



## Entrenched Violence and Vulnerability in Illegal Mining Activities: A Policing Dilemma in South Africa

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### **Abstract**

In August 2022, the public members in South Africa were shocked by the media reports on 12 women who were raped by illegal miners in Krugersdorp area. This incident led to the nearby community members to march to the site where illegal mining activities are taking place accompanied by the police with the aim of closing off the mining shaft and to destroy the equipment's used by illegal miners. As a result, over 80 illegal miners were arrested by the police in connection with the rape incident. This report had not only exposed the violent nature of criminals in South Africa but also the extent at which illegal miners in particular disregard the rule of law in the country. This study adopted a qualitative research approach because this method enables the researchers to conduct face to face interviews with the research participants as a way of obtaining in-depth information on the problem at hand. As a result, purposive sampling was used to identify police officials working with illegal mining cases and snowballing was used to identify illegal miners who participate in illegal mining activities to hear their voices on this matter. The findings of this study revealed that illegal miners in South Africa are not only the perpetrators of crimes but also the victims of crimes perpetrated mainly by their fellow illegal miners who dominates the mining spots in the country. While illegal miners are violent and inconsiderate, they are also vulnerable to unhealthy working conditions they find themselves in and to the attacks from their rivals. The society looks up to the South African Police Service and relevant stakeholders like the department of Minerals to deal with illegal mining activities. However, since this is lucrative business that operates more like an organised crime syndicate, it is challenging for the police to deal effectively with this problem. Police attempts to raid idle mining shafts used for illegal mining activities are not effective, mainly because some of the police officials work together with the illegal miners by sharing police information. Sometimes it is also difficult for the police to prove that the illegal miners are in possession of raw gold since this is an area that they do not have the expertise in. Therefore, this study proposes that illegal mining activities in the country should be decriminalised and regulated through the establishment of policies that provides licenses to do mining and to sell minerals in the legal market as well as identify areas that should be used for mining purposes by ordinary citizens.

**Keywords:** *Illegal Miners; Mining Shafts; Violence; Policing*

## ***Introduction***

The mining sector in South Africa is known for its rich minerals such as gold and diamonds which had attracted semi-skilled workers within and outside the country (including Lesotho, Mozambique, Swaziland, and Zimbabwean nationals) (Mining Africa, 2015). This immigration from the nearby Southern African Development Countries (SADC) continued to date despite the recent limited employment in the formal mining sector. Thus, more employment seekers opt for illegal mining activities which is also dominated by gang groups that own most of the spot in exclusion to other miners. The “exclusion of others” led to rivalry and violence amongst the miners as well as the re-opening of old closed mining shaft and the interference with the formal mining sectors.

The media report of an incident that happened in Krugersdorp in 2022 where 12 women were raped by illegal miners proved how violent and lawless many of the illegal miners are (Tlhabye, 2022:2). It is, therefore, the aim of this study to explore how the police deal with illegal mining activities in South Africa.

## ***Definition of Key Concepts***

- **Illegal Mining** refers to mining activities that operates without the state permission or license to explore minerals on surface and underground (Jimenez, 2012:32).
- **Illegal Miners** defined as the group of people that extract mineral resources illegally without mining licenses (Bester and Uys, 2023:2). For the purpose of this study, an illegal miner is someone who intentionally or unintentionally engages in extraction of mineral resources from the surface without obtaining the permission from the state (Operational definition).
- **small Scale Mining** refers to illegal mining activities that are performed in groups, individuals, and close family members without employing any paid assistant. On the other hand (Chakravorty, 2001:7) postulates that an artisanal miner or small-scale miner refers to a person who engages in an artisanal or small-scale type of mining activity.
- **mining Shafts** explained as the vertical tunnels that are sunk to access underground minerals or precious Metals (Bester and Uys, 2023:2).
- **Violence** is an act of physical force that causes or is intended to cause harm; thus, the physical force includes sexual, psychological, and economic abuse (Centre for health and gender equity, 1999:04).

## ***Problem Statement***

The problem under this study is the increasing numbers of illegal mining activities in South Africa and the violence accompanying these activities. A report by Mining africa review (2023:1) clearly states that illegal mining operations have become a major challenge for legitimate companies. Of concern, is that the illegal mining activities include violence such as live ammunition rivalry shootouts and murder. For example, the research conducted Mining review africa (2023:1) indicate that in June 2023, there were turf wars between Riverlea and nearby Zami-Mpilo squatter camp. The incident left five people death, while 20 bodies were discovered after a shootout in Riverlea Sunday morning. In addition, Mining africa review (2023:1) posit to declare that the turf wars are because they constantly fight for territory.

The research conducted by the Mining africa review (2023:1) stipulates that the country is plagued by the illegal mining which is currently not managed and further lead to crime activities such as murder and attempted murder. Moreover, Mining africa review (2023:1) further stipulates that illegal mining further associated with serious crimes such as illicit financial flows and high level of violence which includes smugglings of weapons, mercury and constantly stolen of gas bottles. Banchirigah

(2008:31) emphasises that the level of investment in operations and diverse range of employment opportunities provided by illegal mining activities make it difficult to eradicate it. In turn, all these concerns exacerbate the challenges facing the policing of illegal mining activities in the country.

### ***Research Methodology***

This article followed a qualitative research approach because it enabled the researchers to obtain in-depth knowledge of the topic under the study from the illegal miners, the police and other relevant stakeholders who are directly involved in issues of illegal mining. Qualitative research refers to an approach that produces rich and eloquent information from people's own knowledge and experiences (Babbie & Mouton, 2010:270, Fouche & Delpont in De Vos, 2002:82 & Creswell, 2007:36). The study was limited to only five police stations in Johannesburg metropolitan area that deals with the issues of illegal mining activities.

Owing to the large number of the research population, the researchers have purposively selected only forty-seven (47) SAPS members from five police stations and a total of twenty-three (23) illegal miners around Johannesburg area based on their knowledge on illegal mining. Denscombe, (2003:15) explains that in purposive sampling, researchers select informants with a specific purpose in mind based on prior knowledge about specific people or events and thereby deliberately selects participants who are likely to produce the most valuable data. In the case of this study, police officials with experience from five years upwards were requested to participate in the interview sessions following an interview schedule which guided the research questions. The researchers also adopted a one-on-one interview style with the police and the members of Department of Mineral works because it was convenience for their work schedule, whereas a focus group interview was followed with the illegal miners.

A focus group interview allowed the illegal miners to feel comfortable and safe as a group being interviewed by a stranger knowing that they are involved in illegal activities. This interviewing technique also allowed the researchers to have a conversation with the illegal miners. The data obtained from the research participants was analysed using a Thematic analysis (TA). The research conducted by Braun and Clarke (2006:78) postulates that TA consists of six steps which is the familiarization of the data, generate initial code, search for themes, reviewing of themes, definition of themes and the writing of reports. The six steps of TA methods played a significant role in data analysis and interpretation.

### **An Overview of Illegal Mining in South Africa**

Various factors contribute to the existence of illegal mining in the country, namely:

#### **Poverty**

The study by Hilson (2012:183) reflected on why people remain immersed in artisanal and small scale known as illegal mining activities in South Africa, that is labour intensive and had to spent lengthy periods under the ground. Hilson study found that it is because of "poverty trap", a term coined to refer to a situation whereby people are prevented by circumstance like family-hardships from accumulating disposable income and/or pursuing alternative, less arduous employment. Hilson study further asserts that often once a person is immersed in activities of this nature, they find themselves trapped in vicious cycle of poverty and discouraged to seek an alternative employment opportunity.

Moreover, Scholars such as Holtman & Swart (2007:108) and Cilliers and Aucoin (2016:4) concur that poverty plays a huge role in decisions to participate in illegal mining activities. Owing to that the lack of education, financial resources and poor households are cited as the push factors for people to be involved in illegal activities such as illegal mining for financial gain.

## High Unemployment

The increasing criminal activities in South African including illegal mining can be attributed to the increase in unemployment rate in the country. For example, the 2022 fourth quarter the unemployment statistics proved that 7.8 million persons were without work, looking for work and available to work; of which 6.1 million were in long term (more than a year) unemployment and 1.7 million in short term (less than a year) unemployment (Stats SA, 4<sup>th</sup> quarter: 2022).

As a result, studies by Holtman & Swart (2007:109) and Weatherburn (2001:6) concur that the high unemployment rate in South Africa is also a major concern that contributes to people being involved in unlawful criminal activities to overcome their disadvantaged situation. In addition to that, scholars such as Mafiri (2002:1) illustrate that unemployment is a universal problem that increases day-to-day, thus unemployed youth in other countries with unfavourable economic status will opt to migrate to nearby countries to search for greener pastures.

## Easy Access to Old Mines

Despite illegal mining activities threatening the formal mining sectors globally, easy access to idle mines is considered another significant challenge facing the mining sectors. According to Olawumi (2011:6), the mining sectors have difficulties in supervising and controlling access to both abandoned and active mines. This is because these mines have deeper holes to close which costs huge amounts of money that could benefit the sectors in many different approaches, for example, to improve security measures. Olawumi (2011:16) reveals that in instances where holes have been closed, illegal miners blast their way using explosive chemicals to open the shafts. Owing to that, police officials become scared to police such areas as illegal miners are often armed with heavy weapons. The situation in mining sectors has led to private security companies being employed to assist in minimising the easy access to abandoned mines. Johnson (2016:1) maintains that during the night, illegal miners set fires around the gates mixed with toxic chemicals to suffocate security guards to enter unused mines, forcing security personnel to vacate the premises due to lack of proper oxygen. For example, on 22 June 2017, four illegal miners were found dead with gunshot wounds at Langlaagte abandoned mines (Chamber of Mines Fact Sheet, 2017). Police officials further elaborate those illegal miners become hesitant to be rescued as they fear arrest, thus situations become problematic for police officials to curb illegal mining (Chamber of Mines Fact Sheet, 2017). According to Johnson (2016:1), to prevent access to abandoned mines in South Africa, an amount of about 2.7 billion is needed, however, some companies no longer exist which makes it difficult for the state to raise such an amount.

## The Profile of Illegal Miners

The profile of the illegal miners worldwide it includes both men and women of different age, ethnic groups, languages, nationality, and skills (Thornton, 2014:128). Thornton (2014:127) further states that although the public perceive artisanal/small scale miners as automatically illegal and ignorant many of the illegal miners are entrepreneurs, job-creators and managers of small communities who receives little assistance from the government. He adds that, artisanal miners of today have high levels of technical knowledge about extraction and processing of mineral resources such as gold. Banchirigah (2008:36) also observed that illegal miners involves both skilled labours such as Accountants, drivers, mechanics, machine operators and haulers as well as Hawkers (selling food and other basic needs and well as prostitutes).

Given their different gender, age and capabilities, men often occupy risky tasks such as being underground for lengthier periods as opposed to women. Males encounter numerous challenges such as shootings which occur on daily basis with other opposition groups where majority of cases are not often reported for investigations Moloji, (2015:1). For example, in Grootvlei Mine located in Springs, males participating in illegal mining activities associate themselves with a group of gangsterism, and it becomes

difficult for police to distinguish between illegal miners and gangsters. Moreover, police participants alluded that the main aim of illegal miners to associate themselves with gangsters is to complicate matters and confuse police officials not to figure out which groups should be arrested.

“Women of stones” as they are commonly known, are women participating in illegal mining activities. The roles of women of stones include grinding and crushing the stones into fine silts and the burning of rocks to gold colour. Women grind rocks of gold according to different stages. The process of grinding stones involves hard labour and since there are no suitable machines provided to them, such activity is considered dangerous because bruises often form on their hands because of grinding rocks. Several of these women aged between 20-35 years are illegal immigrants who came to South Africa searching for greener pastures. Due to circumstances and not finding employment, they end up working as “women of stones”.

According to Hilson (2012: 184) children (persons below the age of 18 years), are also seen participating in illegal mining activities as volunteers or being recruited by other Illegal miners. Young boys and girls play various roles such as crushing and transporting water and picking and sorting waste heaps. In other instances, children are seen working together with their parent as a way of assisting them with other light activities.

### **Legislation Regulating the Mining Sector in Sa**

There are various legislations in South Africa which were implemented to regulate or govern the mining sector, namely: the Mineral and Petroleum Resource Development Act 28 of 2002 (MPRDA), National Water Act 36 of 1998 (NWA), Mine Health and Safety Act 29 of 1996 and National Environmental Management Act 107 of 1998 (NEMA). As such, the mining sectors rely on the legislations mentioned above to have a solid foundation and to certify that the mines remain sustainable for a longer period. These pieces of legislations are used to maintain good standards in the mining sector from the beginning of the operation until closure and beyond (Busacca, 2013:33). In particular, the National Water Act 36 of 1998 its mandate is to ensure that all mining sectors managed water in a suitable manner (Department of Water Affairs and Forestry, 2013:7). Mine Health and Safety Act 29 of 1996 protects employees against any harm during the operation process, despite illegal activities taking place in mining sectors, safety is one of the drastic issues that need to be improved. Health and safety are consequently another challenge encountered in mining sectors due to the poor practice of illegal miners when extracting gold and other precious metals (Hentschel, Hruschka & Priester, 2003:28).

Then, the National Environment Management Act 107 of 1998 promote cooperative governance in organising a health and safe environment and to provide legislation that allows mining sectors to explore, produce and manufacture mining minerals with an obliged authority (Mackintosh, 2008:19). In this context, the Department of Mineral Resources (DMR) has not developed a legislation that provides regulations to illegal miners which also serves as major challenges owing to emergence of illegal mining activities. This is different in other African countries such as Burkina Faso and Ghana, which already have established legislations that regulate illegal mining activities within their territories. For example, in Burkina Faso, two legislations such as Comptoir Burkinabe Des Metaux and Mining code of 1997 regarded as the legislations that provide provision to illegal miners (Ouoba 2017:190). Moreover, Ouoba (2017:190), authorization for artisanal mining aims to grant rights to illegal miners and licenses to extract pieces of gold, however, licenses are only valid for two years, thus the Act does not allow other foreign citizen to extract minerals. Ouoba (2017:190) further denotes that artisanal miners are not allowed to enter premises without licenses, such an initiative is considered as important and a reminder to all artisanal miners to carry their licenses always. In Ghana, citizens above 18 years registered as permanent miners.



A study by Bansah, Yalley and Dupey (2016:10) further estimated that 420 small-scale miners were granted licenses, 411 were gold licenses and nine were diamond licenses. Registrations further provides small-scale miners with permission to mine lawfully in mining sectors. To this end, small-scale miners are consequently supervised to ensure that operations are conducted in a good routine and provide necessary training on chemicals used in mining sectors. Illegal miners In South africa partake illegally in mining sectors, thus no permission nor licenses have been provided to them. In addition, such activity often led to attempted murder, murder, and rivalry shootouts. The South African mining sectors can learn from African countries such as Burkina Faso and Ghana where the role of the police is to ensure that the mining activities run according to the national legislations/ policies, whereas in countries where informal participation in mining sectors by the communities is not legalized such as South Africa, the police role is limited to prevention that existence of informal/illegal mining activities.

### ***Research Findings***

The findings of this research study are grounded on primary data obtained from the research participants and it is presented and discussed below according to the themes created during data analysis process.

#### **Roles Adopted by Illegal Miners**

The findings of the study proves that there are different roles adopted by illegal miners and such roles are classified in this study as Underground miners, Surface miners and Hitman miners.

#### **Underground Miners**

The study shows that Underground illegal miners specialize in extracting pieces of precious metals. Underground illegal miners work like a formal miner, in the sense that, they work in shifts, they have time off, and lunch breaks, however, they are not sanction like a formal mining sector, meaning they do not pay tax revenues. Majority of illegal miners are former mine workers who were retrenched due to corruption and theft of precious metals. Underground illegal miners work with corrupt security guards who occupies red dot certificate; therefore, the involvement of security guards makes illegal activity for underground workers possible. A red dot security is a well-trained security guard that enters any mining sector without fear because they have the skills to perform such activity should any emergencies arise underground. The study further revealed that majority of underground illegal miners are undocumented immigrants who have been working in the mining sectors for many decades. Illegal mining activities are characterized by the following conditions:

- It is labour intensive;
- Operates without mining rights;
- Commenced with undeveloped tools and
- It involves minimal safe conditions to its labours.

The study further discovered that illegal miners stay underground for a period of ten to eleven months which is facilitated by lack of employment, retrenchments, and greediness. The research participants postulate that illegal miners are greedy people because the more precious stones they excavate, the more money they want to make which makes it impossible for them to quit illegal mining activities. The participants further mentioned that illegal miners drink alcohol and smoke dagga before entering a mining sector, henceforth some of the holes considered as scary when sober, therefore substance abuse and alcohol gives them strength not to fear anything when entering mining sector. Illegal miners enter 500 meters underground without protective gears, after four hours of walking underground, they sleep, thus the search of precious metals continues the next day.

Research participants mentioned that it is a daily struggle for illegal miners because they encounter different challenges underground. Underground illegal miners face challenges such as rock falls, underground fires, methane poisoning and gang wars. Moreover, research participants mentioned that illegal miners from Zimbabwe are educated, however, it is challenging for them to find employment in South Africa owing to reasons that they are undocumented illegal immigrants to this country and such reason prohibits them to find employment in South Africa. Therefore, they resort to illegal mining activities to support themselves and families back home. The money made by illegal miners seems to be enough to maintain their families and therefore mines such as George Harrison located in Langlaagte are called First National Bank (FNB) by illegal miners because the mine contains lots of precious metals which can be exchanged to money. The Basotho nationals from Butha Buthe, Maseru, Leribe and Mafeteng also form part of underground miners, thus they have their own securities who protect them while working underground. The purposes of security guards for Basotho's nationals are to ensure that other ethnic groups do not interfere in their territory, thus each person pays an amount of R50.00 to security guards for safety purposes. Likewise, security guards are group of five to seven men guarding the place where illegal miners work, therefore, at the end of their shifts, illegal miners come out with maize meal bags containing raw precious stones of gold.

Illegal miners build their own structures where they enter the mines and crawl for an hour underground with their knees and hands in a 60-degree Celsius temperature. To enter mining, illegal miners use motor tires wrapped with ropes which serves as a step ladder, they have homemade torches, armed with illegal firearms and they stay for as long as their peers (surface illegal miners) supplies them with food. When illegal miners come out from underground, the complexion is different hence they were not exposed to sunlight for longer period. This has a negative impact on their eyes especially when they return to the surface and get exposed to the sunlight. The researcher is of the opinion that illegal miners constantly risk their lives on daily basis to ensure that they extract more pieces of gold because of greediness. These people ensure that no other groups of illegal miners enter their territory hence the security is hired. This further state that the more precious metals is extracted, the more illegal miners will continue with illegal mining. During the focus group discussion, one of the Illegal miners from Site A squatter camp uttered the below words to the researcher:

*“We are not going to quit or leave what we are doing because gold belongs to God. They have tried to arrest us several times but that does not stop us. We are supporting our families with the money we are getting here hence we are also struggling to be employed in this country. Majority of us here struggle to find gold underground and we are also aware of the dangerous circumstances that we find ourselves in, so to tell you the truth, many of us here will never leave this job because we are going to starve with our family”.*

During the interview process, two illegal miners from the Site A squatter camp highlighted that they wish that the government can intervene and grant them mining licenses to mine so that they can mine peacefully without being harassed and arrested by police.

### **Surface Miners**

surface illegal miners concentrate more on supplying underground illegal miners with food, water, cigarette, and illicit substances such as drugs and dagga when performing illegal activities underground. Apart from supplying underground workers with food, the role played by surface illegal miners also include providing underground workers with mining equipment's and to ensure that gold is kept in a safe place. Surface illegal miners work according to shifts that starts from 6am to 2pm, thus other shifts emerge after 2pm to 6am. The research participants further mentioned that surface illegal miners position themselves as people who works for a certain organization, thus they don't consider themselves violating the laws of South Africa.

Interestingly, the participants explained that surface illegal miners do not work on weekends as those who doesn't have girlfriends have to do household chores, while others attend church on Sundays. It was also noted in the study that the kingpins constantly recruit more youth who are desperate for jobs as illegal miners. The lives of youth are put at risk during rivalry shooting from police and other groups that exist in illegal mining activities. The research participants emphasized that illegal miners are group of people who takes care of one another, thus in situations where illegal miner fight with another group, they assist one another. Similarly, surface illegal miners who are in South Africa for lengthier period provide accommodation to illegal miners who are new to the area. A second point mentioned by participant is that surface illegal miners enter relationships with South African women to secure accommodation in reconstructions and development programme houses (RDP), in return for groceries and electricity for the household. However, if the surface miner cannot deliver responsibility granted to him, the relationship ends immediately. The researcher perceived that the underground and surface illegal miners conduct dissimilar activities underground, thus their incentives also differ.

## **Hitmen**

Hitmen are dissimilar from underground and surface illegal miners. Hitmen do not work underground and do not work for kingpins as opposed to underground and surface illegal miners. The research participants contends that the mission of hitmen is to kill the underground miners and take their bag that contains extracted minerals. The wars between different ethnic groups in mining sectors creates high rates of assaults, fights, murders, and attempted murders. Of major concern is that the fights and killings of illegal miners are uncontrollable and difficult for police to handle such crime.

Some of the police participants further declares that hitmen hide themselves when they see police approaching the area where they murder illegal miners for gold and other minerals. Owing to that, during the shooting between hitmen and illegal miners, illegal miners run and hide themselves underground hence they are familiar with majority of the holes and entrances in mining sectors. Moreover, participants hypothesized that hitmen considered as threat not only to underground and surface illegal miners but to the surrounding community citizens. Participants continue to explain that hitmen threatened community physically by mugging them of their belongings such as cellphones, wallet and costume jewellery. participants mentioned that even though such crime is reported to various police stations, it is difficult to handle it. Again, participants believed that hitmen undermine all illegal miners by taking their uncleaned soil with the purpose of making money without working hard for it.

Moreover, participants added that when an illegal miner are arrested, they do not stay for too long in police custody, thus their bosses bail them immediately. Moreover, the participants added that those who are not bailed out, they go to court, thus if court find that the proof is not concrete enough, illegal miners are released by court on the same day. During illegal miners' trial, court need two documents from SAPS within 48 hours. Firstly, a document from the owner of the unused mine, secondly, the document from a geologist stating that the soil has been tested and it contains pieces of gold, if such documents are not revealed during court prosecution therefore, illegal miners immediately released due to insufficient evidence brought forward by the police. One of the most important concerns encountered by police is that it is difficult to find the property owner of the mine where illegal mining is constantly conducted and geologists, an expert in geology to tests soil. The other challenge is that SAPS cannot prove with naked eye that the bag contains gold hence they don't have geologist within their sector. During data collection, the researcher noticed that hitmen are cruel and heartless people who wants to benefit from the soil they did not work for, and as the results, war constantly emerge as underground illegal miners do not want to lose the soil that belongs to them. Again, the researcher is of the opinion that hitmen use illegal firearm to intimidate underground illegal miners.



## Strategies Employed by the Police to Prevent Illegal Mining Activities

The police officials have conducted numerous disruptive operational plans to curb illegal mining activities. The Disruptive Operational Plan involves more than 100 members from different stakeholders such as the Department of Mineral Resources (DMR), Department of Energy, Rand Water, Johannesburg Disaster Management, Johannesburg Road Agency (JRA), security from Fidelity and police officials attending the area where illegal mining is conducted. The challenge they face is illegal miners often change modus operandi as soon as they become aware of the planned operations and that makes it difficult for the police to make arrests. The modus operandi of illegal miners changes constantly to prevent police officials to come to the area. Police participants added that they warn illegal miners by writing notifications in four different languages namely, Southern Sotho, Zulu, English, and Xhosa informing them that in 14 days, the holes will be closed. Police drop notifications in the holes where illegal miners enter mines when searching for gold. Other notifications are placed around the mines with stones on top to notify illegal miners when changing to their different shifts. Police participants indicated that such notices to closed mines are often ignored, hence police constantly see illegal miners going on with their activities on daily basis. As a result, the police attempt to curb illegal mining is ineffective as the problem continues. According to the police, the signs that illegal mining activities are continuing in active and unused mines includes:

- The removal of drilling equipment's in the productive mining sector,
- Empty containers of explosives chemicals outside mining entrances,
- Empty food cans and bottles of cool drinks,
- Hidden sleeping areas underground,
- Small carpet rugs used for extraction of gold,
- The smell of tobacco, cigarettes, and dagga underground and
- The smell and presence of human excretion underground.

In addition, the temporarily solution in curbing illegal mining activities during disruptive operational plan is that all confiscation of equipment from illegal miners considered a huge setback to them, this means that illegal miners must start every single process from the beginning again. This further means for a month; illegal miners do not work owing to the unavailability of equipment. Furthermore, a Disruptive Operational Plan assists police to confiscate all illegal equipment found in squatter camps, including personal belongings for example money, cell phones and explosives, which are also confiscated to stop illegal miners from partaking in illegal mining activities. Amongst other things that were confiscated by police officials were food, cigarettes, and sorghum beer, which illegal miners believe can prevent tuberculosis (TB) because it is possible to catch the disease while working underground. Police participants expressed the below message:

*“These are the equipment's that we normally confiscate during disruptive operational plan. We also found firearms, mercury, different shapes of knives which are locked in a safety cupboard. These people steal gas cylinders from Afrox company which they call them Phenduka's according to Zama-Zama's language. Another thing mam .... We find generators, four-pound hammers, picks, chisel, and dangerous weapons that they use when fighting with another group”.*

Moreover, police officials hold meetings to draw new plans and strategies to assist in preventing illegal mining or theft of equipment in legal mines in Gauteng. One of the plans is to ensure that all miners working in formal or legal mines should be authorized electronically before entering the mines using fingerprints scanners and facial recognition by cameras. SAPS further alluded that all mines dealing with gold, need to introduce biometric scanners. The function of a biometric scan is to authenticate and verify whether the person is employed at that specific mine or not. The features of the scan include voice recognition, facial images, and fingerprints. This would assist the formal mines to identify criminals stealing equipment's and expose corrupt security guard.

## What Worked in Preventing Illegal Mining Activities

Police have involved different stakeholders in curbing illegal mining activities. The stakeholders include National Intervention Unit (NIU) private companies such as Fidelity, and Community Policing Forum (CPF) are also involved in curbing illegal mining activities. Each stakeholder has a significant role to play for example the NIU its mandate towards illegal mining provides operational support to local police officials to combat crimes in areas where illegal is a major problem.

Moreover, the role of private security companies also works with police official to combat illegal mining activities. The main purpose of collaboration with private security companies is that they are familiar with the areas and know which areas or zones are dangerous specifically at night hence they render service 24/7. Security companies do not have the power to arrest illegal miners so they constantly tip-off police officials when illegal mining activities is conducted. Likewise, the cooperation between security companies and police officials yielded positive results in arresting illegal miners.

The CPF also plays a critical role in preventing illegal mining activities. CPF has created a WhatsApp group which is one of the biggest platforms of social media used to report crime. The main purpose is to minimise phone calls to all members that form part of the CPF which also serve as the voice of community. The role of CPF is that they alert police officials regarding illegal mining activities within the area, thus where and how activities are conducted. This has also brought more safety in the community, thus the police participants hypothesized that working with CPFs in combating illegal mining activities required more members of the community aimed at fighting crime and combat illegal mining activities occurring within the area.

## Discussion of Findings

The discussion below presents the meaning of the research data from the researcher's point of view and its relation to the work of other scholars. The study found that the challenges of dealing with illegal mining are a major concern, not only to South Africa but to other countries nationally and internationally. Then in terms of policing illegal mining activities, the following was clear:

Firstly, SAPS are the first responders to the crises related to illegal mining activities, such as arriving at the scene when illegal miners are trapped underground or when found dead after a conflict. In such incidents, the police conduct a thorough investigation in the mining sector to determine what the cause that led to some of the illegal miners being found injured and other dead. Police officials face different challenges because no training is provided to them when dealing with illegal mining activities. Police officials handle cases of illegal miners just like all other cases presented to them. In most cases, police officials find themselves in dangerous positions because illegal miners fight them. This raises a concern to police officials on how to protect themselves when dealing with illegal miners.

Secondly, police officials encounter numerous challenges such as no valid address being provided to them when conducting investigations. Lack of valid addresses prohibits police officials from finding the deceased's family members, thus the government conduct pauper funerals for the deceased and keep a record of those who were buried. SAPS members do not feel safe as illegal miners shoot at them when doing investigations and when a Disruptive Operational Plan is conducted at mines specialising in gold. The study divulges that the SAPS is not trained to handle illegal miners, yet they are the first stakeholders to arrive at the scene.

Thirdly, during a rescue operation, police officials encounter the challenge of viewing the bodies of illegal miners which affect them to such an extent that police officials become traumatised at the scene. The state of the bodies of deceased illegal miners differs as some died due to chemical explosives, others were stoned to death, while others died because of unlicensed firearms. Internally, the SAPS have a

programme called Employee Health and Wellness (EHW) which assist them to overcome trauma experienced during the rescue operation. The study argues that police officials need to be trained to handle all cases of illegal miners and to provide justice amongst mining sectors affected by illegal mining. The primary data of the research study concurs with the study conducted by Coetzee and Horn (2007:1) that those involved in the mining sectors believed that police officials should provide a justice system to ensure that illegal miners are convicted. Of major concern is that, even though crime is extremely high in mining sectors, it is difficult for the SAPS alone to provide adequate services to all mining sectors affected by illegal mining activities.

Lastly, the study exposed those illegal miners benefit a lot from participating in illegal mining activities. The findings of the research study further agree that easy access to mines is constantly considered as another major impact facing majority of industries. This statement is supported by the writings of Coetzee and Horn (2006:7) who states that easy access to mines and the selling of gold illegally by illegal miners created a substantial threat to the economy. The study further discovered that the youth are constantly involved in illegal activities for financial gain. This statement is further supported by the study conducted by Weatherburn (2001:6) who found that in majority of mining sectors, the youth perform illegal mining activities for financial purposes and survival. The findings of the research study concur with the research conducted by Cilliers and Aucoin (2016:4) who found that illegal mining activities are mainly conducted for financial benefits. Likewise, Weatherburn (2001:6) agrees with Cilliers and Aucoin (2016:4) is that majority of people involved in illegal mining activities do so to obtain incentives and to overcome unfavourable situations. During interviews, majority of illegal miners alluded to the researcher that gold belongs to God which is another reason that they will never quit extracting pieces of gold.

### ***Recommendation and Conclusion***

The study recommends that legislation or policy regarding informal mining activities such as illegal mining should be established by the Department of Mineral Resources (DMR). The policy or legislation will further support the initiative by the Minister of Mineral Resources, Gwede Mantashe, on granting access to informal miners. The Minister permitted that illegal miner situated in Northern Province, Kimberley to partake in illegal mining activities, and the news was announced in April 2019. The research conducted by Oosthuizen (2009:2) denotes that illegal miners were granted 1000 hectares of land in Kimberley; however, no Act or policy framework supports such initiatives. Moreover, the study further recommends that for illegal miners to perform mining activities, legislation is required to support the statement provided by the Minister of Minerals. This regulation will decriminalize illegal mining activities and serves as proof that permission is granted legitimately to these miners. In turn, they will no longer be targets for police arrests and corrupt police practices. The study assessed that the availability of informal mining policy or legislation will further enable illegal miners to follow appropriate networks when selling gold to the relevant market.

In addition to the above discussion, South Africa should learn from countries such as Burkina Faso, Namibia, and Tanzania on how to put measures in place that can grant access to the public members to do informal mining but within the government regulatory frameworks. For example:

### **Tanzania**

Tanzania similarly decriminalizes illegal mining activities in Burkina Faso and Ghana. All members involved in illegal mining activities should acquire mining licenses for them to perform illegal mining activities. Moreover, Tanzanian mining developed the Mining Act 28 of 1979 which supports the decriminalization of illegal mining activities. The Mining Act 28 of 1979 encourages Tanzanian citizens to participate in the mining sector with legitimate licenses. The licenses of illegal miners are applicable

for one year which is renewed each year. Likewise, Tanzania regulates illegal mining activities by ensuring that illegal miners are granted sites to mine which prevents illegal miners from interfering with other mining sectors.

## **Burkina Faso**

Legislation in Burkina Faso was formulated to regulate illegal mining, such legislation provides provision to illegal miners. Comptoir Burkinabe Des Metaux is legislation that focuses on improving situations in the mining sector to ensure that illegal miners are always safe when extracting minerals. Furthermore, Comptoir Burkinabe Des Metaux permits that only Burkinabe citizens are granted licenses and can extract minerals, thus further prohibiting other neighbouring countries such as Mali, Benin, Niger, and Togo to participate in illegal mining activities. Moreover, legislation regulates that license should be renewed every two years to ensure that all illegal miners follow all protocols arranged for them. Authorization for Artisanal Mining (AAM) ensures that all illegal miners do not enter the mining sector without having licenses, such initiatives serve as a constant reminder that licenses should always be carried when extracting minerals. Other regulations followed by illegal miners are that they are permitted to sell and export gold to areas assigned to them by the government of Burkina Faso which formulated better practices for illegal miners.

## **Namibia**

The government of Namibia committed to developing a policy that formalizes small-scale mining activities in mining sectors. Leonard, Hauptfleisch and Ellmies (2011:2) comment that the Mineral Prospecting Mining Act 33 of 1992 is regarded as the main legislation that controls the mineral rights of Namibia. To such an extent, Leonard's, and colleagues (2011:2) agree that illegal miners should constantly adhere to different acts applicable to them. For example, the Communal Land Reform Act 5 of 2002, the Soil Conservation Amendment Act No 76 of 1969 and Nature Conservation Ordinance Act 4 of 175, all relate to the issue of small-scale mining in Namibia. Various legislation mentioned above supports the activity conducted in the mining sectors of Namibia. The various acts deal with issues emanating from mining sectors, support small-scale mining activity and promote goodwill (Leonard et al., 2011:2). The Namibian government further denotes that legislation deals with illegal occurrences in mining sectors, turn all problems encountered in mining sectors into possible solutions hence each legislation plays its significant role.

It can be deduced that, knowledge sharing, and benchmarking of evidence-based strategies is vital for the South African government to resolve the dilemma facing the police on how much or little resources they should put in place to eliminate illegal mining activities - knowing very well that any form of measures that they have put in place to date have not yielded them any success.

## **Conclusion**

The main aim of the research study was to explore how the SAPS deal with illegal. Subsequently, through primary data collected for the envisaged study, it can be deduced that definitions associated with understanding what is illegal mining explained and explored. The motive why ethnic groups exist in illegal mining activities were also explained and explored. Likewise, the study further discovered the live experiences of illegal miners and how long do they stay underground, thus how much money is made by selling certain kilograms of gold were revealed in this study. The literature review further played a significant role by identifying which strategies were implemented in other countries affected by illegal mining activities. In conclusion, the study further denotes that illegal mining activities should be decriminalized not only in Northern Cape province but also in other provinces that encounter the issue of illegal mining activities such as Johannesburg, Free State and Mpumalanga to mention a few. This will therefore create employment legally as it did to Northern Cape province.

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