

Communities must be consulted when SLPs are initiated

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FOR YEARS, social and labour plans (SLPs) have not been in line with some of the objectives of the Mineral and Petroleum Resource Development Act (MPRDA), and should be overhauled to include the needs of communities.

These are some of the findings contained in the latest Centre for Applied Legal Studies (Cals) report which calls for a people-centred system that not only involves communities at the core to its creation, but also how it responds to the needs of communities.

SLPs are plans companies need to submit to the MPRDA on how companies need to share mining benefits with workers and communities.

Cals argues that given that communities, along with workers, are the principal intended beneficiaries of SLPs, it follows that they ought to participate meaningfully in the conception and design of SLPs and also their amendment.

"A possible solution is direct consultation of communities' and workers' needs to be mandatory and a clear minimum process, comparable to the National Environmental Management Act. An Environmental Impact Assessment process needs to be specified in binding legislation or regulations". The key finding in the report was that there had been inadequate consultation in the drafting of the SLPs. It found that few SLPs acknowledge the disproportionate negative impacts of mining on women.

"This includes the loss of land, livelihood and consequent loss of power in the com-

munity, especially given that mining still primarily employs men. Few SLPs contained programmes with gender targets, including programmes that created employment," said the report. It suggests gender researchers should be present at consultations about the content of SLPs.

And the current compensation for loss of land and livelihoods by mine-affected communities has often been in the form of grossly inadequate once-off payments which are not adequate for one year's sustenance.

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"The constitution provides for just and equitable compensation for those deprived of property due to expropriation. Given that the Bill of Rights also binds private actors it can be argued that just and equitable compensation is also required in relation to mining on communal land." It says where there is irreversible loss of land, communities who are directly affected should be given an option to choose either once-off payments or ongoing payments. The tough economic times coupled with raising unemployment have seen mines facing escalating community protests to demand that they meet SLP commitments.