

15 April 2025

Dr D. George
Minister
Department of Forestry, Fisheries and the Environment
Environment House
473 Steve Biko Road
ARCADIA
0083

By email: ministerg@dffe.gov.za

Dear Dr George

CONCERNS REGARDING EIA NEAR KRUGER NATIONAL PARK FOR MINING RIGHTS, AND REQUEST FOR OFFICIAL DFFE AND SANPARKS POSITION

AfriForum is a non-profit organisation with its main purpose the protection of the constitutional rights of its members and the communities to which these members belong. We are acting on behalf of all our members to address environmental issues.

AfriForum hereby formally submits its concerns regarding the environmental impact assessment (EIA) submitted by Tenbosch Mining under **MP30/5/1/2/2/10259MR** for a proposed coal mining right near the Kruger National Park. We believe that the irregularities in this application process not only undermine the integrity of South Africa's environmental laws but also set a dangerous precedent for future mining applications in ecologically sensitive areas.

As a registered Interested and Affected Party (IAP), AfriForum has identified multiple procedural violations in the way Kimopax, the appointed environmental assessment practitioners (EAP), managed the EIA process. These include:

1. Non-compliance with public participation requirements
 - Certain IAPs, including AfriForum, were selectively excluded from crucial communications, while other parties were engaged.
 - This violates Section 24(4)(a) of the National Environmental Management Act 107 of 1998 (NEMA), which mandates fair and transparent public participation in the EIA process.
2. Failure to ensure procedural fairness
 - The exclusion of IAPs contravenes the principles of administrative justice under the Promotion of Administrative Justice Act 3 of 2000 (PAJA), which guarantees the right to procedurally fair administrative action.
 - This lack of transparency raises concerns about whether due process was followed in evaluating potential environmental impacts.
3. Lack of adequate environmental safeguards
 - The EIA fails to comprehensively address the potential impact of mining activities on protected and environmentally sensitive areas within the Greater Kruger ecosystem.

June 2024

Address: 58 Union Avenue, Kloofsig, Centurion • **Tel.:** 086 10 200 30
Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr W.G. Human, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.
Registration number: 2005/042861/08 • **NGO number:** 054 - 590

- Section 48 of the National Environmental Management: Protected Areas Act 57 of 2003 (NEMPAA) expressly prohibits mining in a nature reserve or protected area, and this application raises concerns about the potential degradation of the surrounding ecosystem.

Given these serious concerns, AfriForum requests the following from the DFFE:

1. An official position from DFFE and SANParks
 - We urge DFFE and South African National Parks (SANParks) to issue a formal public statement regarding their stance on the Tenbosch Mining application and similar proposals affecting protected areas.
 - This is necessary to clarify how the department intends to enforce compliance with NEMA, NEMPAA, and other relevant legislation.
2. A formal investigation into procedural irregularities
 - We request that DFFE assess whether the Tenbosch Mining application and its EIA process complied with all statutory requirements.
 - This includes investigating whether proper consultation was conducted with all IAPs in accordance with NEMA and PAJA.
3. Clarification on DFFE's strategy to prevent future irregular applications
 - AfriForum seeks clarity on the mechanisms DFFE has in place to prevent mining applications from proceeding when the EIA process is flawed.
 - This includes how the department ensures that procedural failures, such as those evident in this case, do not set a precedent for future mining applications in ecologically sensitive regions.

AfriForum is not opposed to responsible mining but strongly believes that due process must be followed, and that South Africa's environmental laws must be upheld to prevent irreversible damage to protected areas. If the Tenbosch Mining application is approved despite these fundamental flaws, AfriForum is prepared to take further legal steps, including a judicial review application.

We kindly request that DFFE confirm receipt of this letter and provide a response on the above matters by 5 May 2025. We also request a meeting with relevant officials to discuss this matter further.

Regards

Lambert de Klerk
Manager: Environmental Affairs
AfriForum
Cell: 081 594 0718
Email: lambert.deklerk@afriforum.co.za