

# Mining minister urged to use green laws to save crisis areas

Environmental organisations urge mining minister to go green in mining sector.

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MINERAL Resources Minister Susan Shabangu was yesterday taken to task by environmental organisations for not using legislation to restrict or ban mining, and even mining reconnaissance, in certain areas of "critical" biodiversity, conservation and hydrological importance.

As Ms Shabangu's six-month moratorium on receiving new applications for prospecting rights comes to an end this month, the organisations warned that in the past prospecting and mining rights in SA had been granted in some of these areas despite the existing statutory prohibition.

A group of 11 nongovernmental organisations yesterday sent a formal proposal to Ms Shabangu to use the minerals act, the constitution, the National Environmental Management Act, several other pieces of legislation and her performance agreement with President Jacob Zuma to restrict, and in some instances prohibit, mining to protect sensitive areas.

Ms Shabangu's performance agreement commits the government to publishing a list of areas demarcated for restricted mineral development by 2015, and holding consultations on this by 2013. However, the Centre for Environmental Rights, which is leading the proposal, believed it was "possible and necessary" to start public consultation earlier, said executive director Melissa Fourie.

"Our nation cannot afford any further loss of areas of the most critical biodiversity and hydrological value and, or, sensitivity."

The most visible example of this is Coal of Africa's (CoAL's) coal coking operations on the edge of the Mapungubwe World Heritage Site. While CoAL's mining rights are in order, it has suspended work at the site pending the issuing of a water use permit and compliance with environmental regulations.

A list of areas — including world heritage sites, national parks, marine protected areas, mountain catchment areas, sites recognised under the international Ramsar Convention on Wetlands and endangered and critically endangered ecosystems — was proposed.

The request was "not something that has come on the back of nothing. Section 49 of the Minerals and Petroleum Resources Development Act allows this. We are calling on her to enact (it)," said Endangered Wildlife Trust CEO Yolán Friedmann .

Department of Mineral Resources spokeswoman Zingaphi Jakuja said the documents were sent to the wrong e-mail address, and it would in any event take time for Ms Shabangu to apply her mind to the proposal.

Mining was a "key tenet" of the South African economy and the group was not against mining per se, said Ms Fourie. But it had direct and indirect consequences for the environment, including on soil, water resources, geological stability, biodiversity and air quality, all of which were essential for human health and wellbeing. This meant it was "of the utmost importance" that mining's negative effects were appropriately controlled and mitigated .

Questionable mining rights awards were granted "typically as a result of false information" given to the department , said the Centre for Environmental Rights .

The proposal was also sent to Water and Environmental Affairs Minister Edna Molewa , South African Biodiversity Institute CEO Tanya Abrahamse and Chamber of Mines CE Bheki

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The Treasury's 2010 green paper on SA's climate change response — which identified an effective, expanded protected areas system as key to it — is out for public comment until the end of the month.

Chamber of Mines spokesman Jabu Maphalala said the document was "big and well thought out" and the chamber's environment head Nikisi Lesufi was perusing it before commenting.

The proposal to Ms Shabangu comes just days before the annual Mining Indaba, the world's largest gathering of mining financiers, investors, and mining professionals in African mining, which starts on Monday.

Ms Shabangu is to announce a new licensing system after the applications moratorium expires.

Soon after Ms Shabangu and Ms Molewa established a joint task team on mining in sensitive areas last July, the 11 organisations offered to submit a list of such areas. This would be based on "extensive scientific research, mapping and other work" undertaken by provincial conservation authorities, the two ministers' departments, the South African National Biodiversity Institute and the Centre for Scientific and Industrial Research.

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