

Elandsfontein mine extracting water unlawfully

During the course of last week, it became known that the Saldanha Bay Municipality plans to accept all water that Kropz Elandsfontein is removing from the 5-10 million year old Elandsfontein aquifer on which it has established its controversial opencast phosphate mine.



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The municipality's surprise decision follows an equally unexpected earlier announcement by Kropz that it would delay – for an extended period – mining at Elandsfontein due to, among others, “technical issues identified during commissioning.”

The West Coast Environmental Protection Association (WCEPA) has opposed the mine from the outset due to the threat it poses to the eco-systems and livelihoods dependent on the Elandsfontein aquifer and the Langebaan Lagoon. Carika van Zyl, chairperson of WCEPA says, “We believe that at least two of the ‘technical issues’ to which Kropz refers in its 15 August statement announcing the delay, are:

1. The Saldanha Bay Municipality is unable to provide the 1.6 million litres per day it promised to the mine and the mine's Water Use License (WUL) prohibits it from removing water directly from the aquifer. Under the new arrangement, the municipality will be able to provide water for industrial use, and the Elandsfontein mine with the very water abstracted from the mine as a ‘water service’ to circumvent effectively the prohibition in the WUL.

2. As expected by several water experts, the reinjection wells into the aquifer are ostensibly not working as well as

planned. The new arrangement instantly solves the considerable problems this presents in that Kropz is able to use the municipality's water infrastructure as a convenient alternative to relay water extracted during the daily mine dewatering process. Kropz has been attempting to artificially recharge the aquifer – at an injection rate never before successfully achieved in South Africa – with the water generated as a result of the dewatering.”

Walter Anderson, senior associate at Cullinans & Associates, the law firm representing the WCEPA in its fight against Kropz, says, “It is notable and concerning that the Saldanha Bay Municipality’s resolution focusses almost exclusively on how the drought affects industry, when one would expect drinking water and sustainable use of water resources to be the first priority. When an emergency like this presents itself, we have to question whether water intensive industries, such as phosphate mining and processing are appropriate in perpetually water stressed environments such as the West Coast. If we accept that the water shortage is only going to get worse, it is hard to see how it is acceptable for the municipality to use the mine’s abstraction infrastructure to take water that the mine is prohibited from using under the WUL, which is currently suspended, and to furnish millions of litres of that same water to the mine every day in circumvention of the WUL. The Constitution provides people with a right to sufficient water and Saldanha Bay Municipality should only draw from sensitive water resources held in public trust to ensure that people have drinking water, but emergency procedures are not meant to bail out water intensive industries that should not have been established in an area without excess water in the first place.”

Van Zyl concludes, “Kropz acted recklessly from the very beginning by establishing this mine without the necessary permits and contingencies. Since the water issues are only going to get worse, Saldanha Bay Municipality should not be complicit in allowing the mine to be further established, because it is not sustainable from a water management perspective and the mine is not going to be a significant job creator if it closes its doors every time that there is a water shortage or dip in phosphate prices. Equally as important is that, with its WUL suspended and under appeal, Kropz is currently abstracting water unlawfully.”

Patrice Motsepe’s African Rainbow Capital has shares in the Elandsfontein phosphate mining project, which is an initiative of the former Zimbabwean mining entrepreneur, Mike Nunn.

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