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THE MERCURY

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BR Warning of 'economic meltdown' over land
Key properties for MC



METRO 3
City health blitz on food outlets

SPORT 11
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SECTION 25

Parties to challenge ANC over land plan

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THE fight over amending the Constitution to allow land expropriation without compensation is poised to intensify as some parties are considering taking the matter to court.

This follows the constitutional review committee adopting a report calling for section 25 to be amended.

This means the committee's report will, in the coming weeks, be tabled in both houses of Parliament before the process to formulate a bill starts.

However, the DA, IFP, Cope, Freedom Front Plus (FF+) and the African Christian Democratic Party (ACDP) are unhappy with the way the committee dealt with submissions.

FF+ leader Corné Mulder yesterday said there was a possibility "that a legal process can be followed to set the committee's decision aside, seeing as the process that the committee followed was flawed and riddled with errors".

Mulder said his party would continue with its international awareness campaign and would be ready to fight again when the matter returns to Parliament on November 27.

The DA accused the ANC and the EFF of pushing through the review committee's report, despite what it said were errors in procedure.

"Hundreds of thousands of written submissions were arbitrarily disregarded and access to all submissions was limited. The committee has thus not meaningfully engaged with the contents of the written submissions," said DA MP Thandeka Mbabama.

She also accused President Cyril Ramaphosa of having pre-empted the process when he announced earlier this year that land expropriation without compensation would continue.

The DA also claimed that public hearings were characterised by threats and bullying.

The ANC dismissed the claims by the opposing parties, saying they were clutching at straws.

The ANC's Vincent Smith said there was no bullying and everyone had been allowed to speak at public hearings. He rejected the proposal of testing the amendment at the Constitutional Court, saying parliamentarians couldn't outsource their duties to the judiciary.

While those opposing the amendment have claimed that the ANC was using it to boost its chances at the polls, Smith said the amendment was unlikely to happen before the elections.

In a video posted on the EFF's Twitter account, Julius Malema sounded confident. "We are becoming extremely near giving our people what rightfully belongs to them – the land of their forefathers."

Meanwhile, Ramaphosa assured the EU yesterday that there would be no land grabs in South Africa. He said the process would be orderly and done in line with the law and Constitution.

"There is no reason to fear wholesale expropriation of land without compensation," he told the EU parliament.

EXPLORATION

Drakensberg fracking threat

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AN INTERNATIONAL petroleum exploration company has fired up a fresh application to explore for products in prime farmland in the central Drakensberg and Free State.

This follows a government decision to dismiss an appeal by farmers, environmentalists and rural dwellers against earlier controversial applications in the provinces last week.

But the firm is likely to face fierce legal opposition from farmers and environmentalists who are bracing for a fight both in and out of court.

Rhino Oil and Gas Exploration South Africa (Pty) Ltd announced this week that it had lodged an application for an exploration right with the Petroleum Agency of South Africa (Pasa). The application was received on October 11.

The application, which covers 6 060 farms over 1 million hectares, could eventually result in environmentally harmful "fracking" to extract gas, environmentalists have warned, although the company will have to get further approvals for this if the exploration right is granted and the resources are discovered.

Fracking poses the potential risk of earth tremors and the contamination of underground and surface water.

Areas affected in the latest fracking application extend from Mooi River and Estcourt North to Winterton, Bergville and Van Reenen, to south of Memel in Free State.

The application also covers the Lesotho border, Phuthaditjhaba and Clarens to beyond Bethlehem and Lindley.

Rhino Oil and Gas Exploration South Africa said in its application documents that the exploration work programme was "aimed at indicating if there is an oil or gas resource in the area that would warrant further exploration".

The company said the proposed exploration activities included "data

Prime farmland affected – farmers and environmentalists to challenge



MONK'S Cowl Park in the central Drakensberg. An international company wants to explore for petroleum products on farmland in the central Drakensberg and Free State. | Kevin Ritchie

acquisition and processing through a comprehensive desktop study" and "a full tensor gradiometry gravity survey", which would be done from the air using survey aircraft.

"No seismic surveys, well drilling, pressure testing, hydraulic fracturing or water abstraction is proposed in the exploration work programme," the company said.

Matthew Hemming, African manager for SLR Consulting, the environmental assessment consultancy handling the scoping and environmental impact assessment (EIA) for the application, said the exploration right would only entitle the firm to explore using methods set out in an approved exploration work programme.

"Any further exploration work to evaluate an identified resource or the

future production of oil or gas would require further approval in terms of the MPRDA (Mineral and Petroleum Resources Development Act) and Nema (National Environmental Management Act). Such approvals will be subject to the relevant legal requirements, which include further public consultation and environmental impact assessment," Hemming said.

Public consultation meetings will be held in Bergville, Estcourt, Memel, Clarence, Lindley and Harrismith from December 3 to 7.

Janse Rabie, AgriSA head of natural resources, said the farmers' organisation would oppose fracking "anywhere in South Africa".

He said AgriSA was preparing to lodge a review application in the North Gauteng High Court in Pretoria to set

Rhino now feels they can win – they clearly feel buoyed and that they have the wind behind them

Bobby Peek
Director of groundWork

aside acting environmental affairs minister Derek Hanekom's dismissal of 39 appeals – from environmental groups like the World Wide Fund for Nature, groundWork, AgriSA, the Bakoena Traditional Council and the Amahlubi Traditional Council – against the granting of four exploration authorisations to Rhino Oil and Gas in September last year.

Hanekom issued his decision in support of the Department of Energy's earlier approval of the expropriation rights, which cover about 2.4 million hectares in the North West, Free State, KwaZulu-Natal and the Eastern Cape, on November 9.

Rabie said it was feared that the applications "may lead to large-scale shale

gas developments in South Africa, including by means of hydraulic fracturing or 'fracking'."

"Agri SA appealed against the granting of environmental authorisation due to the prevailing uncertainty regarding the availability and possible pollution of water, as well as the air and soil pollution associated with oil and gas developments," Rabie said.

Rabie said farmers were already struggling for water in a water-scarce country and food security would be threatened if a water-thirsty oil and gas industry was launched.

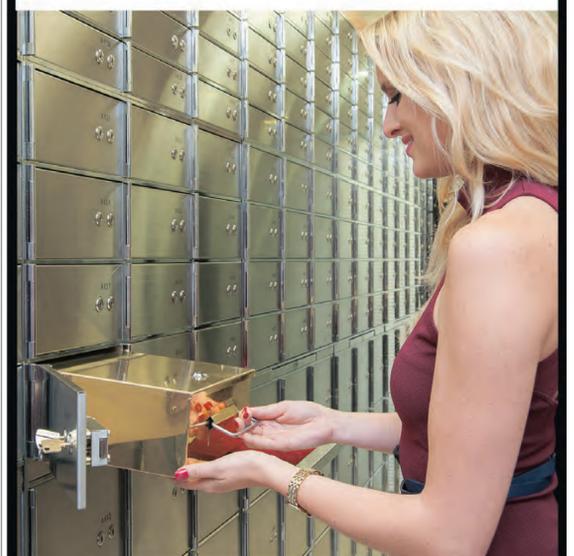
Bobby Peek, director of groundWork, said by dismissing the appeals, Hanekom had opened the door for Rhino Oil and Gas to launch the latest application.

He said the organisation would object to the application and it would explore legal options to challenge the application.

"Hanekom has clearly got his head in the sand when everyone, including the International Energy Agency, a conservative group set up to protect the capitalists and big oil, is saying no more fossil fuel, no more release of CO₂ and Hanekom, who is supposed to be an environmental minister, has said yes," he said.

"Rhino now feels they can win – they clearly feel buoyed and that they have the wind behind them."

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