

Proper public participation in mining rights applications “worth the effort”

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Despite legislation, community members are rarely consulted by mining companies that apply for mineral rights - with many applicants mistakenly believing consultation with traditional leaders alone is sufficient, a new study has found. This undermines the long-term sustainability of mining.

Elsbeth Donovan, who convenes the Strategic Social Engagement Practice course at the UCT Graduate School of Business, says corporations are increasingly facing greater scrutiny from the broader world to get community relations right by responding appropriately to environmental issues.

“More and more companies are being asked what their social purpose is and how they deliver societal value through their sustainability strategy, which of course is a long-term focus. Taking the time to consult properly with local communities is part of this and therefore worth the effort.”

Most communities remain unaware of commitments mining companies have made in their social and labour plans – commitments which in almost all cases remain unfulfilled – reveals a [study](#) released in March by Wits University’s Centre for Applied Legal Studies.

These findings come as no surprise, comments Brendan Boyle, a senior researcher at the Land and Accountability Research Centre based at UCT. “There is a systemic problem of an almost total lack of consultation of communities affected across all industries,” he says.

Boyle, who will present a lecture on the UCT Graduate School of Business’ (GSB) Strategic Social Engagement Practice programme, says because of poor consultation it is common to see social and labour plans containing measures that in most cases communities never asked for or needed.

Regulations under the Mineral and Petroleum Resources Development Act introduced in 2004 require mining licence applicants to consult with communities in drafting and implementing social and labour plans.

The Wits Centre studied five communities that were the supposed beneficiaries of such a social and labour plan. Not one reported that the companies held any public participation processes. Instead, mining companies often concluded agreements with traditional leaders without wider community consultation.

Among their recommendations the authors, Robert Krause and Louis Snyman, said legislation needed to be amended to foster more public participation in the development of the plans and that the wishes of communities should be better taken into account.

Part of the problem, says Boyle, is a long-held misunderstanding among mining rights applicants that holding consultations with a traditional leader alone is sufficient.

He said the notion that a chief holds sway over decisions in a community is rooted in colonial and apartheid times, when authorities tried to elevate the status of such leaders. The reality is that community members themselves decide on issues that affect them; chiefs merely act as a guide, he said.

“Mining companies are trying to substitute communities with traditional leadership which makes it easier to buy their support with, for example access to revenue,” he adds.

But companies should do more to understand the law and customs of the affected community in question and what the land

means to them, in order to develop and maintain a sustainable relationship with the community. Though application for mining rights is often a long drawn out affair, and can take two years or more, Boyle points out that the rewards are so significant should an application prove successful, that the lengthy time is more than justified.

Elspeth Donovan, who convenes the Strategic Social Engagement Practice course at the GSB, says corporations are increasingly facing greater scrutiny from the broader world to get community relations right by responding appropriately to environmental issues.

Donovan, who is also the deputy director of the South Africa Office of the Cambridge Institute for Sustainability Leadership, says this is particularly so in the extractive sector, where minerals in relatively stable contexts have been depleted.

To be competitive, a reputation for good community engagement is important in obtaining government approval for new projects. "More and more companies are being asked what their social purpose is and how they deliver societal value through their sustainability strategy, which of course is a long-term focus. Taking the time to consult properly with local communities is part of this and therefore worth the effort."

She says company officials need to equip themselves with a number of skills in dealing with communities. These include developing self-awareness and patience, becoming good listeners and engaging more openly, using appropriate language and becoming better at sharing information in an accessible way.

The GSB course, which runs from June 19 to 23, aims to make sense of the social and environmental context of an organisation and to better understand how an organisation interacts with this.

"Those who attend can gain insight into how to engage with and manage the relationships between an organisation and the communities and other social partners, and to develop and implement strategic social engagement programmes and practices," says Donovan.

Attendees will also be able to better understand the emerging global pressures and trends and their impact on organisations, while developing the capacity to anticipate change and to develop appropriate responses.

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