

Agri SA

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Agri SA in die Konstitusionele hof oor mynbou se invloed op die reg tot voedsel

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“Agri SA is van mening dat die Minerale- en Petroleumhulpbronne Ontwikkelingswet nie genoegsaam ag slaan op die effek van mynbou op voedselproduksie en voedselsekerheid wanneer die toestaan van mynlisensies oorweeg word nie. Daarom het dié organisasie toegetree as ‘n vriend van die hof met ‘n geding in die Konstitusionele Hof tussen die ministers van Minerale Hulpbronne en dié van Water- en Omgewingsake asook die provinsiale wetgewer van die Wes-Kaap oor wie ‘n bepalende sê moet hê met die toestaan van mynlisensies”, sê Johannes Möller, president van Agri SA.

Volgens Möller is dié organisasie se belang by die geding meer as om net landboubelange te beskerm. “Voedselgebruikers is die kliënte van die landboubedryf en daar moet verseker word dat die natuurlike hulpbronne waarmee voedsel tot in die vêre toekoms geproduseer moet word, nie as gevolg van kortsigtige optrede vernietig word nie. Daarom moet regulerende wetgewing ag slaan op die bevolking se reg tot voldoende voedsel en water, soos dit in artikels 27 en 28 van die Grondwet verskans word”, sê Möller.

“Dié ekonomiese en ander bydraes van mynbou-ontwikkeling, wat gewoonlik van ‘n beperkte tydsduur is, moet gebalanseer word met die noodsaak om natuurlike hulpbronne vir doeleindes van langtermyn volhoubare landbouproduksie toereikend te beskerm. Voedselsekerheid en –veiligheid kan nie sondermeer vir korttermyn ekonomiese gewin opgeoffer word nie. So ‘n beoordeling van wat in die bevolking se beste belang is, kan nie toereikend binne die raamwerk van mynbou-wetgewing alleen gedoen word nie. Die Departement van Minerale Hulpbronne kan nie die uitsluitlike reg hê om ‘n oordeel te fel oor krities belangrike oorhoofse nasionale kwessies soos die bydraende faktore tot voedselsekerheid, wat buite sy kundigheidsveld is nie. Hiervoor is volledige impakstudies, onder andere in terme van algemene omgewingswetgewing, nodig”, aldus Möller.

Agri SA het oor tyd reeds sy ernstige kommer oor die agteruitgang van Suid-Afrika se natuurlike hulpbronne gelug. Mynbou maar ook verskeie ander ongewensde ontwikkelings en gebreke met dienslewering op plaaslike regeringsvlak is as bydraende faktore uitgewys. Nogtans kan mynbou-ontwikkeling, veral indien dit omvattend in ‘n streek soos die Mpumalanga-hoëveld beoefen word, uitgesonder word as ‘n groot bydraer tot hulpbronagteruitgang. “Die kollektiewe invloed wat ‘n groot aantal mynbouprojekte in ‘n streek op die omgewing, samelewing, infrastruktuur, die landbou en ekonomie het, word nie na behore met mynbouwetgewing en -ontwikkeling in ag geneem nie”, het Möller bygevoeg.

“‘n Omvattende studie oor waterkwaliteit wat verlede jaar deur NEDLAC onderneem is, is tans op die tafel van die Minister van Water- en Omgewingsake. Daarin word die omvang van waterbesoedeling uitgewys en ook voorstelle gemaak oor hoe om die probleme te oorbrug. Dié studie toon onder andere aan dat die dreinerings van suurmynwater ‘n hoë risiko vir die omgewing en die sosio- ekonomiese belange inhou”, volgens Möller.

“Agri SA betreur die feit dat ministers mekaar nou die stryd in die hoogste hof moes aansê , terwyl die betrokke departemente deur die tydige harmoniëring van wetgewing en behoorlike koördinering tussen staatsdepartemente, sodanige konflik kon vermy het”, het Möller gesê.

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AGRI SA IN CONSTITUTIONAL COURT OVER IMPACT OF MINING ON RIGHT TO FOOD

“Agri SA is of the opinion that the Minerals and Petroleum Resources Development Act does not fully take into account the effect of mining on food production and food security when the granting of mining licences is considered. For this reason, the organisation has become involved as a friend of the court in a dispute that is being heard in the Constitutional Court between the Minister of Mineral Resources and the Minister of Water and Environmental Affairs, as well as the provincial legislature of the Western Cape, as to whom should have a determining say in the granting of mining licences,” says Agri SA president Johannes Möller.

According to Möller, Agri SA's interest in the matter involves more than protecting agriculture's interests. “Food consumers are the clients of the agricultural industry and it is important to ensure that the natural resources used to produce food - now and far into the future - will not be destroyed as a result of short-sighted action. Therefore, legislation and regulations must take cognisance of the people's right to sufficient food and water as entrenched in sections 27 and 28 of the Constitution,” says Möller.

“The economic and other contributions of mining development, which are largely of a limited duration, must be balanced with the need to adequately protect natural resources for purposes of long-term sustainable agricultural production. Food security and safety cannot be sacrificed for the sake of short-term economic gain. An evaluation of what is in the people's best interests cannot be made within the framework of mining legislation alone. The Department of Mineral Resources should therefore not have sole discretion when deciding on critical overarching national issues, such as the factors contributing to food security, which fall outside the ambit of their expertise. For this we need detailed impact studies, among others in terms of general environmental legislation,” according to Möller.

Agri SA has, over a period of time, expressed serious concern regarding the deterioration of South Africa's natural resources. Mining, but also various other undesirable developments and shortcomings in service delivery at local government level, were pointed out as contributory factors. However, mining development, especially if practised extensively in a region such as the Mpumalanga Highveld, can be identified as a major contributor to the deterioration of resources. “The collective influence that a large number of mining projects within a region have on the environment, communities, infrastructure, agriculture and the economy, is not fully considered in mining legislation and development,” added Möller.

“A comprehensive study on water quality conducted last year by Nedlac was forwarded to the Minister of Water and Environmental Affairs. That report mentions the extent of water pollution and also makes recommendations on how the problems can be overcome. This study shows *inter alia* that acid mine water drainage holds a high risk for the environment and socio-economic interests,” according to Möller.

“Agri SA regrets the fact that ministers are now confronting each other in the highest court, while the relevant parties could have avoided such conflict through timeous harmonisation of legislation and proper co-ordination between state departments,” says Möller.

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