

Rethinking Artisanal Mining: The Lived Experiences of Rural Artisanal Mining Communities in South Africa

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Abstract: In South Africa, colonialism and apartheid have left a legacy of a gendered, racially and geographically skewed extractive industry, in which many rural communities endowed with mineral resources face severe economic hardships, marginalization, and socio-cultural disorganization resulting from, among other things, land and mineral resource dispossession. Drawing on a broader doctoral study, this paper seeks to demonstrate the heterogeneity of artisanal mining practices as a response to many calls made by various scholars that there remains a need for greater attention to the complex social, economic and environmental factors underpinning the sector; especially in the South African context. It sheds light on the contextual nature of artisanal mining practices and the lived experiences of artisanal miners in rural South Africa. The study is qualitative in nature and is based on field research that includes in-depth interviews, site observations, and oral histories. Findings indicate that the marginalization of artisanal mining practices in South Africa stems from the history of mineral resources, land dispossession and displacement of indigenous mining practices. As a result, the study highlights the need to delve deeper into the contextualized land and mineral resource struggles and gendered and racialized dynamics that contribute to the marginalization of artisanal mining practices.

Keywords: *Artisanal mining, marginalization, mineral resources, exclusion.*

1. Introduction

The mineral-rich and underdeveloped communal areas of South Africa, which are classified as former 'homeland' territories, have now emerged as a significant focus for transnational industrial mineral extraction (Mnwana, 2015). However, many of these communities residing in close proximity to industrial mining operations encounter numerous challenges that significantly affect their livelihoods. The impact of these activities is felt in various ways, including loss of sovereignty, traditional wealth, and forced eviction from Indigenous land (Manamela, 2019). Artisanal mining commonly exists either in the vicinity of transnational mining operations or is conducted in old and abandoned mine sites dispersed throughout the country. Contrary to large-scale industrial mining, artisanal mining is conducted informally, on a small scale and is usually a community-driven type of mining (Ledwaba, 2017). In recent years, there has been a growing momentum worldwide to situate artisanal mining within the development agenda as a positive livelihood strategy due to its potential to contribute to poverty alleviation and ensure that communities on the ground equally benefit from the mineral wealth within their specific localities (Ledwaba & Mutemeri, 2018). However, this sector has been compounded by many challenges ranging from distorted access to mineral rights and land, poor regulation of the sector, and socio-environmental problems which will be discussed in detail in this paper.

Scholars point out that there has been a tendency to associate Artisanal and Small-scale Mining (ASM) with high-value minerals such as gold, diamonds and gemstones. While most ASM exploits high-value minerals on the continent, this is not the case in all African countries with ASM activities (Ledwaba & Mutemeri, 2018). The bulk of ASM activities in South Africa are linked to local livelihoods. These activities include the extraction of coal, semi-precious stones, platinum, industrial and construction materials, e.g., sand and clay mining, which are more prevalent in Mpumalanga, KwaZulu-Natal and Limpopo Province. The lack of documentation and journalistic coverage of this side of the sector has contributed to the scant understanding of the multifaceted dynamics of ASM and its peculiar needs. Scholars consider this aspect of the sector as a 'low-hanging fruit' in terms of the development and transformation of the ASM sector in South Africa (Ledwaba & Mutemeri, 2018). This study, therefore, contributes to this gap because it documents the lived experiences of individuals and community members engaged in traditional artisanal mining in Blaauwbosch, extracting coal and sand used for brick construction and other domestic purposes. The aim was to understand how communities residing in resource-endowed areas configure their livelihoods amid current economic crises, poverty, unemployment and deagrarianisation.

2. From Indigenous Mining to Artisanal Mining

The historical accounts of South African mining have long been centered around the discovery of gold and diamonds in the 1860s, but this narrative ignores compelling evidence of Indigenous mining activity that predates the supposed discovery. In fact, the evidence suggests that Indigenous South African communities had been mining for centuries before the arrival of European settlers, despite the prevailing belief that gold and diamonds were unknown to the local population before the European discovery of minerals (Davenport, 2013). The title of my Doctoral thesis, *Rethinking Artisanal Mining Practices: Nuances of Hegemony, Dispossession, and Resistance in Mining in Post-colonial South Africa*, The aim was to explore the historical accounts of artisanal mining, a practice that has re-emerged, transformed and reconceptualized over time. Artisanal mining has been historically perceived as an inherently 'primitive' practice, characterized by the use of primitive technologies (Labonne, 1996; Mamadou, 1995). This negative perception of the industry has persisted in popular media and academic discourse. However, over the last two decades, there has been a paradigm shift in the way artisanal mining is viewed, with the focus being on its potential to spur economic development. Discussions around employment, livelihood, poverty alleviation, and survival have emerged, challenging the notion that artisanal mining is a backward practice. Contemporary conceptualizations per the Department of Mineral Resources and Energy introduce concepts such as "traditional" and "customary" within the artisanal mining discourse. These dominant conceptions and perceptions about artisanal mining have substantially impacted how government, policymakers, and civil society perceive the practice.

Dispossession and Dislocation of Indigenous Mining: The legislation related to the mining industry and the history of racial discrimination in South Africa have been major contributors to the racial and gender disparities in mineral resource ownership. The discovery of minerals in South Africa in the 1880s resulted in the establishment of various regulations that governed the ownership of mineral wealth and profits from mineral extraction. These regulations subsequently created systemic inequalities in mineral resource governance and ownership, which have persisted over time. As Murombo (2013) contends, the regulatory frameworks established during the colonial era were oriented toward maximizing resource extraction. As a result, Black people were deemed unfit to own land and minerals and were forced to work in mines as cheap labor. The regulatory frameworks that were established during the colonial era were oriented towards maximizing resource extraction. As a result, Black people were systematically excluded from owning land and minerals and, instead, were forced to work in mines as cheap labor. The historical background of the mining industry holds great significance as it played a pivotal role in shaping the existing mining policies and legislation.

Extensive scholarship has comprehensively documented the enduring impacts of colonial dispossession, which are still evident in current issues surrounding poverty, land, and mineral resources. These scholars have interrogated the legacies of colonial dispossession with a specific focus on land and agrarian change and how these continue to shape and influence land politics in South Africa today (Bernstein, 2004; Ntsebeza, 2011; Hall, 2014; Capps, 2016; Cousins, 2019). Thus, (Helliker, Hendricks, & Ntsebeza, 2013) have argued that the structures of colonialism and apartheid are still evident in modern society, as evidenced by persistent racial disparities in land access and ownership. In addition, evidence shows that the laws enacted to dispossess Indigenous peoples of their land also served to reinforce mining regulations, which perpetuated the exploitation of natural resources and the subjugation of marginalized communities. Lanning & Mueller (1979) trace how the discovery of minerals was a pivotal turning point as it created mechanisms for eliminating African indigenous production. These authors argue that the influx of foreign mining companies and colonial powers resulted in the gradual elimination of traditional African production methods.

Mdluli (2019) postulates that the discovery of minerals stimulated the development of mechanisms, including laws intended to alienate South Africa's indigenous people gradually. When diamonds were discovered in Kimberly in 1870, it began the industrialization of South Africa. Mine operations required a significant supply of labor to facilitate this. Labor compounds or places near the mines were built to ensure an easily accessible and continuous supply of cheap African laborers (Vosloo, 2020). Dispossession was insufficient to secure maximum foreign exploitation of African minerals and a maximum supply of cheap labor. People had to be removed from the land as part of this dispossession. As long as Africans could secure their livelihoods through agriculture, more stringent measures were applied to ensure cheap labor availability. Such measures included the use of slave labor, taxation and restrictions on movement (Feinstein, 2005). This was possible because there

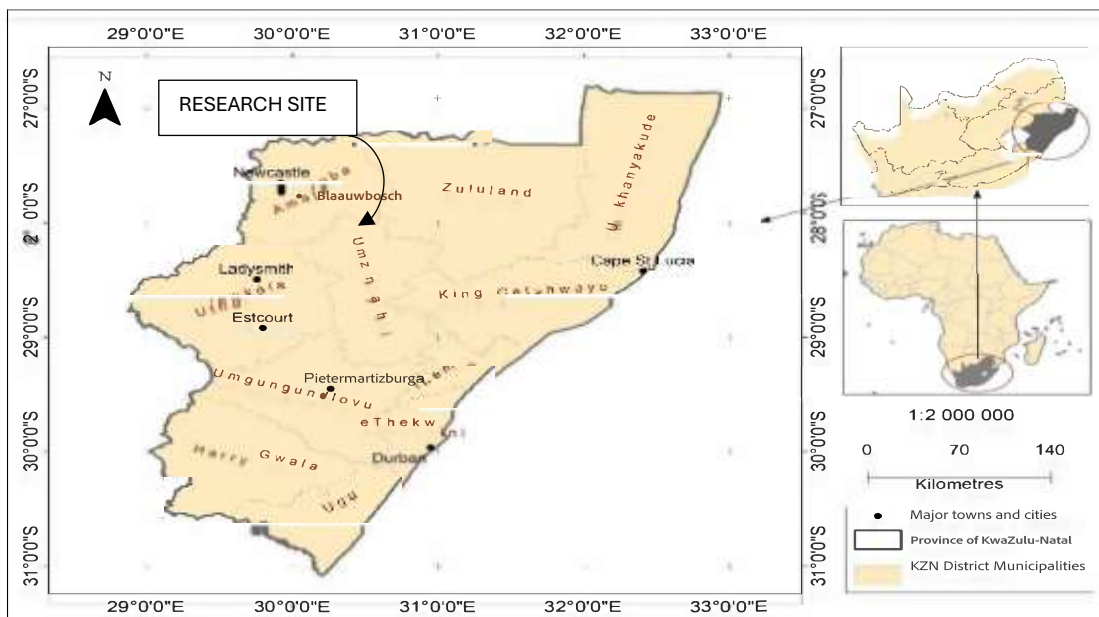
was already a large population of Africans without land and livelihoods, which could be exploited as labor supply in the mines. This occurred concurrently with the displacement of Indigenous communities in the Transvaal (the Griqua, Hora, and Tlhaping) from their ancestral lands (Maylam, 2017). The next section details the research methodology, processes and materials generated through fieldwork.

2. Methods

This is a qualitative case study conducted in Blaauwbosch (Figure 1), which is located in Newcastle, adjacent to the infamous colonial coalopolis of Dundee, situated in the northern part of the KwaZulu-Natal province. Although mining has declined dramatically in this region, it remains a significant part of the economy of Newcastle and the history of organized mining in the municipality. It has generated associated industries such as Arcelor Mittal and Kliprand Colliery, to name a few. Mining activities in this region include coal mining, brick clay, aggregate and sand mining. In several areas, mining has ceased through decommissioning or abandonment, but rehabilitation has either not taken place or is incomplete (Newcastle Municipality, 2016). Economically, Newcastle has a generally low-income population, with many people living in poverty and high levels of unemployment. The municipality has an estimated 44.4% number of people living in poverty within Amajuba District.

In terms of unemployment, an estimated 37.44% of the population is unemployed. Blaauwbosch is said to be amongst the wards with the highest concentration of unemployed (Newcastle Municipality, 2022). The study is based on field research that was conducted in Blaauwbosch, participants comprised artisanal miners, the surrounding communities and public officials. Data was collected using in-depth interviews, site observations, and oral histories. This research location is particularly unique because artisanal mining constitutes a tradition for this community, it is done communally, and women are heavily involved. Despite its growing footprint on rural economies in sub-Saharan Africa, communal artisanal mining has received scant attention in development and policy discourse. This study seeks to close this gap by documenting the lived experiences of artisanal miners.

Figure 1: Map of Blaauwbosch



The community of Blaauwbosch is said to be settled on unstructured farmland, which has gradually urbanized over time due to its organic spatial pattern. The settlement is deprived of essential municipal services such as piped water and sanitation (Newcastle Municipality, 2022). This region has few written records of traditional and communal mining practices. So far, the Blaauwbosch mine is the oldest open-cast mine in this region mined communally. There is also a limited historical account of how the community prospected coal in this area and

how coal mining has evolved over the years until now. For several reasons, Blaauwbosch proved to be an ideal research location to undertake this research. Firstly, the area is endowed with various minerals that serve diverse purposes ranging from domestic to commercial, and these resources include coal, kaolin, and sandstone. Apart from distributing and selling coal, the mine is used to produce bricks sold to individual buyers and small retailers for construction purposes. Secondly, mining in this area has a long history recognized by both the miners and the community at large. Although there are no written records, the mine is rumored to be over 50 years old. This indicates that this specific site is appropriate for investigating the historical account of mining and how it has evolved. Lastly, there is a significant female presence at the mining site. The involvement of women in artisanal mining at this specific site was crucial to understanding the historical and contemporary position of women in mining. Understanding their lived experiences and perspectives in the mines was also imperative.

4. Result and Discussion

Participants Demographics: The study comprised 47 participants recruited from two main groups: artisanal miners and community members. There was also one community representative, a former ward councilor, and one representative from the municipality. Artisanal miners were the largest group, consisting of 30 male and female participants. There were 15 community members, both men and women, as shown in Figure 2.

Gender Characteristics

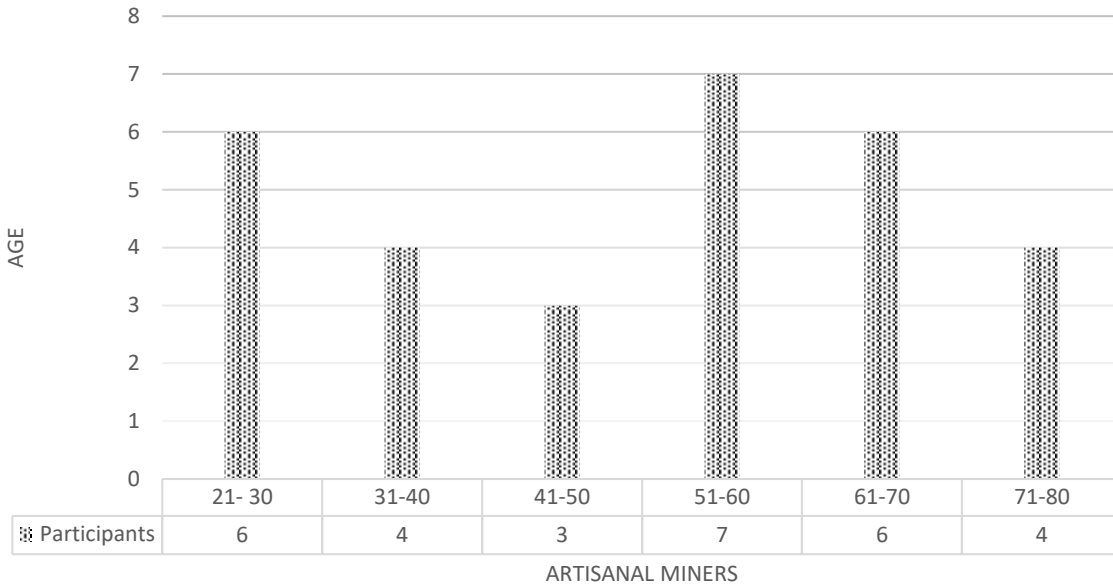
Figure 2: Number of Participants and Gender Characteristics



The study consisted of 12 female and 18 male artisanal miners. However, I must emphasize that this is not a true reflection of the gender representation in the mine. Although there was no precise number of all miners involved, it was estimated that they ranged between 400 and 1,000, including seasonal miners. There was also a large number of female miners present in the mine. However, due to the nature of the study and in line with the study's overarching goal, I chose a smaller number of participants to enable close and in-depth engagement. The study had nine female and six male community members, as shown in Figure 2.

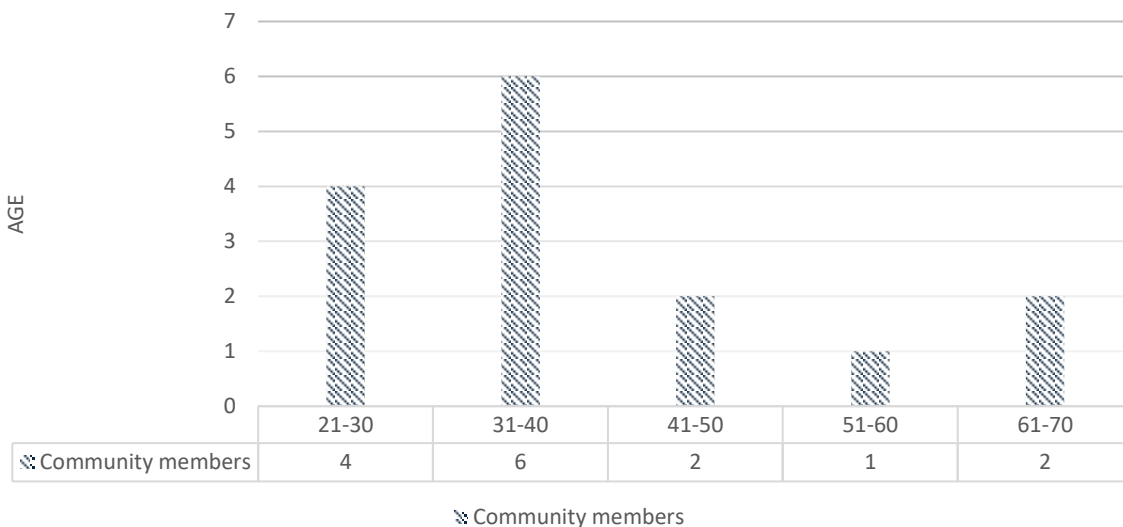
Age Characteristics: In terms of age, participants ranged from 21 to 80. Again, a need for representation is what informed the sampling process. The study sought to understand the historical and contemporary dynamics of artisanal miners through the lived experiences of the miners. Understanding how their experiences have evolved provided crucial points for analysis. As shown in (Figure 3), the largest age group ranged from 51 to 60, followed by 21-30, 61-70, and then 71 to 80.

Figure 3: Artisanal Miners by Age Group



Community Members' Age Characteristics: Diversity in terms of age was also observed among the community members, as shown in (Figure 4); the highest age group among community members was between 31 and 40.

Figure 4: Community Members by Age Group



The Nature of Artisanal Mining Practice in Blaauwbosch: The Blaauwbosch mine, which is believed to be over 50 years old, has consistently been occupied by Blaauwbosch residents and surrounding communities. The mine is occupied by both women and men of different ages with a common goal of income generation. Furthermore, the mine is situated on land that belongs to the residents of Blaauwbosch. Therefore, there is a

common view that the mine belongs to the community, particularly the owners of the land on which it is situated. It is unclear when mining began, but according to one of the participants, by the 1960s, the mine was already operational. He details his knowledge of how coal was first discovered as follows: *"I started working in the mine in 1985; however, my mother worked there years back. The mine was discovered by the community who were digging sand; as they were digging, they came across unusual rocks, and they suspected that it could be coal. So, they continued prospecting, and they came across another white rock which looked like kaolinite; they then suspected that there could be gold, but after discovering that it was actually coal, they continued mining till today"*(Baba Thwala¹, Life History Interview, 02 June 2021).

What was intriguing was the significant participation of women from as early as the discovery of the coal in the mine. For example, one male participant, Baba Mdluli, who started working in the mine in 1993, stated: *"The mine is old. I cannot tell when people began mining here, but I grew up seeing my mother and other women working here from my neighborhood. So, when I finished school in 1992, I decided to assist my mother after realizing that it is possible to earn a living from the earnings from the mine, I am able to bring food home and take care of my children"* (Baba Mdluli, Interview, 02 June 2021). Another participant stated: *"The mine is quite old. It was discovered when women came to search for sand to build and plaster their homes; they then noticed stones that resembled kaolinite, and so mining began"* (Alisi, Interview, 01 June 2021). According to the participants, mining became a vital aspect of this community following the discovery of coal. The resources mined were mainly for home consumption rather than trading. However, trading opportunities arose as the demand for coal and sand increased.

According to one of the participants: *"Mining was a way of life² for us. During the earliest days, the coal mined here was not for commercial purposes. It was the same as collecting wood (ukutheza). We mined it for domestic use only. The concept of buying and selling was a new thing. We were unified in a manner that when working in the mines, we did so in a communal manner and not in isolation. Husbands used to work with their wives and children early in the morning and return in the afternoon"* (Gogo Manana, Life History interview, 12 August 2021). The statement above resonates with the point raised by Wyk (2021) that in pre-colonial times, communities from various ethnic groups mined minerals either for domestic consumption or to process them into tools for domestic use, with the intent of producing use-values rather than commodities for exchange and profit. The statement by Gogo Manana quoted above was significant because it demonstrated how people's relationships with the land and natural resources have evolved. For example, this participant says that similar to fetching firewood for domestic purposes such as firing, cooking and heating, coal was also mined for similar purposes; however, the concept of commercializing emerged as a new phenomenon. This can be attributed to the disruptive systems inherited from apartheid that essentially pushed capitalist modes of production that were based on profit maximization. This disrupted traditional modes of production that allowed communities to be self-sufficient and in control of their social and economic well-being.

Resisting Illegality in Artisanal Mining: The case of Blaauwbosch is unique due to the relationship that the people have with the land and the mine, for example, it emerged that the miners consider themselves to be the legitimate and rightful owners of the land from which mining operations are conducted. Currently, the mine is dispersed between three homesteads, whereby some miners pay rent. The miners predominantly rely on permission from the landowners to mine a site. This is largely an informal process that does not require miners to obtain a government-issued license to use the mining site, which is a contradiction in terms of South Africa's mining legislation. Participants justify their engagement in artisanal mining as a consequence of the government's failure to improve their economic conditions. Some of the miners sought to reclaim the legitimacy of their operations by highlighting the critical role they play in reducing criminal activities in the community. According to the miners, the mine keeps the youth occupied and provides them with an honest means of income generation as opposed to crime.

¹ Pseudonym: All names of the participants have been changed to protect their identity

² In this context, "way of life" means tradition, which essentially means that mining is an activity that has been conducted by the community for many years.

One participant stated: *"This mine belongs to the community and landowners (omastende). We are not trespassing. We have agreements with the landowners, even though they work here. If they want to tell us that what we do here is illegal, they must provide us with employment. No one wakes up and chooses to work in that dangerous place, but what can we do? You people come here and promise us heaven and earth and never return, so you cannot come here and tell us that the only job that helps us put bread on the table is illegal. If it is illegal, then give us legal jobs. The fact that we are not sitting at home or committing crimes should tell you that we really want to change our living conditions"*(Mehemiya Z, 01 July 2021). On the question of legitimizing artisanal mining practices from the perspective of the miners, Mususa (2014) observes that illegality has become a legitimate survival strategy in the eyes of many who live in an economic context where local needs are not being met and a political context where government intervention is becoming increasingly limited. When Mahemiya irritably says, *"You people come here and promise us heaven and earth and never return,"* the anger in his tone signals not only the loss of hope in government but anger that when they take the urgency to make an "honest" living, they are still deemed illegal with no plans of assisting them to legitimize their operations or provide them with alternative economic opportunities.

Solidarity and the Spirit of Communalism Amongst Artisanal Miners: According to Grätz (2004), friendship is a significant social feature that shapes the social configurations of mining sites. For many miners, making friends is an important way to deal with the uncertainty and difficulty of their operations. This contrasts with the stereotypes imposed on artisanal mining communities, which include violence, greed, and mutual mistrust. To some extent, I agree with Lahiri-Dutt (2018), who argues that through obtaining comprehensive ethnographic knowledge of the social networks within small-scale mining communities, we can shift away from the negative assumptions of disorder, selfishness, brutality, disputes, and aggression that have long been linked with artisanal mining. However, this is not to disregard the different facets of violence and precarity that characterize this subsector. For example, Action Aid (2019) alluded that artisanal miners are often subject to exploitation by syndicates. They are often violated by criminals and syndicates who steal their equipment, production and income generated from their activities. Additionally, the informality in nature of this sector has given rise to opportunistic criminal and violent activities that affect not only the miners themselves but also the communities in their vicinity.

Going back to the topic of solidarity and mutualism, when I initially arrived at the mine site, I could not help but observe that there was no individualism among the miners. They all worked in teams characterized by loud yet intimate conversations and laughter. Moreover, just by observing their daily interactions, one could see that their relationships extended beyond mutually established working relationships and included elements of friendship and family. A participant said: *"Since I joined the operations when I was 16 years old, we have become a family. I have brothers and elders whom I admire and respect, and there are some whom I refer to as my fathers because of the fatherly role they have played in my life"* (Sibo Nsele, Interview, 03 June 2021). The spirit of communalism is also observed in the sharing of yields, division of labor, sharing of equipment and interaction with clients. One participant said: *"We have rules and principles, such as not taking or luring one another's clients; if a client comes here looking for someone who is working on another site, it would be unacceptable for me to try to lure them; this allows us to maintain peace and harmony in our operations. Furthermore, if a client requires services that we do not offer, such as construction, we are able to refer them to other groups because we only sell coal, sand, and bricks"* (Siya Z, interview, 30 June 2021).

The spirit of communalism was also observed between miners and the local community members. According to Nyoni (2017), artisanal miners usually come from the same community or informal settlements, and by virtue of this, they tend to see themselves as constituting a community. On the contrary, the literature indicates that there is usually an inherent tension between miners and local communities. This is mainly because people living near the mines are adversely affected, especially by the environmental damage resulting from the mining operations Starke (2016). Despite this, the community felt very attached to the mine for various reasons. One of the participants, who was not a miner but a community member, was asked to share their views about the mine and whether the mine should be closed, and expressed their views as follows: *"I can easily say that God and our ancestors entrusted us with this mine, and it has benefited many generations in a number of ways. If you look around, you will notice that this is an underdeveloped community, but there is no single shack here. These brick houses were built from the bricks produced in this mine"* (Ntombi Mtshali, Interview, 02 June 2021).

Figure 5: Blaauwbosch Houses Built Using the Bricks Produced from the Mine



It was quite intriguing to see that the majority of the houses in Blaauwbosch are built from the bricks produced in the mine, as shown in figure 5. This is the tradition that unified the community from the early days. In essence, this led to the emergence of a distinct geographic and social sphere formed as a result of the operations in the mine. One community member said that they once went to the mine to buy bricks, but when they arrived, the young men in the mine told her not to stress about having to look for constructors. They promised to help her, and they connected her with reasonable material suppliers.

The Symbiotic Relationship Between Local Communities and Artisanal Mining: Unpacking the relationship between artisanal mining and communities in the vicinity of those operations was crucial in this research. Scholars argue that there is a widely held belief that local livelihoods rarely profit from mining activities because of their detrimental impact on the environment and existing land use practices. As a result, there is scant research that looks at the symbiotic relationship between artisanal miners and local communities (Schueler, Tobias, & Hilmar, 2011; Verbrugge, Cuvelier, & Van Bockstael, 2015). At the beginning of this paper, I asserted that artisanal mining differs from large-scale mining in the essence that it is smaller and community-driven. It was imperative, however, to understand from the community's perspective how they view these operations and how they have impacted them. This is especially true in a context in which the pre-apartheid Indigenous African population had to suffer dispossession, dislocation and disruption as part of the process of integration into the global economy, which has located Africa as the supplier of cheap labor. In the same way, the post-apartheid rural communities that make way for industrial mining operations, more often than not, suffer severe social and economic hardships.

There were elements of a symbiotic relationship between the community of Blaauwbosch and the miners, which I think not only distinguishes artisanal mining from large-scale mining but the ASM industry as a whole, first, through the shared economic, social and resource benefits. Second, due to no barriers to entry, any member of the community can access the mine and create a livelihood for themselves. Third, through the legitimization of the mining operations by highlighting the critical role it plays in reducing criminal activities in the community. Fourth, the benefits sharing between the landowners and the miners harbors an important degree of mutuality between artisanal miners and local landowners. The first aspect entails the shared economic, social and resource benefits between the miners and the community. The shared experience of poverty and unemployment by the community of Blaauwbosch and the miners has forced them to coexist in several ways. There was also an element of exchange of services, where miners would provide services such as construction, home care and many others to community buyers. The second aspect looks at the free entry requirement to the mine as it is a local community arrangement between miners and sometimes landowners.

This means that any member of the community can access the mine and make a living. One of the participants said, "God and our ancestors entrusted us with this mine" because they feel that the community works for the benefit of the community. The third aspect looks at the legitimization of the mining operations by highlighting the critical role it plays in reducing criminal activities in the community. Both the community and miners felt that the mining operations had shielded young people from engaging in crime-related activities. They look at

the harsh economic and social conditions in which young people find themselves and how the lack of employment opportunities could push them into crime. However, because the mine affords everyone an opportunity to put bread on the table at least, it has been of benefit to everyone. The last element looks at benefit sharing between the landowners and the miners. Miners have informal agreements with the landowners to prospect in their land. However, these agreements are complex, and they vary; some miners are mining in areas that have no rightful land rights holders, some landowners do work the mine, and some are just members of the community. Scholars highlight that in the context of local land claims, it is common for negotiation to take place and a mutually beneficial agreement to be reached between the parties involved (Verbrugge, Cuvelier, & Van Bockstael, 2015).

Land and Mineral Resources Dynamics: *"I inherited this land from my father, and I have since been working in this mine"* (Gogo Hlengwa, Life History Interview, 23 August 2021). The Blaauwbosch mine was initially located on private land, and from the interviews with the participants, it was clear that they are of the view that if they are the rightful owners of the land, they have no obligation to apply for any permits because they have sustained themselves from generation to generation through the mine. The ambiguity between formal and customary mining claims is an undeniable reality that is clearly demonstrated by the case of the three families who are the custodians of the land. They are the descendants of the founding families of the mine and had "informal" authority to grant permission for mining on their land. The land in these three homesteads is currently rented and leased by some of the Blaauwbosch artisanal miners. The miners predominantly rely on permission from the landowners to mine a site. This is essentially an informal process that does not require miners to obtain a government-issued license to use the mining site. This becomes a conundrum because, according to the Mineral and Petroleum Resources Development Act (MPRDA), the State is appointed as custodian of mineral resources. As a custodian, the State has the ultimate responsibility to grant, issue, control, administer and manage all mineral rights. No longer can landowners be regarded as owners of the minerals embedded in and under the soil of their land.

When asked about the ownership of the mine, most of the participants indicated that from their knowledge, the mine belongs to the landlords or "*omastende*", followed by a small portion that stated that from what they know, the mine belongs to the community, and a few participants indicated that the mine was transferred to the municipality. This lends weight to De Jong & Sauerwein's (2021) observation that little work has focused on the dynamics around artisanal and small-scale mining and customary land tenure despite mining's ever-growing footprint in many African rural economies. According to Van Bockstael (2014), the government frequently attributes the informality of artisanal mining practices to miners' unwillingness to comply with regulatory requirements. However, the lack of government's ability to sufficiently enforce such legislation and the question of whether or not such legislation is viable are rarely considered relevant factors in determining the informality of artisanal mining operations. Van Bockstael (2014) uses the case of Liberia as an example, where several artisanal miners operate at varying degrees of legality by paying informal taxes based on informal agreements with local officials or informal organizations within their communities.

A similar case was observed in Blaauwbosch, where miners perceive the informal agreements between them and the landowners and tax payment as an official "permit" to mine. While these informal agreements are illegal according to mining laws and policies, Van Bockstael (2014) contends that such practices raise important questions regarding the feasibility and legitimacy of the current Mining Code and how this crucial economic activity should be regulated in the future. Another narrative from the Municipality official interviewed was that, around 2010, there were arrangements between some landlords and the municipality to transfer land to the municipality. The landlords would be compensated and relocated because the area was no longer safe to occupy. However, because there were no open lines of communication between the community, landowners and the municipality, this created division. Some landowners were indeed compensated and relocated, some were not, and some refused. The municipality indicated that they appropriated some portions of land without compensation because of the quarrels and divisions that emerged. However, artisanal miners continue to mine there because the community was neither consulted nor engaged during these processes.

The municipality claims to have transferred the issue to the Department of Mineral Resources and Energy. Some scholars argue that formalizing ASM should be understood in the context of Hernando De Soto's theory of "extralegality". De Soto (2000) refers to the 'extralegal economy' as a world of informality in which people are

in possession of assets (deeds, titles, land, etc.) that could be valuable for development but are not recognized by law, which in many parts of the world is what characterizes the informal artisanal mining economy. In this framework, formalization is the means of integrating informal mining practices into a country's legal and economic structures by formalizing them (Siegel & Veiga, 2009). This approach is tempting in South Africa, especially since the South African government already acknowledges artisanal mining as a traditional and customary form of mining per the new proposed policy framework. For example, Bougainville in Papua New Guinea introduced a policy recognizing the ownership of minerals and customary rights. According to O'Faircheallaigh & Corbett (2016), the Bougainville Mining Act 2015 integrates local governance structures and mainstream policy by conferring formal regulatory powers on existing, locally-based governance institutions. This policy explicitly recognizes the customary landowner's right to negotiate terms with artisanal and small-scale miners at the same time.

It offers support and capacity building to these local governance institutions to ensure that they are able to address issues such as health and safety, environmental impacts, child labor and alcohol abuse as part of their regulatory role. However, this approach has its shortcomings, and many may argue that it contradicts the idea of challenging the dominant discourse that says that for customary forms of production to thrive, they must be integrated into the formal or mainstream economy. (Musembi, 2013) argues that this narrow construction of legality to mean only formal law results in the over-valorization of formal titles and downplaying of the central role played by informal norms and practices. What I do take away from this approach, however, is the recognition of the fact that the informal economy is a product of the burdens imposed by state regulations on the entrepreneurial activities of the poor. Therefore, the removal of bureaucracy may facilitate economic development for poor working people (Alter Chen, 2005). The only problem with this approach is that it fails to recognize the vulnerabilities, structural inequalities and barriers faced by those who are already in the informal sector. Additionally, the idea of absorbing existing customary practices developed informally by miners into the mainstream legislative environment and mainstream economy arena without tackling these vulnerabilities could further exacerbate them. Perhaps the idea of formalization and integration needs to be rethought.

5. Conclusion and Recommendations

Recent statistical and media reports have shown that the mining industry is currently grappling with a number of significant socio-economic challenges exacerbated by the decline in production and employment levels. Alongside this, is the rise of illegal mining. Scholars and activists maintain that exploring artisanal mining as an alternative livelihood strategy is vital, especially since numerous rural mining communities depend on the economies of large-scale mining (Bester, 2023). The significance of this research cannot be overstated, as it contributes significantly to the ongoing discourse surrounding the ASM industry. Without reiterating what has already been discussed, this study reinforces an understanding of the complex artisanal and small-scale mining sector from the South African context. It has been reiterated in this study and by other scholars that this sector remains crucial and plays an integral role in impoverished rural communities. Despite this, the sector remains neglected and misunderstood, and the focus has primarily been on the negative impacts rather than addressing the challenges to improve the sector's economic opportunities (Bester, 2023). In the case of the study area, this study has shown that the prevalence of artisanal mining is shaped mainly by a combination of social, environmental and sociodemographic characteristics of the community.

These factors, in conjunction with the social and economic challenges faced by the community, necessitate long-term and sustainable economic opportunities for the community and the youth. Findings from this study suggest that it will be helpful to devise a holistic approach that will address the demographic challenges of those participating in the sector instead of a one-sided approach that seeks to integrate and formalize the sector. Additionally, this study has shed light on some pertinent issues, including distorted access to minerals and land, ambiguity surrounding formal versus customary claims over land and mineral resources, poverty and unemployment. To address these issues. It is crucial that policies and development agendas carefully consider these challenges in their different contexts. This study emphasizes a need for policy and decision-makers to consider the customary systems in which artisanal mining occurs fully. This will ensure that policy accommodates all artisanal mining practices in different contexts and also considers the local and contextual

dynamics and the customary governance structures in communities involved in this sector. By doing so, interventions can be crafted to meet the needs of communities on the ground in a meaningful way.

Declaration of Competing Interest: The author declares that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Acknowledgments: The author would like to thank Professor Mvuselelo Ngcoya. This research project would never have come to fruition without his guidance, support and academic mentorship.

Funding: Funding for this research was provided by the Moses Kotane Institute.

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