



UBULUNGISWA BEZOLWANDLE

Incwajana Engumhlahlandlela Wemiphakathi
Yabadobi Ebizela Ubulungiswa Bezemvelo
eNingizimu Afrika



Amazwi okubonga

Lo mhlahlandlela uwumphumela wobambiswano phakathi kwe-[One Ocean Hub](#) kanye ne-[Natural Justice](#). Le phrojekthi yaxhaswa ngezimali yi-One Ocean Hub, okungumklamo wohlelo locwaningo oluwubambiswano okuhloswe ngalo ukufezekisa intuthuko esimeme olwaxhaswa ngezimali yi-UK Research and Innovation (UKRI) ngokusebenzisa isikhwama i-Global Challenges Research Fund (Ireferensi Yoxhasomali: NE/S008950/1).

Umhlahlandlela uhlose ukuhlomisa nokunikeza imiphakathi yabadobi abancane kanye naleyo eziphilisa ngezindlela ezixhumene nolwandle amandla okufuna nokuthola “ubulungiswa bezolwandle” eNingizimu Afrika – ukuze kuvikelwe ulwandle kanye nazo zonke izinto eziphila ngaphakathi kwalo futhi ezithembele kulona, nokuvimbela ukuguquguquka kwesimo sezulu kungabhebhetheki kuye phambili, nokuvimbela ufadabala nokuwohloka kwemvelo kanye nokugqugquzela izinsiza zolwandle nengcebo yalo kanye nezindlela zokuziphilisa ezincike kulona.

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Leli bhukwana elingumhlahlandlela liwela ngaphansi kwenombolo yokuGunyazwa Kwenkambiso Enhle engunombolo: 2023-1497-7377 ngaphansi kwezeNkambiso Enhle Emnyangweni Wezemfundo weNyuvesi yase-Rhodes.



Ilayisensi ekuvumelayo ukusetshenziswa kombhalo ngokukhululeka ngaphansi kwemibandela nezimo ezithile nakuba abanikazi bombhalo beligcina ilungelo labo njengababhali: Lo msebenzi ugunyazwe ngokusemthethweni ngokwelayisensi engaphansi kwe-Creative Commons Attribution Non-Commercial-Share Alike 4.0 International License. Labo abahlinzekwe ngalo mbhalo bayakhuthazwa ukuba bawusebenzise ngokukhululeka kodwa bawusebenzisele kuphela izinhloso ezingaphathelene nenzuzo. Uyacelwa ukuba ubaveze ababhali ngenkathi uwusebenzisa. Uma ufuna ukubona le layisensi, vakashela ku-<https://creativecommons.org/licenses/by-nc-sa/4.0/>

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Uhlu lamagama

Impilokwahlukana (*Biodiversity*):

Izinhlobonhlobo zezinto eziphilayo eMhlabeni, okusho zonke izinhlobo ezihlukahlukene zezitshalo, izilwane kanye ama-microorganisms, kanye nokwehlukahlukana okukhulu kwezakhi zofuzo kulezi zinhlobo. Impilokwahlukana ibandakanya futhi nezimpilandawonye, ama-ekhosistimu, (izizinda lapho kutholakala khona izinto eziphilayo ezinhlobonhlobo) ezihlukahlukene ezikhona emhlabeni, ezinjengogwadule, amahlathi emvula kanye nezixhobo zamakhorali ezitholakala emajukujukwini olwandle.

Ukuguquguquka kwekilayimethi:

Ukuguquguquka kwekilayimethi kusho uguquko olunohlonze lwesikhathi eside olwenzeka kumaphethini emvula ajwayelekile ngenxa yezinguquko emkhathini. Isimo sezulu (*weather*) sisho izimo zesikhathi esifushane, futhi ezenzeka ezindaweni ezithile kanti ngakolunye uhlangothi ikilayimethi yona isho izimo zesikhathi eside ezenzeka esifundeni esithile noma ezenzeka ngisho nasemhlabeni wonke jikelele imbala. Ukuguquka kwekilayimethi kuphathelele nezinguquko ezixakile nezingajwayelekile ezenzeka kukilayimethi kanye nomthelela odalwa yilokho emhlabeni. Ukuguquka kwekilayimethi kubangelwa ngamagesi adala isivuvu emkhathini angumphumela wemisebenzi yabantu awumthamo oweqile kulokho ongamelana nakho umhlaba ngaphandle kwenkinga. Amagesi adala isivuvu emkhathini, phecelezi ama-greenhouse gases (GHGs) abandakanya isikhutha, phecelezi, i-carbon dioxide kanye ne-methane.

Isisebenzi Esingungoti Wokuhlola Komthelela Kwimvelo:

Kusho umuntu oqashwe yinkampani eyakhayo noma ethuthukisa umhlaba ukuthi enze umsebenzi wokuhlola umthelela kwimvelo, izinhlelo zokuphathwa kwemvelo kanye nanoma yimiphi eminye imisebenzi efanelekile ephathelene nemvelo (kubandakanya nomsebenzi wokuhlola, ukuphatha, ukuhambelanisa kahle, noma ukubuyekeza).

Ukucingwa kwezimbiwa:

Imisebenzi eyenziwayo, enjengezingcwaningokuhlola ngaphansi kolwandle (*seismic surveys*) nokumba amapitsi okuhlola, ngenhloso yokuthola ukuthi zikhona yini izimbiwa kanye nemikhiqizo kawoyela, kubandakanya uwoyela negesi.

Izibaselinalela (*Fossil Fuels*):

Izibaselinalela yimithombo yamandla etholakala ngaphansi komhlaba, eyaziwa ngama-“fossils” (izinsalela zokuphilayo zasemandulo). Ngenkathi izihlahla kanye nezitshalo kubona, kuyabola kube yizinsalela eziguquka zibe nguwoyela, igesi kanye namalahle. Le nqubo ithatha iminyaka eyizigidi ngezigidi ukuthi yenzeke. Ukushisa izibaselinalela kukhiqiza amagesi adala isivuvu emkhathini, phecelezi, ama-greenhouse gases.

Ukukhiqizwa kwamagesi adala isivuvu emkhathini:

Ukushisa izibaselinalela, kanye neminye imisebenzi eyenziwa ngabantu, enjengokushayela izimoto kanye nokulima kukhiqiza amagesi angene emkhathini womhlaba. Amagesi ayavaleleka emkhathini okuholela ekutheni kube nomthelelasivuvu, phecelezi, i-greenhouse effect, okhuphula izingakushisa lomhlaba.

Izinsiza Zezinto Zendabuko Eziphilayo Nezinsalela Zazo:

ENingizimu Afrika, izinsiza zezinto zendabuko eziphilayo nezinsalela zazo zibandakanya

Izindawo Zasolwadle Ezivikelekile:

Amagugu Angamasiko Angaphatheki Ngesandla:

Ukumbiwa ezimayini:

Ukukhiqiza:

Amandla avuselelekayo:

Izingwaningokuhlola ngaphansi komhlaba:

3



1. Isingeniso: Ubulungiswa Bezemvelo

Ubulungiswa bezemvelo buyilungelo eliyisisekelo elinikeza abantu nemiphakathi amandla okuba nezwi elizwakalayo kanye negalelo ekubunjweni kwezinqumo ezinomthelela olwandle, kwimvelo nasezimpilweni zabo. Ukuzuza ubulungiswa bezemvelo kudinga ukubamba iqhaza okuphusile ezinhlelweni nasekuthathweni kwezinqumo. Ubulungiswa bezemvelo, uma busetshenziswa ngokweqiniso, busebenza njengethuluzi elinamandla lokuhlela, eligqugquzela imiphakathi ukuthi isebenzise amalungelo ayo okuphila kwimvelo enempilo. Ngaphandle kobulungiswa bezemvelo, abantu abaningi, ikakhulukazi imiphakathi encishwe amathuba, bazokhahlamezeka kakhulu ngenxa yokunukubezeka nokucekeleka phansi kwemvelo.

Kuleli bhukwana, uzokwazi ukuthola izimpendulo zale mibuzo elandelayo:

- 1 Bubukeka kanjani ubulungiswa bezemvelo emiphakathini yabadobi abancane?
- 2 Yimaphi amalungelo ami ezemvelo?
- 3 Yimiphi imithetho nemithethonqubo enomthelela kumalungelo ami?
- 4 Yiziphi izinyathelo engingazithatha ukuphishekela ubulungiswa bezemvelo?



Incazelo kanye Nokubaluleka

Incazelo

Ubulungiswa bezemvelo yilapho wonke umuntu esebenzisa ngokulinganayo, ejabulela futhi evikela izinsiza zemvelo – okuhlanganisa izinsiza ezivela emhlabeni naselwandle. Lapho kuthathwa izinqumo ezizoba nomthelela kubantu nemvelo, wonke umuntu ozothinteka ngenxa yezinqumo lezo uyamelwa futhi kuboniswane naye, futhi kubukisiswa zonke izinto eziphathelene nemvelo, umhlaba nazo zonke izinto ezingaphakathi kwawo, inhlobo, ezepolitiki, ezamasiko, ezomnotho nokunye.

Ubulungiswa bezemvelo bumayelana nenqubo yokuthathwa kwezinqumo kanye nomphumela walezo zinqumo.

Lapho sizwa ngesinqumo esithinta imvelo, kumele sizibuze le mibuzo:

1

UBULUNGISWA NOKUNGAKHETHI IPHELA EMASINI



Ngabe isinqumo sathathwa ngendlela enobulungiswa, engenakho ukwenzelela noma ukucwasa?

3

INTANDO YABANTU



Ngabe zalalelwa izimvo zabantu futhi babanalo izwi kumphumela?

2

UKUMELEKA NOKUBANDAKANYWA



Ngabe wabandakanywa wonke umuntu ozothinteka ngenxa yesinqumo leso, kubandakanya nalabo abaziphilisa ngolwandle, ukuze afake isandla ekufinyeleleni esinqumweni?
Ngabe baziswa ngesinqumo esathathwa kanye nezizathu zokuthathwa kwesinqumo?

4

UKUSIMAMA



Ngabe lesi sinqumi siyinzuzo yemvelo, okuholela ekuvikelekeni kwemvelo kanye nezizukulwane zanamuhla nezizayo?

5

AMALUNGelo ABANTU

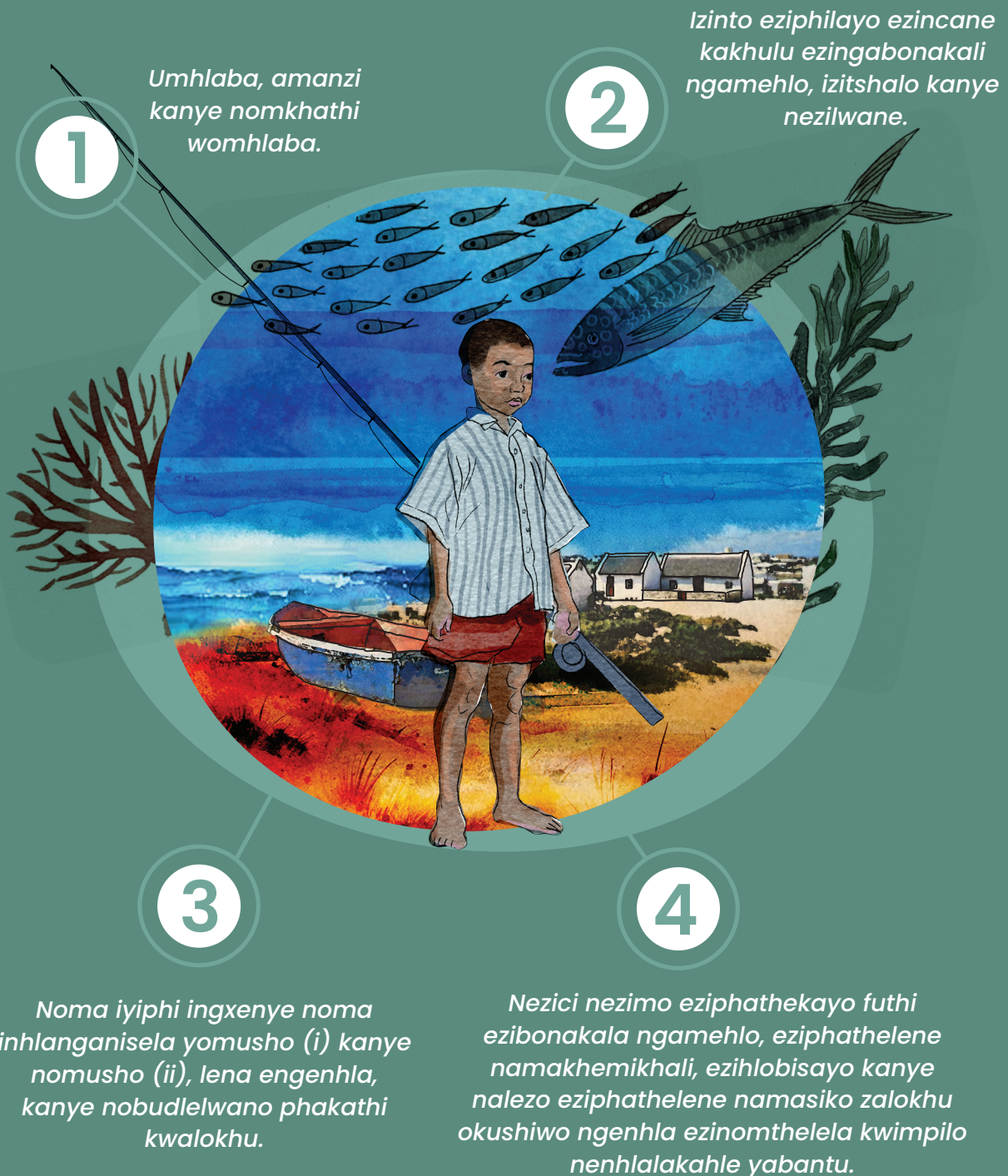


Ngabe lesi sinqumo siyawavikela amalungelo ami njengomuntu?

Yize singase sizibuze ukuthi lesi sinqumo sizoba namuphi umthelela emiphakathini yethu, kufanele futhi sicabangele umthelela emvelweni. Ngaphandle kwemvelo, abantu bebengeke babe khona. Ngokuvikela imvelo kusho ukuthi nathi siyazivikela. Lokhu kuyasilekelela ukuba siqonde ukuthi abantu kanye nemvelo baxhumene, ngakho-ke umthelela owenzeka kokukodwa kwalokhu uzozwakala nakulokhu okunye.

Ibandakanya ini “imvelo”?

ENingizimu Afrika, siholwa ngumthetho ekuchazeni ukuthi iyini “imvelo”. Isigaba 1 soMthetho Kazwelonke Wezokuphathwa Kwemvelo, phecelezi, i-*National Environmental Management Act (NEMA)* sisitshela ukuthi imvelo yizinto ezizungezile, abaphila ngaphakathi kwazo abantu futhi lokhu kwakhiwe:



Le ncazelo yezomthetho isibonisa ukuthi **imvelo** ayiwona nje kuphela umhlaba obonakala ngamehlo kodwa futhi ifaka phakathi nobudlelwano obukhona ngaphakathi kuwona, phakathi kwabantu, izilwane, izinyoni, izitshalo kanye nezinye izinto eziphathelele nemvelo. Ngakho-ke kuyinto ecace bha, evunyiwe futhi yamukelwa, ukuthi amasiko ethu kanye nezindlela zethu zokuphila kungaba nomthelela kwimvelo, nokuthi imvelo ingaba nomthelela kwimpilo nenhlalakahle yethu njengabantu.

2. Amalungelo Ami Ezemvelo

Imithetho yamazwe ngamazwe iyakwamukela ukuthi ukuze abantu bachume futhi baphumelele, kudingeka baphile kwimvelo ehlanzekile, enempilo futhi esebenza kahle.¹ Lokhu kusemqoka kakhulu ukuze abantu bakwazi ukuthokozela amalungelo esintu ayisisekelo, okungamalungelo anjengelumvelo lokuphila, lezempilo, lokudla, lenhlanzeko nokuthuthwa kwendle, lentuthuko, kanye nezinga lokuphila eligculisayo.

Emhlabeni wonke jikelele imvelo ehlanzekile futhi enempilo ibonwa njengaleyo eyakhiwe yizakhi ezilandelayo:

- Izakhi eziyisisekelo ezibaluleke kakhulu – umoya ohlanzekile; isimo sezulu esiphephile futhi esinozinzo; ukutholakala kwamanzi aphephile kanye nenhlanzeko nokuthuthwa kwendle ngendlela egculisayo; ukudla okunempilo futhi okukhiqizwa ngendlela esimeme; imvelo nezindawo ezingenabo ubuthi nokunukubezeka, lapho siphila khona, sisebenza khona, sifundela khona futhi sidlala khona; kanye nempilokwahlukana (*biodiversity*) nezimpilandawonye (*ecosystems*) ezinempilo.
- Izakhi zenqubokusebenza – ukuthola ulwazi, ilungelo lokubamba iqhaza ekuthathweni kwezinqumo kanye nokuthola ubulungiswa namakhambi nezixazululo ezisebenza kahle, kubandakanya nokusebenzisa lawa malungelo ngokuphepha, ngaphandle kokujeziswa nokubhekana nezenzo zokuziphindiselela.²

Ukuqinisekisa ukuthi abantu kanye nemiphakathi bathokozela ilungelo lokuphila kwimvelo ehlanzekile nenempilo, ohulumeni banalezi zibopho ezintathu ezilandelayo:

- Isibopho **sokuhlonipha amalungelo esintu**, okuyisibopho sokuthi kungabi nesinyathelo esithile esithathwayo, esidinga ukuthi uhulumeni azithibe futhi akugweme ukuthatha izinyathelo ezizophazamisa noma ezizonciphisa ukuthokozelwa kwamalungelo esintu.
- Isibopho **sokuvikela ukwepulwa kwamalungelo esintu**, okuyisibopho sokuthi kube nesinyathelo esithathwa nguhulumeni ukuqinisekisa ukuthi akukho ukwepulwa kwamalungelo esintu okwenzekayo.
- Isibopho **sokufezekisa amalungelo esintu**, okuyisibopho sokuthi kube nezinyathelo ezithathwa nguhulumeni ukuqinisekisa ukuthi wonke amalungu omphakathi ayakwazi ukuthokozela amalungelo awo. Lezi zinyathelo zibandakanya ukwakhiwa kwezinqubomgomo, amasu, izinhlelo-kusebenza kanye nokushaya imithetho ngenhloso yokuqinisekisa ukuthi abantu bayawathokozela amalungelo abo. Lokhu kubandakanya futhi nesibopho sokuqinisekisa ukuthi kubekwa eceleni izimali ezanele ezizoqondana nomsebenzi wokuqaliswa kwezinqubomgomo, izinhlelo kanye namasu kahulumeni.
- Isibopho **sokugqugquzela amalungelo esintu**, okuyisibopho esidinga ukuthi uhulumeni athathe isinyathelo sokugqugquzela ukuhlonishwa kwamalungelo esintu yimikhakha yonke yomphakathi, ngokusebenzisa ezemfundo, ukuqeqesha/ukufundisa kanye nemibhalo ehlinzeka ngolwazi.

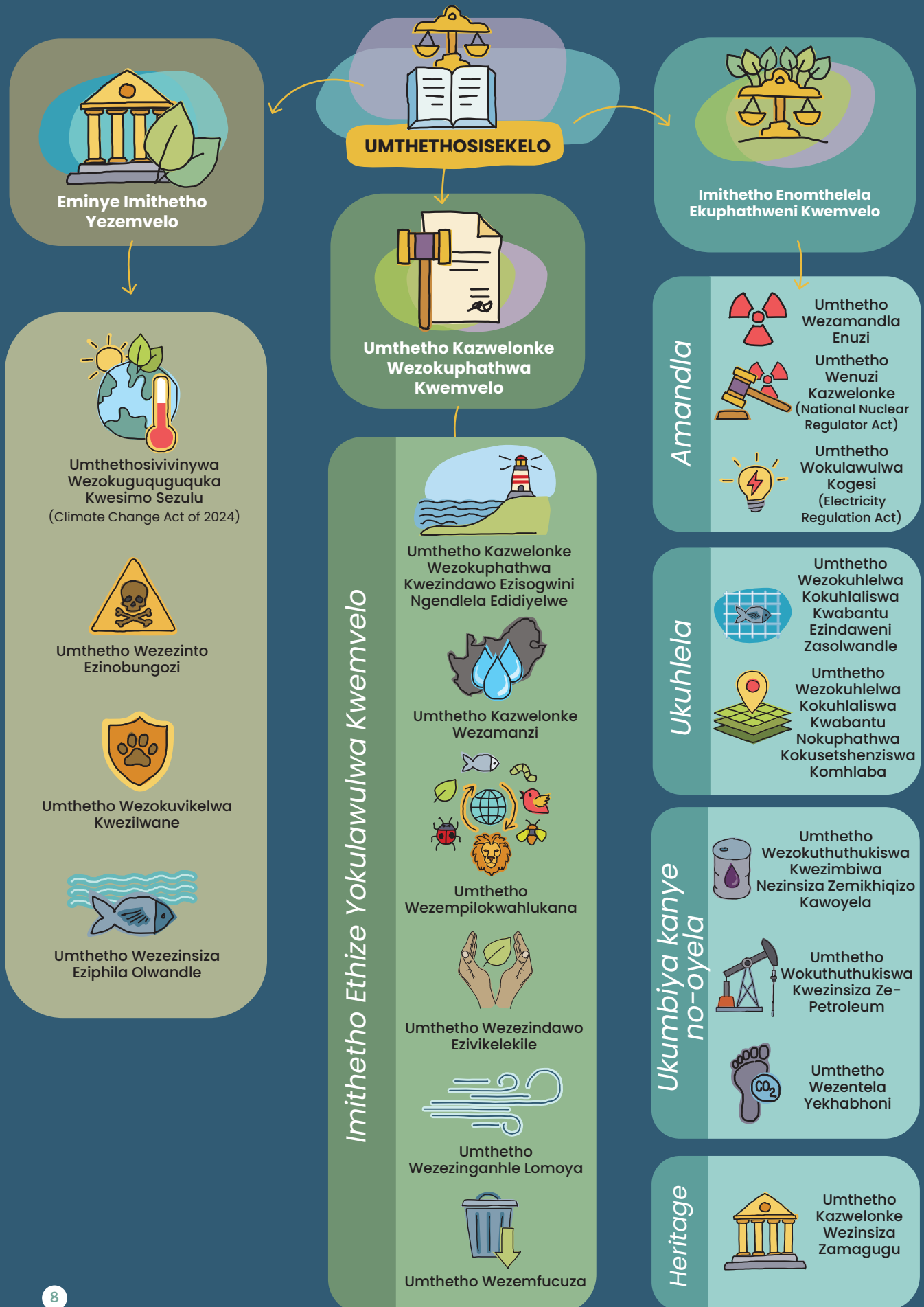
Amalungelo ezemvelo eNingizimu Afrika afezekiswa ngokusebenzisa imithetho nezinqubomgomo ezihlukahlukene ezigunyazwe nguhulumeni. Ngokuqonda kanye nokusebenzisa lawa malungelo, singasebenzela ukuzuza ubulungiswa bezemvelo.

¹ Isinqumo sesiGungu Jikelele seNhlangothi Yezizwe esaphasiswa mhla zingama-28 kuNtulikazi 2022 maqondana nelungelo lokuphila kwimvelo ehlanzekile futhi enempilo.

² Yini ilungelo Lokuphila Kwimvelo Enempilo? Ulwazi lweNhlangothi Yezizwe olwatholwa ku-www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf.



Lesi sigaba sichaza imithetho engaba nomthelela futhi ifaneleke **emiphakathini yabadobi abancane** efuna ubulungiswa bezemvelo.



Imithetho kazwelonke



UMthethosisekelo

UMthethosisekelo³ ngumthetho ophakeme kunayo yonke eminye eNingizimu Afrika, okusho ukuthi awukho omunye umthetho, inqubomgomo noma isinyathelo sikahulumeni esingaphikisana noma senze okuphambene nalokho okushiwo nguMthethosisekelo. Futhi ubeka ngokucacile amalungelo esintu ayisisekelo abo bonke abantu ezweni, ngokusebenzisa uMqulu Wamalungelo.

UMthethosisekelo unikeza wonke umuntu amalungelo alandelayo ahlobene **nobulungiswa bezemvelo**:

- **Isigaba 24:** Ilungelo lokuphila **kwimvelo** engenabo ubungozi kwimpilo noma ihlalakahle yakhe.

Isigaba 24 sisitshela ukuthi: wonke umuntu unelungelo —

- (a) lokuphila kwimvelo engenabo ubungozi kwimpilo noma ihlalakahle yakhe; futhi
- (b) imvelo ivikelwe ukuze kuhlomule izizukulwane samanje kanye nezizukulwane zangomuso, ngokusebenzisa izinyathelo zomthetho kanye nezinye —
 - (i) ezivimbela ukunukubezeka nokucekeleka phansi kwemvelo;
 - (ii) ezikhuthaza ukongiwa kwemvelo; futhi
 - (iii) eziqinisekisa ukuthuthukiswa nokusetshenziswa kwemvelo ngendlela esimeme futhi kube, ngakolunye uhlangothi, kukhuthazwa ukuthuthukiswa komnotho nenhlalo yomphakathi okufakazelekayo ukubaluleka kwakho kanye nesidingo sakho.

- **Isigaba 9:** Ilungelo **lokulingana**.
- **Isigaba 10:** Ilungelo **lesithunzi** futhi isithunzi sethu sihlonishwe futhi sivikelwe.
- **Isigaba 11:** Ilungelo **lokuphila**.
- **Isigaba 15:** Ilungelo lenkululeko yezenkolo nenkolelo.
- **Isigaba 17:** Ilungelo **lokubuthana, ukubhikisha, ukuphiketha** kanye nokwethula izicelo noma izikhalazo ezibhalwe phansi, ngokuthula futhi kungahlonyiwe.
- **Isigaba 22:** Ilungelo lokukhetha ngokukhululeka uhlobo lomsebenzi esizowenza.
- **Isigaba 27:** Ilungelo lokuthola ukunakekelwa kwezempilo, ukudla namanzi anele kanye nezibonelelo zikahulumeni.
- **Isigaba 31:** Ilungelo lokuthokozela amasiko ethu, ukuqhuba inkolo yethu kanye nokusebenzisa izilimi zethu.
- **Isigaba 32:** Ilungelo **lokuthola ulwazi**.
- **Isigaba 33:** Ilungelo **lobulungiswa bezokuphatha**.

Wonke lawa ngamalungelo esintu abalulekile okumele afakelwe izibuko lapho sifuna ukuthola ubulungiswa bezokuphatha. Kunamanye futhi amalungelo esintu angekho ohlwini olungenhla nawo esingawafakela izibuko.



3 UMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996.



UMthetho Kazwelonke Wezokuphathwa Kwemvelo

UMthetho Kazwelonke Wezokuphathwa Kwemvelo (NEMA)⁴ ngumthetho obalulekile owakhela phezu kwelungelo lokuphila kwimvelo enemphilo eliqukethwe kwiSigaba sama-24 soMthethosisekelo. Ubandakanya izidingo okumele kuhlangukshwane nazo lapho kuthathwa izinqumo ezizoba nomthelela kwimvelo, lapho kudingeka izigunyazo zemvelo noma ezinye izinhlobo zezimvume, futhi wakha uhlelo oluzovumela ukubamba komphakathi iqhaza ekuthathweni kwalezi zinqumo.

- I-NEMA isitshela ukuthi kumele buphishekellewe **ubulungiswa bezemvelo** ukuze imithelela emibi kwimvelo ingasabalali ngendlela ezocwasa ngokungafanele noma yimuphi umuntu, ikakhulu labo bantu abangakwazi ukuzinakekela kahle ngokwabo kanye nalabo abancishwe amathuba, futhi isitshela nokuthi imisebenzi yokwakha kanye nentuthuko kumele ibe ngesimeme ngokwenhlalo, ngokwemvelo kanye nangokomnotho.
- Futhi ibeka ngokucacile **umgomo wentuthuko esimeme** futhi ibalula ukuthi intuthuko esimeme idinga ukuthi kubukwe zonke izinto ezifanelekile kubandakanya nokuthi ukusetshenziswa kanye nokumbiwa kwezinsiza zemvelo ezingavuseleleki (ezinjengowoyela, amalahle kanye negesi) kwenziwa ngendlela ekahle nelinganayo futhi kucatshangwe nangemiphumela yokuphela nya kwalezi zinsiza. Nokuthi ukusetshenziswa nokutholwa kwezinsiza ezivuselelekayo (njengelanga nomoya) kanye nezimpilandawonye eziyingxenywe yazo, akubi ngaphezu kwezininga lapho kungabeka engcupheni ukutholakala kwezinsiza lezo.⁵
- I-NEMA ihlinzeka ngoluhlu lwemisebenzi ethile edinga izigunyazo zemvelo **ngaphambi kokuba yenzeke**.
 - Maqondana nale misebenzi, iyadingeka inqubo yokuhlolwa komthelela kwimvelo, phecelezi i-*environmental impact assessment* (EIA), ngenhloso yokuhlola nokucubungula umthelela okungenzeka ube khona kwimvelo, nokuqinisekisa ukuthi kuthathwa izinyathelo ezifanelekile zokunciphisa imithelela emibi, nokuthi kuyathotshelwa lokho okushiwo yiSigaba sama-24 soMthethosisekelo.
 - Ivumela futhi ukuthi imiphakathi ibandakanywe kwizinqubo zokubamba iqhaza komphakathi, njengezinhlobo ezinethisekelo nezithintekile, ngaphambi kokuba isiphathimandla esinegunya sithathe isinqumo maqondana nokuthi sinikezwe yini noma cha isigunyazo semvelo.

Njengoba amandla esebenzisa izinsiza zemvelo ezinjengamalahle, iyuraniyamu, uwoyela kanye negesi kanye namanzi, ezingaba nomthelela kwimvelo (okusho kwizinganhle lomoya, ukutholakala kwamanzi kanye nezinganhle lamanzi, kwimpilokwahlukana), imigomo kanye nezinqubokusebenza ezibalulwe kwi-NEMA zisemqoka kakhulu ekuqinisekiseni ukusetshenziswa ngendlela esimeme kwezinsiza zemvelo. Lolu hlakamthetho luvikela amalungelo esintu futhi luvikele nemvelo ukuze kuhlomule isizukulwane samanje kanye nezizukulwane zangomuso.

4 UMthetho Kazwelonke Wezokuphathwa Kwemvelo we-107 wonyaka we-1998.

5 Isigaba 2(4) soMthetho Kazwelonke Wezokuphathwa Kwemvelo we-107 wonyaka we-1998.





UMthetho Wezokuthuthukiswa Kwezimbiwa Nezinsiza Zemikhiqizo Kawoyela

UMthetho Wezokuthuthukiswa Kwezimbiwa Nezinsiza Zemikhiqizo Kawoyela, phecelezi, i-*Mineral and Petroleum Resources Development Act (MPRDA)*⁶ ulawula konke okuphathelele nezimbiwa kanye nezinsiza zemikhiqizo kawoyela eNingizimu Afrika. Lokhu kubandakanya ukumbiwa kwezinsiza emajukujukwini olwandle, okwenzeka njengomsebenzi wokucinga noma wokumba izimbiwa, kanye nokucinga nokumba izinsiza zemikhiqizo kawoyela (uwoyela negesi).

- Izimiselo ze-MPRDA zisitshela ukuthi ukumbiwa kwezimbiwa nezinsiza zemikhiqizo kawoyela akumele kugcine sekudala ukunukubezeka, ukucekeleka phansi noma umonakalo ongamukelekile neze kwimvelo.
- Imisebenzi ebandakanya izimbiwa kanye nezinsiza zemikhiqizo kawoyela idinga isigunyazo semvelo ngaphansi kwe-NEMA ukuqinisekisa ukuthi imiphumela engaba khona noma imithelela kwimvelo kuyahlolwa, kucutshungulwe futhi kuthathwe izinyathelo ezifanelekile ukunciphisa nokunqanda imithelela emibi, lapho kuthathwa isinqumo sokuthi kumele yini noma cha linikezwe ilungelo noma imvume.
- Le nqubo idinga futhi ukuthi kuthuthukiswe uhlelo lokuphathwa kwemvelo, phecelezi, i-*Environmental Management Programme (EMPr)*. I-EMPr ikubeka ngokucacile ukuthi kumele wenziwe kanjani umsebenzi ukuze kuvinjelwe futhi kuncishiswe imithelela. Empeleni lokhu kuwuhlelo lokuphathwa kwemisebenzi eyenziwayo.
- I-MPRDA iyakwamukela futhi iyavuma ukuthi bubalulekile impela ubulungiswa bezemvelo kanye nokuvinjelwa komonakalo kwimvelo.



UMthetho Wezokuphathwa Kwezindawo Ezisogwini Ngendlela Edidiyelwe

Izinjongo zoMthetho Kazwelonke Wezokuphathwa Kwemvelo: Ukuphathwa Kwezindawo Ezisogwini Ngendlela Edidiyelwe, phecelezi, i-*National Environmental Management: Integrated Coastal Management Act (NEM: ICMA)*⁷ wukwenza lokhu:

- Ukubona ulwandle nogu njengokudinga ukuphathwa ngokukhethekile.
- Ukukhuthaza ukongiwa kwemvelo yasogwini futhi uhlose ukugcina izicibunjalo zezindawo zasogwini kanye nasolwandle.
- Ukuqinisekisa ukuthi ukuthuthukiswa nokusetshenziswa kwezinsiza zemvelo esifundeni esisogwini kufanelekile futhi kuyafakazeleka ngokwenhlalo nangokwezomnotho futhi kuzoyibhekelela ngendlela esimeme imvelo.
- Ukudinga ukuthi kube nezinto nezimo ezithile ezikhethekile ezifakelwa izibuko lapho imisebenzi eyenzeka olwandle nasogwini idinga isigunyazo semvelo.
- Ukulawula ukulahlwa kwemfucuza olwandle, ukunukubezeka kwezindawo ezigudle ulwandle kanye nokuthuthukiswa ngokungafanele kwemvelo yasogwini nezindawo ezizungezile.

Ulwandle nogu kungokwabantu bonke futhi kubekwa ezandleni zoMbuso ukuze ukuphathe futhi ukulawule egameni labantu. UMthetho ubeka isibopho phezu kukahulumeni sokuqinisekisa ukuthi ugu luphathwa, longiwe futhi luphuculwe ngendlela ezohlomulisa umphakathi wonkana. "Ukuhlomulisa umphakathi wonkana" kusho ukuhlomula ngokuhlanganyela kwabantu kanye nezinye izinto eziphilayo ezithembele kwimvelo yasogwini.

⁶ UMthetho Wezokuthuthukiswa Kwezimbiwa Nezinsiza Zemikhiqizo Kawoyela ongunombolo 28 wonyaka wezi-2002.

⁷ UMthetho Wezokuphathwa Kwezindawo Ezisogwini Ngendlela Edidiyelwe wama-24 wonyaka wezi-2008.

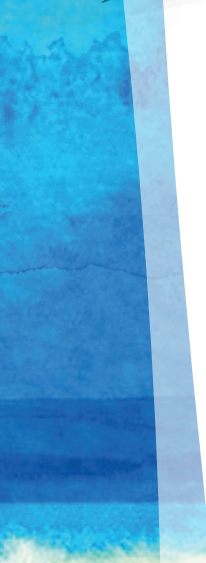


UMthetho Kazwelonke Wezokuphathwa Kwemvelo Oqondene Nezindawo phecelezi, i-National Environmental Management Protected Areas (NEMPAs)⁸ uhlinzekela ukusungulwa nokuphathwa kwezindawo ezivikelekile athi ezweni kanye nalezo ezisolwandle (ezinjengeziNdawo Zasolwandle kubandakanya amapaki kazwelonke, iziqiwu zikazwelonke kanye nezindawo eziphilayo). Umthetho uhluzisa ukuthi uhlinzekela nokongiswa kwempilokwahlukana kanye nokuvikela izindawo eziphilayo.

UMthetho uhlose futhi nokukhuthaza ukusetshenziswa ngendlela esimeme kwezindawo ezivikelekile ukuze kuhlomule abantu, ngendlela ezolondoloza isimobunjalo semvelo sendawo enjalo, kanye nokukhuthaza ukubamba iqhaza kwemiphakathi yendawo ekuphathweni kwezindawo ezivikelekile, lapho kufanelekile.



UMthetho Kazwelonke Wezokuphathwa Kwemvelo Oqondene Nempilo, phecelezi, i-*National Environmental Management Biodiversity Act (NEM:BA)*⁹ iphatha nokonga impilokwahlukana yezinto eziphilayo zaseNingizimu ugxile ekulondolozweni kwezinhlobo ezahlukeneyo zezinto eziphilayo kanye lawonye, kubandakanya nokusetshenziswa ngendlela esimeme kwezinsiza eziphilayo. Izinhlobo ezithile zezinto eziphilayo zasolwandle zivikelekile kwalo Mthetho, obeka imikhawulo noma unqabele ukubanjwa noma wazo.



UMthetho Kazwelonke Wezokuphathwa Kwemvelo Oqondene Nezinganhle Lomoya, phecelezi, i-*National Environmental Management Air Quality Act (NEM:AQA)*¹⁰ uhlose ukuvikela imvelo ngokuhlinzeka ngezinyathelo ezifanelekile zokuvimbela ukunukubezekanokucekelekaphansikwemvelo. UMthetho uhlinzekangezinqubonkambiso namazingasimo okulawula izinganhle lomoya.

 UMthetho Kazwelonke Wezinsiza Zamagugu, phecelezi, i-*National Heritage Resources Act*¹¹ udinga ukuthi umbuso uvikele amagugu abalulekile ngokunjalo futhi ‘namagugu aphilayo’. Amagugu aphilayo achazwa njengezinto ezingaphatheki ngesandla eziphathelelene namasiko ayifa elishiywe yizizukulwane zangaphambilini zishiyela izizukulwane ezilandelayo, futhi kungenzeka lokhu kubandakanye: (a) amasiko endabuko; (b) umlando oxoxwa ngomlomo; (c) izindlela zokunandisa; (d) imikhuba yendabuko; (e) inkumbulo yezigameko zesikhathi esedlule (f) amakhono namasu okwenza izinto; (g) izinhlelo zolwazi lwendabuko; kanye (h) nendlalakubuka ngeso elibanzi elibandakanya konke okumayelana nemvelo, umphakathi kanye nobudlelwano bomphakathi.

UMthetho Wezinsiza Zamagugu uyakwamukela futhi ukuthi izinsiza zamagugu ziyingxenywe ebalulekile yomlando kanye nezinkolelo zemiphakathi futhi kumele ziphathwe ngendlela elivumayo nelamukelayo ilungelo lemiphakathi ethintekile lokuthi kuboniswa nayo futhi ibambe iqhaza ekuphathweni kwazo.

Izinqubo zokuHlolwa Komthelela Kwimvelo ngaphansi kwe-NEMA ne-MPRDA kumele futhi ziyifakele izibuko imithelela engadalwa yintuthuko phezu kwamagugu emiphakathi yabadobi abancane.

8 UMthetho Kazwelonke Wezokuphathwa Kwemvelo Ezindaweni Ezivikelekile wama-57 wezi-2003.

9 UMthetho Kazwelonke Wezokuphathwa Kwemvelo Ogondene Nempilokwahlukana we-10 wezi-2004.

10 UMthetho Wezezinganhle Lomoya wama-29 wezi-2004.

11 UMthetho Kazwelonke Wezinsiza Zamagugu wama-25 we-1999.



UMthetho Wezokuguquguquka Kwesimo Sezulu

Mhla zingama-23 kuNtulikazi 2024 uMengameli waseNingizimu Afrika wawucikica (ukuze ubengumthetho) uMthetho Wezokuguquguquka Kwesimo Sezulu¹². Lona ngumthetho wokuqala ngqa waseNingizimu Afrika obhekene ngqo nokuguquguquka kwesimo sezulu. Uhlose ukuhambelanisa izinyathelo eziphathelene nesimo sezulu kuyo yonke imikhakha kahulumeni. Umthetho Wokuguquguquka Kwesimo Sezulu manje usuqalile (17 March 2025).

Inhlosongqangi yoMthethosivivinywa Wezokuguquguquka Kwesimo Sezulu wukuthuthukisa nokuqalisa ukusebenza kwezinyathelo kanye nezinhlalo zikazwelonke ezisebenza kahle okuhloswe ngazo ukubhekana ngqo nenkinga yokuguquguquka kwesimo sezulu. Lokhu kubandakanya nokuthuthukiswa kohlelo lwesikhathi eside loguquko olunobulungiswa oluzoqinisekisa ukukhiqizwa kwekhabhoni ephansi kanye nomnotho okwaziyo ukumelana nenkinga yokuguquguquka kwesimo sezulu.

Isendlalelo siyalamukela ilungelo elihlinzekwe ngokomthethosisekelo lokuphila kwimvelo enempilo futhi sigcizelela indima yeNingizimu Afrika emizamweni yomhlaba wonke yokunciphisa amagesi adala isivuvu emkhathini.



UMthetho Wezigaba Zokuqala Zokuthuthukiswa Kwezinsiza Zemikhiqizo Kawoyela

UMthetho Wezigaba Zokuqala Zokuthuthukiswa Kwezinsiza Zemikhiqizo Kawoyela, phecelezi, i *Upstream Petroleum Resources Development Act*¹³ uhlose ukulawula nokusheshisa ukucingwa kanye nokukhiqizwa kwezinsiza zemikhiqizo kawoyela. Lo Mthetho wacikicwa mhla zingama-29 kuMfumfu 2024 waba ngumthetho kodwa awukaqaliswa ukusetshenziswa.

Izinjongo zoMthetho wukuhlukanisa ukulawulwa kwemboni yezigaba zokuqala zezinsiza zikawoyela (ukucingwa kanye nokusetshenziswa kwezinsiza zikawoyela negesi) eku-lawulweni kwemboni yezimayini, yona ezoqhubeka ilawulwe yi-MPRDA. UMnyango Wezezimbiwa Namandla uhlose ukuthi uMthetho uhlinzekele ukuthuthukiswa ngendlela ehlelekile kwezinsiza zemikhiqizo kawoyela kanye no-kwakha isimo esivumela ukusheshiswa komsebenzi wokucingwa nokukhiqizwa kwezinsiza zemikhiqizo kawoyela yesizwe.

Imithetho kanye Nezinqubomgomo Ezicutshungulwayo Njengamanje



Ezokuphathwa Kwemvelo Kuzwelonke: uMthethosivivinywa Wezempilokwahlukana

UMnyango Wezamahlathi, Ezokudoba kanye Nezemvelo washicilela uMthethosivivinywa Kazwelonke Wezokuphathwa Kwemvelo Oqondene Nempilokwahlukana mhla zingama-27 kuNdasa 2024 ukuze umphakathi uphawule ngawo. Uma usugunyaziwe lo Mthethosivivinywa, uzochibiyela futhi uthathe indawo yoMthetho Kazwelonke Wezokuphathwa Kwemvelo Oqondene Nempilokwahlukana wezi-2004 okuyiwona osebenzayo njengamanje.

UMthethosivivinywa uhlose ukuqinisekisa ukuqaliswa kahle kwezimiso kanye nokufezekiswa kwezinjongo zoMthetho we-NEM:BA wezi-2004; ukuvikelwa kakhudlwana kwezinto eziphilayo kanye nezimpilandawonye; ukuphathwa kwezinto eziphilayo kanye nezimpilandawonye ngendlela ekwaziyo ukuguquguquka ukuze ihambelane kahle nezimo ezahlukahlukene; ukufezekiswa kahle futhi kakhudlwana kwemihlomulo yezomnotho emkhakheni wezempilokwahlukana; kanye nokulethwa koguquko emkhakheni wezempilokwahlukana.¹⁴

¹² UMthetho Wezokuguquguquka Kwesimo Sezulu wama-22 wezi-2024.

¹³ UMthetho Wezigaba Zokuqala Zokuthuthukiswa Kwezinsiza Zemikhiqizo Kawoyela wama-23 wezi-2024.

¹⁴ https://www.dffe.gov.za/legislation/gazetted_notices/draft2024nem.biodiversitybill

Imigomo yezomthetho

Ilungelo lobulungiswa bezokuphatha

Ubulungiswa bezemvelo bugcizelela **“ukuthathwa kwezinqumo ngendlela engachemile futhi enobulungiswa”** kanye **“nemiphumela engachemile futhi enobulungiswa”**, ngalokho-ke kuqinisekise ukuthi wonke umuntu unikwa ithuba elanele lokuzwakalisa uvo lwakhe ezindabeni zemvelo. Ngokufanayo, ilungelo lobulungiswa bezemvelo lisebenza kuzo zonke izinqumo ezithathwe nguhulumeni, hhayi nje kuphela ezinqumwemi ezimayelana nezemvelo. Ubulungiswa bezokuphatha buyasivumela ukuthi sibe yingxenye yokuthathwa kwezinqumo, nokuthi sikwazi ukuphonsela inselelo imiphumela (okubandakanya nemithetho) esibona sengathi ayinabo ubulungiswa.

Ngokwe**Sigaba 33** soMthethosisekelo:

- (1) Wonke umuntu unelungelo lokuphathwa ngendlela esemthethweni, efanele futhi ephathelene nokulandelwa kwenqubonkambiso engachemile (*ukuthathwa kwezinqumo ngendlela engachemile futhi enobulungiswa*)
- (2) Wonke umuntu onamalungelo aphazamisekile futhi athinteki kabi ngenxa yesinyathelo sezokuphatha unelungelo lokunikezwa izizathu ezibhalwe phansi zalokho.

UMthetho Wokukhuthazwa Kobulungiswa Bezokuphatha wakhelwe ukuqalisa ukusebenza kweSigaba 33, njengoba usebenza njengethuluzi elinamandla lezomthetho elingasetsheziwa yimiphakathi ukushabashakela nokulwela ukuphatha okusebenza kahle, ukuphatha okuhle, kanye nosikompilo lokuziphendulela, nokusebenza ngendlela evulelekile nesobala emsebenzini yokuphathwa kukahulumeni.

“Isinyathelo Sokuphatha Esinobulungiswa” sichaza ukuthi:

1. Lapho umlawuli, isikhulu sikahulumeni noma umthathi wezinqumo (okubizwa “ngesinyathelo sokuphatha”) bethatha izinqumo,
2. Kumele kube **yizinqumo ezinobulungiswa futhi eziphusile** ezivunyelwe ngumthetho;
3. Futhi kumele labo abathintekile banikezwe **izizathu** ezibhalwe phansi zalezo zinqumo.

Ilungelo lokuthola ulwazi

ISigaba 32 soMthethosisekelo sithi: “Wonke umuntu unelungelo lokuthola noma yiluphi ulwazi olugcinwe wumbuso kanye nanoma yiluphi ulwazi olugcinwe ngomunye umuntu oludingekayo ukusebenzisa noma ukuvikela noma yimaphi amalungelo.”

Ilungelo lokuthola ulwazi livumela abantu noma imiphakathi ukuthi bakwazi ukuthola ulwazi kuhulumeni noma kwezinye iziphathimandla zikahulumeni maqondana nezinqumo, izinqubomgomo kanye nezinyathelo ezinomthelela ezimpilweni zabo nakumalungelo abo. Leli lungelo libalulekile ekuqinisekiseni ukusebenza ngendlela esobala kanye nokuziphendulela, futhi lenza abantu bahlale benolwazi mayelana nemiklamo noma izinqubomgomo ezithinta amalungelo abo, imvelo kanye nenhlalakahle. Ngalolu lwazi, imiphakathi izokwazi ukubamba iqhaza ngendlela efanele ekuthathweni kwezinqumo, izwakalise izinto eziyikhathazayo, futhi iqinisekise ukuthi iziphathimandla ziyaphendula mayelana nezenzo zazo.

Ilungelo lokuthola ulwazi lisemqoka kakhulu futhi nasekuqinisekiseni ukuthi izinqubo zokubamba iqhaza komphakathi zinobulungiswa futhi ziyabandakanya. Ngokuba nolwazi oludingekayo, abantu bazokwazi ukuzibandakanya ngendlela ephusile kulezi zinqubo, futhi afakelwe izibuko amalungelo abo nezimfunosidingo. Ukutholakala kwalolu lwazi — ikakhulukazi ngolimi kanye nendlela olufunakala ngayo — kuyinto esemqoka kakhulu. Iziphathimandla kanye nabathuthukisi bemiklamo kumele baqinisekise ukuthi ulwazi lutholakala kalula kumuntu wonke, futhi kukhunjulwe ukuthi akuwona wonke amalungu omphakathi akwaziyo ukufinyelela ezinkundleni zobuxhakaxhaka besimanjemanje njengezinkundla zokuxhumana, i-inthanethi noma i-imeyili.



3. Intuthuko nezinto ezenzekayo okungenzeka zithinte amaLungelo ami Ezemvelo

Emhlabeni wonke jikelele, amazwe, ongxiwankulu kanye nezinkampani zamazwe ngamazwe bayaqhubeka nokucinga izinsiza zemvelo ukuze benze inzuzo. Uma sezitholakele izinsiza zemvelo, kuvamise ukuthi kuqaliswe imisebenzi emikhulukazi yokwakha nokuthuthukisa izindawo. Ulwandle nalo alusali ngaphandle kulokhu. Ulwandle luqukethe izinsiza eziningi, kubandakanya izinhlobo ezahlukahlukene zezinhlanzi, kodwa futhi luqukethe namadayimane, uwoyela kanye negesi, nezinye izinsiza nezimbiwa.

Kulesi sigaba, sizobhekisisa izinhlobo ezahlukahlukene zemisebenzi emikhulukazi yokwakha kanye nentuthuko eqhubekayo njengamanje eNingizimu Afrika kanye nemithelela yayo emiphakathini yabadobi abancane.

Ukucingwa Kwemithombo Kawoyela Negesi

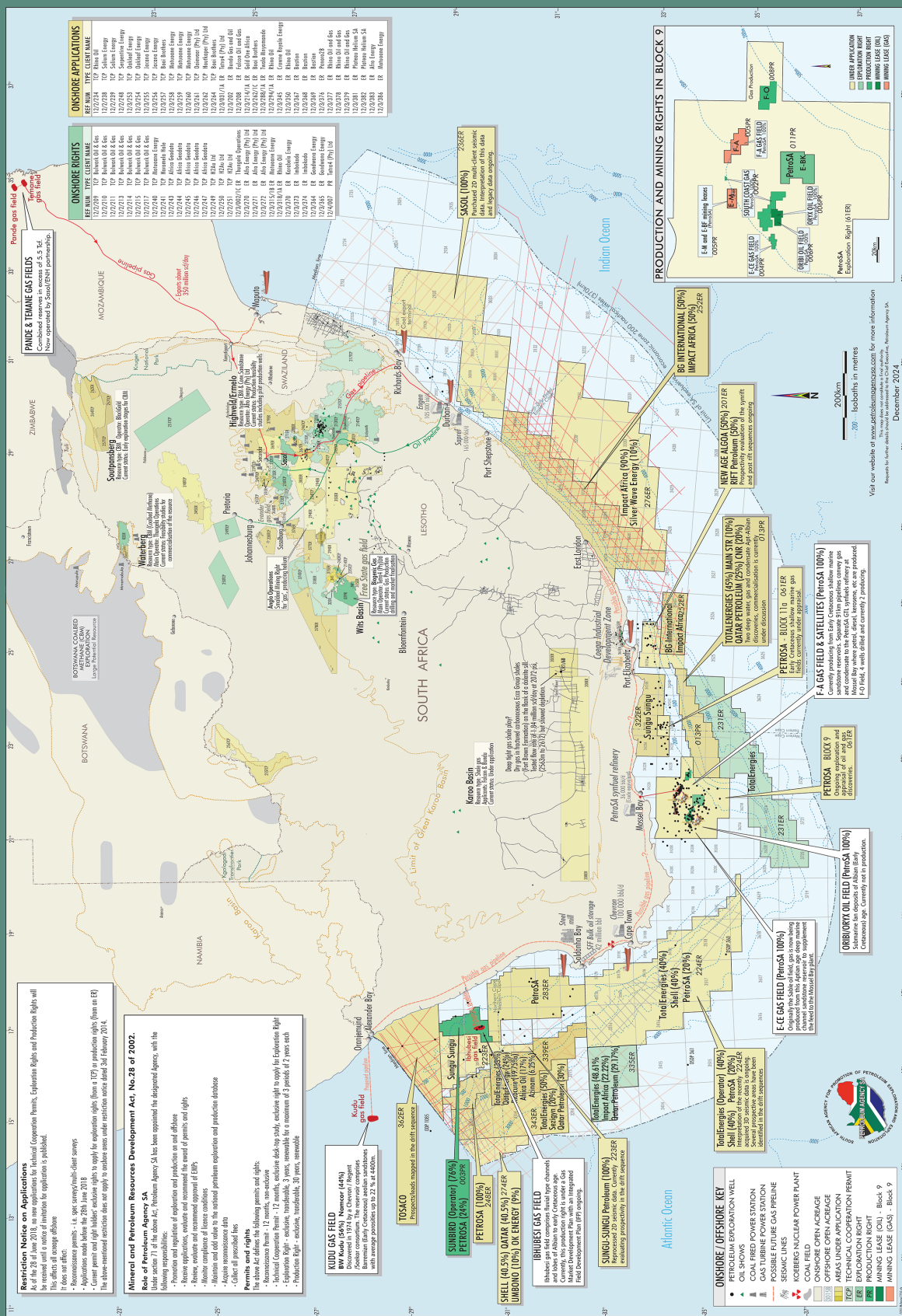
Njengamanje, sibona ukwanda kwentshisekelo ekuhloleni kukawoyela negesi olwandle lwaseNingizimu Afrika. Imisebenzi ehlobene nokumbiwa kukawoyela negesi, esigabeni sokucinga ('ukuthungatha') ngokunjalo futhi nokukhiqizwa (ukusetshenziswa noma 'ukumbiwa') kungaba nemithelela emibi emiphakathini yabadobi abancane ehlala ngasogwini lwaseNingizimu Afrika.

Ugu luhlukaniswe lwaba ngamabhulokhi amakhulu futhi lwabelwe izinkampani ezihlukahlukene ngezinhloso zokucinga nokukhiqiza izimbiwa. Izinkampani ezinikezwe amalungelo okucinga noma okukhiqiza zivumelekile ukucinga uwoyela negesi kulezo zindawo, futhi uma zikuthola lokhu, uzobe usuqala-ke umsebenzi wokukhiqiza uwoyela negesi. Izinkampani kumele ziqale ngokuthola ukuthi ukhona yini uwoyela negesi, futhi ngaphambi kokuba zakhe ingqalasizinda edingekayo ukumba uwoyela negesi, kumele zibheke ukuthi uwoyela negesi ekhona kwanele yini ukuthi zingahweba ngakho ngempumelelo, zenze inzuzo.

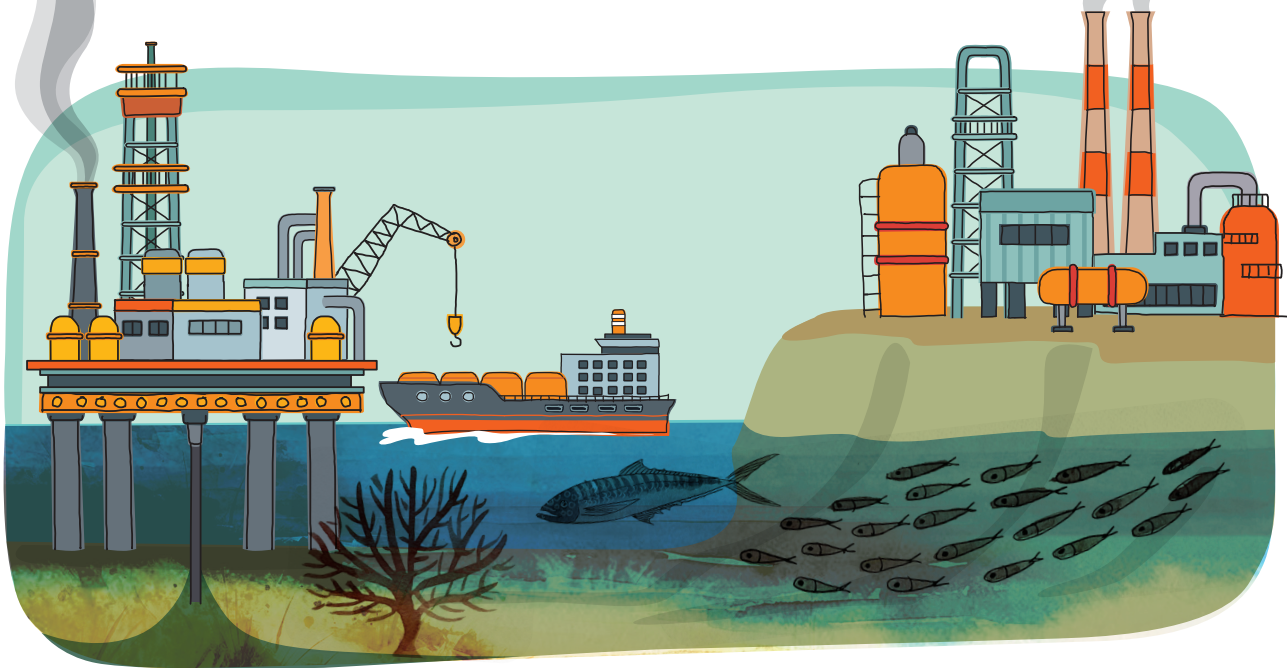
Lokhu akusho ukuthi umsebenzi wokucinga nokukhiqiza uwoyela negesi uzoqhubeka wenziwe kuwo wonke amabhulokhi, noma kwindawo yonke engaphansi kwebhulokhi. Kodwa-ke, ingxenye enkulu yogu ihlukaniswa ibe ngamabhulokhi futhi uma kumbiwa uwoyela noma igesi emabhulokhini amaningana ogwini, umthelela omubi walokhu sekukonke ungaba mkhulu kakhulu kwizinsiza zasolwandle.



Petroleum exploration and production activities in South Africa



Umfanekiso: Ibalazwe le-Petroleum Agency SA elibonisa imisebenzi eqhubekayo njengamanje yokucinga nokukhiqiza eNingizimu Afrika kusukela ngoNcwaba 2024. (<https://www.petroleumagency.co.za/wp-content/uploads/2024/12/Hubmap1224.pdf>)



Izigaba Zokucingwa Nokukhiqizwa Kukawoyela Negesi

1

Isigaba sokuqala: Izingcwaningokuhlola ngaphansi kolwandle

Lokhu kudinga ukusetshenziswa kobuchwepheshe obuthumela amagagasi omsindo olwandle ngenhloso yokuhlola ukuthi ungatholakala yini uwoyela noma igesi emajukujukwini olwandle.

2

Isigaba sesibili: Amapitsi Okuhlola

Uma imininingo yezingcwaningokuhlola ngaphansi kolwandle iveza ukuthi kungenzeka kube nowoyela noma igesi ngaphansi kolwandle, kumbiwa amapitsi okuhlola ukuze kutholakale ukuthi le mininingo iyanemba yini noma cha.

3

Isigaba sesithathu: Ukumbiwa Nokuhlaziywa

Izinto ze-petroleum, njengowoyela negesi, zikhishwa emithonjeni yokuhlola, futhi ziyahlaziywa. Uma kutholakala ukuthi uwoyela noma igesi ngamanani okwenza ukukhishwa kwezentengiselwano kube yithuba lebhizinisi elisebenzayo, isiza siguqulwa sibe indawo yokukhiqiza (abstraction).

4

Isigaba sesine: Ukukhiqizwa

Eminye imithombo imbiwa ukuze kukhishwe uwoyela noma igesi. Kwakhiwa izinsimbi zikawoyela noma zegesi ezingase ziqale ukuletha uwoyela noma igesi ukusuka ngaphansi kolwandle ziye phezulu, lapho zicutshungulwa khona noma zithunyelwe emhlabeni ngamapayipi noma ngemikhumbi.

5

Isigaba sokugcina: Ukuvala

Uma uwoyela noma igesi sekudonswe ngokuphelele esizindeneni, liyavalwa ipitsi.



Izigunyazo, Amalayisensi kanye Nezimvume Zemvelo

Esigabeni ngasinye sokuhlolwa nokukhiqizwa kukawoyela negesi, izinkampani kufanele zithole ukugunyazwa kwemvelo, amalayisensi noma izimvume ngaphambi kokuqhubeka. Lolu hlelo lubalulekile njengoba lunikeza imiphakathi ithuba lokuxoxisana, ukuzwakalisa ukukhathazeka kwayo futhi ilolonge umphumela wesinqumo. Esigabeni sesi-6 sihlola izindlela zokusebenzisa amalungelo akho emvelo.

Umsebenzi wokumba izimbiwa

Umsebenzi wokumbiwa kwezimbiwa wenzeka ngaphandle ezweni (*onshore*) ngokunjalo futhi nangaphakathi kolwandle (*offshore*). Ukumbiwa kwezimbiwa ngaphandle ezweni kusho inqubo yokuthola izinsiza ngaphansi komhlaba, kanti ukumbiwa kwezimbiwa ngaphakathi olwandle kusho inqubo yokuthola izimbiwa emajukujukwini ngaphansi kolwandle. Zombili lezi zinhlobo zokumbiwa kwezimbiwa zinobungozi kwimpilo jikelele yemiphakathi kanye nemvelo.

Ukumbiwa kwezimbiwa ogwini ngenhloso yokuthola izinsiza ezinjengamalahle, amatshe ayigugu kanye nesihlabathi kuphazamisa imvelo ezungezile. Kunamathuba okuthi lokhu kufake amakhemikhali kanye nezibhidi nokungcola emifuleni nemifudlana evamise ukugeleza phakathi kwemiphakathi idlule iyongena olwandle, futhi lokhu kungaba nomthelela ngisho kwizinhlanzi ezikude kakhulu nendawo okumbiwa kuyona izimbiwa.

Ngokufanayo, izimayini zasolwandle zezinsiza ezifana negolide, ithusi kanye nezinc, zisebenzisa imishini emikhulu yezimayini engaphansi kolwandle enamandla okuba nomthelela ongemuhle ezimpilweni zasolwandle njenge-plankton, izilwane ezincelisayo ezijulile zasolwandle kanye nezinhlanzi ze-benthic kanye ne-pelagic ngokucekelwa phansi kwezindawo zemvelo kanye namafu e-sediment.



UKUMBIWA KWEZIMAYINI

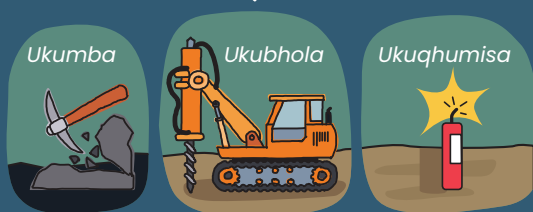
Ukumbiwa kwezimayini wuhlelo lokumba imithombo yamaminerali, njengamalahle, igolide namadayimane, avela emhlabeni nangaphansi kolwandle. Kubandakanya ukutholwa kwamaminerali, nokuwakhapha ngokumba, ukumba kanye nokuqhunyiswa, bese kuyiswa ezindaweni zokucubungula, njengezincibilikisi kanye neziteshi zikagesi wamalahle.

Inqubo-kukhipha izimbiwa ezingamaminerali

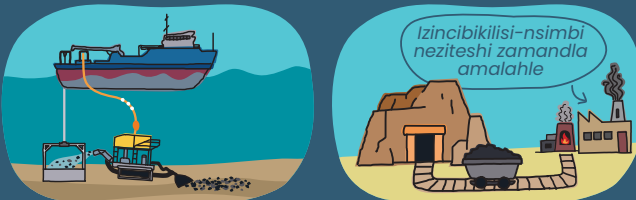
Ucwaningokuhlola olwandulelayo



Ukucinga



Umsebenzi wokumba



UKUKHIQIZA

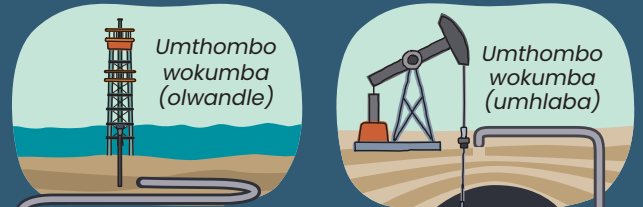
Ukukhiqiza kuyinqubo yokukhipha imithombo ye-petroleum, njengowoyela, igesi kanye ne-condensate, emhlabeni nangaphansi kolwandle. Kufaka phakathi ukuthola uwoyela kanye/noma igesi, nokuwakhapha ngemigodi yokumba. Ukuze kukhiqizwe ngasogwini, izinsiza ngokuvamile zithuthwa ngamapayipi ziye ogwini, lapho uwoyela negesi kuphinde kucutshungulwe khona.

Inqubo-kukhiqiza yokukhipha imikhiqizo kawoyela

Ucwaningokuhlola olwandulelayo

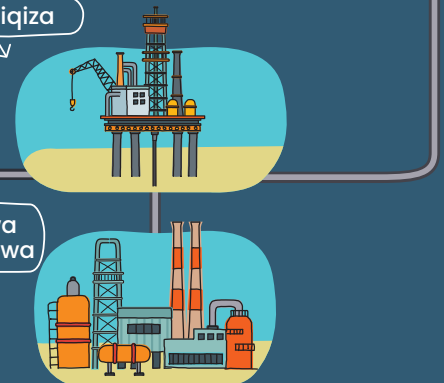


Ukucingwa kwezimbiwa



Ukukhiqiza

Ukusetshenzwa nokusulungekiswa





Imikhumbi yamandla

Yini imikhumbi yamandla? Imikhumbi yamandla yiziphehlilandla ezintanta emanzini ngokuvamile ezithunyelwa ezindaweni ezithile kulandela izehlakalo zezinhlekelele zemvelo noma izimo eziphuthumayo ukuze zihlinzeke ngogesi wokubhekana nesimo esiphuthumayo, ophehlwa emkhunjini. Isiphehlilandla esintanta emanzini sisebenzisa igesi yemvelo noma omunye umthombo wesibaseli ukuphehla nokukhiqiza ugesi. Le mikhumbi ipakwa ezikhumulweni zemikhumbi bese ithumela ugesi ezweni ngamakhebuli.

Kamuva nje eNingizimu Afrika, i-Karpowership SA (okungeyenkampani yase-Turkey eqhuba umsebenzi wemikhumbi yamandla emhlabeni jikelele) yathola ithenda lokupaka imikhumbi yamandla emithathu ezikhumulweni zemikhumbi zase-**Saldanha, Coega kanye nase-Richards Bay, zonke okuyizikhumulo ezisogwini lwaseNingizimu Afrika, ngaphansi kwenkontileka yeminyaka engama-20.**

Amaphrojekthi e-Karpowership asehlangabezane nokuphikiswa okukhulu okuvela emiphakathini kanye nezingqinamba zomthetho. UMnyango Wezokudoba, Ezamahlathi kanye Nezemvelo ekuqaleni wenqaba ukuhlinzeka i-Karpower ngeziguqunyazo zemvelo zamaphrojekthi ayo amathathu ngoNtulikazi 2021 ngenxa yomthelela wawo kwimvelo, kwezokudoba kanye nakwizimpilandawonye, nangenxa yokuntuleka kolwazi oluqondene nalokhu olwabe luzosetshenziselwa ukuthatha izinqumo, njengoba le nkampani yabe ingakayibhekisisi yonke imithelela yokuqhuba lo msebenzi. Ngaleso sikhathi, yabhuntsha imizamo ye-Karpower yokudlulisa lesi sinqumo ukuze sibuyekizwe.

Ekupheleni kuka-2023, iKarpower yakwazi ukuthola ukugunyazwa kwezemvelo, kodwa yehluleka ukufinyelela esiphethweni sezezimali, okuholele ekutheni u-Eskom, inhlangano yomphakathi, ihoxise ukufinyelela kwabo kugridi kagesi. Ikusasa leKarpowerships eNingizimu Afrika alikaqiniseki. Kunjalo, inqwaba yezinhlangano zomphakathi kanye nabantu ngabanye bakhalaze ngempumelelo iphrojekthi ye-Saldanha Karpowership, ngakho ukugunyazwa kwemvelo kwabekelwa eceleni.

Iziteshi zehayidrojini

Ohulumeni abaningi kanye nezinkampani banentshisekelo ekukhiqizeni ihayidrojini njengomthombo wamandla wangaphakathi ezweni, noma wokuthunyelwa ngaphandle kwamanye amazwe, njengalawo asezwakazini laseYurophu. Inqubo yokwakha ihayidrojini idinga ugesi namanzi. Ihayidrojini ikhishwa emanzini kusetshenziswa ugesi ukuhlukanisa amamolekhuli amanzi (H_2O) abe yi-oksijini kanye nehayidrojini. Ihayidrojini igcinwa kwilahle/ibhethri lesibaseli (*fuel cell*), elikhiqiza ugesi. Into eyenza ukuthi ihayidrojini ibe wusizo kakhulu ukuthi uyakwazi ukuyigcina ukuze uyisebenzise ngokuhamba kwesikhathi noma uyithuthe uyithumele kwenye indawo.

Izikhungo zehayidrojini ezihlongozwayo njengamanje eNingizimu Afrika zizotholakala ezindaweni ezisogwini, okuzokwenza ukuthi kube lula ukuthunyelwa kwayo emazweni angaphandle. Isikhumulo semikhumbi esinamanzi ajulile sase-Saldanha eNtshonalanga Kapa, nesase-Coega eMpumalanga Kapa kanye nesase-Boegoebaai eNyakatho Kapa zithathwa njengalezo okunamathuba okuthi kwakhiwe kuzona izikhungo zehayidrojini.

Kunezinhlalo ezihlukahlukene zehayidrojini, futhi uhlobo oluthandwa kakhulu “iyhayidrojini engayinukubezi imvelo” (“*green hydrogen*”) ekhiqizwa kusetshenziswa amandla avuselelekayo noma angayinukubezi imvelo. Kodwa-ke, akuzona zonke izinhlobo zehayidrojini “ezingayinukubezi imvelo”. Ihayidrojini ingakhiqizwa futhi kusetshenziswa ugesi ovela kwizibaselinalela (isibonelo, izikhungo zamandla aphehlwa ngamalahle), okusho ukuthi le nqubo inaso isandla ekukhiqizweni kwekhabhoni futhi okwenza ibhebhethekise ukuguquguquka kwesimo sezulu. Inqubo yokwakha ihayidrojini idinga futhi amanzi amaningi kakhulu. INingizimu Afrika ithathwa njengezwe elinengcindezi yamanzi, elibhekene nesomiso nokushoda kwamanzi, ngakho-ke kubalulekile ukuhlola isidingo samanzi kumaphrojekthi e-hydrogen.

4. Imithelela kwimvelo nenhlalakahle yabantu

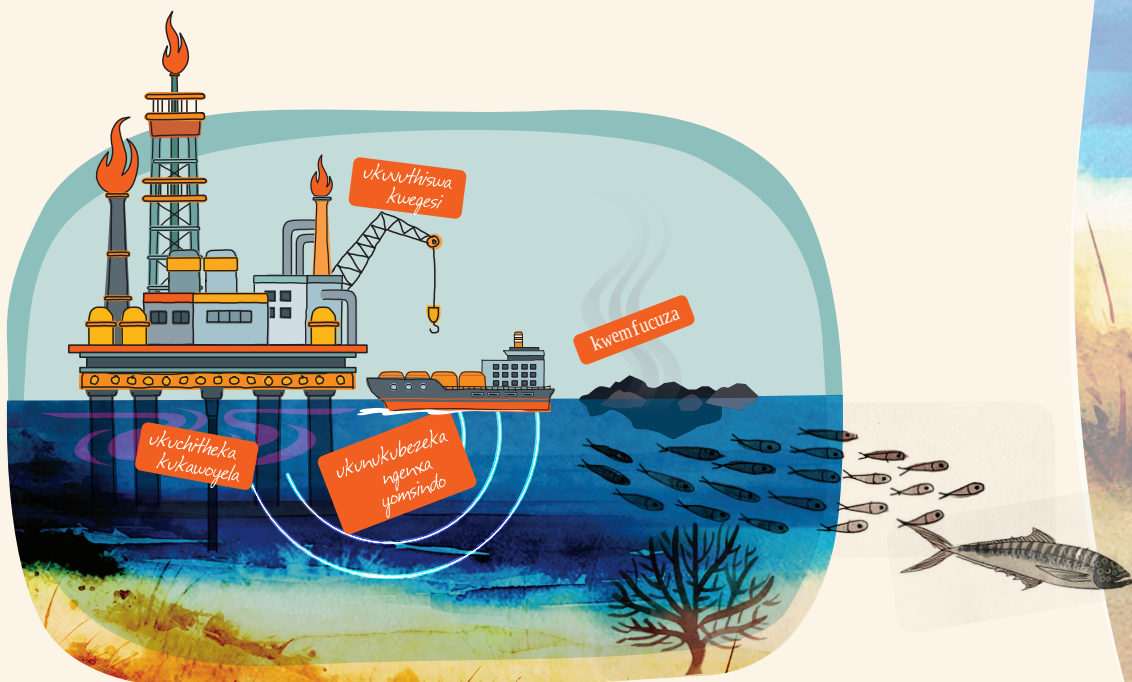
Imiphakathi yabadobi abancane ivamise ukuzithola ingenalwazi mayelana namaphrojekthi amakhulu kuze kufike isikhathi laphi isiqala ukuhlangabezana nemithelela engemihle – njengokuncipha kungazelelwe kwezinhlanzi olwandle, ukunukubezeka kwemvelo okudalwa wukuchitheka kukawoyela olwandle okubulala izinhlanzi, noma ukubekwa kwemikhawulo evimbela ukufinyelela kahle ezindaweni zokudoba. Lapho imiphakathi ithinteka ngalezi zindlela, lokho kusho ukuthi ibhekene *nengwadla yokungabi nobulungiswa bezemvelo*.

Nansi ngezansi eminye yemithelela engadalwa yimiklamo okuchazwe ngayo kwiSahluko 3.

Ukunukubezeka kwemvelo

Phakathi kwazo zonke izigaba emisebenzini wokumbiwa kawoyela negesi, izimayini, amandla kagesi kanye nezitshalo ze-hydrogen, ukungcoliswa kwemvelo kungenzeka. Nakuba izinkampani zidingeke ngokomthetho ukuthi zinciphise (zinciphise noma zimise) ukunukubezeka futhi zithathe isinyathelo lapho izigameko zenzeka, empeleni, sibonile ukuthi ngokuvamile akwanele ukunciphisa nokulungisa ukungcola lapho kwenzeka, okuholela ekulimaleni okukhulu kwemvelo. Izibonelo zokunukubezeka kwemvelo yilezi:

- ukuchitheka kukawoyela
- ukuvuthiswa nokushiswa kwegesi (okukhiqiza amagesi ahlukahlukene aqukethe izingcolisimoya abandakanya i-sulphur dioxide, isikhutha, ama-hydrocarbons, i-methane, njalo njalo)
- ukunukubezeka kwemvelo ngenxa yomsindo, isibonelo, ovela kwimikhumbi emikhulu, izikhungo zobuxhakaxhaka bemishini ezikhiqiza uwoyela olwandle kanye nemikhumbi yamandla, ama-Karpowerships
- ukungaphathwa ngendlela efanele kwemfucuza (amanzi angcolile kanye nemfucumfucu echithwa olwandle)



Umthelela Wokumbiwa Kukawoyela Negesi

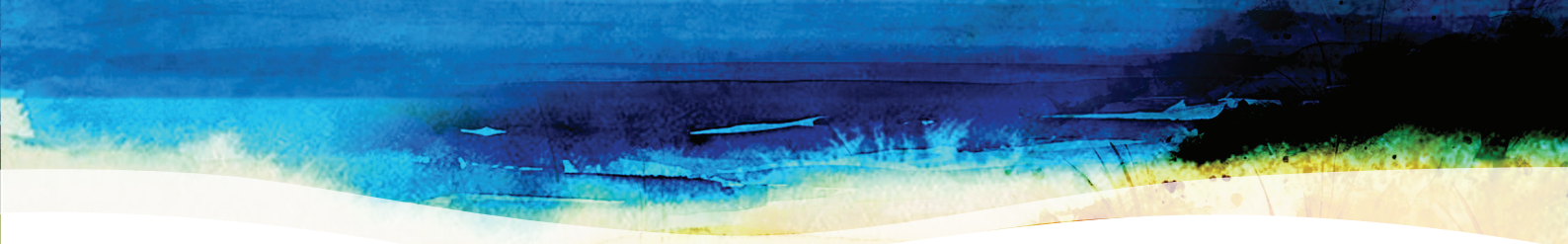
Uma kwenziwa umsebenzi wokumba uwoyela negesi, kukhiqizeka imfucuza. Lezi zinsalela ezikhiqizwa wumsebenzi wokumba, zibandakanya izinsalela zezinto ezixotshiwe nezisikiwe eziphuma emgodini ombiwe (ezibizwa “ngama-cuttings”) kanye namakhemikhali asetshenziswe kule nqubo. Uma kwenzeka utholakala uwoyela, lokho kungaletha ngaphezulu amanzi angeziwe aqukethe umthanyana kawoyela.

Izikhungo ezikhiqiza uwoyela negesi ezingaphakathi olwandle nazo zingakhiqiza umthamo omkhulu wezinto eziqukethe ukungcola nobuthi ungene olwandle, okuyinto engaba nomthelela omkhulu kwizinto eziphilayo zasolwandle. Kunezimo eziphuthumayo ezingenzeka – ezinjengokuchitheka kukawoyela okukhiqiza amakhemikhali anobungozi, ukuqhuma ngaphansi nangaphezu kwamanzi, kanye nemililo edalumonakalo kubantu, imvelo kanyenempahla. Izinhlekelele zokuchitheka nokuputshuka kwemithamo emikhulukazi kawoyela negesi wubungozi obaziwayo futhi osekukaningi kwenzeka emsebenzini wokumbiwa kukawoyela negesi ngaphakathi olwandle. Ukuvinjelwa kwalokhu kuyinto engenakwenzeka futhi izinkampani kudingeka ukuthi zibe nezinhlelo zokunciphisa izigameko ezinjengalezi zokuchitheka nokuputshuka komthamo omkhulukazi kawoyela negesi ungene olwandle.

UCWANINGOSIGAMEKO: Ukuchitheka kukawoyela e-Deepwater Horizon

Ukuchitheka kukawoyela we-Deepwater Horizon ka-2010 eGulf of Mexico kuyisibonelo sokuthi kungaba yinhlekelele kanjani ukumba uwoyela negesi. Mhla zingama-20 kuMbaso 2010, kwaba no-kuqhuma kwisikhungo sobuxhakaxhaka bemishini empompa uwoyela olwandle, senkampani i- British Petroleum (BP), okwadala ukuchitheka okukhulukazi kukawoyela olwandle. Kwathatha cishe izinyanga ezinhlanu ukuvala umthombo futhi, ngalesi sikhathi, amanani amaningi kawoyela avuza olwandle, okwenza enye yezinhlekelele zemvelo ezimbi kakhulu emlandweni wakamuva. Ngisho selivaliwe ipitsi, emuva kweminyaka emibili kwabe kusekhona imibiko ethi labe lisavuzwa nangaleso sikhathi.

Umthelela wokuchitheka wawumkhulu: amaxhaphozi asogwini afa, kwaba nokula-hlekelwa okukhulu kwezilwane zasolwandle, kanye nenani elikhulu le-methane lakhishelwa emoyeni. Namanje uwoyela usekhona phansi ekujuleni kolwandle, nangaphezulu. Lokhu akukhahlamezanga abadobi nje kuphela kodwa futhi kwakhahlameza neminye imikhakha ehlobene nolwandle, enjengowezokuvakasha nowokongiwa kwemvelo.



Imithelela kwimpilokwahlukana

INingizimu Afrika ibusiswe ngendathane yezimpilandawonye kanye nezinto eziphilayo ezinhlobonhlobo, ezinezizinda zempilandawonye eziyisishiyagalolunye ezahlukene (*Fynbos*, *Izimfunda* (*Grasslands*), *Savanna*, *Nama Karoo*, *Succulent Karoo*, *Amahlathi*, *Subtropical Thicket*, *Indian Ocean Coastal Belt*, kanye *Nogwadule*), nendathane yezimpilandawonye zamanzi angenawo usawoti, nezimpilandawonye zasolwandle ezihlukahlukene futhi ezibanzi, kanye nezinhlobo zezinto eziphilayo ezaziwayo ezingaphezu kwezi-95 000.¹⁵

Kule minyaka embadlwana edlule, sekube nokulahleka nokucekeleka phansi okukhulu kwemvelo (futhi okwaziwa ngokonakala nokulimala kwendawo eziziphilisa kuyona izinto eziphilayo) edingwa yizitshalo, izilwane kanye nabantu ukuze baphile futhi bakwazi nokuziphilisa. Izinto ezidala ukonakala nokulimala kwendawo eziziphilisa kuyona izinto eziphilayo zibandakanya: ukuguquguquka kwesimo sezulu, ukusetshenziswa komhlaba nolwandle ngendlela engasimeme, amaphrojekthi angafanele noma asezindaweni ezingafanele noma angahleliwe ngendlela efanele; ukuphazamiseka kwemifula, amaxhaphozi kanye nezindawo lapho kuhlangukhona amanzi olwandle namanzi emifula ngenxa yokudonswa ngokweqile kwamanzi kanye nokunukubezeka; ukufika kwezinye izinto eziphilayo endaweni okungafanele ziphile kuyona (kokubili izitshalo nezilwane); ukucekelwa phansi kanye nokuvunwa ngokweqile kwezinto eziphilayo, ikakhulukazi eziphila olwandle nendawo ezungezile; ukushushumbiswa kwezilwane nezitshalo zasendle okungekho emthethweni kanye nokusetshenziswa kwezinsiza ngokungemthetho.¹⁶

Ukucingwa nokukhiqizwa kukawoyela negesi, ukumbiwa kwezimbiwa, imikhumbi yamandla kanye nezikhungo zehayidrojini kudala ubungozi obengeziwe ngokungcolisa imvelo yasolwandle, okukhahlameza izinhlanzi, izinyoni, izimfudu, imikhomo, oshaka, amaphengwini, izixhobo zamakhorali kanye nezinye izinto eziphilayo. Le misebenzi nemiklamo yentuthuko ingaholela ekutheni kwenzeke umonakalo olandelayo kwizinto eziphilayo zasolwandle:

- Imisindo emikhulu, imisebenzi yabantu kanye nezimonto ezihambayo ezibuya emsebenzini wokumba kuphazamisa ukuxhumana phakathi kwezilwane, ukuzalana kwazo kanye nokuzalela.
- Izinhlanzi kanye nezinye izilwane zingafuduka kuleyo ndawo.
- Umsindo uphazamisa izinhlanzi kanye nezilwane ezincelisayo zasolwandle ezithembeke ekulaleleni imisindo ukuze zithole ukuthi zikuphi izilwane ezizidlayo (eziwukudla kwazo), uphazamisa ukuzulazula nokuhambahamba kwazo futhi uphazamisa nokuxhumana kwazo nezinye.

Uma kwenzeka umonakalo kwizinto ezithile eziphilayo, imithelela yalokho idlulela kuyo yonke impilandawonye, okuyinto ebeka engcupheni impilokwahlukana yonkana kanye nempilo yempilandawonye.

Imithelela Kumalungelo Aphathelene Namasiko Nezinkolelomoya

Le misebenzi nemiklamo eyenzeka olwandle naseduze kogu iphazamisa indlela yokuphila ephathelene nezinkolelomoya namasiko emiphakathi yabadobi abancane abanokuxhumana nolwandle. Le miklamo ingadala umonakalo kwizinsiza zamasiko nezinkolelomoya, okuyinto engaqeda ukuzethemba, isimobunjalo kanye nesithunzi samalungu omphakathi. Ukwenza isibonelo, imisebenzi nemiklamo enobungozi ingadala izinguquko kwizibalo zezinhlanzi eziphila endaweni ethile nokufuduka kwezinhlanzi amabanga amade okungaholela ekulahlekeni okukhulu kwemikhuba nezinkambiso zendabuko, zamasiko kanye nezokuzithokozisa. Lokhu akugcini nje kuphela ngokubeka engcupheni izindlela zokuziphilisa, kodwa futhi kwenza kube buthakathaka ukuxhumana kwemiphakathi nolwandle ngokwezinkolelomoya nangokwamasiko.

¹⁵ Uhlakamthetho Lukazwelonke Lwezempilokwahlukana lowezi-2019 kuya kowezi-2024.

¹⁶ Uhlakamthetho Lukazwelonke Lwezempilokwahlukana lowezi-2019 kuya kowezi-2024.

Imithelela kubantu nenhlalo-mnotho

Imiphakathi yabadobi abancane ivamise ukuhlangabezana nokuphazamiseka kwezindlela zayo zokuziphilisa kanye nezindlela zayo zokuphila ngokwendabuko ngenxa yoshintsho ekusetshenzisweni komhlaba nolwandle. Imiphakathi kungenzeka ilahlekelwe imali engenayo uma ithembele kwezokuvakasha namabhizinisi asekelwe phezu kwemisebenzi ephathelene nolwandle okungenzeka ikhahlamezeke ngenxa yemisebenzi nemiklamo kawoyela negesi. Abantu abaningi emadolobheni asogwini bathembele olwandle njengendlela yokuziphilisa. Ngakho-ke le miklamo iyibeka engcupheni enkulu iminoto yendawo kanye nenhlalakahle yalabo abathembele olwandle.

Imithelela Eqondene Nokuguquguquka Kwesimo Sezulu

Ukumbiwa kwezimbiwa ngaphandle nangaphakathi kolwandle, imikhumbi yamandla ephehla ugesi ngezibaselinesalela nangehayidrojini evela kwizibaselinesalela, konke kukhiqiza amagesi adala isivuvu emkhathini (*greenhouse gases*) anjengesikhutha kanye ne-methane. Lawa magesi afudumeza umkhathi (bheka umfanekiso ongezansi). Lokhu kubizwa “ngesivuvu somhlaba” futhi kuholela kumazingakushisa adlondlobalayo emhlabeni nangaphansi kolwandle. Lama zingakushisa akhulayo angadala ukwanda kwezinhlekelele ezimbi kakhulu ezinjengama-tsunami, imililo yequbula, iziphepho, ukubhidlika kwamagquma okuhambisana nodaka olunyibilika ngamandla, izomiso kanye nokufa kwabantu ngenxa yokushisa ngokweqile kwemizimba yabo okubangelwa ngamazingakushisa aphakeme kakhulu.

Imboni kawoyela negesi ifaka ama-42% amagesi adala isivuvu emkhathini, okwenza lokhu kube yizona zinto ezinesandla esikhulu impela ekuququguqukeni kwesimo sezulu.



Kungani ebalulakile ama-1.5 degrees

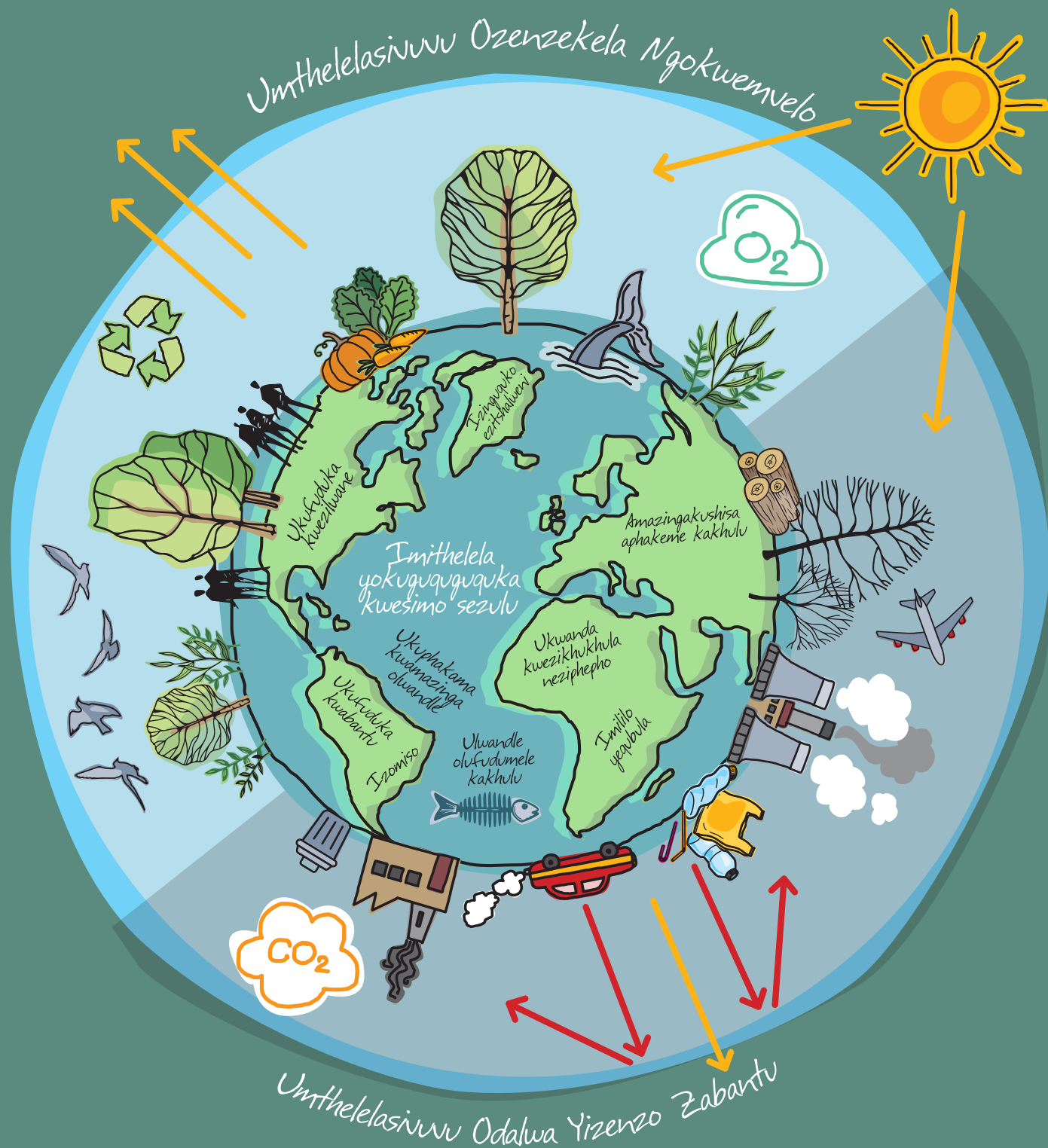
Umhlaba wethu ubulokhu uqhubeke njalo nokufudumala ngokushesha kusukela ngesikhathi sokusungulwa kwezimboni ngeminyaka yawo-1800 lapho kwagqama kakhulu ukusetshenziswa kwezibaselinesalela. Isibaselinesalela zikhqiza amagesi avalela ukushisa emkhathini, okudala “isivuvu somhlaba”. Ithimba Lamazwe Ngamazwe Elibhekene Nezindaba Zokuguquguquka Kwesimo Sezulu lixwayisa ngokuthi kumele sigcine ukukhula kwezingakushisa emhlabeni kungaphansi kwama-1.5°C (uma kuqhathaniswa namazinga ezikhathi ezandulela ukusungulwa kwezimboni) ukuze sigweme inhlekelele esabekayo. Ngisho ukukhula okungama-2°C imbala kungaba nemithelela emibi kakhulu emhlabeni.

Nakuba kunengcindezi evela kwizinhlangano nezinhlekelele zomhlaba, amazwe nezinkampani abenzi okwanele ukunciphisa amagesi adala isivuvu emkhathini. Uma siqhubeka endleleni yethu yamanje, ukufudumala kwembulunga yonke kuzodlula ku-1.5°C. Ngakho-ke kumele sibhukule sithathe izinyathelo njengamanje.

Ukuze kuhlangelelwe nomgomo obekiwe wama-2°C, ingxenye yokuthathu ekhulwini yomthamo okhona emithonjeni kawoyela, isigamu segesi ekhona emithonjeni kanye nomthamo ongaphezu kwama-80% wamalalele akhona emithonjeni njengamanje kumele kuhlale kungasetshenzisiwe kusukela kowezi-2010 kuyofika kowezi-2050. Lokhu kusho ukuthi ngisho nowoyela kanye negesi esitholakele akumele kusetshenziswe uma sifuna ukuvimbela inhlekelele yomhlaba.

Ngakho-ke, amazwe anjengeNingizimu Afrika kumele akuyeke ukucingwa nokukhiqizwa kawoyela negesi. Kodwa-ke, nakuba sekukhishwe zonke lezi zixwayiso, amazwe nezinkampani basalokhu beqhubeke njalo nokucinga imithombo emisha kawoyela negesi futhi nathi siyakuvumela nje kwenzeke lokhu.

KUNGANI SIGUQUGUQUKA ISIMO SEZULU?





Ngabe ukuguquguquka kwesimo sezulu kunamuphi umthelela emiphakathini yabadobi nemiphakathi ehlala ezindaweni ezisogwini?

Njengoba iplanethi ishisa, izinga lokushisa lolwandle liyakhuphuka, libe nomthelela empilweni yasolwandle kanye nezindawo zokuhlala ezibalulekile emiphakathini yabadobi abadobela ukuziphilisa. Imiphakathi edobayo seyiqalile kakade ukubona ukuguquko kumaphethini okufuduka kwezinhlanzi, izindawo ezitholakala kuzona kanye nezibalo zazo, osekuholele ekutheni sehle isibalo sezinhlazi ezikhona abangazidoba abadobi, okuyinto ekhahlameza ngqo izindlela zokuziphilisa zemiphakathi edobayo. Ukuguquguquka kwesimo sezulu nakho kudala iziphepho ezinkulukazi kanye nokuphakama kolwandle ngenxa yeziphepho, okuyinto ebeka engozini abadobi njengoba ulwandle olugubha amagagasi anolaka lwenza umsebenzi wabo ube nobungozi obukhulu.

I-Afrika ifudumala ngokushesha okukhulu uma iqhathaniswa nazo zonke ezinye izindawo emhlabeni, futhi ngenxa yalokho-ke, izithola ibhekene nezimo zemvelo ezixakile futhi ezingajwayelekile ezihlobene nesimo sezulu, ezibandakanya izikhukhula, izomiso, iziphepho, amashisandlu kanye nezilokazane eziwuhlupho. Lezi zenzakalo zingacekela phansi izitshalo, amakhaya kanye nemali engenayo, kuqhubekisele imindeni esivele isengcupheni ibe mpofu kakhulu.

UCWANINGOSIGAMEKO: Izikhukhula zaseThekwini

Ngowezi-2022, idolobha laseThekwini, eNingizimu Afrika, lahlaselwa yizikhukhula ezinamandla. Le ndawo yathola imvula engaphezu kwama-300mm esikhathini esingamahora angama-24 nje kuphela. Lesi sigameko esibuhlungu kakhulu saholela ekutheni abantu abangama-459 balahlekelwe yizimpilo zabo futhi ekupheleni kwenyanga kaNhlaba 2022 kwabe kusekunabantu abangama-88 ababengakatholakali, abangaziwa ukuthi bakuphi. Angaphezu kwezi-4000 amakhaya acekeleka phansi, abantu abangama-40 000 basala bengondinga sithebeni bengenamakhaya, futhi abayizi-45 000 basala bengasebenzi okwesikhashana. Izindleko zomonakalo owenzeka kwingqalasizinda namabhizinisi zibalelwa kwizigidigidi ezingama-40 zamarandi.

Ucwaningo olwenziwa yiNyuvesi yase-Wits lwahlonza lokhu “njengenhlekelele yemvelo embi kunazo zonke ezake zenzeka KwaZulu-Natali (KZN) uma kubukwa umonakalo usuwonke obandakanya abantu abashona, amakhaya nengqalasizinda eyalimala noma eyacekeleka phansi kanye nomthelela emnothweni.”¹⁷

Ububha bungayenza ibe mibi kakhulu imithelela yezigameko zesimo sezulu esibi njengoba imiphakathi ehlwempu ivamise ukuzithola ihlala ezindaweni ezisengcupheni yokuhlaselwa yizikhukhula, ingenazo izindlu ezakhiwe kahle, futhi ingenawo amandla ngakwezezimali okuthatha izinyathelo ezinjengezinhlalo ezisebenza kahle zemisele namaphayiphi okudonsa nokuhambisa amanzi. Kulabo abakhahlamezekile, izinselelo zabo zilokhu ziqhubeka njalo nakuba sekuphele isikhathi eside zidambile izikhukhula. Abaningi abanawo umshwalense, futhi bathembele kuhulumeni kanye neminikelo ukuze bakhe kabusha. Kungenzeka kudingeke ukuthi bathuthe bayohlala kwezinye izindawo, okuyinto ezobaqhelisa kwizinsizakalo ezisemqoka. Ukulimala kwezinhlelo kokuthuthwa kwendle eThekwini kwaholela ekunukubekezeni kwemifula nolwandle, okwadala umonakalo kubadobi kanye nabaqhubi bamabhizinisi ezokuvakasha. Kusukela ngowezi-2024, ukunukubezeka kwamanzi sekudale izigameko lapha nalaphaya eziholele ekuvalweni kwamabhishi, osekunciphise ezokuvakasha futhi kwakhahlameza nomnotho wendawo.

¹⁷ <https://www.wits.ac.za/news/latest-news/general-news/2023/2023-04/the-2022-durban-floods-were-the-most-catastrophic-yet-recorded-in-kwazulu-natal.html>

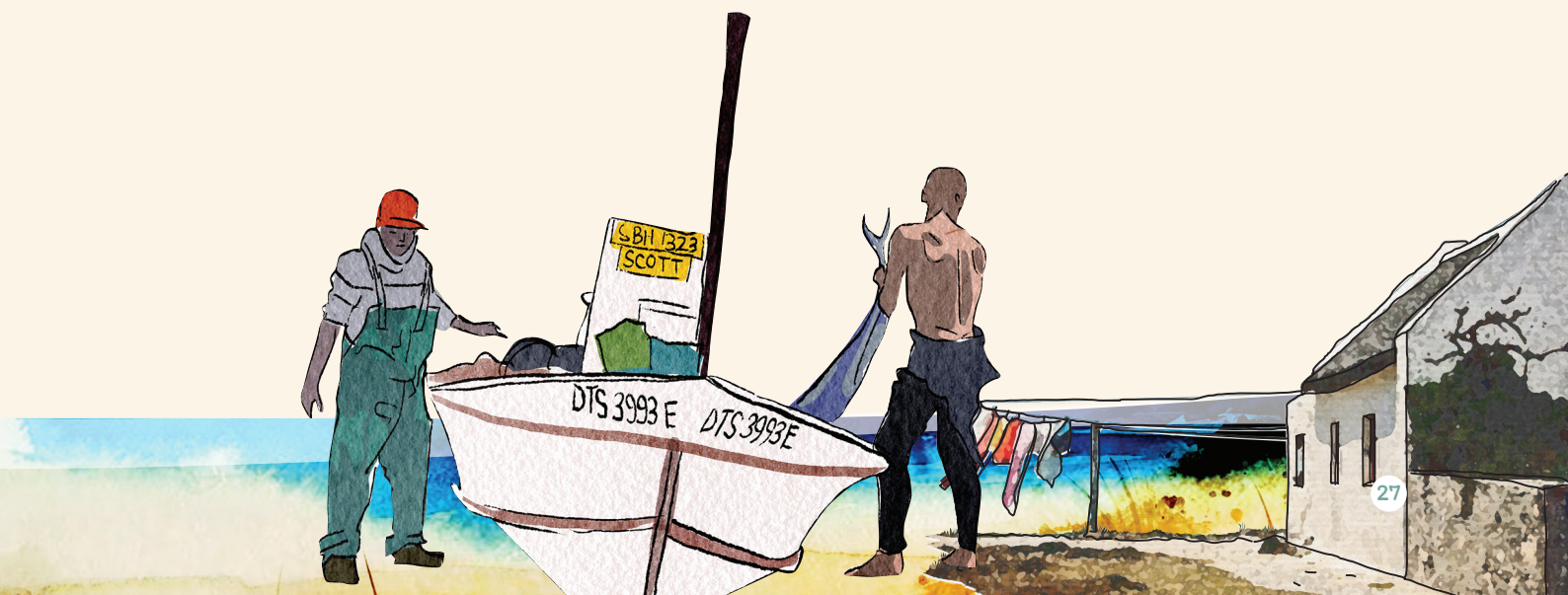


6. Ukusebenzisa Amalungelo Ami Ezemvelo: Ukuzibandakanya

UMthetho Kazwelonke Wezokuphathwa Kwemvelo, phecelezi, i-*National Environmental Management Act* (NEMA) ugqizelela ukuthi kumele kuphishekelle ubulungiswa bezemvelo, kuqondiswe nanoma yimuphi umsebenzi noma umklamo wentuthuko futhi kuqinisekise ukuthi lokhu kusimeme ngokwenhlalo, imvelo kanye nezomnotho.

Imiphakathi kumele yaziswe futhi kuboniswane nayo ngaphambi kokuba kwenzeke noma yimuphi umsebenzi noma umklamo wentuthuko. Imiphakathi inelungelo lokucela ulwazi, ukubuza imibuzo kanye nokwazisa umthuthukisi wendawo ngemithetha yemisebenzi nemiklamo yentuthuko emiphakathini leyo. Uma ikholelwa ukuthi aphuliwe amalungelo ayo, imiphakathi inelungelo futhi lokuthatha izinyathelo zomthetho noma imangalele umthuthukisi wendawo noma uhulumeni.

Kulesi sahluko, uzofunda ukuthi ungalibamba kanjani iqhaza ekuthathweni kwezinqumo maqondana nemisebenzi nemiklamo yentuthuko endaweni yangakini, futhi kuzogxilwa kwizinqubo zokubamba komphakathi iqhaza ekugunyazweni kwemiklamo ngokunjalo futhi nokuqonda umthetho kanye nokuthuthukiswa kwezinqubomgomo.



Ukubamba Iqhaza Ekuhlolweni Komthelela Kwimvelo

Ukuhlolwa Komthelela Kwimvelo, phecelezi, ama-*Environmental Impact Assessments* (EIAs) yizinqubo lapho kuhlolwa khona imithelela yemisebenzi nemiklamo yentuthuko engakhahlameza imvelo, inhlalo yabantu kanye nomnotho esikhathini esizayo, futhi lapho kunokwenzeka, kuphakanyiswa izinyathelo ezinganciphisa noma zivimbele imithelela emibi kubantu, imiphakathi kanye nemvelo. Lezi zinqubo zenziwa ngaBasebenzi Abangongoti Bokuhlolwa Komthelela Kwimvelo, abazimele futhi abangasondelene nomthuthukisi womsebenzi wentuthuko noma umklamo.

Izinqubo ze-EIA zicubungula le mithelela elandelayo ozoba nayo umklamo:

- **Imithelela kwimvelo** (olwandle, kwimithombo yamanzi, enjengemifula, imifudlana, amaxhaphozi, amanzi angaphansi komhlaba, impilokwahlukana, ezolimo, izinganhle lomoya kanye nomhlabathi)
- **Imithelela kwinhlalo yabantu** (kwimiphakathi ezungezile, amagugu amasiko angaphatheki ngesandla, ezempilo, ukufudukiswa ngokwenkolelomoya, ukuphepha nokuvikeleka)
- **Imithelela Yezomnotho** (kwizindlela zokuziphilisa, umnotho wendawo nomnotho obanzi, ukutholakala kwemisebenzi).

I-EIA isetshenziswa umenzi wesinqumo ukuze anqume ukuthi uyakunikeza yini ukugunyazwa kwezemvelo ekuthuthukisweni. Lesi sinqumo sincike ekutheni imithelela ehloliwe kanye nezinyathelo ezinconyiwe zokunciphisa umthelela kuthathwa njengokwamukelekile yini. Umenzi wesinqumo, obizwa ngesiphathimandla esinegunya, kungaba uhulumeni wendawo noma kazwelonke, lokho kuzoya ngokohlobo lomsebenzi.

Kusukela ngo-2024, izinkampani zezimayini zidinga kokubili ilungelo lezimayini, imvume yezimayini, ilungelo lokuhlola noma imvume yokuhlola, kanye nokugunyazwa kwemvelo. Ngokufanayo, emisebenzini kawoyela negesi, badinga ilungelo noma imvume, kanye nokugunyazwa kwemvelo. Lokhu kubizwa ngokuthi uhlelo olulodwa lwezemvelo.

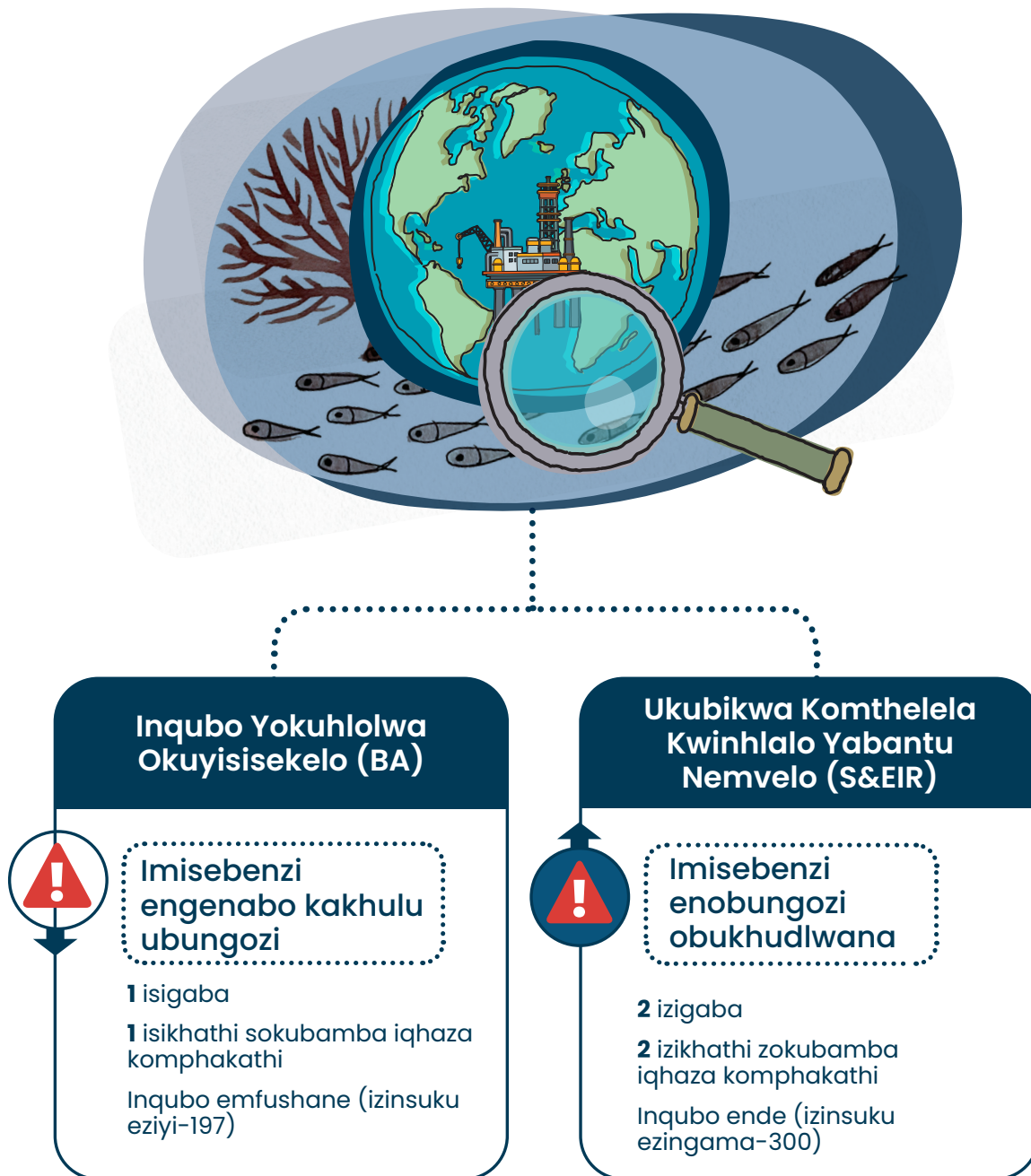


Izinhlobo zezinqubo ze-EIA

I-NEMA ibala imisebenzi ethile edinga i-EIA. Ukwengeza, i-MPRDA ilawula imisebenzi yamaminerali kanye ne-petroleum edinga i-EIA ngokwe-NEMA.

Imisebenzi edala ingozi encane idinga inqubo yoHlolo oluyisisekelo (BA) kanye nemisebenzi engase ibangele ukulimala okukhulu idinga inqubo "Yokubikwa Komthelela Wezemvelo Nendawo (S&EIR)", ngezinye izikhathi ebizwa ngokuthi i-EIA ephelele

ISIFINGQO



Ukuhlolwa Okuyisisekelo (BA)



Thumela isicelo



Isaziso sokuhlolwa okuyisisekelo

Izikhangiso

Izaziso ngezizinda zomsebenzi

Umbhalo Wolwazi Oluyisisekelo (BID)



Uhlaka Lombiko Wokuhlolwa
Okuyisisekelo (DBAR)

Ukuphawula Komphakathi

Ubandakanya izingcwango zongoti

Imihlangano yomphakathi kanye neminye



Umbiko Wokugcina Wokuhlolwa
Okuyisisekelo (FBAR)

Uthunyelwa kwisiphathimandla esinegunya

*Umbiko Wokuphawula Komphakathi kanye
Nezimpendulo*



Isinqumo



Isikhathi esiphelele

**izinsuku
eziyi-197**

**ngaphandle uma seluliwe*

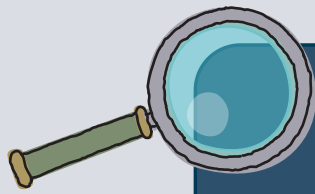


Ukuphawula
Komphakathi

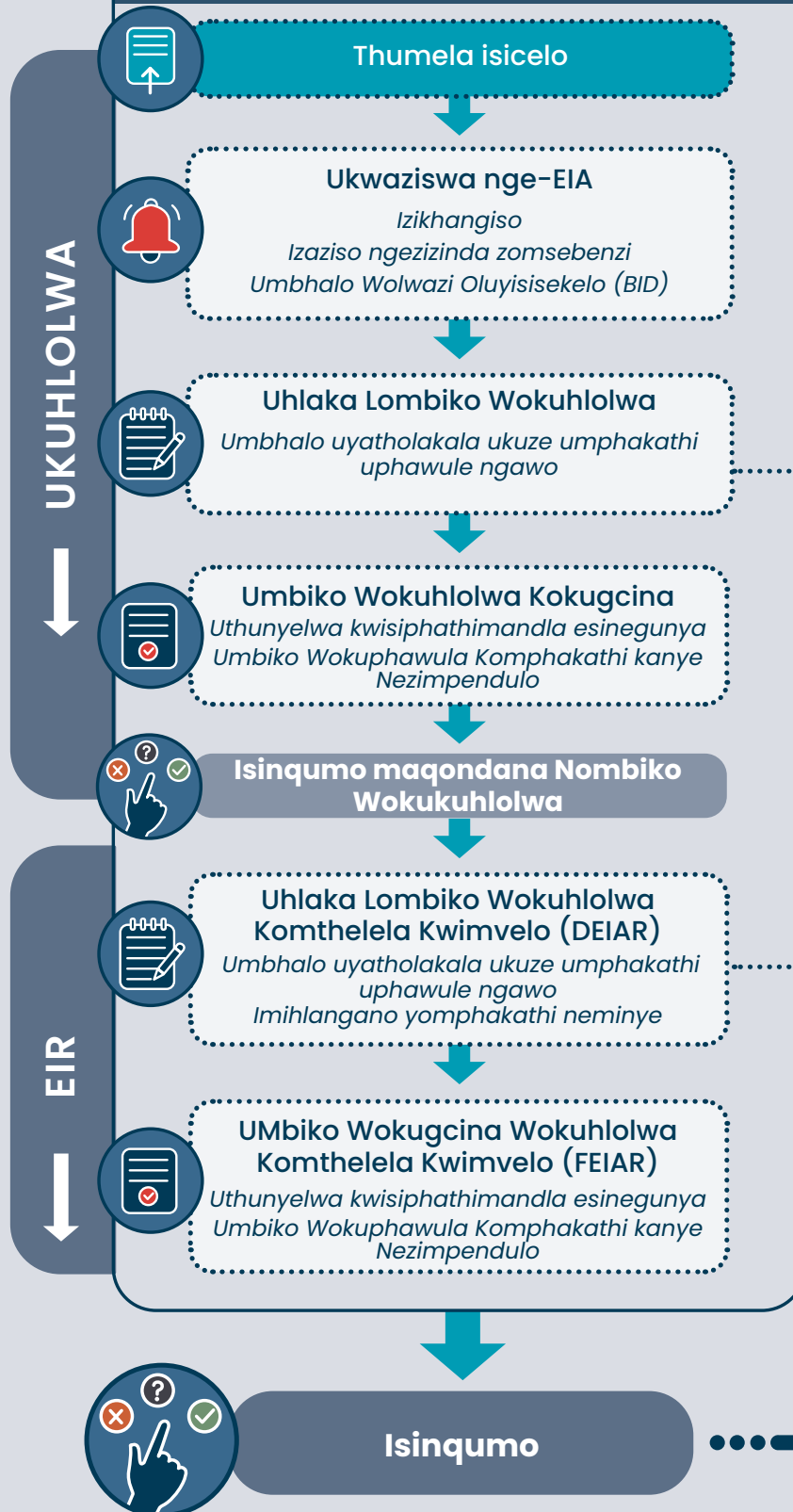
**izinsuku
ezingama-30**



**ISICELO
SOKUDLULISA
ISINQUMO**



Ukuhlolwa Nokubikwa Komthelela Kwimvelo (S&EIR)



Isikhathi esiphelele

**izinsuku
ezingama-300**

**ngaphandle uma seluliwe*



Ukuphawula
Komphakathi

**izinsuku
ezingama-30**



Ukuphawula
Komphakathi

**izinsuku
ezingama-30**

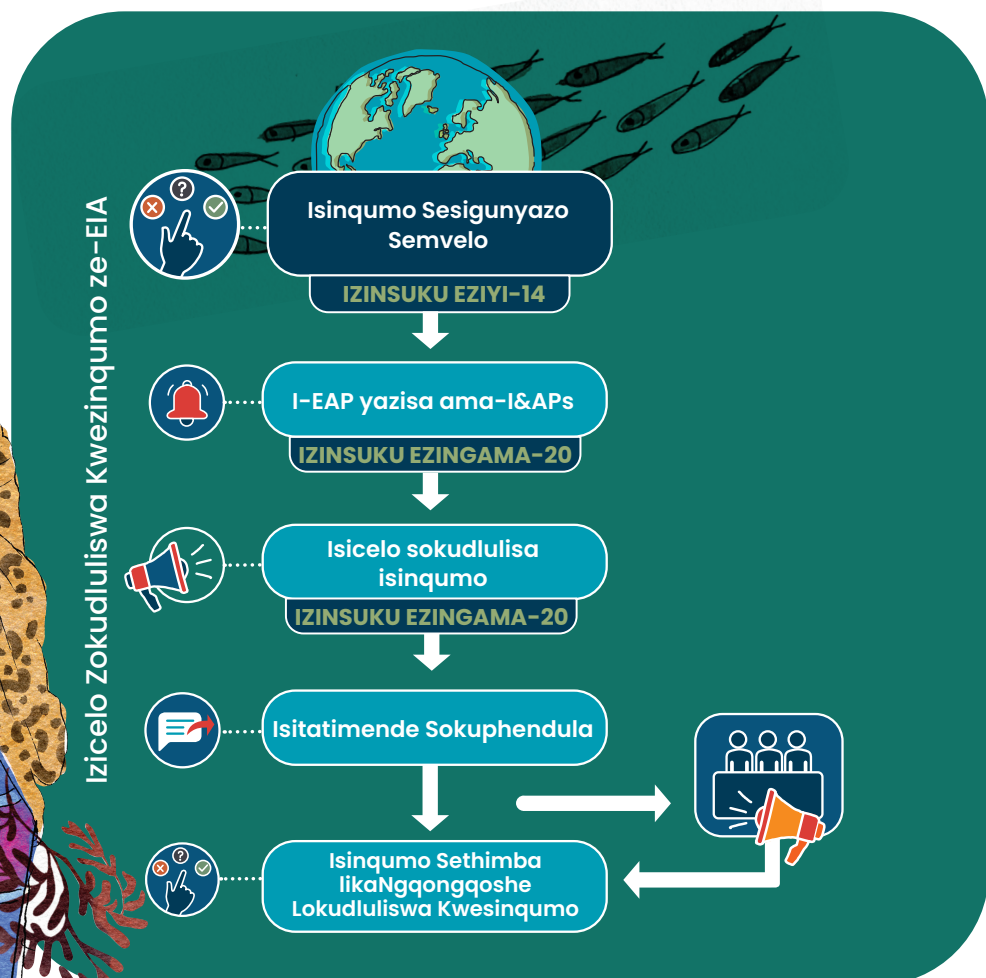


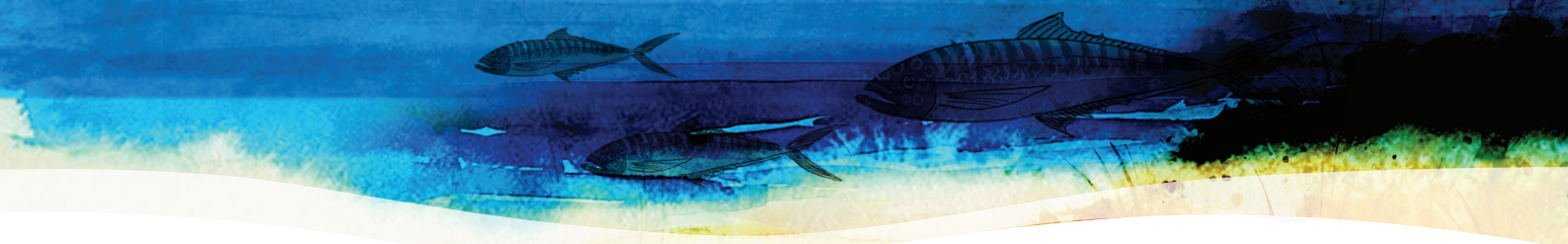
**ISICELO
SOKUDLULISA
ISINQUMO**

Ukudluliswa kwesinqumo sokugunyaza

Uma sesikhishiwe isigunyazo sokuhlolwa kwemvelo, isinqumo kanye nezizathu kumele kwabelwane ngakho Nabantu Abanentshisekelo Nabathintekile, phecelezi, ama-*Interested and Affected Parties* (I&AP).

- Ungadlulisela isikhalo ngokugunyazwa kwezemvelo zingakapheli izinsuku ezingama-20 kuNgqongqoshe Wezamazalath, Wezokudoba kanye Nezemvelo. I-DFFE iyisiphathimandla sokudlulisa amacala, noma ngabe i-DMRE ikunikeze ukugunyazwa.
- Isicelo sokudlulisa isinqumo kumele sithunyelwe ngendlela enqunyiwe, kusetshenziswa iFomu Lokudluliswa Kwesinqumo, elitholakalayo kuwebhusayithi ye-DFFE.
- Lapho uthumela isicelo sakho sokudlulisa isinqumo, kwi-imeyili yakho kumele unamathisele ikhophi yesigunyazo semvelo kanye nobufakazi bokuthi usitholile isaziso sesigunyazo.
- Kubalulekile ukuthumela isicelo sokudlulisa isinqumo, ngoba phela lokho kuzokuhlinzeka ngethuba lokuya enkantolo uma kwenzeka sichithwa isicelo sakho sokudlulisa isinqumo.





Ukuzibandakanya kuma-EIA

Ingxenywe ebalulekile ye-EIA **wukubamba iqhaza komphakathi**, ukuqinisekisa ukuthi izwi labantu abathintekile nabanentshisekelo liyazwakala kuzo zonke izigaba. Lokhu kuyalekelela ekutheni inqubo ibe ngevulelekile, esobala futhi enobuqotho nokuthembakala. Kusemqoka ukuthi imiphakathi ibandakanywe ukuqinisekisa ukuthi ayahlonishwa amalungelo ayo ezemvelo.

Lapho inkampani iqalisa umsebenzi noma umklamo wentuthuko odinga i-EIA, izoqasha isisebenzi esingungoti wezokuhlolwa kwemvelo (EAP) ukuthi sengamele le nqubo.

Uzibandakanya kanjani:

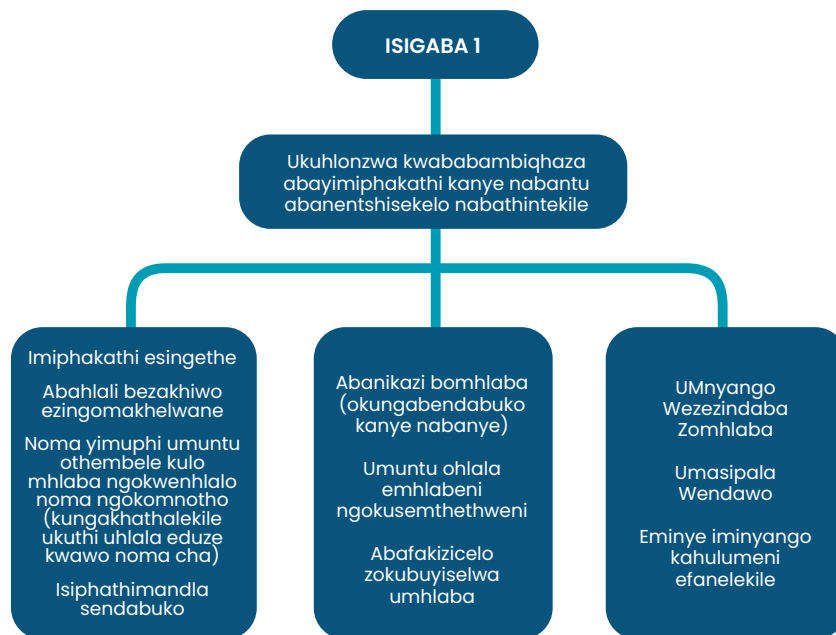
- ✓ **Bhalisa njengoMuntu Onentshisekelo Nothintekile (I&AP):** Ngokushesha emuva kokuzwa mayelana nomsebenzi wentuthuko ozokwenziwa, thola ukuthi ngubani i-EAP bese ubhalisa ngokuyithumelela i-imeyili. Noma ngubani angabhalisa njenge-I&AP, hhayi nje kuphela labo abahlala eduze nendawo ehlongozwayo okuzokwakhiwa kuyona.
- ✓ **Cela Amaphepha Omklamo:** Ngokuvamile amaphepha aphathelene nomklamo ayatholakala kuwebhusayithi ye-EAP. Futhi kudingeka ukuthi i-EAP ihlinzeke nangamakhophi angamaphepha ezindaweni zomphakathi ezinjengemitapo yolwazi.
- ✓ **Thamela Imihlangano Yomphakathi:** Bamba iqhaza emihlanganweni yokulalelwa kwezimvo zomphakathi ebanjwa ngenkathi kuqhubeka inqubo yonkana ye-EIA. Buza imibuzo futhi uzwakalise ukuphikisana kwakho noma ukweseka lokhu kuleyo mihlangano. I-EAP inesibopho sokulalela izinto izikukhathazayo ngalokhu futhi ikuphendule ngendlela engenakho ukuchema nokwenzelela.
- ✓ **Thumela Ukuphawula Kwakho Okubhalwe Phansi:** Njalo lapho uthola ithuba ngenkathi kuqhubeka inqubo ye-EIA, thumela ukuphawula kwakho okubhalwe phansi ukuze uzwakalise izinto ezikukhathazayo.
- ✓ **Cela Usizo Uma Kudingekile:** Uma ungakwazi ukubhala phansi ukuphawula kwakho, xhumana ne-EAP, uyitshale ukuthi ufuna ukwenza izethulo zakho ngomlomo maqondana nezinto ezikukhathazayo.



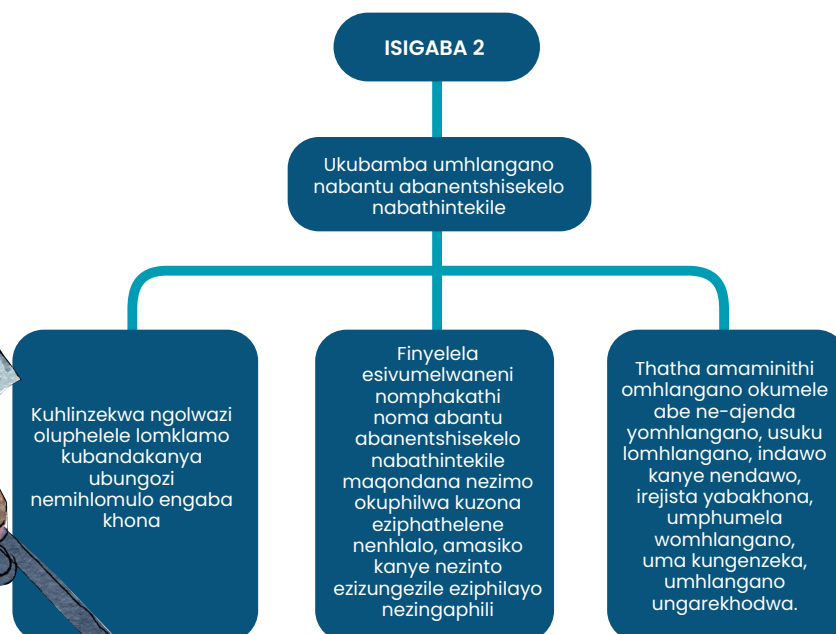
Kuyini ukubamba iqhaza okuphusile emihlanganweni yomphakathi?

Imiphakathi ethintekile kumele kuboniswa nayo ngendlela ephusile esinyathelweni ngasinye somklamo – kusukela ekudizayinweni komklamo kuya ekuqalisweni nokuhlolwa kwawo ngokuqhubekayo. Lokhu kudinga ukuthi kulandelwe izinqubonkambiso, izimompilo kanye namasiko omphakathi, ikakhulukazi lapho kuboniswa neziphathimandla zendabuko. Inqubo yokubonisana esimeme ivula isiyingi sokuthathwa kwezinqumo futhi ihloniphe nendima yemiphakathi, kubandakanya ulwazi lwayo lwezendabuko nolwezemvelo kanye nezinhlelo zokuphatha.

Isinyathelo 1 – Ukuhlonzwa kwabantu abanentshisekelo nabathintekile



Isinyathelo 2 – Ukubonisana nabantu abanentshisekelo nabathintekile



Ungakuqinisekisa kanjani ukubamba iqhaza komphakathi okuphusile

Ngokulandela lezi zinyathelo, singaqinisekisa ukuthi amaqembu emiphakathi ayabandakanywa kwizinqubo zokuthathwa kwezinqumo nokuthi imiklamo idizayinwa ngendlela ezokwenza ikwazi ukuhlangabezana nezidingo zemiphakathi ezothinteka ngenxa yemiklamo leyo.

1) Ukubandakanywa komphakathi:

- ✓ Imiphakathi ethintekile kumele ibe nezwi elizwakalayo emklamweni, kubandakanya ukuphathwa kwemvelo kanye nokuqapha nokuhlola umklamo ngokuqhubekayo kusukela ekuqaleni.
- ✓ Labo abasekela ukuqaliswa komklamo kanye neziphathimandla zikahulumeni kumele baqinisekise ukubandakanywa kongoti bendawo, ikakhulukazi labo abanolwazi lwendabuko.
- ✓ Ongoti bendawo kumele bahlonzwe futhi kuboniswane nabo isaqala nje inqubo yomklamo.

2) Ukubonisana nemiphakathi ethintekile:

- ✓ Abathuthukisi bomklamo kumele bakulalele ngenkuthalo lokho okuvezwa wumphakathi njengezinto eziwukhathazayo futhi bahlinzeke ngezimpendulo ezingenakho ukuchema nokwenzelela, futhi bazifake izinto ezikhathaza umphakathi kwinqubo yokuhlolwa komklamo.
- ✓ Imihlangano yomphakathi kumele ibanjwe ngolimi abaluqondayo ababambiqhaza futhi uma kudingekile kumele kuhlinzekwe ngotolika.
- ✓ Imiphakathi esengcupheni, kubandakanya abesifazane, abantu asebekhulile ngokweminyaka kanye nentsha, kumele ikhuthazwe ukuthi ibambe iqhaza futhi izwakalise imibono yayo.
- ✓ Kumele kuhlinzekwe ulwazi ngokuqhubekayo maqondana nomklamo kuzo zonke izigaba zawo, futhi kuqinisekise ukuthi imibono yomphakathi nezinto eziwukhathazayo kuyavela kwizinqubo zokugcina, ezinhlelweni noma kwimiklamo. Lokho okuzwakaliswe ngumphakathi kungaqoshwa ngezindlela ezahlukahlukene, ezinjengezitatimende ezibhalwe phansi, ividiyo noma ukuqoshwa kwezwi, okwenziwe ngemvume yomphakathi.

3) Ulwazi olufinyelelekayo noluqondakalayo:

- ✓ Lonke ulwazi olumayelana nenqubomgomo, uhlelo noma umklamo, kubandakanya nobungozi obungaba khona kanye nemihlomulo, kumele kwethulwe ngendlela ecacile futhi eqondakalayo.
- ✓ Ulwazi kumele lusheshe lutholakale, ngezilimi ezikhulunywa yimiphakathi ethintekile futhi lutholakale ngendlela ezokwenza ukuthi kube lula nakubantu abakhubazekile nalabo abangafundile ukulusebenzisa.

4) Idizayini Egxile Emphakathini:

- ✓ Izinqubomgomo, izinhlelo kanye nemiklamo kumele kudizayinwe ngendlela ezokwazi ukuhlangabezana nezidingo kanye nezinto ezikhathaza imiphakathi ethintekile. Lokhu kubandakanya nokuhlonzwa kobungozi okungenzeka bube khona kanye nokufaka kwinqubo yokuthuthukiswa komklamo ulwazi lwendabuko nezimo abadlule kuzona esikhathini esedlule abantu.
- ✓ Izinjongo zokuthuthukiswa komphakathi kumele zihole ukwakhiwa kwezinhlelo zokuphathwa kwemvelo noma zokuqapha nokuhlola umklamo ngokuqhubekayo.



Ukubamba iqhaza komphakathi ekushayweni kwemithetho

Ukubamba iqhaza komphakathi kubaluleke kakhulu ekwakheni, ekuqaliseni nasekuqinisekiseni ukuthotshelwa komthetho. Lapho kushaywa imithetho, iPhalamende kumele libonisane nomphakathi, ikakhulukazi imiphakathi yendawo ezothinteka ngenxa yemithetho, ukuze kuqinisekise ukuthi imithetho ihambisana nezinjongo nezimompilo zomphakathi.

UMEHLUKO PHAKATHI KWENQUBOMGOMO NEMITHETHO



IMITHETHO:

Imithetho ibeka ngokucacile amazingasimo, izinqubokusebenza kanye nemigomo okumele ilandelwe. Uma ingalandelwa imithetho, bazothathelwa izinyathelo labo abayiphulayo.



INQUBOMGOMO:

Inqubomgomo ibalula lokho uhulumeni afisa ukukufezekisa, kanye nezindlela nemigomo azoyisebenzisa ukufezekisa lokhu. Umbhalo wenqubomgomo awuwo- na umthetho, kodwa ngokuvamile uhlonza imithetho emisha edingekayo ukufezekisa izinjongo zikahulumeni.

Izigaba zokwakhiwa kwezinqubomgomo nemithetho

Kungumsebenzi wegatsha lokushaywa kwemithetho (iPhalamende) ukugunyaza izinqubomgomo kanye nokushaya imithetho emisha eqalisa ukusebenza ngokusemthethweni kwezinqubomgomo. Lena yinqubo ende futhi ehamba kancane.

1

Uhulumeni uhlinzeka ngenhlosombono, izinjongo kanye nesiqondiso: Uhulumeni wakha inhlosombono kanye nezinjongo eziqondene nezindaba ezithile, okuholela ekwakhiweni kohlaka olubizwa ngoHlaka Lokuqala Lomthetho, phecelezi, i-*Green Paper*. Lo mbhalo ubeka ngokucacile imiqondomsuka maqondana nomthetho futhi kwabelwana ngawo nomphakathi ukuze uzwakalise imibono yawo ngalokhu. Emuva kokuthola imibono yomphakathi, kwakhiwa omunye umbhalo wokuxoxisana oqukethe imininingwane ethe xaxa, ochaza kabanzi ngenqubomgomo kahulumeni, obizwa ngoHlaka Lomthetho Odingidwayo, phecelezi, i-*White Paper*.

2

Ukwamukelwa ngokusemthethweni kohlaka lomthetho odingidwayo: Emuva kwenkulumo-mpikiswano ejulile, inqubomgomo yokugcina ishicilelwa njengoHlaka Lomthetho Odingidwayo. Lo mbhalo usebenza njengohlelo olunemininingwane ebanzi olungaholela emithethweni emisha. Lokhu kudingidwa kabanzi ePhalamende bese kugunyazwa yiKhabhinethi.

3

Ukwakhiwa kohlaka loMthethosivivinywa: UHlaka Lomthetho Odingidwayo lungaholela emthethweniomusha. Umakudingeka umthethoomusha, uMnyango noma uNgqongqoshe bakha uhlaka lwalokhu, futhi ekuqaleni lokhu bakubiza ngohlaka loMthethosivivinywa ohlongozwayo. Uma selwethuliwe ePhalamende, luba nguMthethosivivinywa.

4

Ukuphasiswa komthetho: Uma uMthethosivivinywa usuwethuliwe, izonikezwa inombolo bese ikhishwa njengoMthethosivivinywa, isibonelo, B6 ka-2024 futhi idlule ohlelweni lokuba umthetho.

UMthethosivivinywa uthunyelwa ukuba ucutshungulwe yizo zombili iziNdlu zePhalamende - isiGungu Sikazwelonke (i-NA) kanye noMkhandlu Kazwelonke Wezifundazwe (i-NCOP) - abazowudlulisela eKomidini elifanele noma eKomidini Elikhethiwe ukuze licutshungulwe. UMthethosisekelo udinga ukuthi isiGungu Sikazwelonke kanye noMkhandlu Kazwelonke Wezifundazwe uqhubekisele phambili ukubamba iqhaza komphakathi ezinhlelweni zawo zokushaya umthetho kanye nephalamende. I-NA kanye noMkhandlu kaZwelonke weziFundazwe noma yiliphi iKomidi lawo, bathole izikhalazo, izethulo noma izethulo ezibhaliwe noma ngomlomo ezivela emphakathini mayelana nemithethosivivinywa eshicilelwe. Lesi isikhathi esingcono kakhulu sokunxenxa izinguquko noma ukuphikisa imigomo yoMthethosivivinywa. Uma uMthethosivivinywa ubandakanya udaba olunentshisekelo enkulu yomphakathi, i-NA kanye ne-NCOP kudingeka bahlele futhi baqhubekisele phambili ukulalelwa kwezimvo zomphakathi kuzo zonke izifundazwe, ukuze bathole igunya elivela kubantu lokuthi umthetho kufanele ushaywe noma cha futhi ngaluphi uhlobo. Ngemuva kokuthi uhlelo lokubamba iqhaza komphakathi seluphothuliwe, i-NA kanye noMkhandlu kaZwelonke weziFundazwe kudingeka ukuthi

bacubungule ngokunengqondo zonke izethulo ezenziwe, futhi banquma ukwamukela umthetho ngezinguquko, noma ukuwuchitha, noma ukuwubuyisela kungqongqoshe ofanele ukuze awubhale kabusha umthethosivivinywa. Uma i-NA noma i-NCOP yamukela umthethosivivinywa osalungiswa, uthunyelwa kuMongameli ukuze avume umthethosivivinywa futhi awusayine. Lapho uMongameli esayina, umthethosivivinywa uba ngumthetho.

5 Ukuqaliswa kokusebenza komthetho: Emuva kokuba sewushicileliwe umthetho noma inqubomgomo ephasiswe yiPhalamende, kungumsebenzi wamahhovisi ongqongqoshe bakazwelonke noma bezifundazwe ukuqinisekisa ukuthi uyaqaliswa ukuze usebenze. Uma kudingekile, ohulumeni basekhaya nabo bangakha eyabo imitheshwana engeziwe ukuze kucaciswe kahle imininingwane yomthetho woqobo omkhulu.

Kungani kufanele ubambe iqhaza kwinqubo yokushaywa kwemithetho?

Ukubamba iqhaza kwinqubo yokushaywa komthetho kusemqoka ekuvikeleni amalungelo esintu ayisisekelo. Umthetho ungawabekela imikhawulo amalungelo ukuze angasetshenziswa ngokuphelele, kodwa-ke imikhawulo leyo kumele kube ngenesizathu **esiphusile futhi esingafaka-zeleka**, sisekeleke emphakathini ovulekile futhi obuswa ngokwentando yabantu. Ukuqinisekisa ukuthi imithetho ayichemile futhi ayenzeleli, nokuthi ayiwaphuli amalungelo ayisisekelo avikelwe nguMthethosisekelo, ukubamba iqhaza kwezakhamuzi kubaluleke kakhulu.

INkantolo YoMthethosisekelo (inkantolo ephakeme kunazo zonke eNingizimu Afrika) kamuva nje ikhiphe isinqumo esithi:

“Ukubamba iqhaza komphakathi kusebenza njengesivikelo sokuvimbela ukuthi izimfuno zalabo abancishwe amathuba zishaywe indiva noma zihlanekezelwe. Ukubaluleka kokubamba iqhaza komphakathi maqondana nokuthuthukiswa komsebenzi wentando yabantu weNingizimu Afrika kugcizelelwa kakhulu wukuthi ohulumeni benqubo yobukoloni ali kanye nobandlululo babengenandaba nakancane nemibono yabantu ekushayweni kwemithetho ethinta izimpilo zabo.”

Sakhishwa yiJaji u-Theron ecaleni lapho kwakufakelwe inselelo uMthetho Wobuholi Bendabuko Nobama-Khoi-San maqondana nokuthi awuhambisani noMthethosisekelo (ecaleni likaMogale Nabanye lapho babemangalele khona uSomlomo weSigungu Sikazwelonke Nabanye).

Isigaba sama-72(c) nese-118(1) soMthethosisekelo sidinga ukuthi iPhalamende kanye nezishayamthetho zezifundazwe bahole futhi baqinisekise ukubamba iqhaza komphakathi kwinqubo yokushaywa kwemithetho ngokuhlinzeka ngamathuba anohlolozo azovumela ukuthi umphakathi ubambe iqhaza enqubweni yokushaywa kwemithetho, kanye nokuqinisekisa ukuthi izakhamuzi zinawo amakhono adingekayo ukubamba iqhaza ngempumelelo.

Ungalibamba kanjani iqhaza?



1

Ungenza izethulo ezibhalwe phansi uzithumele ekomidini lePhalamende noma uphawule mayelana nenqubomgomo ngenkathi kunxuswa umphakathi ukuthi wenze njalo.

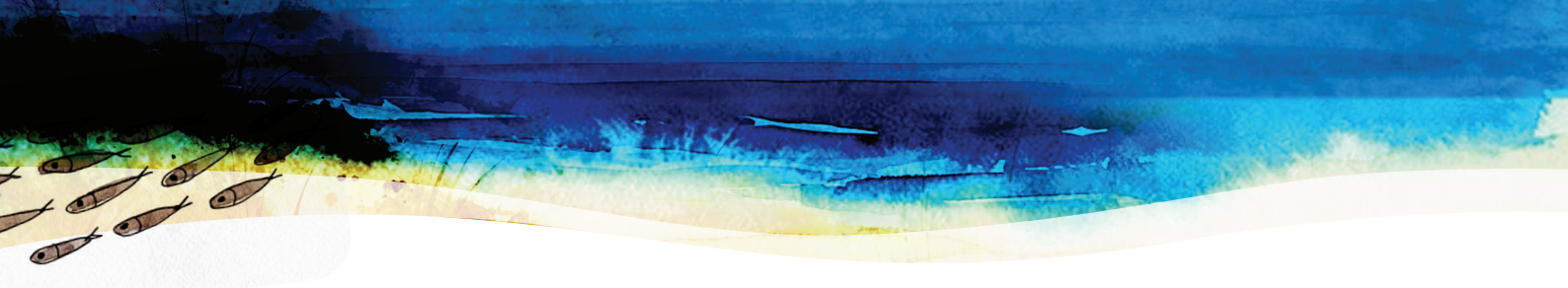


2

Ungahamba uyokwethamela imihlangano yomphakathi ebanjwe yiPhalamende mayelana neMithethosivivinywa futhi wenze izethulo ngomlomo.

Ngokwenza noma yikuphi kulokhu, uzokwazi ukuba negalelo elibonakalayo kumbono wamalungu ekomidi abhunga ngohlaka lomthetho ohlongozwayo ngaphambi kokuba ube ngumthetho.

Landela konke okwenzekayo futhi ube nentshisekelo maqondana nemithetho, izinqubomgomo kanye nokuphathwa kwezwe ukuze uqinisekise ukuthi izikhulu zikahulumeni ziyaphendula ngemisebenzi yazo.



Izinhlaka zeMithethosivivinywa ehlongozwayo ziyatholakala kuwebhusayithi ye-Parliamentary Monitoring Group ku-pmg.org.za ukuze umphakathi uphawule ngazo noma kuSomqulu Kahulumeni kuwebhusayithi ye-Department of Government Printing Works ku-gpwnonline.co.za

Ukuthola Ulwazi Ngokufaka Izicelo ze-PAIA

UMthetho Okhuthaza Ukutholakala Kolwazi (PAIA)¹⁸ uqalisa ukusebenza kwelungelo loku-tholakala kolwazi elingaphansi kweSigaba sama-32 soMthethosisekelo waseNingizimu Afrika.

Ibhukwana Elingumhlahlandlela we-PAIA: Zonke izikhungo zikahulumeni kumele zibe nalo ibhukwana le-PAIA, eliqukethe ulwazi lokuthi ungasifaka kanjani isicelo sokuhlizekwa ngolwazi kanye namafomu adingekayo. La mabhukwana ungawathola ngezindlela ezilandelayo:

- Kuwebhusayithi yesikhungo sikaHulumeni.
- Enhloko-hhovisi yesikhungo sikaHulumeni ngezikhathi zomsebenzi.
- Ngokucela ikhophi yebhukwana eyiphepha, kodwa-ke kunokwenzeka ukhokhiswe imali ngalokhu.
- Imininingwane yokuxhumana nesikhulu solwazi esikhungweni sikaHulumeni ngasinye nayo izofakwa lapha.

Ukufaka Isikhalazo: Uma inhlango yomphakathi ingaphenduli esicelweni se-PAIA zingakapheli izinsuku ezingama-30 futhi inganikezi zizathu ezibhaliwe zokubambezeleka, ungafaka isikhalazo ku-Information Regulator.

Ubani Ovumelekile Ukucela Ulwazi: Noma yimuphi umuntu, kungakhathalekile ukuthi uyisakhamuzi noma cha, uyakwazi ukwenza isicelo ngaphansi kwe-PAIA, kodwa lokhu kumele kwenziwe ngokusebenzisa ifomu elisemthethweni.

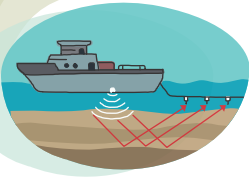
Ukucela Ulwazi Olugcinwe Yizikhungo Ezizimele: Lapho ufaka isicelo kwisikhungo esizimele (esinjengenkampani kawoyela noma inkampani yegesi), kumele uchaze ukuthi kungani udinga ulwazi ukuvikela noma ukusebenzisa elinye ilungelo. Lesi sizathu kumele sidlulele ngale kwelungelo lokuthola ulwazi nje kuphela. Isibonelo:

- Ungacela izinhlelo enkampanini ngenhloso yokuqapha nokuhlola ngokuqhubekayo umthelela wokunukubezeka kwemvelo emphakathini wakho okubangelwa yimisebenzi yenkampani leyo, futhi ngalokho uvikele ilungelo lakho lokuphila kwimvelo ehlanzekile nenempilo.
- Ungacela amarekhodi azokusiza ukuthi ukwazi ukubona ukuthi ungakwazi yini ukumangalela umuntu othile ukuze ukhokhelwe isinxephezelo.

Ilungelo lokucela ulwazi olumayelana nemvelo: Akekho umuntu onganqatshelwa ukuthola “ulwazi mayelana nemiphumela yanoma imuphi umkhiqizo noma ukuhlolwa kwemvelo noma olunye uphenyo oluhlizekwe ngumuntu wesithathu (*third party*) noma ulwazi ngemiphumela yokuhlolwa lokho noma uphenyo olwenziwe ngumuntu wesithathu noma olwenziwe egameni lakhe futhi uma ukudalulwa kwalo kungavundulula futhi kuveze ubungozi obubi kakhulu obungabeka engcupheni ukuphepha komphakathi noma kwemvelo.”¹⁹

¹⁸ UMthetho Wokukhuthaza Ukutholakala Kolwazi, wesi-2 wezi-2000.

¹⁹ Isigaba sama-36 soMthetho Wokukhuthaza Ukutholakala Kolwazi wesi-2 wonyaka wezi-2000.



Ucwaningosigameko: Imiphakathi yabadobi eNingizimu Afrika isebenzisa umthetho ukufakela inselelo umsebenzi wokuhlola izimbiwa ngasogwini lwandle lwayo

Ngonyaka wezi-2021 kanye nowezi-2022, imiphakathi edobayo eNingizimu Afrika, ngokwesekwa yizinhlangano ezingenzi nzuzo, yamangalela izinkampani ezimbili ezabe zithole imvume kanye nesigunyazo esivela kuhulumeni sokwenza ucwaningokuhlola izimbiwa ngaphansi komhlaba ngasogwini lwaleli lizwe.

Inkampani yokuqala, okuyinkampani yakwa-**Shell**, enobudlelwano nezwe laseBhuthane kanye nezwe lamaDashyabe isimezelele ukuthi izoqala ukwenza ucwaningokuhlola izimbiwa ngasogwini lwase-**Wild Coast** ngoZibandela 2021, okwaholela ekutheni kufakwe izimangalo zamacala amabili ahlukene enkantolo. Esokuqala asizange siphumelele, kodwa esesibili sikwazile ukuvimba abakwaShell ukuthi benze ukuhlolwa kokuzamazama komhlaba kwaze kwaba yilapho inkantolo isikwazi ukubheka ukuthi imvume yabo yatholwa ngokusemthethweni yini.

Inkampani yesibili, okuyinkampani yase-Australia ebizwa ngokuthi yi-**Searcher**, yabe yenza ucwaningokuhlola ngasogwini lwase-**West Coast** ngowezi-2022 emuva kokuthola imvume yokucinga izimbiwa. Imiphakathi yasogwini yahlengana ngokushesha yenza imizamo yokumisa ucwaningokuhlola ukuze kungabe kusaqhutshekela phambili nalo futhi yathola nencwadi eyisivimbelo esivela enkantolo.

Izinkampani zisebenzisa **ucwaningokuhlola ngaphansi kolwandle** ngenhloso yokubheka ukuthi ikhona yini imithombo kawoyela noma yegesi ngaphansi kolwandle. Imikhumbi edonsa izibhamu zomoya ezinamandla kakhulu ithumela nesankahlu umsindo onamandla emajukujukwini olwandle, okuyinto ekhiqiza umfanekiso okwaziyo ukubonisa ukuthi ikhona yini imithombo kawoyela noma yegesi endaweni ethile. Zimba “amapitshi okuhlola” bese zidonsa amasampula okuthile okuqukethwe kuleyo mithombo. Ziyawahlaziya amasampula alokhu okutholakele, ngenhloso yokubheka nokuthola ukuthi ngabe kuyini lokhu nokuthi ungakanani umthamo wakho. Uma zibona sengathi kunokwenzeka kube nemithamo emikhulukazi kawoyela noma yegesi engenza kube nenzuzo ukwakha izikhungo ezimpompa uwoyela negesi, zizoqalisa ukwakha ingqalasizinda edingekayo ukudonsa nokumpompa uwoyela negesi – kubandakanya nokwakha ubuxhakaxhaka bemishini namaphayiphi agxunyekwe emajukujukwini olwandle, ngokunjalo futhi zakhe nezinye izikhungo zalo msebenzi ngaphandle kolwandle, ezweni.

Ucwaningokuhlola ngaphansi kolwandle lunomthelela omubi kwizinto eziphila olwandle. Maqondana nalokhu, imiphakathi edobayo ikholelwa ekutheni izindlela zayo zokuziphilisa, kanye nolwandle ngokwalo, kuzoba sesimweni esibi kakhulu emuva komsebenzi wocwaningokuhlola ngaphansi kolwandle, njengoba izinhlobo ezithile zezinhlanzi ziyokhahlamezeka kakhulu ngalokhu. Kodwa-ke, luncane kakhulu ucwaningo oselwenziwe olubonisa umthelela wangempela owenzeka kwizinto eziphila olwandle. Nakuba usuqhubeke amashumi ngamashumi eminyaka umsebenzi wocwaningokuhlola ngaphansi kolwandle, ukucwaninga imithelela yocwaningokuhlola ngaphansi kolwandle kudinga izimali ezishisiwe futhi yizinkampani eziyizikhondlakhondla kuphela ezinawo amandla okwenza lokho. Kuze kufike isikhathi lapho sesinolwazi oluthe xaxa ngalokhu, kumele siqikelele ukuthi esikwenzayo sikwenza ngokucophelela okukhulu.

Okusobala ukuthi kunemigomo yezomthetho ethile okumele kuhlangelelwe nayo lapho inkampani ifuna ukuqalisa into engadala umonakalo kwimvelo, futhi okungenzeka ilimaze nabantu abathembele kwimvelo ngokwenhlahakale yabo. INingizimu Afrika inemithetho yemvelo emihle kakhulu, enjenge-NEMA, okuhloswe ngayo ukuqinisekisa ukuthi lo monakalo uyancishiswa, kodwa-ke izinkampani zivamise ukuwushaya indiva umthetho. Lokhu kudinga ukuthi imiphakathi icele izinkantolo ukuthi zingenelele uma ibona sengathi izinkampani ziziphatha ngendlela engekho emthethweni, njengoba lokho kwenzekile nasesimweni se-Searcher no-Shell.

Yimiphi imigomo yezomthetho eyasetshenziswa yimiphakathi ukuvimbela ucwaningokuhlola ngaphansi kolwandle?

Ukulimala kwezindlela zokuziphilisa, amasiko, amagugu kanye nemvelo. Imiphakathi edobayo ehlala ngasogwini oluse-West Coast kanye nase-Wild Coast eNingizimu Afrika sekuyizizukulwane ngezizukulwane idoba ogwini lolwandle. Ulwandle luyingxeny yamagugu ayo, kodwa futhi luyihlinzeka ngendlela yokuziphilisa. Kweminye imiphakathi, ulwandle lungumthombo obalulekile wokuxhumana ngokomoya nabangabonwayo nasebadlula emhlabeni. Bakholelwa ukuthi amadlozi abo ahlala olwandle. Amagugu abo kanye nezinkolelo zabo zamasiko zifanelwe ukuvikelwa njengoba kugcinwe esigabeni 31 soMthethosisekelo.

Lapho kucutshungulwa ukuthi kufanele yini izinkampani zinikezwe imvume yokwenza ucwaningokuhlola ngaphansi kolwandle, uhulumeni kulindeleke ukuthi abhekisise namalungelo omphakathi kanye nelungelo lokuphila kwimvelo ehlanzekile nenempilo. Imiphakathi yaseWest Coast ecaleni leSearcher kanye nemiphakathi yaseWild Coast ecaleni lakwaShell iye enkantolo ngamacala amabili ahlukene njengoba ibona sengathi la malungelo azolinyazwa uSearcher noShell.

Ukubonisana kanye nokubamba iqhaza komphakathi. ENingizimu Afrika, imiphakathi inelungelo lokuhlinzekwa ngolwazi mayelana nemiklamo okungenzeka ibe nomthelela kuyona – futhi inelungelo lokubamba iqhaza ekuthathweni kwezinqumo.

Kulokho okwenzekile maqondana no-Shell kanye no-Searcher, ayikho kulezi zinkampani ezimbili eyenza izinqubo ezibanzi ngokwanele futhi ezingachemile zokubamba iqhaza kwemiphakathi. Maqondana nodaba lwe-Searcher, imiphakathi yabe ingazi ngisho nokwazi ngocwaningokuhlola ngaphansi kolwandle kwaze kwafika isikhathi lapho le nkampani yabe isiqalile kakade ukwenza lo msebenzi. Maqondana no-Shell, le nkampani yayibonisane kuphela namakhosi ezigodi, hhayi imiphakathi ngokwayo. Inkantolo yavuma ukuthi lokhu kwabe kungenele neze ukuthi kungathathwa njengezinqubo zokubamba iqhaza kwemiphakathi ezingachemile.

“...umphakathi uyinto ehlukile eNkosini futhi “iNkosi” ayiwona neze umphakathi.”

(indinyana 93 yesinqumo secala phakathi kwe-Sustaining the Wild Coast NPC Nabanye lapho babemangalele khona uNgqongqoshe Wezezimbiwa Namandla kanye Nabanye (3491/2021) [2022] ZAECKMKHC 55; 2022 (6) SA 589 (ECMK) (1 Mandulo 2022))

Yiziphi izifundo ezibalulekile ezitholakele kulawa macala

Kuwo womabili lawa macala, izinkantolo zathola ukuthi izinkampani zaziphatha ngendlela engekho emthethweni. Izinkantolo zawubona umonakalo ongadalwa wucwaningokuhlola ngaphansi kolwandle kumagugu abantu nezindlela zabo zokuziphilisa, ngokunjalo nomonakalo ongahle wenzeke kwimvelo futhi zavuma ukuthi izinqubo zokubamba iqhaza komphakathi azihanjiswa neze kahle. Le miphumela eyimpumelelo isitshela lokhu okulandelayo:

- 1 Ukuthi imiphakathi inamandla uma isebenza ngokuhlanganyela,** uma isebenzisa umthetho futhi iphoqelela ukuthi kuhlonyshwe amalungelo ayo.
- 2 Ukuthi izinkampani zinesibopho sokwenza izinqubo zokubonisana ezibanzi** futhi ezingachemile ngaphambi kokuqalisa umklamo. Lokhu kumele kubonakale njengalokhu okulandelayo:
 - a. Ukubonisana ngolimi okuyilona olukhulunywa kakhulu endaweni.
 - b. Kumele kubandakanywe abantu abaningi ngangokunokwenzeka, hhayi nje kuphela abaholi bomphakathi.
 - c. Ukuthi imibono yale miphakathi kumele ilalelwe futhi ifakelwe izibuko.
 - d. Ukuthi imiphakathi ethintekile kumele ihlinzekwe ngolwazi.
- 3 Ukuthi uhulumeni kumele awacubungule amalungelo abantu okungenzeka bathintek,** ngokunjalo futhi nomonakalo onokwenzeka kwimvelo, ngaphambi kokuba avumele imiklamo ukuthi iqhubeka.



Izifingqomagama kanye nezifinyezo- magama okumele ziphawulwe:

DFFE	UMnyango Wezamlathi, Ezokudoba kanye Nezemvelo, i-Department of Forestry, Fisheries and the Environment
DMRE	UMnyango Wezamlala Nezimbiwa, i-Department of Minerals Resource and Energy
EA	Isigunyazo Semvelo, i-Environmental Authorisation
EAP	Isisebenzi Esingungoti Wokuhlola Komthelela Kwimvelo, i-Environmental Assessment Practitioner
EIA	Ukuhlola Komthelela Kwimvelo, i-Environmental Impact Assessment
I&AP	Abantu Abanentshisekelo Nabathintekile, ama-Interested and Affected Parties
NEMA	UMthetho Kazwelonke Wezokuphatha Kwemvelo, i-National Environmental Management Act
NA	INdlu Yesigungu Sikazwelonke, i-National Assembly
NCOP	UMkhandlu Wezifundazwe Kazwelonke, i-National Council of Provinces
MPRDA	UMthetho Wezokuthuthukiswa Kwezimbiwa Nezinsiza Zemikhiqizo Kawoyela, i-Mineral and Petroleum Resources Development Act
PAIA	UMthetho Wokukhuthaza Ukutholaka Kolwazi, i-Promotion of Access to Information Act

Iminingwane yokuxhumana nezinhlango

Natural Justice

Iwebhusayithi: www.naturaljustice.org

Ikheli le-imeyili: info@naturaljustice.org

Inombolo yocingo: +27 21 422 0321

Legal Resources Centre

Iwebhusayithi: www.lrc.org.za/

Ikheli le-imeyili: info@lrc.org.za

Inombolo yocingo: +27 11 038 9709

Centre for Environmental Rights

Iwebhusayithi: www.cer.org.za

Ikheli le-imeyili: info@cer.org.za

Inombolo yocingo: +27 21 447 1647

i-The Green Connection

Iwebhusayithi: <https://thegreenconnection.org.za/>

Ikheli le-imeyili: greenconnectcpt@gmail.com

info@thegreenconnection.org.za

Coastal Justice Network

Iwebhusayithi: www.coastaljusticenetwork.co.za

Ikheli le-imeyili: coastaljusticesa@gmail.com

Inombolo yocingo: +27 46 603 8389 | +27 82 293 6380 | +27 83 479 0524

Masifundise Development Trust

Iwebhusayithi: www.masifundise.org.za

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