

# WHY DO WE NEED TO PROTECT THE CAPE FLATS AQUIFER?

**By protecting the Cape Flats Aquifer, you are Protecting Your Constitutional, Heritage, and Biocultural Rights, as well as the rights of the Aquifer itself.**

## Constitutional Rights

**Water (Section 27)** - The South African Constitution states that "everyone has the right to have access to sufficient food and water."

**Water** is essential for our survival, and we must ensure that it is conserved and protected from pollution.

**Climate change** will make droughts more common, meaning that events like "day zero" could occur once every 15 years, on average.

Studies show that the Aquifer can provide Cape Town with a 10-year water supply during drought conditions.

**Protecting the Aquifer means protecting your right to clean drinking water.**

**Environment (Section 24)** - South Africans have the right to an environment that is not harmful to their health or well-being, as well as to have the environment protected for the benefit of present and future generations.

**The Aquifer** must be protected as a valuable environmental resource. We must prevent pollution and ecological degradation and promote the conservation of the Aquifer's water and biodiversity.

**In the years to come**, climate change will threaten our access to food and water.

It is especially important that the Aquifer be protected and preserved for the benefit of future generations.

**Food (Section 27)** - Related to the right to water is the right to access sufficient food. The Covid-19 pandemic showed us how fragile the food system is.

**Access to sufficient and healthy food** is fundamental for our survival and protecting our food sources ensuring it is local and accessible is important for our future.

**The Philippi farmland**, which lies on top of the Aquifer, is drought-proof. Even as droughts occur more frequently with climate change the land will still be able to produce food for Capetonians.

**Protecting the Aquifer, therefore, also protects your right to food.**

## Heritage Rights

South Africa's **National Heritage Resources Act** defines a heritage resource as any place or object of cultural significance. Heritage resources must be protected from threats from proposed developments.

The Act also protects living heritage, such as cultural traditions, skills and techniques, and popular memory associated with certain places and objects.

**The Cape Flats Aquifer** plays an important role in Cape Town's broader groundwater heritage, also known as hydroecological heritage.



**The Khoi khoi** referred to Cape Town as *Camissa*, “the place of sweet waters”. Over the centuries, the availability of water in Cape Town has shaped the development of the city.

**The farmland** atop the Aquifer also has heritage significance. The area served as the grazing grounds for Khoi khoi herders for over 2 000 years. With the arrival of the German settlers, smallholder farmers began to produce vegetables and other produce. The unique smallholder farming practices continues today and should be protected.

**The Aquifer** is a heritage resource worthy of protection because of its historical and cultural significance, as well as the living heritage associated with the current uses and utility of the Aquifer.

## Biocultural Rights

**Biocultural rights** can be described as the rights of Indigenous peoples and local communities, living in the ecosystem in a symbiotic way, preserving and respecting the land, while also extracting resources for livelihoods, materials, medicines and food. Their way of life is deeply connected to conserving and using their environment sustainably.

**Biocultural rights** aim to protect local ecosystems. This goal is best achieved by securing the rights of communities who live within these ecosystems. **Protecting** the environment means protecting community rights: rights to land, to culture, traditional knowledge, to self-governance, etc.

**In relation to the Aquifer**, biocultural rights recognise local communities’ long-established right to be stewards over the Aquifer, and they support the conservation and the sustainable use of the biological diversity of the Aquifer.

**Local communities** have a communal right and duty to sustainably manage and protect the Aquifer to meet the needs of present and future generations.

**Affirming** your biocultural rights (and other rights) can be used as a people-led alternative to overcoming the environmental crisis of climate change.

## Rights of the Aquifer itself

**Courts and legislatures** in countries all over the world are beginning to recognise natural objects as having rights in and of themselves, which must be protected independently of human beings.

**These** natural objects can be mountains, rivers, forests, springs, ocean systems or aquifers, etc. - anything that has unique significance to the ecosystem.

**“Rights of nature”** laws have been implemented to protect resources that have significant biocultural, ecological, or heritage significance from threats.

**Because** of its biocultural, ecological, and heritage significance, the Aquifer should be recognised as having its own rights, which must be protected, respected, and enforced against the numerous threats that the Aquifer currently faces.

## What Can You Do?

- Support the PHA Food and Farming Campaign’s call for the PHA farmlands to be given “protection status”.
- Challenge any developments that could impact the integrity of the Aquifer.
- Support the planting of biodiverse and important plant species on the land above the Aquifer.
- Support organic and regenerative agricultural practices.
- Support calls for land to be set aside for smallholder, organic agricultural development.