

Mining & Minerals

ALERT | 7 October 2025



In this issue

SOUTH AFRICA

A legal perspective on unlocking
South Africa's exploration potential



For more insight into our
expertise and services

**MINING & MINERALS
ALERT**

A legal perspective on unlocking South Africa's exploration potential

South Africa has a storied mining history. From the gold rushes of the 19th century to becoming the world's leading producer of platinum and manganese, the country's mineral wealth has long shaped its economy. Yet, while our mines have fuelled generations of growth, exploration, the lifeblood of future mining, has often lagged. Without fresh discoveries, even the most established operations eventually face decline.

In recent months, the Minister of Mineral and Petroleum Resources, Gwede Mantashe, has reignited the conversation: the country needs to accelerate exploration.

With the launch of the Critical Minerals and Metals Strategy and support initiatives like the Junior Mining Exploration Fund, the Government is signalling an intent to position South Africa as a global exploration hotspot. But let's be real, the path from prospecting to production is rarely straightforward.

Legal and regulatory hurdles

Whilst the Government's call for exploration is welcome, the practicalities remain complex:

- Permitting and licensing delays: Securing exploration rights and environmental approvals can take years.
- Policy uncertainty: Shifts in policy, such as some of the material amendments introduced in the recent Draft Mineral Resources Development Bill, which was published for comment in May 2025, and other regulations, create hesitation for investors.
- Community and land engagement: Consultation and consent are non-negotiable, but processes are often inconsistent.
- Data gaps: Limited geological information makes greenfield exploration riskier and costlier.

These challenges aren't necessarily deal-breakers to unlocking investment, but are practical realities to be navigated, which make it clear that careful planning, legal foresight, and strategic structuring are essential.

Exploration in the age of ESG

Today, exploration isn't just about compliance; it's about reputation, relationships, and sustainability. Forward-thinking companies are integrating ESG (environmental, social, and governance) principles from day one, including:

- Meaningful community engagement and benefit-sharing.
- Environmental stewardship from the outset.
- Responsible land and water use.



**MINING & MINERALS
ALERT**

A legal perspective on unlocking South Africa's exploration potential

CONTINUED

Handled well, ESG isn't an obstacle; it's an opportunity. Companies that get it right often enjoy smoother operations, stronger partnerships, and fewer disputes down the line.

Turn challenges into opportunities

Sound legal support can help companies:

- conduct due diligence on exploration rights, land access, and community issues to prevent disputes before they arise;
- structure exploration agreements with joint venture partners, funders, and contractors;
- navigate licensing regimes, co-ordinating with regulators to keep projects moving;
- embed ESG strategies that meet legal obligations and global investor expectations; and
- provide dispute resolution support to ensure challenges don't derail projects.

Looking ahead

South Africa is sitting on world-class mineral potential. With regulatory certainty, efficient licensing, and meaningful ESG commitments, exploration could be a powerful engine for growth and innovation.

For clients, the message is clear: those who prepare, manage risks, and engage responsibly will be best positioned to seize the moment.

Burton Meyer and Kiara Ghirao-Govender

Cliffe Dekker Hofmeyr
Legal500
2025

MINING
Tier 2

Hall of Fame:

Ian Hayes | Allan Reid

Recommended Lawyers:

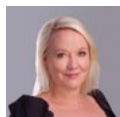
Vivien Chaplin | Rachel Kelly

Fiona Leppan | Burton Meyer



OUR TEAM

For more information about our Mining & Minerals sector and services in South Africa, Kenya and Namibia, please contact:



Vivien Chaplin

Sector Head: Mining & Minerals
Director: Corporate & Commercial
T +27 (0)11 562 1556
E vivien.chaplin@cdhlegal.com



Ian Hayes

Practice Head & Director:
Corporate & Commercial
T +27 (0)11 562 1593
E ian.hayes@cdhlegal.com



Emil Brincker

Practice Head & Director:
Tax & Exchange Control
T +27 (0)11 562 1063
E emil.brincker@cdhlegal.com



Anli Bezuidenhout

Director:
Employment Law
T +27 (0)21 481 6351
E anli.bezuidenhout@cdhlegal.com



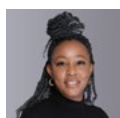
Kuda Chimedza

Director:
Banking, Finance & Projects
T +27 (0)11 562 1737
E kuda.chimedza@cdhlegal.com



Ilda-Manuela dos Santos

Director | Namibia
T +264 081 125 0996
E ilda.dossantos@cdhlegal.com



Denise Durand

Director:
Dispute Resolution
T +27 (0)21 481 6351
E denise.durand@cdhlegal.com



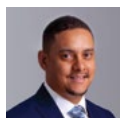
Claudette Dutilleux

Director:
Dispute Resolution
T +27 (0)11 1 562 1835
E claudette.dutilleux@cdhlegal.com



Magano Erkana

Director | Namibia
T +264 83 373 0100
E magano.erkana@cdhlegal.com



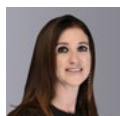
Jackwell Feris

Sector Head:
Industrials, Manufacturing & Trade
Director: Dispute Resolution
T +27 (0)11 562 1825
E jackwell.feris@cdhlegal.com



Willem Jacobs

Director:
Corporate & Commercial
T +27 (0)11 562 1555
E willem.jacobs@cdhlegal.com



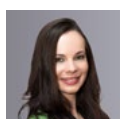
Rachel Kelly

Director:
Corporate & Commercial
T +27 (0)11 562 1165
E rachel.kelly@cdhlegal.com



Fiona Leppan

Director: Employment Law
T +27 (0)11 562 1152
E fiona.leppan@cdhlegal.com



Carmen Mckinlay

Director:
Corporate & Commercial
T 011 562 1406
E Carmen.Mckinlay@cdhlegal.com



Burton Meyer

Director:
Dispute Resolution
T +27 (0)11 562 1056
E burton.meyer@cdhlegal.com



Jaco Meyer

Director:
Corporate & Commercial
T +27 (0)11 562 1749
E jaco.meyer@cdhlegal.com



Yvonne Mkefa

Director:
Employment Law
T +27 (0)21 481 6315
E yvonne.mkefa@cdhlegal.com



Rishaban Moodley

Practice Head & Director:
Dispute Resolution
Sector Head:
Gambling & Regulatory Compliance
T +27 (0)11 562 1666
E rishaban.moodley@cdhlegal.com



Aadil Patel

Practice Head & Director:
Employment Law
Sector Head:
Government & State-Owned Entities
T +27 (0)11 562 1107
E aadil.patel@cdhlegal.com



Allan Reid

Executive Consultant:
Corporate & Commercial
T +27 (0)11 562 1222
E allan.reid@cdhlegal.com



Clarice Wambua

Consultant | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E clarice.wambua@cdhlegal.com



Deon Wilken

Director:
Banking, Finance & Projects
T +27 (0)11 562 1096
E deon.wilken@cdhlegal.com



Alistair Young

Director: Environmental Law
T +27 (0)11 562 1258
E alistair.young@cdhlegal.com



Megan Rodgers

Sector Head: Oil & Gas
Director: Corporate & Commercial
T +27 (0)21 481 6429
E megan.rodgers@cdhlegal.com



Shereef Martin

Associate Designate | Namibia
T +264 83 373 0100
E shereef.martin@cdhlegal.com

BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa.

Dx 154 Randburg and Dx 42 Johannesburg.

T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.

T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.

T +254 731 086 649 | +254 204 409 918 | +254 710 560 114

E cdhkenya@cdhlegal.com

ONGWEDIVA

Shop No A7, Oshana Regional Mall, Ongwediva, Namibia.

T +264 (0) 81 287 8330 E cdhnamibia@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.

T +27 (0)21 481 6400 E cdh Stellenbosch@cdhlegal.com

WINDHOEK

1st Floor Maerua Office Tower, Cnr Robert Mugabe Avenue and Jan Jonker Street, Windhoek 10005, Namibia.

PO Box 97115, Maerua Mall, Windhoek, Namibia, 10020

T +264 833 730 100 E cdhnamibia@cdhlegal.com

©2025 15194/OCT

