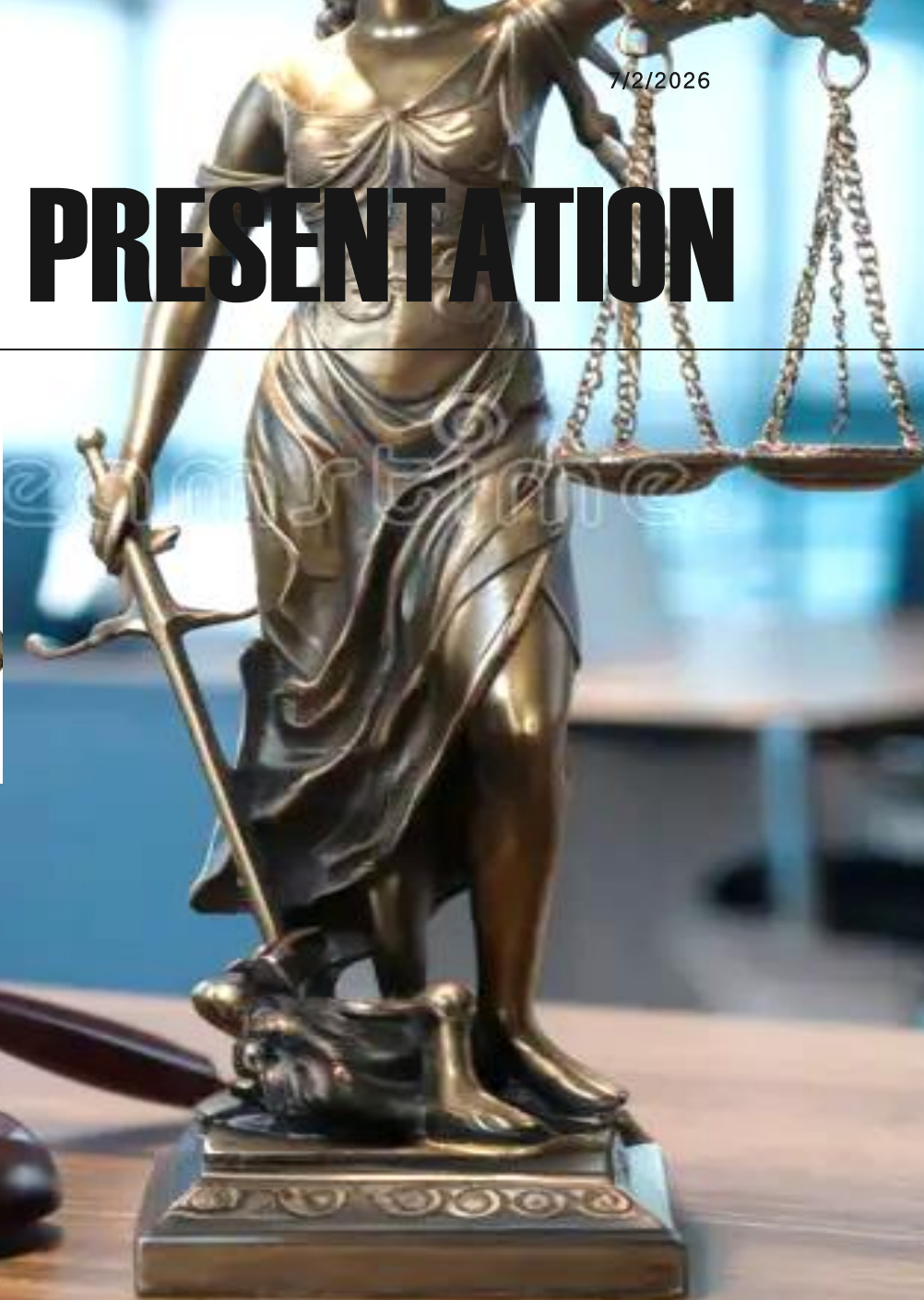




LAW PRESENTATION

OLIVER SCHREINER
SCHOOL OF LAW



STRUCTURE OF THE SCHOOL PILLARS

Law School – Teaches Law, Law Library & Writing Centre

Law Clinic – Practical Studies and Clients

Legal Resources Centre – Practical and Clients

Mandela Institute – Short Courses

CAREER PATHS TO CHOOSE

- ❖ WORK INTERNATIONAL INSTITUTIONS (EG: UN)
- ❖ ACADEMIC - RESEARCH
- ❖ GOVERNMENT
- ❖ PROSECUTOR
- ❖ DIPLOMAT
- ❖ JUDICIARY –JUDGE, MAGISTRATE



LEGAL CHALLENGES OF ILLEGAL GOLD MINING IN JOHANNESBURG

Examining legal issues and enforcement complexities



“WHAT SHOULD THE LAW DO IN A DEEPLY UNEQUAL SOCIETY?”

2/2 2

5

THERE ARE MANY DIFFERENT ASPECTS OF LAW THAT ARE RELEVANT TO THIS SCENARIO...AND TO THE QUESTION POSED HERE...

ILLEGAL MINING IN JOHANNESBURG: HISTORICAL AND SOCIAL CONTEXT

Historical Gold Mining Impact

Gold mining has influenced Johannesburg's migration, labour, and inequality for over 140 years.

Youth Unemployment and Illegal Mining

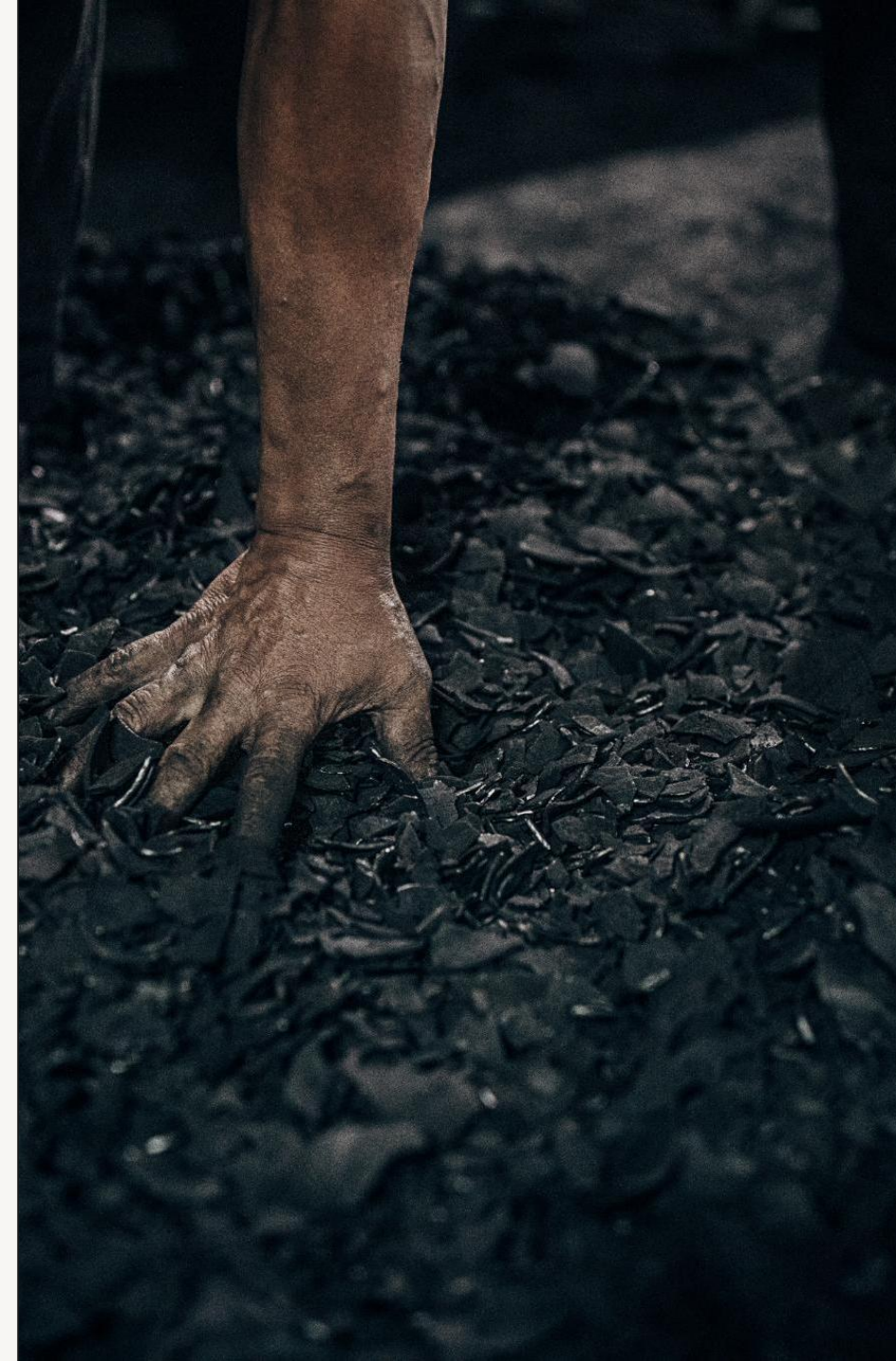
High youth unemployment drives many young people to risky and unlawful illegal mining activities.

Organized Crime Involvement

Criminal syndicates control equipment, access, and gold sales, exploiting vulnerable illegal miners.

Legal and Social Challenges

Illegal mining harms public safety and resources but stems from economic exclusion and unemployment.





CRIMINAL LAW, ORGANISED CRIME, AND CONSTITUTIONAL TENSIONS, ENVIRONMENT

CRIMINALISATION, ORGANISED SYNDICATES, AND ENFORCEMENT CHALLENGES

Legal Framework on Illegal Mining

Illegal mining violates laws like the MPRDA and POCA, addressing licensing and organised crime control.

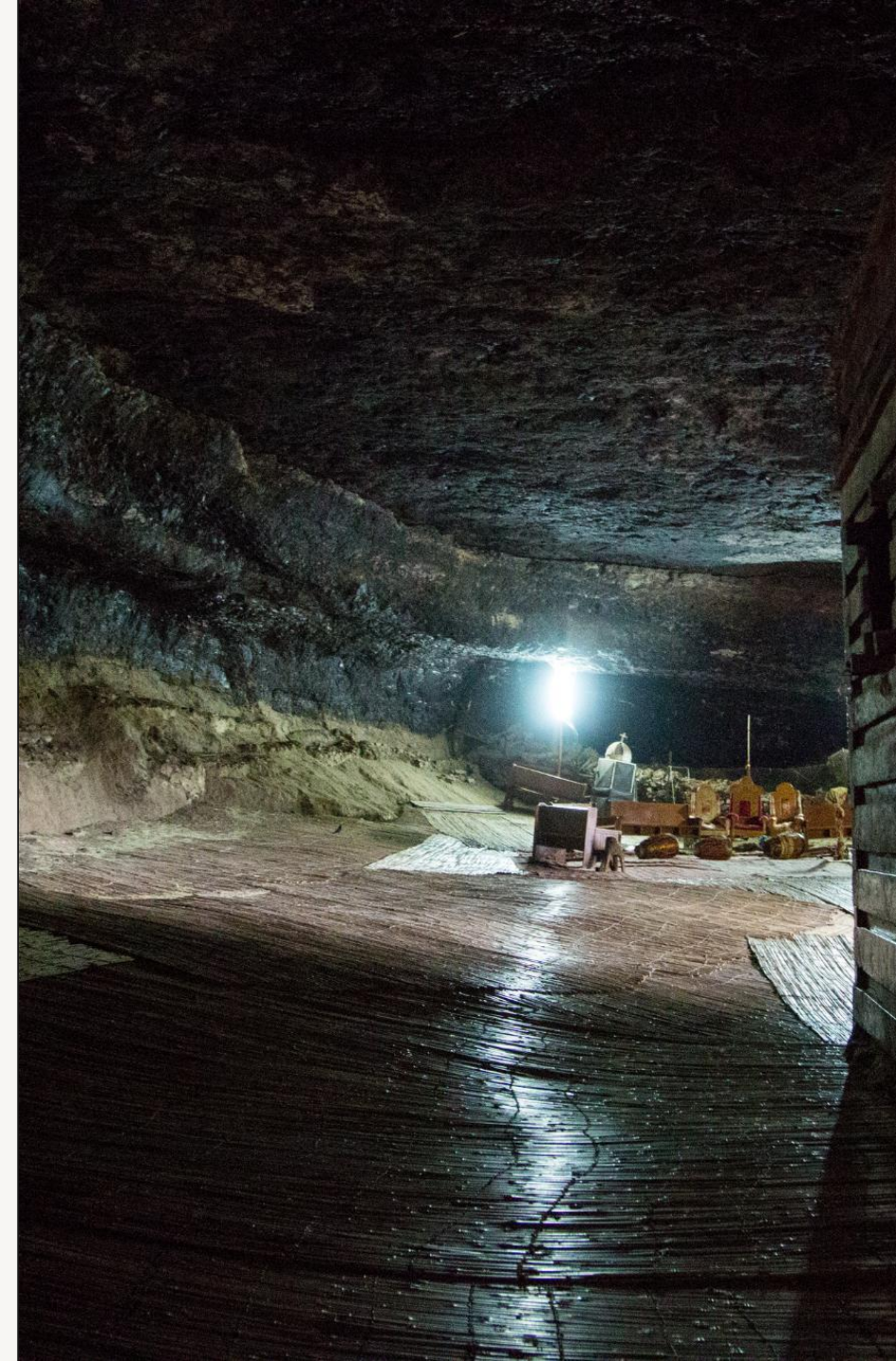
Enforcement Challenges

Detection is difficult due to underground operations and limited law enforcement resources and coordination.

Organised Crime Syndicates

Syndicates often link to violence, firearms, and money laundering complicating criminal justice responses.

Is there or should there be a legal distinction between syndicate leaders and miners ?





CONSTITUTIONAL RIGHTS VERSUS THE RULE OF LAW

Constitutional Protection of Rights

The Constitution safeguards human dignity and freedom to choose professions, crucial amidst socio-economic challenges like youth unemployment.

Rule of Law and Public Safety

The state must enforce laws to protect public safety and natural resources from illegal mining and associated risks.

Balancing Competing Interests

Constitutional law involves balancing socio-economic rights with environmental protection and legal order for sustainable governance.



ENVIRONMENTAL HARM, PUBLIC SAFETY, AND LEGAL RESPONSIBILITY



ENVIRONMENTAL LAW AND SUSTAINABLE DEVELOPMENT

Environmental Impact of Illegal Mining

Illegal gold mining causes water contamination, soil degradation, air pollution, and land destabilisation harming communities and ecosystems.

Principles of Environmental Law

South Africa's National Environmental Management Act promotes sustainable development balancing economic needs with future generations' rights.

Legal Enforcement Challenges

Enforcement is difficult as illegal miners operate outside formal systems, complicating responsibility for environmental damage.

Intergenerational Justice Concept

Failing to regulate mining properly imposes long-term environmental costs on future generations, raising justice concerns.

PUBLIC SAFETY, INFRASTRUCTURE DAMAGE, AND DELICTUAL LIABILITY



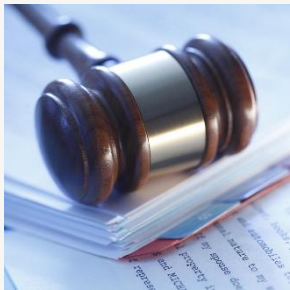
Risks to Public Safety and Infrastructure

Illegal mining weakens land stability causing sinkholes, road collapses, pipeline damage, and endangering communities.



Challenges in Assigning Liability

Identifying liable parties is difficult due to anonymous miners, elusive syndicates, and complex legal responsibilities.



Limits of Legal Remedies

Even clear harms face enforcement challenges, showing that law sometimes lacks neat solutions for social problems.

REGULATORY FAILURE, INFORMAL WORK, AND POSSIBLE LEGAL RESPONSES

ADMINISTRATIVE LAW, REGULATION, AND EXCLUSION

Complex Regulatory System

Mining regulations are complex, costly, and time-consuming, limiting access primarily to large-scale miners.

Exclusion of Small-Scale Miners

Small-scale miners face exclusion due to lack of capital, legal knowledge, and administrative support.

Administrative Law Challenges

Delays, poor oversight, and inconsistent enforcement reveal systemic weaknesses in regulatory administration.

Need for Inclusive Regulation

Regulatory design must be accessible and inclusive to address socio-economic inequalities and reduce illegal mining.



TOWARDS SOLUTIONS: FORMALISATION, ENFORCEMENT, AND DEVELOPMENT

Enforcement-Based Approach

Focuses on arrests, prosecutions, and mine closures but risks ignoring socio-economic causes.

Developmental Approach (gives access)

Creates simplified permits, training, and integration to improve safety and compliance.

Hybrid Legal Response

Combines targeting criminal syndicates with legal pathways for small-scale miners and environmental protections.

Law as Social Problem-Solving

Law serves as a tool for reform and justice, encouraging critical thinking about social issues.



ADMISSION REQUIREMENTS

➤ PROGRAMME OPTIONS

➤ LLB PROGRAMS: THREE STREAMS

➤ TWO YEAR LLB

- STUDENTS COMPLETED BA(LAW) OR BCOM (LAW)

➤ THREE YEAR LLB

- STUDENTS COMPLETED ANY OTHER FIRST DEGREE

➤ FOUR YEAR LLB

- ` (SUBJECT TO ADMISSIONS COMMITTEE DISCRETION)



ADMISSION REQUIREMENTS

PROGRAMME
OPTIONS

BA (LAW)

NSC: APS 43

ENGLISH OR
FIRST ADD
LANG:LEVEL 5

MATHS: LEVEL
3

MATHS LIT:
LEVEL 4

- **THANK YOU**
- **Future leaders**

