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DMR duty-bound to give info on mineral rights, end disturbing reports

9TH MARCH 2012

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CREAMER MEDIA EDITOR

Mining Weekly today formally calls on the Department of Mineral Resources (DMR) to issue a media release each time it grants a mineral right or permit. This publication does so against the background of the DMR's reported refusal to provide such information.

Section 32 of the Constitution of South Africa enshrines the right of access to information required for the protection of rights, whether that information is held by the State or by a private body. Although people are entitled to information that impacts on them, read on page 9 of the cover story in this edition of *Mining Weekly* of the DMR honouring this in the breach.

South Africa's Promotion of Access to Information Act (PAIA) is specifically designed to provide transparency and accountability to give effect to the Constitution, but, in practice, it seems to be having little effect.

While the sophisticated Extractive Industries Transparency Initiative (EITI) provides a crucial global mechanism, as reported on page 9 of the cover story, membership of the EITI will be hollow if the DMR continues to refuse access to information on mining rights, prospecting rights, environmental management programmes and the like.

University of the Witwatersrand Centre for Applied Legal Studies acting head **Lisa Chamberlain** makes the point on page 9 that it has become "notoriously difficult" to obtain primary information.

The DMR, Chamberlain reports, has been very poor in responding to PAIA requests by 16 civil society organisations over a 12-month period from August 1, 2010, to July 31, 2011.

Of 30 requests submitted in that time, half received no response at all, which constitutes a refusal under the Act. Of the 13 internal appeals to the refusals, not

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a single one elicited a response in the statutory time allowed. Of the responses received after the lapse of the laid-down period, the DMR regularly made use of standardised letters, particular one relating to information about programmes, even when this information had not been

[back to top](#)


Mining companies, too, were found wanting, many regularly refusing to answer questions and some claiming that they had been instructed by the DMR not to release information.

A groundswell of resolve is now building up to compel the DMR and mining companies to provide information as a condition of being granted rights and permits.

Mining Weekly's resolve is just as strong and today this publication formally calls on the DMR to show its bona fides proactively.

The online South African Mineral Resources Administration licensing database, a passive system that many complain is ineffective, should also be fixed promptly and technically tweaked at the same time to enable it to provide understandable information in the form of public releases. ■■

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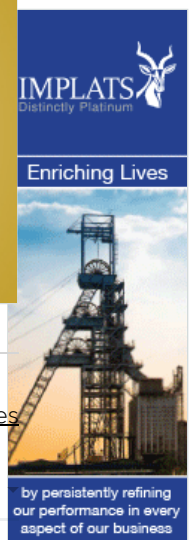
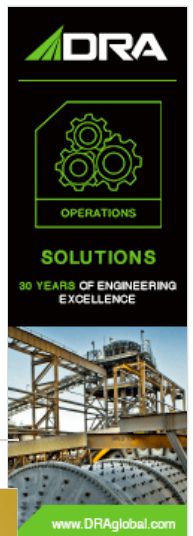
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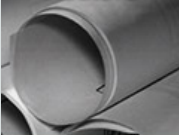
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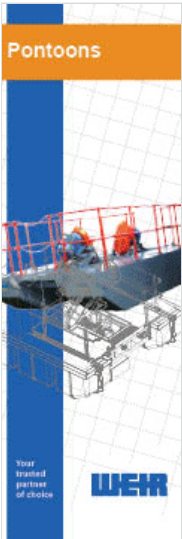
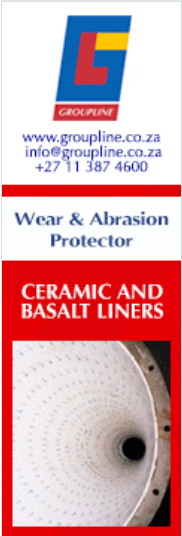
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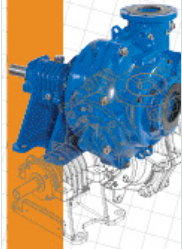
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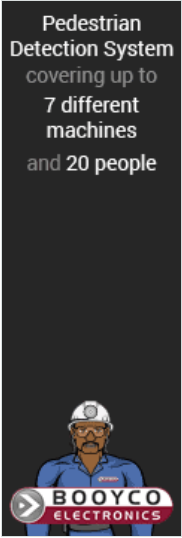
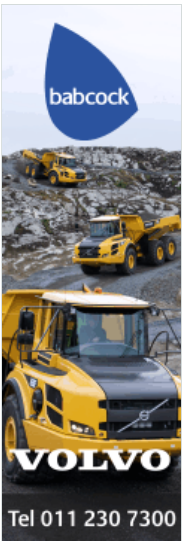
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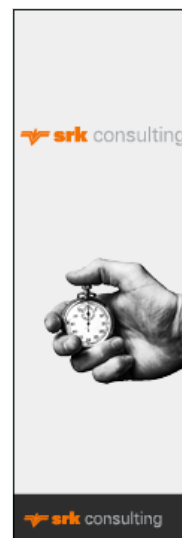
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