

# WWF calls for commission of enquiry into DMR

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In light of World Environment Day, The World Wide Fund for Nature calls upon parliament to establish a commission of enquiry into the regulation of mining activities in South Africa.

“Irresponsible mining is, without doubt, one of the biggest threats currently facing South Africa,” says Mark Botha, Head of WWF South Africa’s Living Lands Unit.

“With the focus of World Environment Day being a call to positive, environmental action, we believe it is fitting to use this opportunity to address this threat.”

“There is ample evidence that the Department of Mineral Resources is unable to ensure effective environmental protection from mining activities and the Departments of Water and Environmental Affairs are unable to enforce compliance with relevant legislation.”

This follows the recent furore surrounding the granting of mining rights to Limpopo Coal adjacent to the Mapungubwe World Heritage Site, the approval of prospecting rights in statutory nature reserves, and the application for prospecting rights in the heart of the Western Cape wine region (this was application was subsequently abandoned by the state-owned mining company, AEMFC).

These are not isolated incidents, and WWF is very concerned about the increasing trend by the Department of Mineral Resources (DMR) to grant prospecting and mining rights in environmentally sensitive and threatened areas in South Africa.

“There are three primary concerns,” explains Botha. “Firstly, administrative justice in mining regulation is failing both the South African public and responsible mining houses. Rights are being granted in places and such numbers that they threaten our natural heritage, water and food security. The law’s processes should prevent this, but it simply isn’t working.”

“Administrative justice also implies effective use of the provisions of the law and public consultation, the rejection of



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Coal mining in the Grasslands

poor or incomplete applications and the prosecution of applicants who deliberately provide misinformation or omit key information preventing effective decision making. Furthermore, state mining houses should not be exempt from EIA and consultation requirements. It is up to the Department to ensure that mining companies do effective notification and public consultation before the granting of prospecting rights so that the Department has all the information required to make a responsible decision that ensures sustainable management of our mining and natural resources.”

“Secondly, our constitutional rights demand that restrictions will have to be applied to mining in critical areas for water production, heritage and biodiversity. This is vital for all South Africans. World Environment Day is a good time to pause to consider what we want our country, society and economy to look like in 50 years. An abandoned mine dump that continues to pollute our precious water resources with toxic substances is not first prize.”

“Finally, decisions regarding any prospecting or mining rights must consider the long term impacts from inception to closure. Full cost accounting, which takes into consideration all costs such as pollution of water resources, air pollution and ecosystem rehabilitation, needs to be internalized into the economics of the mine. This clearly hasn't been the case if we have a legacy of R50 billion of fix-up costs of ownerless mines, and we don't think it's going to change much unless addressed by a different mindset, instead of a bureaucracy. The Minister's acknowledgment that the rehabilitation provisions are not working is very concerning – she has the power to make this part of the law effective.”

WWF has joined a range of applicants seeking a judicial review of the decision to grant mining rights near Mapungubwe to Limpopo Coal. The charge is being led by the Endangered Wildlife Trust and the Peace Parks Foundation, but several other environmental and heritage organizations are similarly concerned.

“There is a strong case for review on procedural and substantive grounds,” explains Botha.

“It appears that there has been little or no effective response from the DMR to the objections raised by the numerous Interested & Affected Parties, including the Minister of Environmental Affairs herself. Furthermore, the preparation to commence mining is taking place without water use licences or the requisite environmental authorisation for certain listed activities under the National Environmental Management Act. The mitigation measures proposed for the expected environmental damage are also completely inadequate, although these have seemingly been accepted by the DMR in the Environmental Management Programme.”

The Mapungubwe story is just the latest in a number of similarly inappropriate prospecting and mining decisions by the Department. In order to ensure that South Africa's vital

natural resources are conserved for the benefit of all South Africans, an enquiry needs to be undertaken as a matter of urgency.

“At present, DMR is both the “referee” and “player” in authorizing mining activities. Although a deal was struck between the respective Departments in 2008 (and endorsed by Parliament in an Amendment Bill) to transfer relevant environmental authorizations for mining to environment authorities, this seems to have fallen away. It is clear that a more appropriate and competent environmental authority needs to be empowered to ensure that mining activities take place without threatening the water security and environmental integrity for future generations. The process needs to be more transparent and return a better outcome for everyone’s environmental rights.”

WWF hopes that in light of World Environment Day, parliament and cabinet will respond to this call.