step toward socialism. In his speech, Lenin (1918) states that –

socialism can only take shape and be consolidated when the working class has learned how to run the economy and when the authority of the working people has been firmly established.

The Congress of South African Trade Unions (COSATU) has an opposing view about the nationalisation of the mines. In addressing COSATU's fifth central committee meeting in his capacity as the general secretary of COSATU, Zwelinzima Vavi, declared his support for nationalisation and said:

we are strong proponents of this clause of the Freedom Charter, and this places us firmly on the side of the debate that would support nationalisation of mines, the banks and monopoly industry. Nationalisation means transferring ownership to the people as a whole with the state representing the people (Fin24, 2011).

The president of the National Union of Mineworkers (NUM), Senzani Zokwana, also spoke against the nationalisation of the mines, alleging that the call for the nationalisation of the mines was a plot for the state to bail out BEE benefactors from their failed BEE deals (Mkokeli, 2010). The NUM is an affiliate of COSATU and in 2010, its president was also serving as the central committee member of the SACP. The Association of Mineworkers and Construction Union (AMCU), which operates mainly in the mining sector and is not an affiliate of COSATU, supports the nationalisation of the mines. The president of AMCU, Joseph Mathunjwa, hails nationalisation as “the radical disruption of capital” (Ngcobo, 2016). Makhanya (2018:106) said:

at the heart of the nationalisation process lays the successful implementation of a number of policies. Furthermore, strong policy implementation requires strong and capable leadership. The successful implementation of nationalisation also requires various stakeholders to work towards a common goal.

Some of the questions one should answer considering the state of municipalities in SA reported internal battles of traditional authorities and the competitive nature of the mining host communities and mining houses. These questions constitute whether SA

has proven to have strong and capable leadership and whether the mines, the mining host communities, the municipalities and the traditional authorities, as key stakeholders in mining, have a common goal in relation to mines in SA. One could argue that with the collapse of the municipalities, as stated in the 2020-21 MFMA report of the auditor general, strong and capable leadership does not exist, particularly in the local sphere of government. The spheres of government in SA are distinctive, interdependent and, yet, interrelated (Section 40(1) of the Constitution of SA, 1996). Therefore, it means that the lack of capable leadership at the local government level might be a reflection of the leadership at the provincial and national levels. The reported internal conflicts among traditional authorities also prove a paucity of capable leadership in traditional authorities.

I submit that the core objective of the nationalisation of the mines is to realise the ideals of the Freedom Charter, 1995, which envisaged that the people of South Africa shall share the country's wealth. The proponents of the nationalisation of the mines argue about dismantling the ownership patterns of the mines to give the state power to own and control all the mines on behalf of the citizens of the country. Some, who were opposed to the nationalisation of the mines, alleged that the proponents of the nationalisation of the mines act in the interest of the failed BEE beneficiaries, who want to be bailed out by the state. The nationalisation debate in SA impacted the investment in the mining sector in SA (England, 2011). In addition, Netshitenzhe (2010) argues against nationalisation and said "even if the mines were owned by the state, without a sector plan, there would be no strategic logic to activities in the sector". Good examples of nationalisation are Norway, Botswana, Brazil and Chile. Zambia, Zimbabwe, Bolivia and Venezuela are bad examples of nationalisation (Makhanya, 2018).

In 2012, the ANC expelled the ANCYL president, Julius Malema, from the ANC and suspended ANCYL spokesperson Floyd Shivambu from the ANC for three years for sowing division and bringing the ANC into disrepute (SAPA, 2012). In July 2013, the two led the formation of the Economic Freedom Fighters (EFF) and adopted the "nationalisation of mines, banks, and other strategic sectors of the economy, without compensation" as one of the pillars of the EFF (Mbete, 2015). I submit that the voices of the nationalisation of the mines disappeared from the ANC in 2012 and emerged in the EFF in 2013. The EFF continuously argues that the right to vote is not sufficient

enough without economic freedom and that nationalising the mines will benefit the majority of South Africans (Modisane, 2013).

On the other hand, on what appears to be a retraction of the call for nationalisation, the ANC pronounced that “the state must capture an equitable share of mineral resource rents through the tax system and deploy them in the interests of long-term economic growth, development and transformation” (ANC, 2012). This pronouncement of the ANC is not clearly articulated in terms of the ownership, control and management of the systems and structures of the mining sector. One could argue that it is a rhetorical pronouncement that will not change the racial and gender inequality patterns of ownership, control and management in the mining sector. The pronouncement of the EFF on nationalisation is clearly articulated; however, others might view it as a populist, far-leftist stance to lure votes.

The ANC has resorted to another policy position, namely, radical economic transformation (RET). In preparation for its national policy conference in 2017, the ANC proposed the RET policy and stated:

that economic growth is a necessary, but not a sufficient, condition for an effective program of economic transformation. Primarily, RET is about fundamentally changing the structure of South Africa’s economy from an exploitative exporter of raw materials, to one which is based on beneficiation and manufacturing, in which our people’s full potential can be realized (ANC, 2017).

Matebese-Notshulwana (2019) defines RET as the equitable distribution of SA’s wealth among South Africans, constituting mostly black people, who are the victims of the legacy of economic imbalances and inequalities. Breakfast and Madumo (2020) are of the opinion that “the advocates of ‘RET’ hold a view that crony capitalism is probably a by-product of economic growth, as its benefits serve as an incentive for the politically connected businesses”. Breakfast (2022) also asserts that there are “RET forces” who are against the current ANC National Executive Committee, led by ANC President Cyril Ramaphosa. One could argue that Breakfast’s (2020) assertion suggest that there are deep factional divisions within the ANC. The supporters of the RET hold the view that the relationships between the business leaders and government officials benefit mostly the politically connected businesses which are mainly white-owned and controlled businesses (Breakfast and Madumo, 2020).

President Ramaphosa is the ANC President and is responsible for outlining and explaining “the policy or attitude of the ANC on any question”, as per Rule 16, Subsection 16.1.1 of the ANC Constitution, 2017 (ANC Constitution, 2017). Therefore, as the President of the ANC, he is the custodian of the RET policy of the ANC. Addressing the ANC during the 8 January celebrations in 2020, Ramaphosa said “economic growth and radical economic transformation remain among the core goals of the party” (SABC News, 2020). Also, when addressing the KwaZulu-Natal provincial Covid-19 command council, Ramaphosa opined that SA “was witnessing the total destruction of its economy due to the Covid-19 coronavirus, and that radical economic transformation must be central to plans to rebuild and repurpose” (Erasmus, 2020).

The South African mining sector has struggled with an unclear legislative framework and the risk of nationalisation is a haunting reality (Financial Times, 2011). The chairperson of the ANC and the minister of mineral resources and energy, Gwede Mantashe, purports that RET is “a formula to change the lives of ordinary South Africans” (Mokobo, 2021). I submit that it is still to be seen whether the RET formula of the ANC, as the governing party, will temper the entrenched racial and patriarchal systems in the mining sector and change the ownership, control and management systems and structures of the mines in SA for the benefit of all South Africans, who are predominantly black, women and the youth. The ensuing subsection presents some of the legislative frameworks that govern the mining industry in SA.

3.3 LEGISLATIVE FRAMEWORKS AND POLICY THAT GOVERN THE MINING INDUSTRY IN SA

Various legislative frameworks govern the mining industry in SA. For this study, the Constitution of the Republic of SA, 1996, the MPDRA, 2002 (Act No. 28 of 2002), the MC III and the NEMA, 1998 (Act No. 107 of 1998) are analysed. These legislative frameworks cover the rights and responsibilities of the mining rights holders, surface rights holders and the communities extensively. The ensuing subsection presents the Constitution of SA, 1996.

3.3.1 The Constitution of South Africa, 1996

The apartheid government implemented unjust and discriminatory practices, which resulted in an economically marginalised majority of South Africans. During the apartheid era, SA was under parliamentary sovereignty. In 1996, the Constitution of the democratic SA was enacted and, as stated by Currie and De Waal (2013), the Constitution of SA recognises representative, participatory and direct democracies. The Constitution of the democratic SA moved the country from parliamentary to constitutional supremacy where the constitution is the supreme law (Rapatsa, 2014). Section 7(1) of the Constitution of SA, 1996 “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality, and freedom”.

Section 9(3) of the Constitution of SA, 1996 continues to state that the “state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.” The preamble of the Constitution of SA, 1996 states that “we, the people of SA, recognise the injustices of our past” and, therefore, I am of the view it seeks to foster human rights activism and equality. The Constitution of SA, 1996 is also advancing transformation in the arena of civil, political, economic, social and cultural rights (Rapatsa, 2014). Vasak (1979, as cited in Makhanya, 2019) explains “first generation human rights (civil and political rights), second generation human rights (social and economic rights) and third generation human rights (cultural rights)”.

Sections 15, 16, 17, 18 and 19 of the Constitution of SA, 1996 present some of the human rights, which are classified as civil and political rights, while Sections 25, 26 and 27 of the Constitution of SA, 1996 present some of the human rights, which are classified socio-economic rights. In Sections 24, 30 and 31 of the Constitution of SA, 1996, human rights, such as environmental laws, and rights of linguistic and cultural communities are included. Section 36 of the Constitution of SA, 1996 refers explicitly to the limitations of rights. I submit that the state has a responsibility to create a conducive environment for the attainment of necessities, such as shelter, health, clean water, education and social infrastructure, and to enforce this responsibility. The mining houses are not rated highly with respect to first, second and third generation

rights. Mining houses exploit the socio-economic conditions of the communities (OECD, 2016).

Ramoshaba (2019) states that communities perceive mining companies as the main contributors to the destruction of social, environmental, health and infrastructure and, thus, infringing on the basic human rights of communities. The mining industry is accused of a negative impact on community human health (Stephens and Ahern, 2001). The South African mining industry is accused of destroying the social fibres of communities through its migrant labour system and entrenched patriarchy through its male-only hostel accommodation (Demissie, 1998). As argued by Demissie (1998), these factors created social ills, such as illegal substance abuse and crime. These social ills lead to frustration and violence in communities (Demissie, 1998).

During the apartheid era, beneficiaries of the apartheid system marginalised most blacks. In 1994, the beneficiaries of apartheid were not instructed to return the assets or wealth, accumulated during the apartheid system. Not all the victims of apartheid were not granted reparations. The post-apartheid Constitution promotes social reconciliation. However, Langa (2006) states that –

social reconciliation does not mean that we increase the blame on the beneficiaries of apartheid. What it does recognise and require is that beneficiaries take responsibility for ensuring that reconciliation is possible. Beneficiaries cannot stand on the side-lines having no role to play in reconciliation as they do not need to forgive or be forgiven. All South Africans, beneficiaries, victims and perpetrators, must work together to create a climate of reconciliation.

One could argue that Langa's (2006) assertion might also be relevant in the mining sector. The beneficiaries of mining in the apartheid era should not only be blamed but they should also take responsibility for ensuring that there is reconciliation. Among others, the Constitution of SA, 1996 promotes the attainment of substantive equality which includes economic equalities. Mining host communities have the right to attain economic equality. Before 1994, discriminatory laws prohibited blacks to participate meaningfully in the economic activities of SA. The Constitution of SA, 1996 is a transformative legislative framework, aimed at engendering a socio-economically inclusive society.

Post-1994 to date, economic inequalities largely remain the same while black people are persistently bearing the huge adverse impact. Section 25 of the Constitution of SA, 1996 “protects property from being expropriated without just and equitable compensation; property would include prospecting rights or mining rights and is not limited to land”. This section of the Constitution has an impact on rights to conduct reconnaissance, exploration and mining. This section of the Constitution also protects the rights of the landowners in terms of prospecting and mining in SA. Surface rights holders have the right to be compensated when their lands are used for mining purposes.

The Department of Mineral Resources and Energy (DMRE) is the custodian of the minerals and energy sector in SA and has to “regulate, transform and promote the minerals and energy sectors, providing sustainable and affordable energy for growth and development, and ensuring that all South Africans derive sustainable benefit from the country’s mineral wealth” (DMRE, 2019). One of the policies under the custodianship of the DMRE is the MPRDA of 2002 (Act No. 28 of 2002). The ensuing subsection presents a discussion on the MPRDA of 2002 (Act No. 28 of 2002).

3.3.2 The MPRDA OF 2002 (Act No. 28 of 2002)

The ANC-led government attempted to transform the ownership, management and control of the mining industry in SA by enacting the MPRDA of 2002 (Act No. 28 of 2002). Murdock (2016) states that before the MPRDA of 2002 (Act No. 28 of 2002), the right to prospect and mine was regulated through the Minerals Act of 1991 (Act No. 50 of 1991). The MPRDA of 2002 (Act No. 28 of 2002) indicates that the rights to prospect and mine are conditional rights subject to the fulfilment of conditions, as stipulated in the MPRDA (Murdock, 2016).

Section 2(b) of the MPRDA of 2002 (Act No. 28 of 2002) “give effect to the principle of the State’s custodianship of the nation’s mineral and petroleum resources”. Minister Ngoako Ramatlhodi reiterated this in 2015 when he stated that “the MPRDA of 2002, (Act No. 28 of 2002), is one such piece of legislation. It reiterates the fundamental truth that the minerals beneath our soil belong to the people of SA, and that the State's duty is to act as the custodian of these resources”. This statement of Ramatlhodi implies the nationalisation of minerals by the SA government post-

apartheid, using the MPRDA. This implies that all the mineral and petroleum resources of SA are owned by the people of SA and the state plays a custodianship role. If a citizen discovers any mineral resources in his/her yard, it belongs to the people of SA and the state has custodianship of the mineral.

Section 2(c) of the MPRDA of 2002 (Act No. 28 of 2002) empowers the state to promote equitable access to the nation's mineral and petroleum resources to all the people of SA, not only mining host communities or not only communities within the jurisdiction of the municipality where the mine operates. Section 2(c) of the MPRDA of 2002 (Act No. 28 of 2002) is aligned with the Freedom Charter's (1955) call that:

“the people shall share in the country's wealth. The national wealth of our country, the heritage of all South Africans, shall be restored to the people; The mineral wealth beneath the soil, the banks, and monopoly industry shall be transferred to the ownership of the people as a whole”.

However, Section 2(i) of the MPRDA of 2002 (Act No. 28 of 2002) emphasises that “mining rights holders must contribute towards the socio-economic development of the areas in which they are operating”. This section is intended to benefit the mining communities. Essentially it compels the mines to contribute towards the socio-economic development of the communities in which they are operating.

Section 5(3) of the MPRDA of 2002 (Act No. 28 of 2002) stipulates the rights of the prospecting and mining rights holders in terms of accessing the prospecting and or mining area. This section permits the holder of a prospecting or mining right to –

enter the land to which such right relates together with his or her employees, and bring onto that land any plant, machinery or equipment and build, construct or lay down any surface, underground or under sea infrastructure which may be required for the purpose of prospecting [or] mining, ... as the case may be.

Despite having the permission of prospecting or mining, the prospecting and or mining rights holder may not enter the prospecting and or mining area without notifying the landowner, as stipulated in Section 10, 16(4)(b) and 23(4) b) of the MPDRA of 2002 (Act No. 28 of 2002). The mining rights holders cannot access the land for free. Section 54 of the MPRDA of 2002 (Act No. 28 of 2002) provides:

for compensation to be negotiated in situations in which surface rights holders try to prevent a prospecting or mining rights holder from entering the land and the Minister decides that the surface owner has suffered or is likely to suffer loss or damage as a result of the reconnaissance, prospecting, or mining operations.

If the landowners and mining rights holders disagree “on compensation, the matter goes to arbitration or to a competent court” under the Arbitration Act, 1965 (Act No. 42 of 1965). If the landowner has unreasonable demands even after the arbitration or a competent court ruling, in line with Section 25 of the Constitution of SA, 1996 and, as stated in Section 55 of the MPRDA of 2002 (Act No. 28 of 2002), the minister may expropriate the land.

Communities have preferent prospecting and or mining rights, as per Section 104 of the MPRDA of 2002 (Act No. 28 of 2002). Section 104 of the MPRDA of 2002 (Act No. 28 of 2002) stipulates that if a community has an interest in prospecting and or mining land, registered in the name of that community, they must apply to the Minister of Mineral Resources and Energy. In their application, the community must provide evidence that if granted the right, the right will be used towards the socio-economic upliftment of the community and the community has technical and financial capabilities to mine (Section 104(2)(a) and (d) of the MPRDA of 2002 (Act No. 28 of 2002)).

The enactment of the MPRDA of 2002 (Act No. 28 of 2002) came with the amendment of the Mining Titles Registration Amendment (MTRA) Act, 2003 (Act No. 23 of 2003), which introduced the Mineral and Petroleum Titles Registration Office (MPTRO). The MPTRO is responsible for registering all the executed prospecting and or mining rights. Section 11(1) of the MPRDA of 2002 (Act No. 28 of 2002) asserts that despite being registered with the MPTRO, the prospecting rights and or mining rights cannot be transferred without the consent of the minister. The state retains the custodianship of the mineral resources of the country. The state, as the custodian of the mineral resources of the country, may not accept applications and grant prospecting and or mineral rights when an existing right holder is already prospecting and or mining the same mineral on the same land. This prohibition is explicitly stated in Section 22(2)(b) of the MPRDA of 2002 (Act No. 28 of 2002). Mineral rights holders in SA pay royalties to the state as the custodian of mineral resources. The Mineral and Petroleum

Resources Royalty Administration Act (MPRRA) of 2008 (Act No. 29 of 2008) was introduced in 2008.

Before the enactment of the MPRDA of 2002 (Act No. 28 of 2002) and the MPRRA of 2008 (Act No. 29 of 2008), the royalties were paid to the surface rights holders. The MPRRA of 2008 (Act No. 29 of 2008) came into effect on 1 March 2010. Since then, the mining houses have been paying the state royalties and have been paying surface lease fees to the landowners. MINCOSA (2020b) reports indicate that the mining industry paid R8.6 billion in royalties to the state in 2019.

Section 100(2)(a) of the MPRDA of 2002 (Act No. 28 of 2002) empowers “the Minister of mineral resources and energy to develop Broad-Based Black Economic Empowerment (B-BBEE) Charter for the South African mining and minerals industry as a regulatory instrument”. The charter must aim to redress the lack of ownership, management and control of the mining industry of the historically disadvantaged South Africans (HDSA). Such South Africans must be allowed to benefit from the mining and mineral resources of the country. This includes the host communities who must benefit from the mine activities in their communities.

In arguing for the nationalisation of the mines, the former spokesperson of the ANCYL, Floyd Shivambu, proposed that –

the MPRDA should be amended to reclaim all prospecting and mining rights given to private corporations and then reissue them based on the following conditions: the state-owned mining company should have a minimum of 60% of ownership and control of all mining operations; not less than 50% of minerals extracted should be locally beneficiated and industrialised; all mining activities should be accompanied by thorough social-labor plans and community development strategies, developed in consultation with stakeholders; and there should be clear environmental-impact analyses of all mining activities, and the process of adopting an Expropriation Act should be expedited and constitutional limitations on the noble objectives of redistribution should be democratically removed through the amendment of Section 25 of the Constitution (Staff reporter, Mail and Guardian, 2010).

Shivambu’s argument seeks to put the state at the centre of the ownership of the mines and the communities as beneficiaries. The state’s ownership of the mines might not be a panacea to prevent the conflicts between mining host communities and the mining houses. One could argue that if the state’s ownership of an institution could

prevent conflicts between communities and the state-owned institutions, it would prevent conflicts between municipalities and the communities because the state owns, controls and manages municipalities. The first mining charter was introduced in 2004. It was replaced by the second mining charter in 2010 and the third mining charter (MC III) was implemented in 2018. The ensuing subsection presents a discussion on the MC III.

3.3.3 MINING CHARTER III POLICY

The full bench of the North Gauteng High Court declared the Mining Charter, 2008, herein referred to as MC III, a policy but not legislation on 21 September 2021 (Leon, Leyden and Mülle: 2021). Harrington and Carter (2009) describe the difference between a policy and legislation as a “hand in glove”. Legislation is a law, enacted by the legislature, and a policy can be described as a process to fulfil the objectives of certain legislation (Wiley, 2014; Benfer, 2020). The ruling came after MINCOSA instituted a judicial review of the MC III in which it requested the Gauteng Division of the High Court of SA to set aside certain of its provisions of the MC III. The court also ruled that Section 107(1)(l) of the MPRDA of 2002 (Act No. 28 of 2002) still empowers the minister to make “any necessary regulation in order to achieve the objects of this Act”.

MC III is a B-BBEE charter for the mining industry. Breakfast (2013) is of the view that B-BBEE is prone to corruption and promotes the new elite’s accumulation. Neoliberalism has a huge influence on the conceptualisation of the B-BBEE policies. Hugo (2003, as cited in Breakfast, 2013:66) argues that neoliberalism impedes development at the grassroots level. The B-BBEE policy obliges the private sector to contribute to addressing the societal transformation agenda through procurement opportunities, skills development and the inclusion of the previously marginalised in the ownership, management and control of systems and structures of the economy (Leila and Lauren, 2012). Former President Thabo Mbeki had a dissenting view on that. He said, “factually, the assertion that all that BEE amounts to benefiting a 'small elite that tends to be recycled' is entirely false” (SAPA, 2004). One of the fierce critics of BEE, Moeletsi Mbeki (2009) said:

BEE has not, however, proved to be the fatal blow to SA's oligarchs that Nelson Mandela and black nationalists of his era once envisioned. In fact, it strikes a fatal blow against the emergence of black entrepreneurship by creating a small class of unproductive but wealthy black crony capitalists made up of ANC politicians, some retired and others not, who have become strong allies of the economic oligarchy that is, ironically, the caretaker of SA's industrialisation.

The Minister of Finance, Pravin Gordhan echoes the views of Moeletsi Mbeki when he said "BEE policies have not worked and have not made SA a fairer or more prosperous country"(Gordhan, 2013 cited in Mail and Guardian,2013). Ngwane (2012:3, as cited in Nomarwayi, 2019:96) said neoliberalism fuels poor people to mobilise and protest. Communities in the North West province have mobilised and protested against the mines and the communities even protested outside the provincial Mining Investment Conference, held in 2022 (Moalusi, 2022). These communities complain about the lack of employment and business opportunities from the mines. Galbraith (1996, as cited in Breakfast, 2013:40) states that in neoliberal thinking, development in the communities can only be achieved through the market forces. Leaving the state out of the market and letting the market lead the economic trajectory has led to political unrest, poverty and conflicts in developing countries, according to Breakfast (2013). Aligning with the argument of Breakfast (2013), one could argue that the government must lead the development of the communities and the private sector must play a complementary role in the work of the government. In addition, one could argue that state-led community development will be in the interest of the communities without the motive to create and amass wealth at the expense of the communities. It will be a community-centred development, led by the government, and elected by the people.

The elements of the MC III are ownership, mine community development, housing, living conditions, employment equity, inclusive procurement and supplier development, and human resource development. To understand the present MC III in relation to this study, it is necessary to understand its evolution.

Table 3 below provides a summary of the evolution of the MC III from June 2017 to September 2021.³

Table 3.2: Summary of the evolution of the MC III

Timeline	Activities
June 2017	Minister of Mineral Resources Mosebenzi Zwane published the Mining Charter which came into effect immediately.
July 2017	MINCOSA sought to review the Mining Charter, published by Minister Mosebenzi Zwane.
February 2018	Minister Mosebenzi Zwane and MINCOSA agreed to postpone the court application to allow for further meaningful engagement on the charter.
April 2018	The High Court of SA, North Gauteng Division, delivered a judgement on the matter between the <i>Chamber of Mines v the Minister of Mineral Resources and Another</i> (the “Once empowerment, always empowered judgement”).
June 2018	Minister Mosebenzi Zwane is recalled and Minister Gwede Mantashe is appointed as Minister of Minerals and Energy. Minister Mantashe published a draft of MC III for public comment.
July 2018	Mining Charter summits were held for public consultations on the MC III. Notice for comments was also issued, inviting public comments on the MC III.
September 2018	MC III was published in Government Gazette no. 41934.
December 2018	MC III implementation guidelines published.
March 2019	MINCOSA submitted a court application for the court to declare certain aspects of the MC III unlawful.
May 2020	Trade unions and communities are admitted as <i>amici curiae</i> .
May 2021	Matter heard in the High Court of SA, North Gauteng division.
September 2021	Judgement was handed down.

³ Adapted from: Leon, Leyden, Mülle, (2021)

The DMRE decided not to appeal the court judgment on the MC III. Minister Mantashe said:

to me, appealing or not appealing the latest charter ruling is not the issue. I may appeal to ensure the smooth running of the department. But for me, the major issue is whether the industry is committed to transformation, and will we see more black capitalists. If the industry is committed to transformation, we will not be appealing (Matthews, 2021).

Minister Mantashe put the ball into the mining sector's court to commit to transformation and not because the courts of law compelled them. In a meeting with Minister Mantashe and the senior leadership of the DMRE after the September 2021 court judgment, the senior leadership of MINCOSA recommitted the mining sector to the transformation (Liedtke, 2021a). I submit that it remains unclear whether the transformation of the mining sector will mitigate conflicts between the host communities and the mining houses in the BPDM. The next subsection presents the ownership element in the MC III.

3.3.3.1 Ownership

Section 1(b) of the MC III indicates the intended objective of MC III to promote racial equality in terms of the ownership patterns in the mining industry and to level the unlevelled playing field, which was created by the apartheid and colonial rule. MC III further acknowledges that the colonial and apartheid system benefitted the few at the expense of the majority and, thus, has created a legacy of inequalities in the mining industry in terms of ownership, control and management. The Chamber of Mines (later renamed MINCOSA) 2015 report states that 46 companies, 6.9 million HDSAs in communities and 210 thousand HDSA employees benefitted from the BEE ownership element. Compared to the South African population of the MINCOSA report, it cannot be hailed as a success story. Some mining houses have not complied with the ownership requirements (Quintal, 2015). The non-compliance of ownership means the ownership of production in the mining industry remains in the hands of some of the historically privileged South Africans, who are whites.

The HDSA remains excluded from the equitable access to the country's mineral and petroleum resources, as envisaged by Section 2(c) of the MPRDA of 2002 (Act No. 28 of 2002). Section 2.1 of the MC III promotes economic participation and the

integration of the historically disadvantaged persons into the mainstream economy, created by the mining sector. In terms of Section 2 of the MC III, the new mining rights holders must have a “minimum 30% shareholding which comprises of a minimum of 5% non-transferrable carried interest or a minimum 5% equity equivalent benefit of the host communities, minimum of 5% non-transferable carried interest to qualifying employees and minimum of 20% effective ownership in the form of shares to a BEE entrepreneur, 5% of which must preferably be for women”. The 20 % shares of BEE entrepreneurs are not exclusive to host communities or surface rights holders but any qualifying BEE entrepreneur with the financial capacity to purchase the shares. The next subsection presents the mine community development element in the MC III.

3.3.3.2 Mine community development

Mining rights holders are required to have mine community development projects in their social and labour plans (SLP). The MPRDA of 2002 (Act No. 28 of 2002) also compels mining houses to have SLP in place when applying for mining rights. The process to develop SLP is stipulated in Section 2.5.1 of the MC III and that includes consultations with host communities, traditional authorities and affected stakeholders to identify the developmental priorities of the host communities. MC III is only a policy and not legislation; therefore, it is not a legal requirement for the mines to consult with communities, municipalities and other stakeholders when developing SLP.

The Mining Charter Assessment Report 2019 indicates that the charter has some shortcomings in terms of promoting transformation in the mining industry. The report states that only 37% of mining companies had proof of approved SLP expenditures. The report also highlights a lack of evidence of the implementation of the projects, proposed by communities. Silo approaches of mining houses in the implementation of SLP in host communities were also reported. SLP is not exclusive to landowners but to the broader mining host communities. This non-compliance and failure of the mines to fulfil their SLP promises create tension between the mining communities and mining companies. The next subsection presents the employment equity element in the MC III.

3.3.3.3 Employment equity

The Employment Equity Act of 1998 (Act No. 5 of 1998) promotes “the elimination of unfair discrimination in employment and ensures the implementation of employment equity redress” to diversify the broader workforce and ensure the full representation of the majority population of South Africa. Additionally, the Act promotes the advancement and promotion of effectiveness, efficiency and socio-economic development in the workforce. Through the Act, redress in representation must be evident in the executive (top) and senior management levels in terms of race, gender and persons with disabilities. The Statistics SA quarterly labour force survey for the second quarter of 2021 indicates that despite the higher number of women in SA, more men are employed than women. The marginalisation of SA women in terms of employment opportunities is also happening in the mining sector. The 21st Commission for Employment Equity annual report 2020/21 indicates that the top management of the mining sector in SA is dominated by white males. The overdominance of white males in the top echelons of the mining industry entrenches white supremacy and patriarchy in the mines. The next subsection presents the inclusive procurement and enterprise development element in the MC III.

3.3.3.4 Inclusive procurement and enterprise development

Section 2.2 of the MC III advocates for buying local goods and services to expand economic growth and address the crisis of unemployment through local procurement. The MC III compels the mining rights holders to ensure “that a minimum of 70% of total mining goods procurement spend (excluding non-discretionary expenditure) are South African manufactured goods. A minimum of 80% of the total spend on services (excluding non-discretionary expenditure) are from South African based companies”. Inclusive procurement is a fundamental element to ensure the diversity of suppliers (Günter, 2006). The ANC adopted these policies from Malaysia, which has failed to eradicate poverty in the rural Malay communities, only creating a significant urban Malay middle class (Randal, 2001, as cited in Mokakala, 2010).

One could argue that the inclusive procurement and enterprise development programmes in mining are not exclusive to host communities or surface rights holders. Broader small and medium enterprises in the country show bias towards black,

women-owned and controlled businesses, and youth-owned and controlled businesses. These policies will likely only benefit the entrepreneurs and not the entire mine host communities. Mining is not immune from fronting, which impedes transformation, according to the B-BBEE commission investigation executive manager, Moipone Kgaboesele (Liedtke, 2021b). The next subsection presents the human resource development element in the MC III.

3.3.3.5 Human resource development

Section 2.3 of the MC III requires the mining rights holders to “invest a minimum of 5% of the leviable amount (excluding the statutory skills development levy) on essential skills development”. This is an attempt to produce a skilled workforce from historically disadvantaged persons. The MC III also calls for mining rights holders to ensure that historically disadvantaged persons are fully represented at all levels of the positions of the company from board level to unskilled labour level. The MINCOSA, (2020a) report states that the human resource development spending for 2018 was below the compliance target of 5%. The sampled mining right holders spent 4.8% of their annual payroll on human resource development programmes. Individuals who are exposed to some schooling do not often engage in violent conflicts (Hayes and McAllister, 2009). Education is an important element in fighting poverty, unemployment and inequalities, thus, contributing to conflict transformation (Bush and Salterelli, 2000). One could argue that is important for the mines to intensify human resource development programmes in the host communities to contribute to addressing the high levels of poverty, unemployment, inequalities and curbing violent conflicts.

Mining houses, like all employers, have the responsibility to ensure the health and safety of all the employees; however, women working in the mines are still seen as sex objects in the mining industry (Tau, 2015; Mgengo, 2015). This phenomenon is not unique to SA. Cases of sexual harassment of female workers in mines in Australia have been reported (Barndon, 2022). One could argue that if women are sexually exploited in the mines, those women would probably be sexually exploited or ask for sex before being offered positions at the mines. Unemployment is one of the drivers of corruption in SA (Banjathwa and Kaseke, 2020). Aligning with Banjathwa and Kaseke’s (2020) assertion, the levels of unemployment in mining host communities

will contribute to corruption, fraud and nepotism in and outside the mining houses. The ensuing subsection presents housing and living conditions.

3.3.3.6 Housing and living conditions

Section 100 of the MPRDA of 2002 (Act No. 28 of 2002) and Section 2.6 of the MC III call for the mines to improve the standard of housing and living conditions of the mine employees. Some of the mine workers, who receive the living out allowances from the mines, do not use the allowances towards housing but as a supplement to income while living in a shack in the mining host communities (Pelders and Nelson, 2019). SACN (2017) and Kgajane (2019) proclaim that the “Mushrooming of informal settlements in mining towns poses a challenge to the municipalities”. One could argue that mushrooming in mining towns and unproclaimed settlements add pressure on the local municipalities to provide basic services for which they did not budget. Mushrooming exacerbates poverty, unemployment, inequalities, prostitution and a high influx of migrant labourers in mining host communities and towns (Cronjé and Chenga, 2009). The ensuing section presents the National Environmental Management Act (NEMA), 1998 (Act No.107 of 1998)

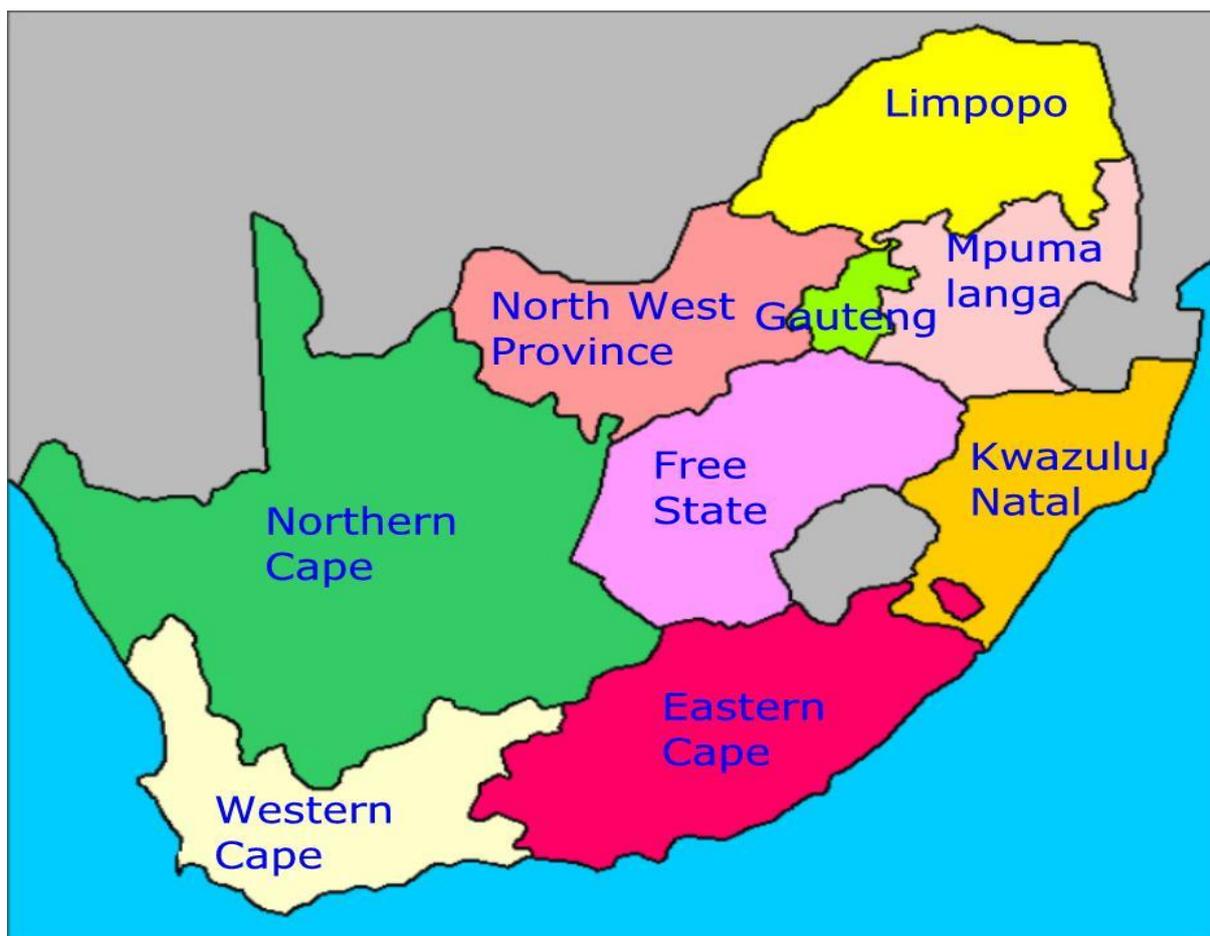
3.3.4 NATIONAL ENVIRONMENTAL MANAGEMENT ACT OF 1998 (ACT NO.107 OF 1998)

The impact of mining operations on natural resources, in particular water, is recorded by various scholars like (Dissanayake and Rupasinghe, 1996; Donoghue, Sinclair and Bates, 2000; Dore, Grayson, Songwe and Whitten 2006; Piyadas, 2009). All these cited scholars agree that mining operations are associated with high water usage and water pollution which affects the environment, the people and the animals, and have a devastating impact on the whole environment. Section 24(1)(a)(b) and (c) of the NEMA of 1998 (Act No. 107 of 1998) compels the mining operations to obtain authorisation from the state if their operations might impact the socio-economic conditions of communities, their cultural heritage and the environment. Mining operations affect the host communities’ livelihood and food security and, therefore, their activities must be approved by the state before commencing the operations (Hayes and Wagner, 2008; Hilson, 2009; Hilson and Banchirigah, 2009). One could argue that the host communities might become antagonistic against the mine when the socio-economic

conditions of communities, their cultural heritage and the environment are affected by the mining operations. The study setting is the BPDM in the North West province in SA. The next section provides an overview of the BPDM.

3.4 OVERVIEW OF THE BOJANALA PLATINUM DISTRICT MUNICIPALITY

Chapter 7 of the Constitution of SA, 1996 mandates the local government to establish municipalities in the entire country. These municipalities are categorised by Section 155(1) of the Constitution of SA, 1996. SA has nine provinces of which the North West province is one. The North West province borders Gauteng, Limpopo, Free State and Northern Cape. The North West province also shares borders with Botswana. The BPDM is a category C municipality in the North West province in SA with municipal executive and legislative authority in an area that includes more than one municipality. Figure 2 below locates the North West province on the SA map⁴.



⁴ <https://www.southafrica.to/provinces/provinces.php>

Figure 3.1: North West province on the SA map

The BPDM falls under the North West province of SA. As a category C municipality, the BPDM has a legal mandate to support the service delivery initiatives of its constituent category B municipalities. The BPDM 2021/22 indicates that the BPDM “is surrounded by Waterberg District Municipality (Limpopo Province), Tshwane Metropolitan Municipality (Gauteng Province)” and the “category B municipalities are Kgetleng River, Madibeng, Moretele, Moses Kotane, and Rustenburg”. Category B municipalities are local municipalities that share municipal executive and legislative authority in one area with the category C municipalities. Figure 3 below locates the BPDM on the map of the North West province⁵.

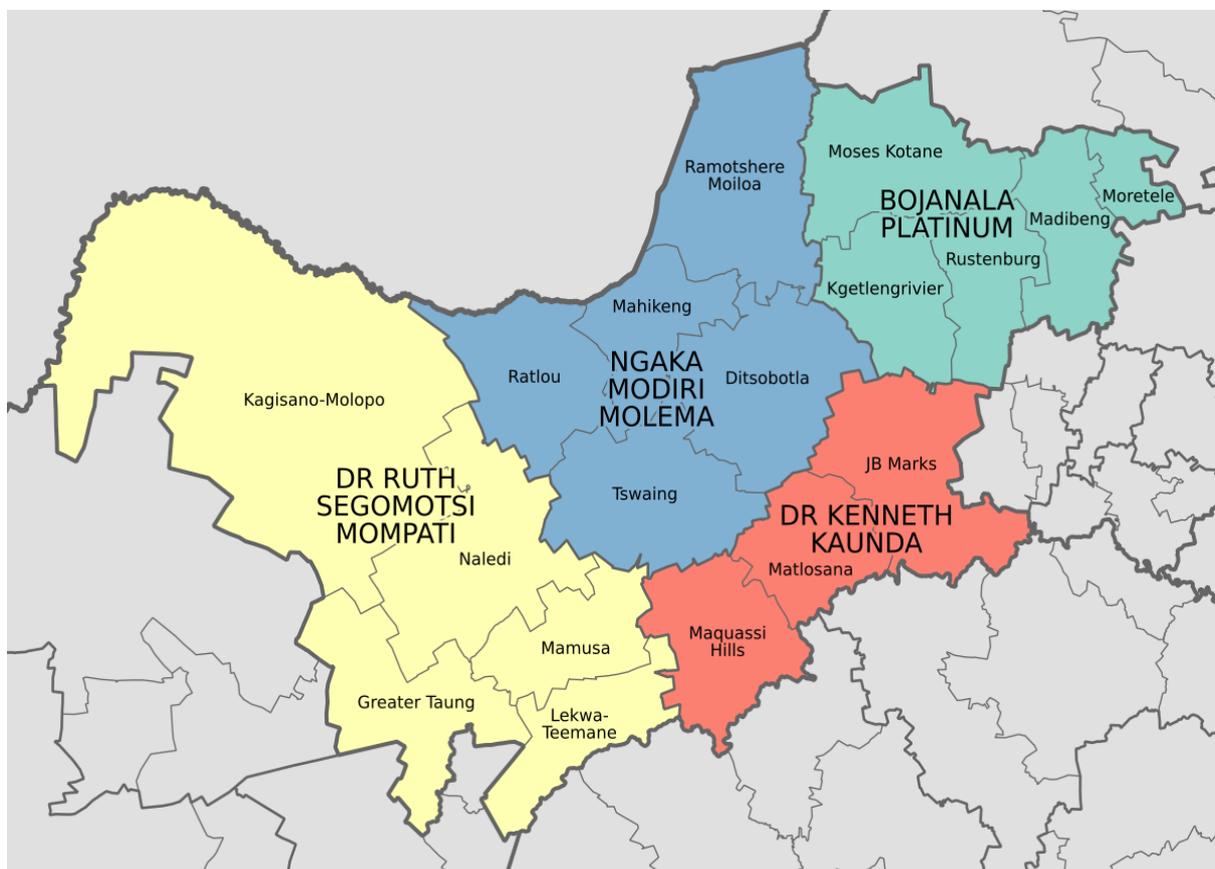


Figure 3.2: BPDM on the North West province map

The BPDM 2021/22 reviewed Integrated Development Plans estimates that more than 50% of employment in the BPDM comes from the mining sector. Mining plays a significant role in the livelihood of people in the BPDM. As per Table 4 below, 55 mines

⁵ https://en.wikipedia.org/wiki/List_of_municipalities_in_the_North_West

are operating in the BPDM. The Rustenburg Local Municipality has 20 mines, which constitutes 36% of the operating mines in the BPDM, followed by the Madibeng Local Municipality with 33% of the operating mines. The Moretele Local Municipality has no operating mines.

The profile and the analysis of the district development model report (2020:22) highlight that the mining sector is the largest economic driver in the BDPM, accounting for R71.5 billion of the total gross value added (GVA) in the municipality and contributing to 20% of the national mining economy. The two largest platinum-producing mines in the world (Sibanye Stillwater and Impala Platinum) are in the BPDM (Sbesta, 2020).

There is no beneficiation of the mining ore, the raw material, extracted in the BPDM (BPDM-5yrs IDP-2021/22-2025/26). Beneficiation is a process of adding value to raw minerals from their extraction to the sale of the finished products to consumers and it leads to the socio-economic development of the country (Montja, 2014). One could argue that if beneficiation was possible in the BPDM, it would lead to socio-economic development in the BPDM. Table 3.3 below presents information on several operating mines in the BPDM⁶.

Table 3.3: Number of operating mines in BPDM

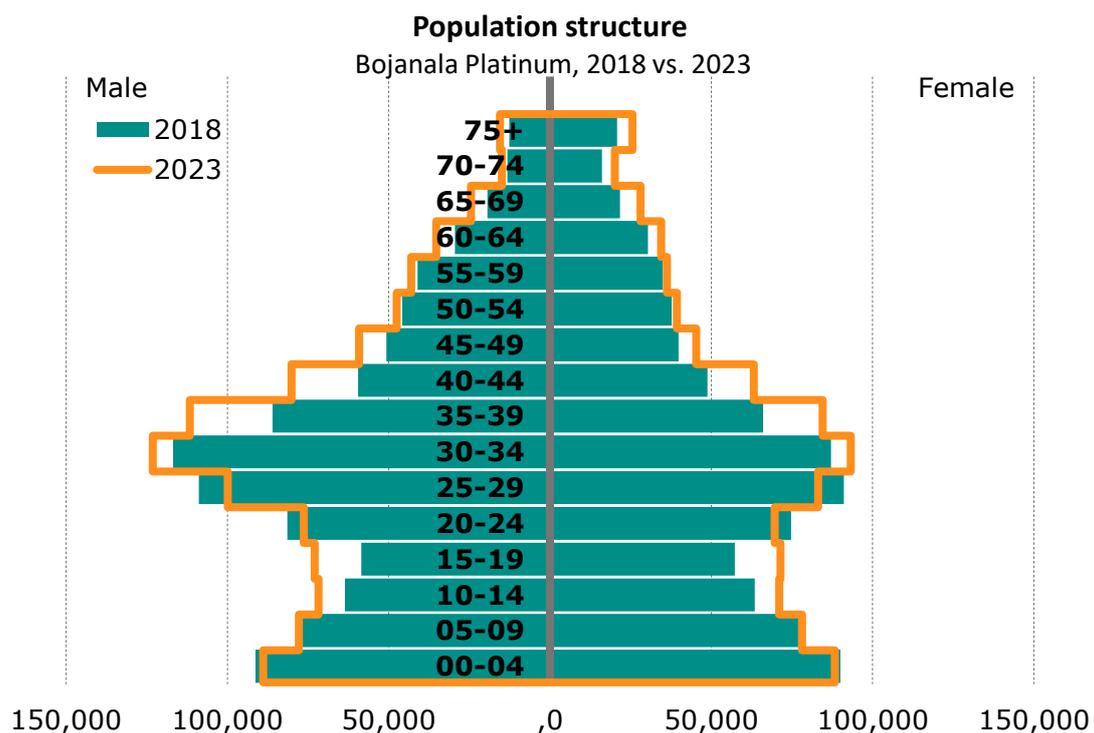
Municipality	Total number	%
Kgetleng River	5	9 %
Madibeng	18	33%
Moses Kotane	12	22%
Rustenburg	20	36 %
	55	100 %

The operating mines in BPDM experience conflicts with the nearby mining communities. Minister Gwede Mantashe (2019) encourages mining houses to work harmoniously with their host communities to address the socio-economic challenges

⁶ Adapted: https://www.cogta.gov.za/ddm/wp-content/uploads/2020/08/DistrictProfile_BOJANALA01072020.pdf

of the mining host communities. Despite this, various media sources have reported incidents of conflict between mining houses, mining host communities and internal conflicts in the mining host communities in the jurisdiction of the BPDM (Webster, 2020; Evans, 2015; Mataboge, 2013). Leon (2012) urges “the government and industry to recognise the need for a new deal for SA’s mineworkers and mining communities, because without it - without strengthening the social licence to operate - we would not have a sufficiently firm foundation for equitable and sustainable growth in the mining sector”. Leon (2012) draws attention to the importance of collaboration between the mines, mineworkers and mining host communities. I submit that this is also relevant to the BPDM.

Figure 3.3 below presents information on a projected change in the structure of the BPDM population from 2018 to 2023⁷.



Source: IHS Markit Regional eXplorer version 1803

⁷ <https://bojanala.gov.za/wp-content/uploads/2021/07/Final-Reviewed-202122-IDP.pdf>

Figure 3.3: The structure of the BPDM population from 2018 vs 2023

Despite the number of operating mines in the BPDM, the BPDM has experienced an increase in the number of people in poverty. BPDM 2021/22 reviewed IDP indicates that the BPDM comprises close to 47% of the total population of the North West province. The IDP indicates that males constitute 53,34% and females 46,66%. One could argue that the male dominance in the BPDM also finds expression in the appointment of personnel in the mining sector in the BPDM. I submit that the mines are operating in society and are likely to be influenced by the character of the society. Figure 3.4 below presents information on the number and percentage of people in poverty within the jurisdiction of the BPDM between 2008 and 2018⁸.

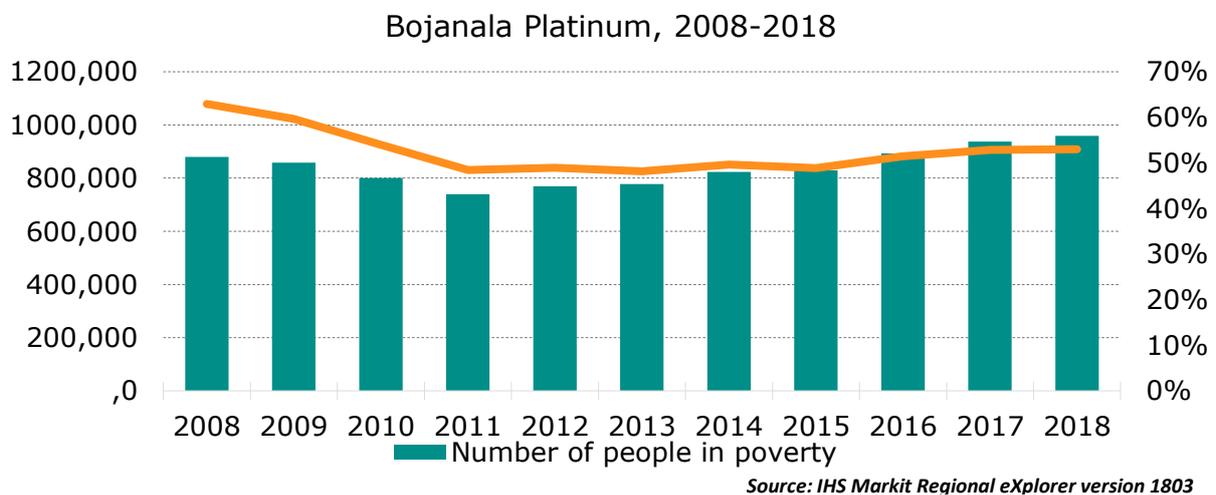


Figure 3.4: Number and percentage of people in poverty in the BPDM 2008–2018

Incidents of infighting among the traditional authorities were also reported due to the mines’ mismanagement of money that was meant for the communities (Malindi, 2016; Wicomb, 2019). Communities in the North West have been taking mines to court in the fight over shareholding in the mines (Fengu, 2021). Some mining community members have alleged that their lives are at risk and their freedom of expression is suppressed through court orders because of their acts of activism against complying

⁸ <https://bojanala.gov.za/wp-content/uploads/2021/07/Final-Reviewed-202122-IDP.pdf>

with the laws of the mines (Human Rights Watch, 2019; Xezwi and Ntshangase 2018). The next section provides the conclusion of this chapter.

3.5 CONCLUSION

This study is about the causes of conflicts between host communities and mining houses. Mining plays a significant role in the livelihood of people in the BPDM. The mining sector in SA has a history of being owned and controlled by a few families and the political elite. Therefore, only a few and the political elite benefit immensely from the mining operations. A lack of transformation in the ownership, control and management of mines remains. The top echelons of the mines are dominated by white males. This perpetuates racial and gender inequalities in the mining sector. The SA population is predominantly black of whom the majority are women and the youth. Failure to include the majority of the population in the economic activities of the mines creates an uncondusive environment for the mines.

The MC III, a B-BBEE charter of the mining industry, is a policy and not legislation. Businesses and the political elite might abuse the MC III for self-serving purposes. The predatory political and business elite might be at the frontline to benefit from ownership, procurement, enterprise and supplier development at the expense of the communities. The RET is a policy position of the ANC to change the ownership, control, management, structures and systems of the economy fundamentally, including mining for the benefit of all the citizens of SA of whom the majority are blacks, women and the youth. It is yet to be seen if the RET will tamper with the current entrenched racial and patriarchal systems in mining.

Various legislative frameworks govern mining in SA, which have been discussed in this chapter. The Constitution of SA, 1996 promotes respect for human rights and mining houses must adhere to that. When mining houses displace communities from their land, they impact severely on the property rights of communities. Section 2(c) of the MPRDA of 2002 (Act No. 28 of 2002) empowers the state “to promote equitable access to the nation’s mineral and petroleum resources to all the people” of SA not only the mining host communities or not only communities within the jurisdiction of the municipality where the mine operates. The next chapter presents the detailed

methodological framework and research design of this study. The overview of research methods and design was provided in Chapter One of this study.

CHAPTER 4

METHODOLOGICAL FRAMEWORK AND RESEARCH DESIGN

4.1 INTRODUCTION

This chapter discusses the research paradigm, research methodology and design, data collection methods and data analysis techniques which were used in this study. The chapter establishes a foundation for Chapter 5, which presents the empirical research findings. The next section of this chapter presents the research paradigm.

4.2 RESEARCH PARADIGM

The research paradigm describes the researcher's worldview and basic innate beliefs, guiding the action, ontologies and epistemologies (Creswell, 2013; Crotty, 1998). Lincoln and Guba (1985), and Denzin and Lincoln (2000) argue that the research paradigm consists of being (ontology), knowing (epistemology) and acting (axiology). A thorough understanding of ontology and epistemology empowers the social scientist to separate scientific knowledge from ordinary knowledge (Breakfast, 2013). It is not an easy task to apply a research paradigm to a research study (Kivunja and Kuyini, 2017).

Neuman (2014:2) explains research methodology and research methods as follows:

methodology means understanding the entire research process-including its social-organizational context, philosophical assumptions, ethical principles, and the political impact of new knowledge from the research enterprise. Methods refer to the collection of specific techniques we use in a study to select cases, measure observe social life, gather and refine data, analyze data, and report on results.

A phenomenologist asserts that the phenomenological method is descriptive in nature and people make sense of their world (Breakfast, 2013). This study encompasses descriptive research. Fox and Bayat (2007) assert that descriptive research aims to expose recent problems or challenges through a process of data collection and to describe the situation more completely. This study sought to understand people's perspectives, and to analyse and interpret the causes of conflicts

between the host communities and mining houses. The next section of this chapter presents the research method.

4.3 RESEARCH METHOD

A researcher can choose the qualitative, quantitative or mixed methods research methodology. Mahoney (2010), King, Keohane and Verba (1994) are some of the proponents of the mixed research methodology. Punch (2005:234) argues that the logical similarities in “qualitative and quantitative research methods” make it feasible to mix these two methods. Additionally, Mahoney (2010:139–141) asserts that the qualitative and quantitative research methodologies supplement each other as neither of these research methodologies is superior to the other. The research paradigm influences the selection of the research method (Hesse-Biber, 2012). Hyett, Kenny and Dickson-Swift (2014) state that if the research methodology is not well-defined, the reader may misinterpret the study findings, which would compromise the study findings.

Al-Saad (2014) supports Hesse-Biber’s (2012) admission that the research paradigm influences the research methods. “The qualitative research method provides an opportunity of measuring the world and reality objectively” (Punch, 2005). Based on its purpose to explore the causes of conflicts between the mining houses and mining communities and to analyse the implemented approaches to resolve these conflicts, this research study adopted a pure qualitative research method. The qualitative research method provided an opportunity to obtain an in-depth understanding of the causes of conflicts between the host communities and mining houses. The following section presents the research design.

4.4 RESEARCH DESIGN

Tesch (1990:72–73) states that one can choose from over twenty-eight different research strategies while Miller and Crabtree (1999:27) argue that only around eighteen different research strategies exist. Creswell (2013:35) describes the following research strategies: “(a) biography, (b) phenomenology, (c) grounded theory, (d) ethnography and (e) case study”. The research problem and the research aims and objectives of this study informed the researcher of the case study strategy. A case study approach is an “exploration of a phenomenon within its context using a

variety of data sources” (Baxter and Jack, 2008:544). The case study strategy seems best suited for investigating intricate matters, such as causes of conflicts (Daymon and Holloway, 2011:119). Rowley (2002:21) and Yin (2009:47) assert that a single case study can confirm, test or expand a theory. The next section discusses population and sampling.

4.5 POPULATION AND SAMPLING

Sampling is a method of selecting a subset from the entire population (Rabothata, 2014:34; Madzidzela, 2009:40). Sampling is a process of systematically selecting a group of participants in the research (Neumann, 2003). Best and Kahn (2003:12) indicate that it is impractical to study the entire population. For this study and to answer the research questions of the study, a purposive sampling strategy was used to select the targeted 55 participants and only 32 participants participated in this study. Some of the targeted participants declined to participate without providing any reasons.

Battaglia (2008) defines the main goal of purposive sampling as “to focus on particular characteristics of a population that are of interest, which will best enable the researcher to answer the posed research questions”. Furthermore, Battaglia (2008) states that purposive sampling is “a method to select in a non-random manner a sample of elements that represents a cross-section of the population”. Purposive sampling generates a rich sample that provides sufficient information to respond to research questions (Teddlie and Yu, 2007). Oppong (2013) argues that purposive sampling promotes a researcher’s bias. Even if the purposive sampling method is applied, the participants must consent to participate in the study (Palinkas, Green, Wisdom, Duan and Hoagwood, 2013:98). The participants of this study signed consent forms. The following section discusses the data collection instruments.

4.6 DATA COLLECTION INSTRUMENTS

The researcher used focus group discussions, elite interviews and documentary reviews to collect the data. Mertens and Hesse-Biber (2012:75) promote the use of multiple data collection instruments in research. In support, Yeasmin and Rahman (2012) argue that the validity and reliability of the study will only increase through the use of various data collection methods in the study and, thus, will improve the generalisability of a study. In addition, Webb (2009) asserts that the use of various

data collection instruments strengthens the credibility of the study. The next subsection presents focus group discussions.

4.6.1 Focus group discussions

Gibbs (2007:2) cites that focus group discussions draw on the “beliefs, feelings, attitudes, experiences of participants and reaction through interaction within the group”. For this study and to answer the research questions of the study, four focus group discussions were planned with the representatives of local municipalities, unemployed forums and business forums respectively. The maximum number of participants in a focus group discussion should be seven as small groups provide the researcher with an opportunity to engage extensively with the participants (Litosseliti, 2003). The focus group discussions provide the researcher with an opportunity to reach many participants at the same time and in the same setting (Masadeh, 2012). Three focus groups were held and had a maximum of seven participants each and lasted a maximum of 45 minutes each. The researcher facilitated the interviews which were held at venues which the participants chose. The participants consisted of different age groups, races, genders and economic profiles. The next subsection discusses elite interviews.

4.6.2 Elite interviews

The use of elite interviews in the study provided the researcher with an opportunity to obtain information that some of the participants could not discuss freely in public (Aberbach and Rockman, 2002). The elite provides the full context as they have an understanding of the matter under discussion (Wax, 1971; and Whyte, 1984). In elite interviews, the interviewee, through his or her position of power, sometimes dictates the interview’s situation (Merton, Fiske and Kendall, 1990). The main disadvantage of elite interviews is that it is difficult to access the elite (Richards, 1996; Cochrane, 1998; Desmond, 2004). Sometimes gatekeepers make it extremely difficult to access the elite (Hunter, 1993; Dexter, 2006). The 11 elite interviews were held and lasted a maximum of 30 minutes each. The researcher facilitated the interviews which were held at venues which the participants chose. Two elite interviews were held through the Zoom platform. The participants consisted of different age groups, races, genders and economic profiles. The next subsection discusses documentary reviews.

4.6.3 Documentary reviews

Documentary reviews save time and resources (Creswell, 2013). Documentary reviews in qualitative research are used for obtaining in-depth information (Marthinussen, 2012). The documents, reviewed for this study, were sourced through Nelson Mandela University's library, the government printers and google scholar. The relevant legislative frameworks, regulating the mining houses, were reviewed. Additionally, academic journals, articles, theses and dissertations, providing a theoretical understanding of the causes of conflicts and conflict management, were examined. The following section presents data analysis techniques.

4.7 DATA ANALYSIS TECHNIQUES

The primary data for this study were collected through focus group discussions and elite interviews. This is a qualitative study and much data had to be disassembled and reassembled through coding and themes. For qualitative research, qualitative data analysis techniques must be used (Yin, 2009; Yin, 2013; Gerring, 2012; Mahoney, 2010; Miles and Huberman, 1994). The mentioned authors find qualitative data analysis a relevant technique to analyse the data in qualitative research. In analysing the qualitative data, the participants' words are presented verbatim (Neuman, 2003). The researcher read and reread the questionnaire responses and listened to the voice recordings repeatedly to gain a contextual understanding of the collected data during the focus group discussions and elite interviews.

Polit and Beck (2006) highlight the importance of organising the data to find meaning and draw reasonable conclusions. The coding process involves reducing much data into categories and this helps the researcher to deduce meaning (Weber, 1990). As this is a qualitative study, the latent content analysis was applied. The latent content analysis aids the researcher to assess the underlying meaning of the text (Berg, 2001).

Pieterse (2004:49, as cited in Breakfast, 2009) argues that to validate the trustworthiness of the research, the researcher must employ "verbal accounts from both the questionnaire and unstructured interviews". Coding was used to assemble the collected data and to understand the data. The participants are quoted verbatim in Chapter Five (5), the findings and discussions. Although this is a qualitative study,

numbers and percentages were used when presenting the demographics of the participants to simplify the information to process and understand (Few, 2004; Tufte, 2001). The data are presented in themes. The next section provides the validity and reliability of the study.

4.8 VALIDITY AND RELIABILITY OF THE STUDY

The BPDM was chosen as a case study to provide the researcher with an opportunity to conduct a detailed investigation of the causes of conflicts between the host communities and mining houses. The validity and reliability of the case study strategy are not without questions. The main notable disadvantage of a qualitative, single case study is that its findings are not generalisable (Rose, Spinks and Canhoto, 2015:9). Atieno (2009) also concurs that a case study lacks the generalisability of the findings. Researchers, who use the case study strategy, should consider “construct[ing] validity, internal validity, external validity, and reliability” (Drost, 2011:15).

Neuman (2003, as cited in Breakfast, 2009:15) contends that most qualitative researchers maintain the principles of credibility, validity and reliability. Validity and reliability are regarded as quantitative elements for empirical research (Neuendorf, 2011; Rourke and Anderson, 2004). Credibility, dependability, conformability and transferability are mostly used in qualitative research to assess the trustworthiness of the study (Lincoln and Guba, 1985). Even though qualitative researchers use concepts such as credibility and dependability to confirm the trustworthiness of research findings, there is no clear dividing line between qualitative and quantitative content analysis, and similar terms and criteria for reliability and validity are often used (Schreier, 2012). The next subsection presents construct validity.

4.8.1 Construct validity

To ensure the generalisability of this study’s findings, the researchers considered the “construct validity, internal validity, external validity, and reliability” logical tests by using multiple data collection instruments (Yin, 2009). Construct validity focuses on the “validity of empirical measures and to increase construct validity multiple sources of data collection should be used” (Thatcher, 2010:147). Focus group discussions, elite interviews and documentary reviews were applied in this study. The next subsection presents internal validity.

4.8.2 Internal validity

Research is worthless without internal validity (Slack and Draugalis, 2001). To avoid assumptions, internal validity compares the study findings with reality (Zohrabi, 2013). Internal validity is the *sine qua non* of research and to avoid assumptions on the causes of conflicts between the host communities and mining houses, this study explores the causes of conflicts and analyse conflict management approaches. The next subsection presents external validity.

4.8.3 External validity

External validity refers to the applicability of the study findings in other settings (Zohrabi, 2013). Furthermore, Yin (2009) proposes that the concern of external validity is the generalisability of the study findings. The proposed study is limited to the BPDM and, therefore, the findings are contextually limited to the BPDM. Conclusions about the causes of conflicts between the host communities and mining houses cannot be drawn from the case study research. However, recommendations, informed by the findings of this study, might be important to identify the critical causes of conflicts between the host communities and mining houses in South Africa. The next subsection presents reliability.

4.8.4 Reliability

Grossoehme (2014:110) defines reliability as “epistemologically counter-intuitive as its essence lies with the consistency of the study”. Additionally, Zohrabi (2013:260) states that reliability is concerned with “consistency, dependability and replicability”. It might be difficult to maintain the reliability of this study, given the dynamic nature of conflicts. Nonetheless, using the same conceptual framework to define conflicts, causes of conflicts and conflict management approaches might be useful in recommending frameworks to resolve conflicts between the host communities and mining houses. The next section presents the ethical measures and considerations.

4.9 ETHICAL MEASURES AND CONSIDERATIONS

Upon receiving the ethical clearance, the researcher sent the letter to the participants before agreeing to participate in the study. The study only commenced once the participants had granted informed consent to participate and gave permission for their

information to be used in the report. The researcher explained the aims and objectives of the study to the participants and informed them that their participation in the study is voluntary. They were also informed that they have the right to decline to respond to any questions and they have the right to withdraw from the study at any time without providing reasons. The participants decided on the venues and times for the interviews, and they did not incur any financial costs to use the venues.

With regard to Covid-19 restrictions and where the participants had access to technological resources and they were willing to do online interviews, the interviews were conducted through the Zoom platform. The study was conducted with honesty, integrity and objectivity. The information, gathered through the study, will not be used in a manner that might be detrimental to the Nelson Mandela University (NMU), any person or any outside institution. The information, which was received during the interviews and focus group discussions, was strictly used for this study. The names of the participants were withheld and were not disclosed to a third party. To avoid plagiarism, all the information that was obtained from the documentary review is cited in the bibliography section of this study. The next section provides the conclusion of this chapter.

4.10 CONCLUSION

This chapter presented the methodological framework and research design. The study used a qualitative method that is rich in data. Even though the study used a qualitative method, the participants' consent forms collected the demographics of the participants. Purposive sampling was used for focus group discussions and elite interviews. Coding was used to assemble the collected data and to understand the data. Ethical measures and considerations were adhered to, as prescribed in the NMU's ethical code. The following chapter focuses on the research findings and analysis.

CHAPTER 5

FINDINGS AND ANALYSIS

5.1 INTRODUCTION

This chapter analyses the findings of the research. The main aim of this study is to generate a thorough understanding of the causes of conflicts between the host communities and mining houses that contribute to the constant tension between the two parties in the BPDM in the North West province. This study was conducted between January and June 2022. It is impractical to study the whole population; therefore, only selected individuals participated (Best and Kahn, 2003). For this study, purposive sampling was used to select the participants. Purposive sampling focuses on participants who are of interest and who may be able to answer the research questions and provide sufficient information (Battaglia, 2008; Teddlie and Yu, 2007).

For this study and to answer the research questions of the study, a purposive sampling strategy was used to select the targeted 55 participants. Of the targeted 55 participants, 23 declined to participate without providing any reasons. The researcher arranged three focus group discussions of 21 participants and 11 participants for the elite interviews to obtain primary source information from the participants. This chapter is divided into two parts. Part A presents the demographics (gender, race, age, educational economic profile) and Part B presents a content analysis. The ensuing subsection presents the demographics of the participants.

5.2 DEMOGRAPHICS OF THE PARTICIPANTS

Table 5.1: Gender profile

Gender	Male	Female	Agender
Total	18(57%)	14(43%)	0

Table 5.2: Racial profile

Race	Black Africans	Coloureds	Indians/Asians	Whites
Total	30(93%)	2(7%)	0	0

Table 5.3: Age profile

Age	Below 35yrs	Between 36-48yrs	50yrs +
Total	11(34%)	18(57%)	3(9%)

Table 5.4: Academic profile

Qualifications	Below Grade 12	Grade 12	Undergraduate	Postgraduate
Total	14(44%)	10(31%)	5(16%)	3(9%)

Table 5.5: Economic profile

Economic status	Unemployed	Employed	Self-employed
Total	16(50%)	11(34%)	5(16%)

5.2.1 Analysis

Most of the participants in this study were unemployed (50%) and did not have a Grade 12 qualification (44%). One could argue that the high levels of unemployment have a direct link with a high level of poverty and inequalities in society. Most of the participants in this study, who are unemployed, also do not have Grade 12 qualifications, which limits jobseekers to contest for work in the mines that stipulate Grade 12 as a minimum requirement. One could also argue that this high level of unemployment dictates a class to which these community members belong, as stated in Section 2.7.3 of this study, that one's material conditions dictate the class to which one belongs (Plamenatz, 1963).

Another argument is that the primary need of the unemployed in the mine host communities is employment to be able to address their basic human needs. The Marxist theory, presented in Section 2.7.3 of this study, proclaims that the determination of man's consciousness links to their social existence and what they do politically is determined by their economic circumstances (Marx, as cited in Baradat, 2002). Perhaps what the host communities are doing towards the mines is determined by the economic circumstances in the communities. The next subsection, which is Part B of this chapter, presents the findings and provides an analysis of each finding.

These findings were made by analysing the focus group discussions and elite interviews.

5.3 CONTENT ANALYSIS

5.3.1 Causes of the conflicts

The central research question of this study is: What are the causes of conflicts between the host communities and the mining houses in the BPDM in the North West province of SA? In responding to this central question, most of the participants highlighted the following as the main causes of conflicts between host communities and the mining houses:

a. Unfulfilled promises of the mines

In Focus Group Interview One, Participant Two remarked that –

“When the mine was prospecting and consulting communities for the development of their Social and Labour Plan, the mine promised the communities jobs and business opportunities. And when is time to employ, the mine wants people with skills and does not consider local community members who are not skilled”.

In Interview Five, a participant said:

“The mines are to be blamed. They over-promise and under-deliver. When they approach us as communities, they entice us with jobs and business opportunities and when it is time for them to deliver they talk about business challenges”.

In Focus Group Interview Three, participant five indicated that –

“The reason why we disrupt the operations of the mine is that the mine ignores our demands for jobs and business opportunities. The mine promised us jobs and business opportunities during prospecting. We need those jobs and business opportunities now”.

In Interview Three, a participant said:

“The mines submit their social and labour plans to the Department of Mineral Resources and Energy and wait for approval which takes long. After approval, the mines take a long to implement the projects. Sometimes, the

mines do not even implement any project but apply for deferment of the projects and get approval from the Department of Mineral Resources and Energy. So, the mines commit projects that they do not deliver”.

In Focus Group Interview Two, participant six said that –

“Where are the jobs and business opportunities that they promised us as community members? They give that to their children and friends and even politicians. No jobs no mine, no business opportunities no mine”.

In Interview Four, a participant said:

“When the mines apply for their licenses to commit to improving the lives of the host communities, but they do not fulfil that commitment. The mines extract minerals from our land and leave our communities poor. They must fulfil their commitments or leave our communities in peace”.

Analysis

Most of the participants highlighted the unfulfilled promises of the mines as a cause for the conflict. Perhaps the unfulfilled promises of the mines have created mistrust between the host communities and the mines. As submitted in Section 2.2. of this study, a history of mistrust would likely present the emergence of conflicts (Bradshaw, 2008). In addition, the unfulfilled promises of the mines might be triggering the frustration of communities which leads to aggression against the mines. As stated in Section 2.7.1 of this study, the manifestation of aggressive behaviour persistently presupposes the presence of frustration and, inversely, that the presence of frustration continuously primes some form of aggression (Dollard *et al*, 1939).

The unfulfilled promises of the mines are an external factor that influences the behaviours, beliefs and practises of mining communities. In other words, it is not an inborn thing. In Section 2.7.4 of this study, the nature and nurture theory was presented. In this section, the nature versus nurture debate was presented as biological essentialism and social constructivism. This finding of the study indicates that mine host community members’ (although products of nature) behaviour against the mines is shaped by external factors, like unfulfilled promises of the mines.

The theoretical framework of this study is the human needs theory. One could argue that mine host community members expect the mines to provide jobs and business opportunities to gain financial resources to address their human needs. It was stated in Section 1.6 of this study that the denial of basic human needs will ultimately lead to social conflict in the community (Burton, 1990). Not providing the mine host community members with jobs and business opportunities means a lack of financial means for them to meet their basic human needs. The provision of jobs and business opportunities contributes to the economic determinism of the community members.

Section 2.7.3 of this study explains that the Marxist theory supports the assumption that primary human motivation equals economic determinism (Baradat, 2002). The mines, as the perceived providers of jobs and business opportunities in the host communities, are advantaged in terms of their power relations with the mine host communities. One could also argue that the mines have the means of production, owned by the bourgeoisies, and the host community members are the proletariat, who have to sell their labour to the mines.

b. Mines rewarding anarchists from the communities

In Interview Eleven, a participant said:

“When you are loud and can lead protests against the mine, they will silence you with a job or a tender. It has happened and it is still happening now”.

In Focus Group Interview One, participant four remarked that –

“Mostly the leaders of the community strike against the mine end up being the ones getting job opportunities and business opportunities. So those at the forefront of the revolution are rewarded. The next leaders of the revolution will emerge and lead”.

In Interview Six, a participant said:

“The mines are scared of bad publicity. We know that. If you close their operation, the mines will quickly call you to the meeting and give you something to stop the strike. The mine management does not want investors to know about the stoppage of mine operations”.

In Focus Group Interview Three, participant One indicated that –

“We march against the mine because it is only through the marches and closing down of the operations that the mines will make plans to hire us. Without closing down their operations, the mines will not respond to the demands of the communities’.

Analysis

Most of the participants mentioned that the mine rewards the leaders of the community and they protest against the mine for jobs and business opportunities. In Section 1.6 of this study, it was presented that protagonists of social conflicts in the communities can take the genuine concerns of the communities’ frustrations and use them for their self-serving, nefarious agenda (Burton,1990). One could argue that rewarding the ring leaders of the protests would benefit only the lead protagonists and might cause further conflicts between the mining communities and the mines. Mushrooming of protagonists might occur, which would make it very difficult and costly for the mines to sustain the strategy of rewarding only the main protagonists. The attempt to silence the communities by rewarding the ring leaders also appears to be an unsustainable and unethical approach to resolving conflicts.

c. Community land dispossession by the mines

In Interview Five, a participant said:

“This is the land of our forefathers. Some of the graves of our forefathers are still in that yard of the mine and we are not benefitting anything”.

In Interview Eight a participant said:

“Landowners are paid peanuts as surface rental after their land was dispossessed by the mine. When these mining companies came to South Africa, our forefathers were staying on this land and grazing their cattle here. They removed them and took over the land with its minerals, now we are beggars in our own country”.

In Focus Group Interview Two, participant four remarked that –

“The mines are operating in our land, and we are not even given jobs or business opportunities. People from Gauteng, Limpopo, and as far as Eastern Cape are the ones employed and doing business with the mines. In our own land”.

Analysis

Most of the participants remarked that the mines dispossessed their lands without considering the host communities in terms of jobs and business opportunities. The ownership of the minerals falls under the custodianship of the government and the land ownership is mostly in private hands. As stated in Section 1.2 of this study, the land dispossession, which was consolidated through the Native Land Act of 1913 (Act No. 27 of 1913), has created a legacy of high levels of poverty, inequality and unemployment that continue to haunt black communities in South Africa.

d. Nepotism, fraud and corruption of mine officials, municipal officials and traditional authorities

In Focus Group Interview One, participant five said:

“If you want to work at the mine either you must pay or have sex with someone in the mines. There is a lot of corruption and the whole management is rotten. They sell jobs and business opportunities. I do not have money to pay “Jojo” and I cannot give someone sex to be employed. We will disrupt the operation until they employ us also”.

In Interview Three, a participant said:

“They sell jobs and business opportunities. Municipal officials and the Chiefs are given money to defend the mines. The mines hire only those who have relatives in the mine or at the municipality or they are part of “Moshate (Traditional Authority)”.

In Focus Group Interview Three, participant One said that –

“Is tough. They expect you to pay them to hire you. Where will I get money to pay them because I am unemployed?”

In Focus Group Interview Four, participant Six said that –

“They want R5000 to give you a job. They have friends at the municipalities who collect money on their behalf and give them a list of people to hire”.

Analysis

One gets the impression from these participants that the mine host community members are despondent and see no point in approaching the mines and asking for jobs and business opportunities. The participant argued strongly that there is no way a community member can be hired at the mine without paying a bribe or if you are a woman, you must have sex with the mine official. One could argue that corruption in human resources and procurement processes contributes to socio-economic injustices in mining host communities as it thrives on unfair, biased, subjective and unethical practices. It appears that the high level of unemployment, poverty and inequalities in mining host communities exacerbates the abuse of power by some of those who are in authority in the mines and the host municipalities. The reports that jobseekers are expected to pay a bribe or offer sex to be appointed is a clear indication of the abuse of power and greed of those in authority. Undoubtedly, these behaviours, such as expecting sex from jobseekers, contribute to gender-based violence in the country. The sexual predators, who use the promise of employment, undermine the dignity and rights of the jobseekers.

e. BEE policies not benefitting host communities

In Focus Group Interview Two, participant six said that –

“As a community, we do not have shares in the mine that mines in our land. We have nothing. The shareholders are politicians and whites playing golf in London now whilst we are inhaling dust from the mine and our houses cracking from the blasts every day”.

In Interview Three, a participant said:

“Who are the BEE shareholders in this mine? No one from this community. There is no one. The mine is right in our community but has no shareholders from us.”

In Interview One, a participant said:

“The BEE shareholders in this mine are staying in Sandton, not in this community. And some of them are politicians and their families.”

Analysis

The participants sharply raised their discontent with the host communities because they do not have shares in the mines. These participants raised their objections that non-host community members have shares in the mines. As argued by the participants, the BEE has not benefitted the host communities. The argument by Emkes (2012), Cargill (2010), and Tangri and Southall (2008), cited in this study, appears to be in agreement with the participants' sentiments towards BEE. These participants pointed out that communities do not benefit from the BEE and, thus, that the BEE deals in mining benefit a few at the expense of the greater society, particularly, the mining host communities.

f. Exclusive community engagements of the mines

In Interview Four, a participant said:

“The mine chose people who are sweet and cannot challenge the mine to engage on behalf of us. They buy them with catering during the meetings.”

In Focus Group Interview Two, participant two remarked that –

“The mines must stop engaging only a few people and engage the whole community. We are all part of this community. Not only the ward councillor and the Chief. They must engage all of us in a public meeting. Not only a few in the boardroom.”

In Interview Nine, a participant said:

“Only those who are friends of the ward councillors are invited to the meeting with the mine. They hire transport for them and take them to hotels for meetings. Why can't they have a meeting here in the community and all of us attend?”

Analysis

These participants pointed out that no effective, inclusive and impactful engagement platforms exist between the mines and the host communities. This also is an indication that proper feedback mechanisms are not in place between the community members and the mines. It appears that the lack of proper and timeous feedback agitates the host communities to resort to protests to disrupt the mine's operations in an attempt to seek an audience with the mines.

g. Misunderstanding and or lack of knowledge of legislation and policies governing the mines

In Focus Group Interview Three, participant three said that –

“The Mines are supposed to pay royalties to us as communities. Who is receiving that money? We do not know. Someone in the mine is eating our money with some politicians. They must give us our royalties.”

In Focus Group Interview One, participant three remarked:

“The municipalities are supposed to approve the social and labour plans of the mines. How are they approving without consulting the communities? Who gave the municipalities mandate?”

In Focus Group Interview Two, participant five said that –

“The law says the mines are supposed to give local businesses in our community 30% of procurement but they give that to people from Joburg.”

In Focus Group Interview Three, participant four said:

“The mines are not complying and the DMRE is keeping quiet. It is the law that they must hire 70% from our community as the mine is here in our community. Now they bring people from Gauteng, Limpopo, Eastern Cape and even Lesotho whilst we are here and not working. That must stop.”

Analysis

Generally, participants misunderstand or lack knowledge of the legislation and policies, governing the mines. No law requires the mines to pay royalties to mine host communities. The royalties are paid to the state through the South African Revenue

Services (SARS). The state uses a part of these royalties to provide public goods and services to the whole country. It is not only for the host communities. No law empowers the municipalities to approve the social and labour plans of the mines. The regulator of the mines is the DMRE, not the municipalities. Also, mine host communities do not have exclusive rights to inclusive procurement or employment in the mines. The law states that the minerals belong to the people of SA not only to the mine host communities. The state is the custodian. These misunderstandings and or lack of knowledge of the legislation and policies, governing the mines, might fuel unnecessary expectations from the host communities and put the mines under pressure. The ensuing subsection presents the findings and provides an analysis of each finding on the two subquestions, stated in Section 1.5.1.1 of this study.

5.3.2 Conflict management approaches of the mining houses

The first subquestion of this study is: What conflict management approaches are employed by the mining houses to resolve conflicts between mining communities and mining houses and how effective are those approaches in the BPDM of the North West province of SA? The findings of most of the participants in the focus group discussions and elite interviews are that the mining houses are using avoiding as a conflict management approach, which is not effective. Avoiding is defined in Figure 1 in Section 2.5 of this study.

a. Avoiding

In Interview Ten, a participant said:

“The mines only respond when communities close down the roads to the mine. If communities write letters and peacefully submit memorandums, there is no urgency from the mine to respond.”

In Focus Group Interview Two, participant four remarked that –

“We have been writing letters to the mine with no response. They ignore our letters and continue to appoint people outside our community. They think we are stupid. They cannot win this one. Running away from us whilst operating in our communities is not going to work.”

In Interview Four, a participant said:

“We request meetings with the mines, and they send junior staff with no powers to take decisions. The seniors of the mines are avoiding and undermining us. They only meet with their investors playing golf whilst we are dying of hunger here.”

In Focus Group Interview Three, participant Three indicated that –

“We march against the mine because it is only through the marches and closing down of the operations that the mines will make plans to hire us. Without marches, the mines are ignoring us.”

In Interview Nine, a participant said:

“Every time community writes a letter to the mine, the community is referred to the ward councillor or the Chief by the mine. Why can't the mine meet with the community and listen? Why are they scared to meet the community but not scared to mine in this community?”

In Interview Three, a participant said:

“We struggle to get a meeting with the mine management. They meet with ward councillors and the municipality. They treat us like we do not exist. They avoid meeting us.”

In Focus Group Interview One, participant Six indicated that –

“If the mine can come to meet with us and stop running away, we can talk and find solutions. But they call police, instead of meeting us. They avoid us and give preference to their favourites in the communities.”

Analysis

Generally, the participants felt that the mines are avoiding engagement with the mine host communities, which is not effective as it compels the communities to embark on protests to disrupt mining operations. Most of the participants felt that senior managers of the mines avoid and undermine the community when they deploy junior staff members to address community concerns. The mines are accused of preferring to engage with the ward councillors, traditional authorities and their favourites in the communities instead of meeting with the broader community to resolve conflicts. The mines are also accused of calling the police instead of meeting with communities and

resolving the conflicts. The avoiding approach seems to be ineffective in resolving the conflicts between the mines and the mine host communities. Instead, it agitates the mine host community members. This subsection provided the findings and analysis of subquestion one and the ensuing subsection presents the findings and analysis of the second subquestion, as stated in Section 1.5.1.1 of this study.

5.3.3 Conflict management approaches of the DMRE, traditional authorities and municipalities

The second subquestion of this study is: What conflict management approaches are employed by the DMRE, traditional authorities and municipalities to resolve conflicts between mining communities and mining houses, and how effective are those approaches in the BPDM of the North West province of SA?

There are different views on conflict management approaches, used by the DMRE. Some of the participants are of the view that the DMRE use the collaborating approach while others are of the view that the DMRE uses the competing approach. Most of the participants in the focus group discussions and elite interviews agree that the DMRE uses the collaborating approach. Almost all the participants in the focus group discussions and elite interviews agree that the traditional authorities and municipalities use a competing conflict management approach to resolve conflicts with host communities and the approach is not effective. These collaborating and competing approaches are defined in Figure 1 in Section 2.5 of this study.

a. Department of Mineral Resources and Energy - collaborating approach

In Interview Seven, a participant said:

“The DMRE is doing its best to bring the communities and the mines on the negotiating table to reach an amicable solution.”

In Interview Four, a participant said:

“The DMRE has called many meetings between the mine and the community. The issue is for the mine to implement the decision taken in those meetings. The DMRE has an interest in ensuring that the mine continues operating and the community members get jobs and business opportunities.”

In Interview Seven, a participant said:

“Despite having its own challenges of capacity, the DMRE gives us an opportunity to present our grievances, but they are not acting against the mines and taking away the license. They set up meetings with the hope that the meeting will resolve our issues.”

In Focus Group Interview Five, participant Two indicated that –

“It is only after engaging the DMRE that the mine started listening to us. But without that, they do not. We march, block roads and they call the police to shoot at us.”

In Focus Group Interview One, participant Six indicated that –

“The mine meet with us when they are forced by the DMRE. That is the only time they stop running away. We talk only when there is DMRE.”

Analysis

Generally, the participants felt that the DMRE is trying its best to ensure that both the host communities and mining houses work actively together to positively resolve the conflicts. The approach appears to be ineffective because, despite the interventions of the DMRE, the host communities’ protest action against the mines continues. Perhaps the mines and the host communities are engaging in uneven economic power relations. Or perhaps one of the parties is using a distributive negotiation approach, which focuses on a winner-loser outcome.

b. Traditional authorities and municipalities - competing

In Focus Group Interview Four, participant Three indicated that –

“The Chief does not want the mine to engage directly with us. He wants the mine to engage the self-appointed Advisor of the chief who is not even recognised by the Royal Family. That is wrong.”

In Focus Group Interview One, participant Three indicated that –

“The traditional council term of office expired but they still meet with the mines. They compete for leadership and be closer to the mines for them to benefit instead of communities benefitting. They are helping in resolving the conflicts, but they are competing for space.”

In Interview Two, a participant said:

“The traditional authority is dysfunctional. There is no traditional council but a few friends of the Chief who competes with the mining forum and unemployment forum in addressing the concerns of the community is having against the mine.”

In Interview Four, a participant said:

“The municipality is dysfunctional. They fail to give us water and collect rubbish in our communities. There are potholes all over. Some of the ward councillor influence communities to march against the mines, then come later to try to be mediators between the mines and the communities. They tell communities that the mines are not doing anything therefore the community must shut down the mines.”

This assertion by Interview Four was reiterated in Focus Group Interview Six when Participant Two said:

“The same ward councillors who must mediate between the communities and the mines are the same councillors who finance the marches against the mines. They use the marches to sow division between the mines and host communities.”

Analysis

Generally, the participants felt that the traditional authorities and municipalities are dysfunctional and incapable to resolve the conflicts between the mines' host communities and the mines. Furthermore, the participants felt that the traditional authorities and municipalities fuel the division between the mines' host communities and the mines. This is driving the competing conflict management approach which appears to be ineffective and fuels the conflict.

5.4 CONCLUSION

In this chapter, the focus was on the findings and analysis of the central question and the subquestions of this study. One of the research objectives, as stated in Section 1.5.2 of this study, was to identify the causes of conflict between the host communities and mining houses in the BPDM in the North West province of SA. This research objective was realised and the following causes of the conflicts were identified:

- Unfulfilled promises of the mines
- Mines rewarding anarchists from the communities
- Community land dispossession of the mines
- Nepotism, fraud and corruption of the mine officials, municipal officials and traditional authorities
- BEE policies do not benefit the host communities
- Exclusive community engagements of the mines
- Misunderstanding and or lack of knowledge of legislation and policies, governing the mines

Other research objectives, as stated in Section 1.5.2 of this study, explored the conflict management approaches that the mining houses and the DMRE use and provide an in-depth understanding of the conflict management approaches that the local municipalities and traditional authorities use in the BPDM in the North West province of SA. These research objectives were realised. The DMRE employs a collaborating conflict management approach while the traditional authorities and the municipalities employ a competing conflict management approach. These approaches appear to be ineffective in resolving the conflicts between the mine host communities and the mines.

Frustration and aggression theorists suggest that frustration fuels aggression that may result in destruction. The frustration that mines cause when they promise certain things and do not fulfil these promises might fuel conflicts between the mining host communities and the mining houses. The findings of this study indicate that the causes of conflicts between host communities and mining houses in the BPDM are not a product of nature but are socially constructed. The conflicts are caused, among others, by community land dispossession of the mines which creates economic inequalities and frustrates the mining host communities. The land dispossession affects the mining host communities by using their land, which prevents them from creating sustainable livelihoods and addressing their basic human needs, like food and shelter. When the basic human needs are not met, it frustrates the mining host communities more and might lead to aggressive behaviour and conflicts.

Furthermore, the people who lead community protests are often rewarded by the mines. Therefore, they would seek to receive more and continue to lead community protests. The community members who do not receive rewards from the mines might also want to be at the forefront of the community protests that the mines would offer them rewards to end the protests. The MC III is the B-BBEE charter of the mining sector. B-BBEE is a product of neoliberalism and is prone to corruption, promotion of accumulation of wealth by the elite and impedes community socio-economic development (Hugo 2003, as cited in Breakfast, 2013:66). The participants have argued that the BEE policies are not benefitting the host communities. The next chapter, which presents the limitations, recommendations and conclusion, is the final chapter of this study.

CHAPTER 6

LIMITATIONS, RECOMMENDATIONS, AND CONCLUSION

6.1 INTRODUCTION

This is the final chapter of this study. In this chapter, the limitations of the study are outlined and recommendations are briefly made for future studies. The conclusion of this study follows, which includes recommendations to address the findings of the study. The next subsection presents the limitations of the study.

6.2 LIMITATIONS OF THE STUDY

During focus group discussions single voices dominated other voices; however, the researcher used techniques to probe other participants to comment. The conflicts between the mining communities and mining houses cause various emotions, often political in nature. Some of the participants voiced some internal and external political party politics. The researcher handled the situation by reminding the participants about the objectives of the study. It was not easy to access all the elite who were targeted for the study. Some of the elite did not respond to the invitations to participate in the study. This delayed the research plan and affected the finances of the researcher as the study was self-funded without sponsors. Some of the participants did not consent to the use of an audio recorder and the researcher had to take notes. Another limitation is that this study only focuses on the BPDM, not the entire North West province or the entire country. However, the findings of this study are generalisable. The next subsection presents recommendations for future studies.

6.3 RECOMMENDATIONS FOR FUTURE STUDIES

This study concentrates only on the causes of conflicts between the mining host communities and mining houses in the BPDM in the North West province. I recommend that future studies on “causes of conflicts between the mining host communities and mining houses” should include other district municipalities in SA, particularly, in the district municipalities where mining is the biggest contributor to the municipal gross value added (GVA). Other topics and research areas could investigate the effectiveness of the legislative frameworks and policies, governing

mining in SA. Furthermore, studies could also consider analysing the role of the Executive and the Non-Executive Board of Directors of the Mine in resolving conflicts between the host communities and the mining company. The next subsection presents the conclusion, which includes recommendations to address the findings of the study.

6.4 CONCLUSION

In conclusion, I integrated all the aspects of the study into one coherent thesis and provided further recommendations to address the findings of the study. The introductory chapter provided the background of the study and foregrounded the argument by stating that the arrival of Jan Van Riebeeck in 1652 marked the beginning of the white supremacy and land dispossession in SA that was consolidated through enacting the Native Land Act of 1913 (Act No. 27 of 1913). In the background of the study, an argument was presented that the land dispossession has left the black communities languishing in poverty and those legacies are still evident to date. This dispossession of land also robbed the black majority of an opportunity to mine the mineral resources on their land and, consequently, improve their socio-economic conditions.

This study was an attempt to gain an in-depth understanding of the causes of conflicts between the mining host communities and mining houses with specific reference to the Bojanala Platinum District Municipality. Unstructured interviews were used through focus group discussions and elite interviews to collect the data. Purposive sampling was used. A qualitative research method was deemed suitable because the study aims to gain an in-depth understanding of the causes of the conflicts between the host communities and the mining houses.

Before undertaking this research, the researcher familiarised himself with the code of conduct for researchers at the Nelson Mandela University (NMU) and applied for ethical clearance at the NMU's Research Ethics Committee. Upon receiving the ethical clearance, the researcher sent the letter to the participants before agreeing to participate in the study. The study only commenced once the participants had granted informed consent to participate and gave permission for their information to be used in the report. The privacy of all the participants was assured.

The participants in the study opined that unfulfilled promises of the mines, mines rewarding anarchists from the communities, community land dispossession of the mines; nepotism, fraud and corruption of the mine officials, municipal officials and traditional authorities, Black Economic Empowerment (BEE) policies not benefitting host communities, exclusive community engagements of the mines; and a misunderstanding and or lack of knowledge of the legislation and policies, governing the mines, are the main causes of the conflicts between the mining host communities and mining houses. The next subsections present recommendations to address the findings of the study.

6.4.1 Implementation of the mines' commitments to the communities

The mines should consider having annual commitment registers that are published on the mines' websites and copies should be shared with all the community-based stakeholders. Ensuring full implementation of these commitments should form part of the key performance indicators of the entire senior management of the mine and the executive committee of the mine. Monthly update reports must be shared on the mines' websites and copies must be shared with all the community-based stakeholders. The non-implementation of commitments, due to other reasons beyond the control of the mine, should be communicated timeously. The DMRE, local municipalities and traditional authorities should consider meeting quarterly to assess the implementation of the mines' commitments to the host communities. Mining houses should also consider presenting their audited annual integrated reports to the mining host communities, municipalities and traditional authorities as key stakeholders of the mine. Presenting the audited integrated annual reports to these key stakeholders might empower the mines' stakeholders to have an in-depth understanding of the mining business.

6.4.2 Establish inclusive, effective and impactful mine community engagement forums

The exclusive community engagements create tension between the mines and the mine host communities. The DMRE, as the regulator, and the municipalities, as the custodians of social and economic development in the local sphere of government, as per Section 152(1)(c) of the Constitution of SA, 1996, and the traditional authorities as

empowered by Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), should consider developing a framework that guides the establishment of inclusive mine community engagements forums. I am of the view that the mine community engagement forums must be government-led as it is the primary responsibility of the government to drive the socio-economic development of communities. This should be in collaboration with the traditional authorities where there are mining communities under traditional jurisdictions. The government leads investments in the country and; therefore, the government must create a conducive environment for the mines, as investors, to operate in and manage the communities. The corollary of this argument is the assumption that citizens elect their government to drive socio-economic development. Therefore, the elected government cannot shift its responsibilities to the private sector.

The primary goal of mines, like any other investor, is to create wealth for the shareholders. In the process of advancing their primary goal, the mines employ people to carry out duties and contribute to the socio-economic development of the mining host communities. The socio-economic development of the mining host communities should not be left in the hands of the mining houses as it is their secondary function. It remains a primary responsibility of the government. Municipalities, provincial and national government departments must take the lead in the socio-economic development of communities. A capable developmental state must execute its primary responsibilities to the fullest and not delegate these duties to the private sector. The mines must comply with the laws of the country, including paying taxes, and the government must eliminate fraud, corruption, and wasteful, irregular and unauthorised expenditures. The government must use the collected revenue through taxes from the mines and other corporates in the best interest of its citizens.

The process to nominate the members of the mines' community engagement forums must be fair and transparent. This will enable communities to elect representatives of their own choice to serve in the mines' community engagement forums. The government, through the municipality, should be an active participant in the mines' community engagement forums and traditional authorities also should be active participants in these forums. The nominees of the community engagement forums

must have the legal and moral obligation to act in the best interest of the communities. Furthermore, they must be jointly and severally liable for poor performance and maladministration that might occur in the engagement forum during their respective periods of office.

The guidelines for nominating representatives to serve in the mines' community engagement forums should stipulate the necessary qualifications, skills, expertise and in-depth knowledge, required for one to qualify as a nominee. In addition, the nominees should also demonstrate knowledge of corporate governance. Additionally, a nominee should not be considered to serve in the community engagement forum if she or he is, *inter alia*, an unrehabilitated insolvent, has been previously convicted of any offence, involving dishonesty, fraud, corruption, domestic violence, sexual offences or gender-based violence, or has been sentenced to imprisonment without the option of a fine and or disqualified in law to hold the office of director. The other criteria that must be considered are that nominees must disclose an actual, potential or perceived conflict of interest in the mine.

In exercising their roles and responsibilities, the mines' community engagement forums should not take the responsibilities of the management of the mines and the structures in the mines. Furthermore, these forums should not undermine the roles of government, enshrined in the Constitution of South Africa, 1996, and the roles of the traditional authorities, as per the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003). Capacity-building programmes on King IV principles, financial management, conflict transformation and management or other relevant programmes should be considered. The human environment is not a conflict-free zone, which includes the mine host communities. The people in the mines, who are responsible for developing the mines' engagement strategies and tactics should be aware that the mine host communities are not homogenous and that context matters. The people in the mines, who are responsible for community and or stakeholder engagements should be capacitated on conflict transformation and management.

6.4.3 Build capable developmental, cohesive local municipalities and traditional authorities

The collapse of the municipalities and the internal conflicts in some of the traditional authorities create a leadership vacuum in the mining host communities and is a recipe for mushrooming forums, seeking to engage with the mines directly on behalf of communities. The national government, through the Cooperative Governance and Traditional Affairs, should consider strengthening the intergovernmental relations of all the spheres of government and the traditional authorities in the mining communities. Operating in silos creates the contestation of authority between the municipalities and the traditional authorities and impacts on government's capacity to monitor and evaluate the compliance of mining houses through legislative frameworks and policies. The DMRE must consider capacity-building sessions for mining host communities, municipalities and traditional authorities on the Mineral and Petroleum Resources Development Act (MPRDA) of 2002 (Act No. 28 of 2002) and the Mining Charter III (MC III). Mine host communities, municipalities and the traditional authorities must know their rights and responsibilities in terms of the MPRDA and the MC III. Limited knowledge of the MPRDA and the MC III may lead to unrealistic expectations and demands.

6.4.4 Fight nepotism, fraud and corruption, and sexual favours for jobs in the mines

I submit that there is a need for a multidisciplinary and multisectoral approach to deal with allegations of nepotism, fraud and corruption in the mines. The mining houses should consider taking the lead and investigating the extent and scope of these allegations. Blacklisting all those who have been found guilty of fraud, corruption and sexual offences should be considered to curb the scourge of nepotism, fraud, corruption and sexual favours for jobs in the mining sector. MINCOSA and the DMRE, working closely with law enforcement agencies, should consider publishing a register of offenders on the MINCOSA and DMRE websites. In other words, all the mining houses will have access to the information before a position is offered to a new staff member in the mine. The mining houses, under the guidance of the DMRE, should also consider implementing a charter on ethics that must be signed by all the staff and contractors in the mines.

6.4.5 Cease from practices of awarding incentives to silence the leaders and or organisers of protests

SA is a constitutional democracy. Protests are part and parcel of participatory democracy. Communities have the right to protest against the mining houses and their rights to protest is linked to freedom of expression and freedom of association. These rights are linked to political rights in the Constitution of SA, 1996. Section 36 of the Constitution of SA, 1996 is explicit on the limitations of rights. The mines have the right to protect their assets, staff and contractors against any form of violent protests and business disruptions. In a situation where it appears that the rights of the communities and or the mines were infringed, the law must take its course without fear or favour, and without prejudice. Any award, offered to silence the organisers and or leaders of community protests, deserves strong condemnation from law-abiding citizens.

6.4.6 Adequately address the land question in SA

Despite the abundance of mineral resources in the BPDM, the mining host communities are still faced with high levels of poverty, unemployment and inequalities. The ownership, control and management of systems and structures of minerals in SA are still in the hands of the few politically connected elite and their families. The CEE report 2020/21 has also stated that predominantly male whites dominate the top management of the mines. This happens in a country where most of the population is black and female. The land question and ownership of minerals are intertwined. As long as the land question and ownership of minerals in SA are addressed separately and not adequately resolved in a manner that most of the citizens, the black population, have full ownership, control and management of the land and the mineral resources, the conflicts between the mining host communities and the mining houses will spiral.

6.4.7 Reviewal of the MPDRA and the MC III policy

I submit that anecdotal evidence is available that the MPDRA and the MC III policy, in their current format, have not assisted the country much in realising the objective of the Freedom Charter, 1995 for –

the people to share in the country's wealth. The national wealth of our country, the heritage of all South Africans, be restored to the people; The mineral wealth beneath the soil, the banks, and monopoly industry be transferred to the ownership of the people.

A community with a high level of poverty, unemployment and inequalities remains socially and politically unstable and it becomes difficult for legal businesses to operate in such a community, and mining houses are not immune to this. The people must benefit from the mineral resources of their country. The government must consider reviewing the MPDRA and the MC III policy to ensure that both adequately contribute towards the country achieving the goal of a united, non-racial, non-sexist and democratic, prosperous society, using the mineral resources of the country as an enabler.

In conclusion, the central question of this study dealt with the causes of conflicts between the host communities and the mining houses in the BPDM in the North West province in SA, and the question was answered. This study was limited to the BPDM and, therefore, the findings are contextually limited to the BPDM. However, the findings of this study might be important to identify the critical causes of conflicts between the host communities and mining houses in South Africa and the findings and the recommendations on the findings may be generalisable.

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**APPENDIX A: WRITTEN AND ORAL INFORMATION GIVEN TO THE
PARTICIPANTS PRIOR THE STUDY**

PO BOX 83812
Doornpoort
0017

Dear Sir/Madam

My name is Sediko (Daniel) Rakolote (contact number 071 463 4492).

I am currently doing my final year (Master of Arts in Conflict Transformation and Management) at Nelson Mandela University (NMU). My research topic is titled: Conflicts between host communities and mining houses in Bojanala Platinum District Municipality, South Africa, 1994:2020. My student number is 217027997

I would appreciate it if you could participate in the study. My supervisor is Dr Ntsikelelo Breakfast (Senior Lecturer in the Department of History and Political Studies) at NMU, 0609 (South Campus). Do not hesitate to contact him if you have questions. His email address is ntsikelelo.breakfast@mandela.ac.za and his landline number is ,041 504 4258.

Please take note that, participation in this study is voluntary without any remuneration and your name will be kept anonymous to ensure confidentiality. The main aim of this study is to gain a thorough understanding of the causes of conflicts between host communities and mining houses in Bojanala Platinum District Municipality.

Kind regards,
Sediko Rakolote

APPENDIX B: PARTICIPANTS CONSENT FORMS PRIOR THE STUDY

Participant's consent

I(Full names), read and understood the provided information in the letter to the potential participants. I had the opportunity to ask questions. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving a reason and without cost.

I voluntarily agree to take part in this study.

Please fill in:

Gender profile

Male		Female		Agender	
------	--	--------	--	---------	--

Racial profile

Black African		Coloured		Indian/Asian		White	
---------------	--	----------	--	--------------	--	-------	--

Age profile

Below 35yrs		Between 36yrs to 49yrs		50yrs+	
-------------	--	------------------------	--	--------	--

Academic profile

Below grade 12		Grade 12/Matric		Undergraduate		Post-Graduate	
----------------	--	-----------------	--	---------------	--	---------------	--

Economic profile

Unemployed		Employed		Self-employed	
------------	--	----------	--	---------------	--

Participant's signature _____

Date _____

Primary Investigator's signature _____

Date _____

APPENDIX C: GUIDING QUESTIONNAIRE

Thinking about conflicts between host communities and mining houses in Bojanala Platinum District Municipality: Please give considered answer to the following questions.

1. Do you think there is a good working relationship between the Mine, the Forums and mining houses?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please give reasons for your answer

2. Do you think there are major significant impacts that the Mine and host communities are experiencing with the activity of mining in this area?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please give reasons for your answer

3. Do you find that mining companies are contributing to host communities development?

Yes		No	
-----	--	----	--

Please give reasons for your answer

4. Do you think the Mine' operations benefitted the host communities and or the Forums in as far as you are concerned?

Yes		No	
-----	--	----	--

Please give reasons for your answer

5. Are there any programmes that the Mine has invested in which the host communities and or the Forums have directly benefitted from?

Yes		No	
-----	--	----	--

Please state the programmes.

6. Do you know any law or regulations related to host communities' development by the Mining houses?

Yes		No	
-----	--	----	--

Please state the law or regulations.

7. Do you feel the Mine's community socio-economic programmes have fallen short of the Forums and host communities' expectations?

Yes		No	
-----	--	----	--

Please state the law or regulations.

8. Are you having desirables in as far as host communities are concerned with regards to Mine's community socio-economic programmes in the host communities?

Yes		No	
-----	--	----	--

If yes, please state your desirables.

9. Are there any conflicts between the Mine and the host communities?

Yes		No	
-----	--	----	--

If yes, please state what has fuelled conflicts between the Mine and the host community

10. Are there any approaches that are implemented by the Mines to resolve the conflicts between the Mine and the host communities?

Yes		No	
-----	--	----	--

If yes, please state the approaches.

11. Are there any approaches that are implemented by the Department of Mineral Resources and Energy to resolve the conflicts between the Mine and the host communities?

Yes		No	
-----	--	----	--

If yes, please state the approaches.

12. Are there any approaches that are implemented by the Municipality to resolve the conflicts between the Mine and the host communities?

Yes		No	
-----	--	----	--

If yes, please state the approaches.

13. Are there any approaches that are implemented by the Traditional Authorities resolve the conflicts between the Mine and the host communities?

Yes		No	
-----	--	----	--

If yes, please state the approaches.

14. What are pertinent issues that the mining companies need to attend to in relations to host communities? Please explain.

15. What are the pertinent issues that the host communities need to attend to in relations to the mining companies? Please explain.

16. Is there any role that your institution is playing/ you are playing in resolving conflicts between the host communities and the mining houses?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please state the roles.

**APPENDIX D: FOCUS GROUP DISCUSSIONS AND ELITE INTERVIEWS
SCHEDULE**

FOCUS GROUP DISCUSSION	DATE
Focus Group Discussion One	16 March 2022
Focus Group Discussion Two	08 April 2022
Focus Group Discussion Three	29 May 2022
ELITE INTERVIEWS	DATE
Elite Interview One	31 January 2022
Elite Interview Two	02 February 2022
Elite Interview Three	16 February 2022
Elite Interview Four	01 March 2022
Elite Interview Five	23 March 2022
Elite Interview Six	24 March 2022
Elite Interview Seven	28 April 2022
Elite Interview Eight	28 April 2022
Elite Interview Nine	26 May 2022
Elite Interview Ten	28 May 2022
Elite Interview Eleven	05 July 2022

APPENDIX E: NELSON MANDELA UNIVERSITY ETHICAL CLEARANCE

NELSON MANDELA UNIVERSITY

PO Box 77000, Nelson Mandela University, Port Elizabeth, 6001, South Africa mandela.ac.za

Chairperson: Research Ethics Committee (Human)
Tel: +27 (0)41 504 2175
Janelle.Vermaak@mandela.ac.za

Ref: H/22/HUM/PCS- 001

Date: (04 November 2021* - subject to National and Institutional response to COVID-19 pandemic)

Mr S D Rakolote
UNIT 9 WOLMARANS VILLA
DR BAYERS NAUDE DRIVE
RUSTENBURG
0017

Mr Rakolote

TITLE OF STUDY: CONFLICTS BETWEEN HOST COMMUNITIES AND MINING HOUSES IN BOJANALA PLATINUM DISTRICT MUNICIPALITY, SOUTH AFRICA, 1994- 2020

PRP: Mr Rakolote
PI: Dr N Breakfast

Your above-entitled application served at the *Faculty Post Graduate Studies Committee 04 November 2021* for approval. The study is classified as a negligible/low risk study. The ethics clearance reference number is **H/22/HUM/PCS -001** and approval is subject to the following conditions:

1. The immediate completion and return of the attached acknowledgement to Noxolo.Mngonyama@mandela.ac.za, the date of receipt of such returned acknowledgement determining the final date of approval for the study where after data collection may commence.
2. Approval for data collection is for 1 calendar year from date of receipt of above mentioned acknowledgement.
3. The submission of an annual progress report by the PRP on the data collection activities of the study (form RECH-004 to be made available shortly on Research Ethics Committee (Human) portal) by 15 November this year for studies approved/extended in the period October of the previous year up to and including September of this year, or 15 November next year for studies approved /extended after September this year.
4. In the event of a requirement to extend the period of data collection (i.e. for a period in excess of 1 calendar year from date of approval), completion of an extension request is required (form RECH-005 to be made available shortly on Research Ethics Committee (Human) portal)
5. In the event of any changes made to the study (excluding extension of the study), completion of an amendments form is required (form RECH-006 to be made available shortly on Research Ethics Committee (Human) portal).
6. Immediate submission (and possible discontinuation of the study in the case of serious events) of the relevant report to RECH (form RECH-007 to be made available shortly on Research Ethics Committee (Human) portal) in the event of any unanticipated problems, serious incidents or adverse events observed during the course of the study.
7. Immediate submission of a Study Termination Report to RECH (form RECH-008 to be made available shortly on Research Ethics Committee (Human) portal) upon expected or unexpected closure/termination of study.

8. Immediate submission of a Study Exception Report of RECH (form RECH-009 to be made available shortly on Research Ethics Committee (Human) portal) in the event of any study deviations, violations and/or exceptions.
9. Acknowledgement that the study could be subjected to passive and/or active monitoring without prior notice at the discretion of Research Ethics Committee (Human).
10. The immediate completion and return of the attached acknowledgement to Noxolo.Mngonyama@mandela.ac.za.
11. Approval for data collection is for 1 calendar year from date of this ethics approval letter.

Please quote the ethics clearance reference number in all correspondence and enquiries related to the study. For speedy processing of email queries (to be directed to Noxolo.Mngonyama@mandela.ac.za). It is recommended that the ethics clearance reference number together with an indication of the query appear in the subject line of the email.

We wish you well with the study.

Yours sincerely



Dr Janelle Vermaak
Faculty of Humanities
Ethics Sub-Committee Chairperson

ACKNOWLEDGEMENT OF CONDITIONS FOR ETHICS APPROVAL
--

Reference number: H/22/HUM/PCS -001

I, **SEDIKO DANIEL RAKOLOTE** (PRP) of the study entitled **TITLE OF STUDY (CONFLICTS BETWEEN HOST COMMUNITIES AND MINING HOUSES IN BOJANALA PLATINUM DISTRICT MUNICIPALITY, SOUTH AFRICA, 1994- 2020)**, do hereby agree to the following approval conditions:

1. The submission of an annual progress report by myself on the data collection activities of the study by 15 November this year for studies approved in the period October of the previous year up to and including September of this year, or 15 November next year for studies approved after September this year. It is noted that there will be no call for the submission thereof. The onus for submission of the annual report by the stipulated date rests on myself.
2. Submission of the relevant request to RECH in the event of any amendments to the study for approval by RECH prior to any partial or full implementation thereof.
3. Submission of the relevant request to RECH in the event of any extension to the study for approval by RECH prior to the implementation thereof.
4. Immediate submission of the relevant report to RECH in the event of any unanticipated problems, serious incidents, or adverse events.
5. Immediate discontinuation of the study in the event of any serious unanticipated problems, serious incidents, or serious adverse events.
6. Immediate submission of the relevant report to RECH in the event of the expected or unexpected closure/discontinuation of the study (for example, de-registration of the PI).
7. Immediate submission of the relevant report to RECH in the event of study deviations, violations and/or exceptions.
8. Acknowledgement that the study could be subjected to passive and/or active monitoring without prior notice at the discretion of RECH.

Signed: _____



Date: 20 January 2022

APPENDIX F: PROOFREADING CERTIFICATE



Proofreading Certificate

It is hereby certified that this dissertation has been proofread and edited for spelling, grammar and punctuation by a professional English language editor from www.OneStopSolution.co.za

Client

Sediko Daniel Rakolote

Conflicts between host communities and mining houses in Bojanala Platinum District Municipality, South Africa, 1994:2020

Editor

Sonja Mac Lachlan

Name

Signature

10 August 2022

Date

I cannot guarantee that the changes that I have suggested have been implemented nor do I take responsibility for any other changes or additions that may have been made subsequently. The track changes of the language editing will be available for inspection upon enquiry, for a period of one year.

Contact

One Stop Solution
18 Woltemade str
Kabega Park
Port Elizabeth
6045

Redène Steenberg
076 481 8341
www.OneStopSolution.co.za

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Please type or complete in black ink

FACULTY: Humanities

SCHOOL/DEPARTMENT: History and Political Studies

I, (surname and initials of supervisor) Breakfast N.B

and (surname and initials of co-supervisor) N/A

the supervisor and co-supervisor respectively for (surname and initials of
candidate) Rakolote S.D

(student number) 217027997 a candidate for the (full description of qualification)
Master of Arts in Conflict Transformation and Management

with a treatise/dissertation/thesis entitled (full title of treatise/dissertation/thesis):
CONFLICTS BETWEEN HOST COMMUNITIES AND MINING HOUSES IN BOJANALA PLATINUM DISTRICT
MUNICIPALITY, SOUTH AFRICA, 1994:2020

It is hereby certified that the proposed amendments to the treatise/dissertation/thesis have been effected and that permission is granted to the candidate to submit the final bound copies of his/her treatise/dissertation/thesis to the examination office.



31-10-2022

SUPERVISOR

DATE

And

CO-SUPERVISOR

DATE