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DEPARTMENT OF MINERAL RESOURCES AND ENERGY

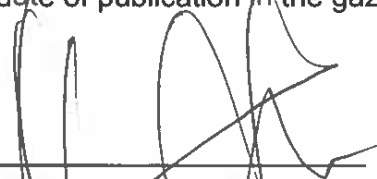
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**PUBLICATION OF THE ARTISANAL AND SMALL SCALE-MINING
POLICY 2022 FOR IMPLEMENTATION**

I, **SAMSON GWEDE MANTASHE, MP**, Minister of Mineral Resources and Energy, hereby publish the Artisanal and Small-Scale Mining Policy, 2022 for implementation in terms of the Mineral and Petroleum Resources Development Act 28 of 2002.

Artisanal and Small-Scale Mining Policy, 2022 will become effective on the date of publication in the gazette.



MR S G MANTASHE, MP
MINISTER OF MINERAL RESOURCES AND ENERGY
DATE: 28/03/2022



mineral resources & energy

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Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

ARTISANAL AND SMALL-SCALE MINING POLICY 2022

FINAL V1, (2022)

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CHAPTER I

1. INTRODUCTION

The Artisanal and Small-Scale Mining industry (ASM) received official recognition following the ushering in of the democratic Government in 1994. Government introduced several interventions and support structures to drive the development of the ASM industry particularly to encourage the participation of Historically Disadvantaged Persons (HDP's) and to address challenges facing the sector. These interventions included the development of the White Paper: "A Minerals and Mining Policy for South Africa, 1998" (White Paper, 1998). This policy document has a dedicated chapter on the ASM industry. The policy propositions in the White Paper were later translated into legislation in the form of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA).

Despite these policy and legislative interventions and support structures post 1994, the ASM industry continues to experience challenges. The industry remains largely informal, despite an increase in the number of section 27 mining permits that have been issued by the Department. The extent of the industry in terms of the players involved, number of people employed, its socio-economic impact, investments, and contribution to the Gross Domestic Product (GDP), in the form of taxes and royalties is not properly documented.

Section 27 of the MPRDA which deals with the licensing regime for the ASM industry, has been seen largely as prohibitive to the development and growth of the sector. This is mainly because the Act does not define concepts. It does not cater for the Artisanal Mining industry. Small Scale Miners are virtually treated the same as Large Scale Miners in terms requirement for environmental management, water use, land use, health and safety and financial provisioning requirements.

Furthermore, the Act has restrictions on the transferability and encumbrance of a mining permit, the area in extent is limited to 5 hectares and this impacts on the permit holder's ability to obtain funding and overall sustainability of the operation. The mining permit applications are open for all and even some large players operate in this space. These factors, coupled with poor support mechanism from Government, in the form of funding and provision of extension services to the ASM industry, have contributed to the informality of the sector and constrained development. This has resulted in calls

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