AgriCulture South Africa (AgriSA)

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19 September 2024

Notice to Provincial Affiliates: Agri Eastern Cape
Agri Western Cape
Agri Northern Cape

AgriSA has noted the mineral and petroleum resources minister's call for submissions on his intention to investigate the subsurface geology of the central Karoo region as it relates to petroleum, as was published in the government gazette of 30 August 2024.

Our organisation and its provincial affiliates have, with the assistance of senior legal counsel and other specialists, been involved in opposing proposed fracking in the central Karoo and elsewhere since 2009 and will continue to remain involved to ensure the interests of agriculture. This latest publication is of concern due to its general vagueness about the nature and effect of seismic and aerial surveys and other activities. It is also not clear why only affected landowners are called upon to make representations when the issue of fracking is clearly a much broader societal matter, also potentially affecting other parts of our country.

We are also concerned that government might appear to be doing exploration itself without holding the necessary right to do so in terms of Mineral and Petroleum Resources Development Act. It is highly problematic for government to be both the mineral and petroleum resources regulator, as well as an active exploration participant in what might ultimately become full-scale fracking for shale gas in the Karoo.

AgriSA has stood firm in its opposition to fracking due to the absence of comprehensive regulation and the paucity of information with respect to the availability of water to accommodate both farming and shale gas production, as well as pollution concerns related to it. We have consistently called for more detailed information through appropriate, comprehensive, and transparent studies about the underlying Karoo basin geology and how fracking might affect subsurface water quality and availability.

Our issue is not with any form of energy as such, nor is our intention to stand in the way of sustainable development that might benefit South Africa's people. We maintain, however, that any decision with respect to exploration for (or production of) oil or gas must be fully informed about its impacts on the environment and on food production, for government to properly be able to make administratively just policy and regulatory decisions.

Please further note: Section 50(4)(a) of the MPRDA provides as follows:

"*no person may for the purposes of an investigation contemplated in sub-section(1) enter upon land unless the owner, occupier or person in control of such land has been notified in writing of the intention to enter and to conduct the investigation.*"

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WP De Chavonnes Vrugt, P Engelbrecht, JE De V Loubser, PH Cloete, G Diedericks, PR Cillié, NJ Bronkhorst
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Furthermore, Section 50(2) makes provision for compensation for any loss or damage sustained by landowners by the investigation.

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Kennisgewing aan Provinsiale Affiliasies: Agri Oos-Kaap
Agri Wes-Kaap
Agri Noord-Kaap

AgriSA neem kennis van die versoek om submissies deur die minister van minerale en petroleum hulpbronne ten opsigte van sy voorgenome ondersoek na die ondergrondse geologie van die sentrale Karoo gebied met betrekking to petroleum, soos gepubliseer in die staatskoerant van 30 Augustus 2024.

Ons organisasie en sy provinsiale affiliasies is met die hulp van senior regslui en ander deskundiges sedert 2009 betrokke by die verset teen hidrobreking in die sentrale Karoo en elders, en sal aanhou om betrokke te bly om die belange van landbou te beskerm. Die mees onlangse kennisgewing is kommerwekkend vanweë die algemene vaagheid ten opsigte van die aard en effek van seismiese en vliegtuig opnames en ander aktiwiteite. Dit is ook nie duidelik waarom slegs geaffekteerde grondeienaars, okkupeerders of persone in beheer van sodanige grond versoek word om submissies te lewer wanneer die kwessie van hidrobreking ooglopend die breër samelewing affekteer, en ook ander dele van ons land mag beïnvloed.

Ons is ook besorg dat die regering dalk self voorkom om verkenningswerk te doen sonder om die nodige reg daarvoor te hê ingevolge die Wet op die Ontwikkeling van Minerale en Petroleum Hulpbronne. Dit is hoogs kommerwekkend vir die regering om beide die reguleerder van minerale en petroleum hulpbronne te wees, asook ‘n aktiewe verkennings-deelnemer in wat uiteindelik mag afstuur op volskaalse hidrobreking vir skaliegas in die Karoo.

AgriSA staan vas in die opponering van hidrobreking vanweë die afwesigheid van voldoende regulering en die tekort aan inligting ten opsigte van die beskikbaarheid van water om beide landbou en skaliegasproduksie te kan akkommodeer, asook die besoedelingsgevare wat daarmee gepaard gaan. Ons het deurlopend bly vra vir meer gedetailleerde inligting by wyse van gepaste, omvattende en deursigtige studies ten opsigte van die onderliggende Karoo se geologie en hoe hidrobreking ondergrondse watergehalte en beskikbaarheid mag beïnvloed.

Ons beswaar is nie ten opsigte van enige vorm van energie as sulks nie, nóg is dit ons doel om in die pad te staan van volhoubare ontwikkeling wat tot voordeel van alle Suid-Afrikaners mag strek. Ons hou egter vol dat enige besluit ten opsigte van die verkenning vir (of produksie van) olie of gas ten volle ingelig behoort te wees wat betref die moontlike effek op die omgewing en op voedselproduksie ten einde die regering in staat te stel om administratief-regverdige beleids- en reguleringsbesluite te kan neem.

Let asseblief daarop dat artikel 50(4)(a) van die Wet op die Ontwikkeling van Minerale en Petroleum Hulpbronne bepaal dat geen persoon vir doeleindes van ‘n ondersoek soos voorsien in subartikel 50(1) enige grond mag betree tensy die eienaar, okkupeerder of persoon

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in beheer van die sodanige grond skriftelik in kennis gestel is van die bedoeling om die grond te betree en om die ondersoek te onderneem nie.

Verder maak artikel 50(2) van die wet voorsiening vir kompensasie vir enige verlies of skade wat grondeienaars mag ly vanweë die ondersoek.

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