

MINERAL RESOURCES DEVELOPMENT BILL 2025 (MRDB)



Community Booklet

Developed by Natural Justice in August 2025



What's happening?

The government is reforming mining laws in South Africa to boost the country's economy and create new opportunities. On 20 May 2025, the Department of Mineral and Petroleum Resources ("DMPR") released a [statement by the Minister of Mineral and Petroleum Resources](#), where the Minister Gwede Mantashe welcomed the approval of the [Critical Minerals and Metals Strategy for South Africa](#) and the [Mineral Resources Development Amendment Bill](#) ("MRDB/Bill").

The Minister also highlighted that these two new policies will help create clear rules and stability for the mining sector. They will provide a plan to make the most of South Africa's minerals to ensure that they are used wisely to create jobs and grow the economy. This will also help the country to compete better in the global market.

The MRDB is a draft amendment bill to the Mineral and Petroleum Resources Development Act ("MPRDA") that has been published for public comment until 13 August 2025.

What is the MRDB about?

The MRDB introduces many changes to South Africa's mining laws. Once the MRDB becomes law, it will amend the Mineral and Petroleum Resources Development Act of 2002 (MPRDA). Petroleum resources will now fall under the Upstream Petroleum Resources Development Act of 2024 (UPRDA). The Bill aims to introduce artisanal and small-scale mining permits, change the definition of community and meaningful consultation, introduces the definition of interested and affected parties, and give effect to Section 24 of the Constitution (the right to a healthy environment). The Bill aims to speed up mining projects and ensure that more minerals are processed in South Africa instead of being sold raw to other countries. The government also promises that it will unlock South Africa's mineral wealth, like the minerals needed for clean energy.

Why this matters to you

Rural and mining-affected communities will be impacted by this Bill in many ways, such as:



The Environment: the quality and availability of water, healthy soil and clean air in mining communities may be affected by mining activities;



People's Livelihoods: new mining projects in rural areas may impact job opportunities and local economies, positively and negatively;



Land Rights: many communities still do not have secure rights to the land where they stay, and new mining projects can impact their land rights;



Free, Prior and Informed Consent: the Bill requires meaningful consultation only, but communities should be given an opportunity to give free, prior and informed consent to mining projects that will affect them.

The government is asking for YOUR INPUT!

This Booklet aims to help you understand the MRDB better. It will do this by explaining:

- How to participate by commenting on this Bill during the open period
- The important changes that the MRDB brings
- How these changes may affect your community
- What you can do to protect your rights.

Comment and have your say!

When is the deadline?

Submit comments by **Wednesday, 13 August 2025.**

How?



Email: Attention for Ms Stella Mamogale, representations@dmre.gov.za



Post: The Director-General, Department of Mineral Resources and Energy
Private Bag X59, Arcadia, 0007

OR

70 Mentjies Street, Sunnyside, 0001

What should you include?

- ✓ Your name, community and contact details.
- ✓ Be specific about your concerns. For example, "Section 10 reduces consultation time".
- ✓ Include your stories about how mining affects your life.
- ✓ Your right to consent or deny consent to any proposed mining activities that might impact your land rights.

Note: Comments after the deadline may be ignored. If you need help you can contact:

- **Natural Justice** 021 4261633; email: info@naturaljustice.org
- **Mining Affected Communities United in Action** 010 007 2137;
email: info@macua.org.za
- **GroundWork** 033 342 5662; email: bathoko@groundwork.org.za
- **Centre for Environmental Rights** 021 447 1647; email: info@cer.org.za

LET'S BREAK THIS BILL DOWN



1. The Aim of the MRDB

What the government says

(See section 2, 'Objects of the Act')

The government says that the Bill aims to **make mining laws clearer** so companies and other mining applicants know the rules and to **help South Africa gain** from the country's minerals by processing them here first. Also, the MRDB aims to **create a plan** and better use our mineral wealth for the country's benefit.

This will be done by:

- **Recognising** the right of the State to have control over all mineral resources within South Africa.
 - *Section 2(a) of the Bill states that, as the custodian of the nation's mineral resources, the State, acting through the Minister, may grant, issue, refuse, control, administer and manage any reconnaissance permission, prospecting right, permission to remove, mining right, small-scale mining permit, artisanal mining permit, retention permit.*
- **Recognising that minerals belong to all South Africans**, and the government holds minerals for the people and the benefit of all South Africans. (Section (2)(a)).
- **Promoting equitable Access** to mineral opportunities for all citizens.
- **Transformation and inclusion** in accessing opportunities for historically disadvantaged persons, including women and communities, to actively participate in the mineral industry and benefit from South Africa's minerals.
- **Boosting the economy** by growing mining to create jobs and local industries.
- **Jobs and better living standards** and improve the social and economic development for all South Africans.
- **Stable mining rights** by providing companies with clear rules to operate prospecting and mining operations.
- **Protecting the environment:** Ensure the development of mineral resources is conducted in an orderly and ecologically sustainable manner, in line with section 24 of the Constitution.
- **Mines must develop communities** by requiring mining companies to contribute to social and economic development through Social and Labour Plans (SLP), including in communities where they operate.
- **Removing petroleum resources**, meaning that the rules about petroleum resources in South Africa, like oil and gas, are now covered by a separate law, the Upstream Petroleum Resources Development Act 23 of 2024 ("UPRDA").

- Speed up the approvals of mining licenses to companies and other applicants. The government plans to do this by reducing "red tape" by informing mining applicants within 7 days (previously 14) of applying for mining rights. They promise to then share "all relevant information" about impacts and give communities and other interested and affected parties 30 days to comment.
- Boost local job creation by forcing mining companies to process minerals in SA. This is called 'beneficiation'.
- Recognising and regulating Artisanal and Small-Scale Mining (ASM) with permits (See section 8, 'Insertion of section 7A in Act 28 of 2002'):

The MRDB introduces ASM and sets rules around it, for example, about certain areas that the Minister may identify for ASM, specifically to empower black people, promote fair access to minerals and make applications easier. ASM permits for activities on small land areas will have simpler requirements to boost local economic opportunities.

So then, what is Artisanal and Small-Scale Mining (ASM)?

The MRDB defines 'artisanal mining' as:



"1(a) [...] traditional and customary mining operations using traditional or customary ways and means, which includes the activities of individuals using mostly rudimentary mining methods, manual and rudimentary tools to access mineral ore, usually available on surface, or at shallow depths;"

This means that it is **small-scale mining** done **by local miners**, often **using basic tools** like picks, shovels and pans. These miners **usually work by hand, digging** for minerals **near the surface** or in **shallow pits, following Indigenous knowledge and traditional methods** that have been passed down over time.



2. Key changes and how they affect communities

New Permits for ASM | Section 7A

Artisanal and Small-Scale Mining ("**ASM**") permits for activities on small land areas (areas less than 1.5 hectares) will have simpler requirements to boost local economic opportunities.



Community Impact:

- **Opportunities:** This allows local miners to get legal permits to work, which could create jobs and opportunities for communities.
- **Risks:** But if it is not managed well, small-scale mining can lead to environmental harm like water pollution, destroy land, and cause disagreements in communities over who can mine where.
- **Communities can Think About**
 - Advocating for a simpler process and community inclusion in ASM permit approvals.
 - How will historically disadvantaged groups have fair access to ASM permits?

New Definitions | Section 1

The MRDB introduces new definitions of important words and also changes some meanings.

'Meaningful Consultation'

The MRDB defines 'meaningful consultation' to mean:



" [...] that the applicant, has in good faith facilitated participation in such a manner that reasonable opportunity was given to provide comment by the landowner, lawful occupier, or interested and affected person in respect of land subject to an application about the impact the prospecting or mining activities would have to his or her right of use of the land by availing all relevant information pertaining to the proposed activities enabling these parties to make an informed decision regarding the impact of the proposed activities."

Community Impact:

This definition is not the same as *Free, Prior and Informed Consent*. The Bill says that companies must give communities and other interested and affected people an opportunity to participate by giving them information so they can have a say on the impact. The Bill does not give communities the power to say No or Yes to the project. Companies also do not require permission from the communities.

- **Limitation:** Communities cannot say no to proposed projects. So consultation IS NOT consent.
- **Opportunities:** Communities can take their objections to the Regional Mining Development and Environmental Committee (RMDEC)
 - Communities can Participate in all consultations, take notes and organise when writing objections to projects.
 - Learn more about the RMDEC and use the process to challenge consultations that they feel were not meaningful.



'Community'

The MRDB defines 'community' to mean:



" [...] a coherent social group of persons within a metropolitan municipality or a district municipality as defined in the Local Government: Municipal Structure Act, with interests or rights in a particular area of land which the members have or exercise communally in terms of an agreement, custom, or law."

This means a community is a group of people living together in places like villages and townships who share the land and resources like water, grazing fields or sacred sites. They make decisions together, such as through traditional decision-making or by agreement or through the local laws.

Community Impact

Communities that fit this definition must be consulted. The MDRB limits what a community is, recognising a community only if it is organised in this way. Many rural groups do not have formal agreements about land, limiting their participation rights. However, even 'informal' communities have the constitutional right to participate.

Communities can Think About:

- Even 'informal' communities, without formal rights to land, should be able to exercise their right to participate.

'Interested and affected persons'

The MRDB defines 'interested and affected persons' ("I&APs") as:



"[...] a natural or juristic person or an association of persons with a direct interest in the proposed or existing prospecting or mining operation or who may be affected by the proposed or existing prospecting or mining operation;"

The definition lists the people, groups and businesses that could be affected by mining. An 'affected person' includes communities on land where mining might happen, if the environment, such as water, air quality, or people's livelihoods, could be harmed or where sacred cultural sites are in the proposed area.

Community Impact

The law says that companies must consult communities before mining is allowed. This means that, as 'interested and affected persons', communities have the right to have a say about mining in their area. Companies must respect the communities where they mine and create opportunities like jobs and better schools. It is important for communities to always ask about how new projects can invest in their area and future.

This definition includes:

- Communities living on or near the mine
- People or businesses that may be harmed by the mining activities
- Groups and people who use sacred sites, water or the environmental that may be affected by the mining activities.

- **Opportunities:** Companies must consult communities before the mining starts, and communities can demand information about the risks to the environment, jobs to be created and benefits. I&APs can also push for stronger SLP commitments by mining companies in their communities.
- **Risks and Concerns:** The definition of 'direct interest' is not clear. Some affected people can get excluded, such as communities living far downstream from the mine who use the river water. Communities in informal settlements without land rights might not qualify as I&AP, even if mining causes pollution.
- **What communities can do:**
 - Write everything down, such as records of meetings, take pictures of damages to land, water pollution and every broken promise.
 - Ask questions to mining companies, the DMR and anyone who claims to act in the community's interests.
 - Partner with organisations such as NGO and community-based organisations to stay informed
 - Use the available appeal and other ways to escalate issues about the mining.

'Labour sending areas'

The MRDB defines 'labour sending areas' as:



"[...] Refers to areas within the Republic of South Africa where the majority of mineworkers, both historical and current, were sourced."

These are mining-affected communities where most mineworkers come from. The MRDB says that mining companies operating in these communities must help develop these areas by providing jobs and projects to uplift the community using SLPs.

Community Impact

The law requires mining companies in these areas to invest and improve the communities where they mine, such as creating jobs, building or supporting schools, clinics and other needs of the community. This can also mean that local people should be trained and prioritised when job opportunities are open.

- **Opportunities:** Mines are required to create jobs, training and develop the area by investing, for example, in roads, hospitals in labour-sending areas.
- **Who really benefits?** Mining companies often ignore rural areas and focus only on nearby towns in Social and Labour Plans. Traditional leaders and other community leaders may speak on behalf of communities, excluding the needs of ordinary community members. There are no strong penalties to punish companies that fail to deliver on their SLP promises.



Social and Labour Plans (SLPs) requirements Section 24 (d)

The MRDB requires companies to create Social and Labour Plans. This is a written set of commitments and promises about how the mine will uplift the communities in the area where it operates. SLPs must be in line with the needs of the local communities, like creating jobs for local communities, training workers, building and supporting schools and clinics, building roads and protecting the environment.

How should mining companies compile SLPs in terms of the Bill?

As part of their mining application, companies are required to create SLPs that align with what the communities need. To do this, companies must consult communities first by meeting and listening to the communities' concerns. After writing the SLPs, companies must submit them to the government at the Department of Mineral Resources to check if the plan is fair and in line with the needs of the community. Mines must review and improve their plans every 5 years, meaning that communities must be asked about their needs by the mine every 5 years.

Community Impact

SLPs are an agreement between the mining companies and the communities where they operate, including labour-sending areas. They offer opportunities for local communities and have the potential to bring about progressive engagements between mines and communities, if mines keep their promises. Some benefits include jobs for local young people, better infrastructure like roads, clinics and schools and other opportunities for local economic growth. However, many mining companies do not keep their promises and often do not deliver on SLPs.

It is also concerning for communities that the MRDB does not impose real punishment if a mine breaks its SLP commitments. This usually hurts the relationship between mines and local communities, and the mines leave locals feeling left out, while the mine still operates.

- **Concern:** There are no strict penalties to punish mining companies that do not comply with their SLP commitments.
Opportunities: Communities can demand investigations of how SLPs are being implemented. By staying informed, communities can participate in the review of SLPs that affect them, every 5 years.

What can communities do?

- Ask for a copy of the SLP in your language from the mine
- Check the details, such as whether it includes the needs of the community
- Ask questions about things you do not understand in the SLP
- If the mine breaks promise, the community has the right to report to the DMPR.

Illegal Mining | Section 5

The Bill extends the activities related to illegal mining and introduces stricter laws against illegal mining. This means that no mining without permits is allowed, this includes people who help illegal miners by providing tools, transport or other services. The Bill also makes it illegal to transport or process minerals without the relevant permits.

Community Impact

While this may be good to stop illegal mining and protect communities from crime and abuse, poor and isolated communities remain vulnerable. As ASM is introduced, communities still require training and education on how to legally access the mining economy.

- **Opportunities:** Enforcement of mining laws can reduce environmental harm from uncontrolled mining and may lower crime linked to illegal mining.
- **Risks:** Crackdowns by the police could target poor and informal miners, who may not yet have permits, but cause no harm.
- **Communities should think about:**
 - How will the government and police tell between illegal miners and ASM permit applicants?
 - Demanding to be educated about the new opportunities and risks with ASM rules and how to get permits.
 - Reporting illegal mining in their areas to the police.
 - Ask for support from the government as small-scale miners and organise themselves to benefit.



Why this Bill matters and what you can do

The MRDB will shape how mining affects communities, land rights, water use, jobs and the future of the country. It is not final yet, meaning that communities and individuals can still influence it.

Why is it important to have a say in this Bill?



Mining impacts everyone: It can create jobs, but can also pollute water, move families from ancestral land and limit access to sacred sites. The MRDB is an opportunity for mining law to protect communities today, and future generations from exploitation and environmental harm by mining companies. It can transform how the communities benefit from the minerals under their feet.



The deadline is close: Submit your comments by 13 August 2025. Even a short letter with your concerns and inputs counts!

COMMENT AND HAVE YOUR SAY

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TAKE ACTION

Organise as a community because we are stronger together

Hold leaders accountable

Stay informed

