



Aligning South Africa's Critical Minerals Strategy with the Just Transition Framework: Addressing Policy Gaps for Sustainable Communities

Summary

This policy brief calls for aligning South Africa's Critical Minerals and Metals Strategy (CMMS) with the Just Transition Framework as the country shifts from fossil fuels to renewable energy. While the CMMS prioritises economic growth and geopolitical interests, it largely overlooks community rights and environmental protections, risking the creation of 'sacrifice zones' where socio-economic injustices persist. To address these issues, the brief recommends embedding justice principles into the CMMS, mandating human rights due diligence for corporations, establishing grievance mechanisms and enhancing community partnerships in resource governance. By restructuring the CMMS to prioritise the rights and well-being of affected communities, South Africa can strengthen its commitment and action towards a just energy transition that delivers the shared benefits of its mineral wealth and safeguards vulnerable populations, as envisioned by its Just Transition Framework.

Introduction

As South Africa continues to contribute to the global efforts in transitioning from fossil fuels to renewable energy sources, demand for transition minerals and metals has surged. These resources, essential to produce electric vehicles, battery systems and renewable energy technologies, present an opportunity for economic growth. Developed to define the strategic importance of 'critical' minerals to economic growth, industrial development, job creation and national security, the Critical Minerals and Metals Strategy (CMMS) in South Africa raises significant concerns regarding its alignment with the country's Just Transition Framework, which emphasises social equity and environmental safeguarding. This brief examines the contradictions inherent in the CMMS and presents policy options to ensure a just transition that benefits all stakeholders, particularly vulnerable communities.

Problem Statement

The CMMS prioritises economic and geopolitical objectives while largely neglecting community rights and environmental protections. This misalignment risks perpetuating resource extraction models that historically created so-called 'sacrifice zones' – areas where environmental degradation and socio-economic injustices coexist, without access to justice or remediation. The current framework fails to uphold key principles of social justice as outlined in the country's Just Transition Framework. As a result, vulnerable populations may bear the brunt of transition minerals development that appears to favour economic growth over equitable resource distribution.

Policy Options/Alternatives

To ensure good governance of transition minerals, South Africa can consider and implement several policy options, based on the Just Transition Framework. The latter incorporated justice principles into governance frameworks, aligning them with distributive, restorative and procedural justice to promote fairness in decision-making and resource allocation. Additionally, other options, which are not well articulated in the Just Transition Framework nor the CMMS, include mandatory human rights due diligence (HRDD), which could be legislated so that corporations involved in extraction can thoroughly assess and mitigate potential human rights impacts. A key policy option is to ensure that independent grievance mechanisms are available to provide communities with accessible, impartial channels to voice concerns and seek redress, thereby holding both government entities and private companies accountable. Finally, enhancing community participation in resource governance is crucial, as it empowers local populations to shift from being passive recipients to active stakeholders, allowing them to play a significant role in decision-making processes and to benefit from the development of transition minerals.

Analysis

The policy brief notes several important gaps when applying the three principles of energy justice articulated in South Africa's Just Transition Framework, namely distributive, restorative and procedural, to analyse the CMMS and its potential impact on local communities. The framework reveals systemic failures in South Africa's policy terrain where both state and corporate actors neglect their obligations. In practice, lack of proper consultation, inadequate compensation related to resource extraction projects and environmental degradation highlight the accountability deficit.

Recommendations

1. **Embed Principles of Energy Justice in the CMMS:** The CMMS can embed the energy justice principles directly into its operational criteria, thereby contributing to ensuring that community rights and environmental protections are prioritised.
2. **Legislate Human Rights and Environmental Protections:** The government can legislate human rights and environmental protections through laws that mandate corporations to implement human rights due diligence processes, assessing and mitigating potential impacts on affected communities.
3. **Establish an Independent Mining Ombud:** The government can establish an independent mining ombud aimed specifically at ensuring restorative justice for mining-affected communities.
4. **Promote Community Co-Governance in Mining:** Mining corporations can develop mechanisms to involve communities in co-governance of mineral extraction projects, ensuring their voices are heard and their rights upheld.
5. **Elevate Community Inclusion and Participation:** Civil society can strengthen its push for more community inclusion, participation and protection of rights in relation to transition minerals projects, as well as working for the protection of human rights defenders.

Conclusion

For South Africa to achieve a truly just transition, it is imperative that the CMMS is restructured to align with energy justice principles that consider the rights and well-being of affected communities. By addressing existing contradictions and implementing the proposed recommendations, South Africa can ensure sustainable resource management that equitably distributes the benefits of its mineral wealth, preventing the sacrifice of vulnerable communities in the pursuit of a green future.

Acknowledgements

This policy brief is based on research and analysis from a thematic chapter by Dr Felix Dube in the edited volume '[Beyond Extraction: Human Rights, Responsible Business Conduct and Africa's Just Transition](#)'. The volume explores African perspectives on just transition, as part of the '[Just Transition through Responsible Business Conduct in Africa 2024-2027](#)' project, made possible thanks to the financial support of the Swedish International Development Cooperation Agency (Sida). The project is implemented by a Consortium of the Danish Institute for Human Rights (DIHR), the Zimbabwe Environmental Law Organisation (ZELO), HakiRasilimali, the Centre for Environment Justice (CEJ) and African Resources Watch (AFREWATCH). The views expressed are those of the author and do not necessarily reflect the views of the Consortium or Sida.

