

Government accused of 'watering down' laws

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ENVIRONMENTAL and development groups are accusing the government of "watering down" laws protecting the environment, particularly with regard to mining operations, without public consultation.

They say this flouts the requirements of the constitution, and some of the groups have threatened to take legal action if the legislation is changed and unsatisfactory.

The Legal Resources Centre has sent a letter on behalf of 11 organisations to the parliamentary portfolio committees for the departments of environmental affairs and tourism, and minerals and energy, over proposed changes to the National Environmental Management Act (NEMA).

The organisations include the Botanical Society of SA, the Wildlife and Environment Society of SA, the newly formed umbrella group, Federation for a Sustainable Environment (FSE), and the Nkuzi Development Association.

The most recent proposed changes to NEMA were never published for public comment, the letter says, although Parliament was informed.

A previous amendment to NEMA was published in April but was changed "significantly" 14 days before a parliamentary portfolio committee meeting in October at which public organisations could give comment, said Koos Pretorius of FSE.

This did not leave the organisations enough time to prepare properly, he said.

"The bill and the procedure that was followed were unconstitutional, and now things seem to be happening behind closed doors," he said.

"How they are going to get this past Section 33 of the Constitution I don't know."

The bill published in Octo-

ber would:

"Remove the requirements for environmental impact assessments (EIAs) under NEMA, including investigation of alternatives, mitigation measures and public participation.

"Give discretion to the authorities as to how far-reaching an EIA must be.

"Allow the Department of Minerals and Energy Affairs to find that environmental investigations conducted under other laws, which may not have public participation and other NEMA requirements, to be declared compliant with NEMA. This department is expected to promote mining, not protect the environment.

"Allow the Minister of Minerals and Energy to grant exemption from an environmental impact assessment."

The letter requests that public hearings be held in major centres explaining the amendments.

"It is our view that Parliament has failed to comply with its constitutional obligation to facilitate public involvement as required by section 59(1) of the Constitution," the letter says.

"Therefore, if Parliament is to adopt (further amendments to NEMA), such amendments could be declared invalid.

"Our clients represent a broad range of interests and in particular represent the class of persons, including farm dwellers affected by prospecting and mining applications from the Dullstroom to the Ermelo districts.

"The uncertainty regarding environmental authorisations in mining should be explained to the public."

Langa Zita, the chairperson of the portfolio committee on environmental affairs and tourism, did not respond to a request for comment.

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