



Phosphate mining licence remains valid – NMP

02 July 2021 | [Local News](#)

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Namibian Marine Phosphate (NMP) says its mining licence for the planned Sandpiper marine phosphate project near Walvis Bay has been confirmed by the High Court of Namibia.

This follows a court order issued on Wednesday that no activities may proceed without an Environmental Clearance Licence (ECC).

According to NMP, its mining licence (ML170) and the rights conferred to the company thereunder are not affected by the findings of the court and remains valid.

The High Court declined to declare the licence invalid.

The legal proceedings were aimed at challenging the validity of NMP's ML170, which was issued by the ministry of mines in July 2011.

Judge Harald Geier made the court order on Wednesday with regards to the legality of the ECC, which the company applied for after it received its mining licence.

The Confederation of Namibian Fishing Associations, the Namibian Hake Association, the Midwater Trawling Association and Omualu Fishing brought the legal action in 2016 against the company.

No ECC

In their court application, they requested the court to order that NMP did not apply for the ECC within a prescribed period in terms of the Environmental Management Act - one year calculated from 6 February 2012. They, therefore, said the ML170, issued on 8 July 2011, expired on or around 5 February 2013, and is thus invalid and of no force and effect.

Greier in his order said NMP did not apply in the prescribed manner for an ECC during the relevant time and is currently - in any event - without an ECC.

He, therefore, declared - in accordance with the provisions of the Environmental Management Act - that NMP may not undertake phosphate mining operations until such a time that it has obtained a valid ECC in relation to such activity.

The company agreed with the ruling.

“NMP’s shareholders, legal team and management are pleased with the High Court’s ruling in respect of the ML170 and now look forward to developing what is an extremely promising project for Namibia.”

The project has been in limbo since 2012, owing to environmental objections, with its ECC having been set aside after being awarded in 2016.