

SOUTH AFRICA: MINING CHARTER III

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Legal Briefings

On 15 June 2018, exactly a year after the ill-fated version of his predecessor, the new Minister of Mineral Resources (“**the Minister**”), Gwede Mantashe, published, for public comment within thirty days, a new “*draft Mining Charter, 2018*” (“**new draft**”, commonly dubbed “**Mining Charter III**”). This is intended to be the third official “*socio-economic empowerment charter*” envisaged under section 100(2)(a) of the Mineral and Petroleum Resources Development Act, 2002 (“**MPRDA**”) – the original Charter was negotiated in 2002 and gazetted in 2004 (“**original Charter**”), and an “amended” Charter was subsequently gazetted in September 2010 (“**current Charter**”).

The Minister published Mining Charter III exactly one year after his predecessor, Mosebenzi Zwane, published a purportedly ‘final’ version (“**2017 version**”) without any stakeholder consultation and with unfortunate consequences.

While the new draft is an improvement on its predecessor, many of its provisions remain problematic and it is unlikely to inspire much-needed investment in an already embattled South African mining sector.

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KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



PETER LEON
PARTNER,
JOHANNESBURG
+27 10 500 2620
Peter.Leon@hsf.com



PATRICK LEYDEN
DIRECTOR,
JOHANNESBURG
+27 10 500 2625
Patrick.Leyden@hsf.com

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