

PRESS RELEASE

Impact of mining and mining activities and the role of Emalahleni Local Municipality

The Constitution of the Republic of South Africa guarantees the right of every citizen to an environment that is not harmful to their health and social wellbeing and to have the environment protected for the benefit of present and future generations. It cannot be disputed that local communities suffers at the helm of anthropogenic activities which infringes on this constitutional right. This is evident from the inundated complaints and petitions on the impact of mining activities petitioned to the municipality, newspaper articles, social media, etc. Impacts of mining and mining activities have also become topical issues at Mayoral outreach programs. Un-rehabilitated derelict and ownerless mine dumps, discharge of pollutants into the water ecologies, land degradation which can no longer support other land uses, underground fires, subsidence of the ground, sink holes, biodiversity loss, acid mine drainage and damage to road infrastructure by coal haulage are just but a few of the impacts which undoubtedly result from mining activities. The Central, Northern and Southern parts of the municipality are unfortunately the most affected areas with some of these mine operations taking place in close proximity to human settlements.

Whereas the municipality remains the custodian of the natural environment on behalf of its citizens, it is however regrettable that the jurisdiction of the municipality with regard to regulation of mining activities is limited. To this end, the municipality does not have any authority to grant mining rights, except to give comments, as an interested and affected party, on a mining right application process. As to whether such applications should be granted or not remains the prerogative of the Department of Minerals, Resources and Energy (DMRE). The Mineral, Resources and Petroleum Development Act states that the custodianship of nation's minerals and petroleum resources lies with the state, acting through the relevant Minister.

It should be noted that all mining rights applications comes with very stringent conditions which must be adhered during mining operations. It has however become evident that a large number of mining operations are perpetually disregarding these conditions and all relevant environmental legislation.

It is against this background that we wish to indicate that the municipality has no jurisdiction on regulating mines and mining activities. Complaints and petitions related to the impact of mining should therefore be directed to Local Regional Office of DMRE.

The municipality remains committed to protect the environment and ensure compliance through enforcement of relevant municipal environmental by-laws and relevant national environmental management legislation.