



**Media Statement by Bench Marks Foundation**  
**Portfolio Committee on Mineral Resources urged to consider**  
**key recommendations**

**7 March 2013**

**For immediate release**

The draft Mineral and Petroleum Resources Development Amendment Bill (MPRDA) was gazetted on 27 December 2012 by the Department of Mineral Resources without proper public consultation and participation, says the Bench Marks Foundation.

The deadline for public submissions was set for 8 February 2013 but, according to Bench Marks, the timeframe means that the Bill was tabled in a period in which most civil society and community-based organisations were on leave, severely limiting the opportunity for meaningful participation and input.

“To read the Bill,” says John Capel, Executive Director of the Bench Marks Foundation, “it is necessary to also read the Mineral Petroleum Resources Development Act, 2002 (Act 28 of 2002) and the Petroleum Resources Development Amendment Act, 2008 (Act 49 of 2008). This is not a quick read and one needs to carefully analyse the proposed amendments.

“We are also very disappointed to note that none of the key recommendations we shared with the Presidency, Parliament, the Department of Mineral Resources and a number of other relevant departments in 2012, following the release of our Policy Gap 6 report, have been incorporated in the proposed amendments to the legislation.”

Capel says that the organisation has met with the Portfolio Committee on Mineral Resources and has once again put forward the recommendations for the committee’s consideration when processing the Amendment Bill.

“We feel that there should be tighter legislation regarding conflict of interest. Senior politicians and civil servants should be barred from serving on boards of mining companies or even as BEE partners and shareholders.

“In addition, we recommend that the MPRDA must be amended to give affected communities representation in all decision-making processes that affect their lives; give affected communities representation when the Social and Labour Plans are crafted and

that the Act should clearly provide for continuous free, prior and informed consent at all stages of mining to the affected communities.

“It is also important that it includes revenue-sharing options for local communities, moves the responsibility for Environmental Impact Assessments from the Department of Mineral Resources to the Department of Environmental Affairs and places the onus on the mining corporations to prove that they are conforming to the relevant laws.”

Says Capel: “I truly hope that the Portfolio Committee will take our recommendations to heart and that our concerns will be received, considered and acted upon in the spirit with which they are raised and submitted, namely that legislation relating to mining should serve the best interests of the people of South Africa in general and mine workers and mine-impacted communities in particular in accordance with the Constitution of the land.

To read all the recommendations made by the Bench Marks Foundation relating to mining, go to [www.bench-marks.org.za](http://www.bench-marks.org.za) or contact them on 011 832 1743.

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**Notes to editors:**

Bench Marks Foundation is an independent non-governmental organisation mandated by churches to monitor the practices of multi-national corporations to

- ensure they respect human rights;
- protect the environment;
- ensure that profit-making is not done at the expense of other interest groups; and
- ensure that those most negatively impacted upon are heard, protected and accommodated within the business plans of the corporations.

Archbishop Desmond Tutu launched the Foundation in 2001 and the Rt Rev Dr Jo Seoka chairs the organisation.