



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

ADDRESS BY Ms. NOMVULA MOKONYANE, MINISTER OF WATER AND SANITATION AT THE SAND RIVER MINING CONSULTATIVE WORKSHOP WITH TRADITIONAL LEADERS AT KARRIDENE PROTEA HOTEL, ILLOVO, KWA ZULU-NATAL PROVINCE.

20th OCTOBER 2017.

SPEAKER'S NOTES:

INTRODUCTION:

- South Africa is a water scarce country, with very high variability and unpredictability in water availability. The rainfall is highly variable and is characterized by incidences of extreme weather conditions leading to drought and flooding.
- As a result, the water management context of this is driven by these prevailing conditions, which has led to a demand for water exceeding the supply by a large margin. To this end, water conservation and water demand management become central in mitigating these conditions.
- Water is a precious resource in South Africa and is fundamental to our quality of life. An adequate water supply of suitable quantity and quality makes a major contribution to economic and social development. To achieve this, healthy water ecosystems are imperative to sustain the water resource, which, in turn, provide the goods and services on which communities depend.

LEGISLATIVE IMPERATIVES:

- The Constitution, which is the cornerstone of the democracy in South Africa, lays the foundation of a more just and equitable society. It guarantees everyone the right to an environment that is not harmful to their health or wellbeing, the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures, the right of access to water, amongst others.
- The Department considers fresh water aquatic ecosystems to be the base from which the water resource is derived. Fresh water ecosystems must be effectively protected and managed to ensure that our water resources remain fit for the different water uses on a sustained basis.
- The National Water Act, seeks to ensure that the country's water resources are protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner for the benefit of all people. The Act assigns the national government as the public trustee of the water resources. Acting through the Minister, it has the power to regulate the allocation, use, flow and control of all water in the Republic.
- To ensure that our citizens abide by the rules, we have a dedicated team for compliance, monitoring and enforcement to assist in bringing water users into compliance.
- The Department however has over 50 000 lawful water users which in itself is a significant amount of users to monitor and we need the help of communities to support our monitoring work.
- Concerted efforts of compliance, monitoring and enforcement together with our vigilant community members and action groups will see a reduction in unlawful water use as well as adherence to water use authorisation conditions.

- The Department therefore seeks to safeguard:
 - the promotion of the rule of law and good governance;
 - the ensuring of fairness;
 - the strengthening of the credibility of environmental requirements;
 - the protection of the goods and services provided to a society by a well-functioning ecosystem;
 - the protection of public health;
 - the increase of investor confidence by reducing business risks.

IMPACTS OF SAND RIVER MINING:

- Most sand mines impact on characteristics of watercourses, namely the flow – (surface flow, interflow, ground-water flow), water quality, ecological connectivity, aesthetics, natural scenery and recreational use. Furthermore it impacts on air quality (silica dust).
- Sand mining also impacts on ground water flows, availability and recharge that can further impact upon riparian habitat.
- Typical impacts include extraction of bed material in excess of replenishment. A change in the slope of the river comes about as a result and this often increases water speed (flow-energy and flow-sediment equilibrium);
- In addition, the river becomes degraded/eroded with accompanying bank collapses, reduced bank storage under flooding conditions, habitat destruction, destruction of fish populations, erosion around infrastructure like bridge foundations, weirs, pump structures.
- Ecological degradation cannot be permitted. Sand mining must be sustainable.

CHALLENGES WITHIN PROVINCES:

- The issue of a Mining Permit or Mining Right in the absence of a water use authorisation is a serious challenge. There needs to be alignment in the authorisation processes of the two departments, namely, the Department of Mineral Resources (DMR) and the Department of Water and Sanitation (DWS).
- Some of the issued directives have been challenged at court by the sand miners, claiming that they have a mining permit or a mining right.
- The Department has encountered a challenge of resistance in different forms from the regulated community, which has caused difficulties in the department's monitoring programmes and has, at times, threatened the safety of officials.
- In November 2014 there was a violent protest by community members - carrying weapons and burning tyres - against the officials while they were conducting the monitoring function in one of the river systems in KwaZulu-Natal.
- Some officials have been threatened by gun-carrying mining operators and told not to return to site. This may be due to lack of jobs; and lack of understanding of the direct impacts this may have on the community such as disturbed water supply, pollution and accidents to cattle and even children in the community.
- Another challenge faced in KwaZulu-Natal is that some traditional leaders give permission to the sand miners to undertake sand mining activities in the river without obtaining the necessary environmental authorisations.
- Proper Identity of the individuals or companies undertaking unlawful water use through sand mining is also a challenge as the miners on site either give false names or give the name branded on hired machinery that is incorrect;

- And at times, they move from site to site within days as they have no legal mining permits and water use authorisation which would clearly identify the permitted location and company name. This makes it very difficult to identify them.
- There is an Increase in the number of cases of unlawful water use through sand mining. Even though the department has noticed very few cases of sand miners that actually stop the illegal activity to comply with the issued notice, many do not stop and instead new operations and companies are discovered each time.
- There is delay in prosecuting the offenders which have criminal charges laid against them by the department. The challenge has been at times the South African Police Service misplacing the docket or putting incorrect charges on the charge sheet; and at times, deciding on a small fine without the matter being heard at court.

OBJECTIVES OF THE CONSULTATION WITH TRADITIONAL LEADERS:

- Today's interaction and consultation with the traditional leadership is intended to:
 - Ensure an improved understanding of the impacts of sand mining and gravel extraction operations,
 - Ensure that there is a good relationship between Traditional Leaders and the department, that will ensure that sand and gravel are mined in a sustainable way,
 - Ask Traditional Leaders to work with the department on identifying illegal sand mining and reporting transgressors,
 - Ask the participation of Traditional Leaders on a door-to-door awareness campaign in affected communities; as well as other awareness activities in communities

CONCLUSION

- As a country, we need, to proactively root out unlawful water use, non-compliance to water use authorisation, water losses, leaks and to further mitigate against climatic changes that are largely beyond our control.
- Abiding by the law and authorisations will assist in achieving our vision of equitable and sustainable water and sanitation that support socio-economic growth and development for the well-being of current and future generations.
- We, therefore, then, ask our Traditional Leaders and local government to join hands with the department in addressing unlawful activities in our rivers.

Dankie

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