

# Government will not appeal nuclear ruling

Energy Minister Mmamoloko Kubayi will not appeal a decision by the Western Cape High Court to set aside Inter-governmental Agreements (IGAs) on nuclear.



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“I have decided that I will not be appealing the decision of the Western Cape High Court on this matter,” Minister Kubayi said.

She was addressing a media briefing in Pretoria on Saturday on the decision by the Western Cape High in the Earthlife and South African Faith Communities’ Environment Institute (SAFCEI) case against the Minister of Energy and other respondents.

Last month, two judges ruled that the tabling of the Intergovernmental Agreements (IGA) with Russia, USA and South Korea were unconstitutional and unlawful and that they be set aside.

They also ruled that the decisions made (section 34 determinations) to procure nuclear were unlawful and unconstitutional and that they be set aside.

Following the decision, Minister Kubayi has instructed the Department of Energy to review the processing of all future section 34 determinations and review all determinations currently in place to ensure compliance with the judgment.

“In accepting the ruling of the court, and ensuring that no impropriety is suggested in the future, the department seeks to apply standardization in both form and processing (relating to proper tabling before parliament and its committees), of all Intergovernmental Agreements to be concluded with international countries.

“It is important to note that there is no intention to table the current agreements but will embark to sign new agreements with all the five countries and table them within reasonable time to parliament for consideration,” she said.

## **Energy mix**

Minister Kubayi said government and her department remain committed to the currently approved energy mix policy and will continue to strive to implement all forms of energy sources to secure the supply and availability of energy in the country.

“There is a need for nuclear in the country because of its ability which can help us with meeting our obligation of 2020 of reducing carbon emission by 34%.

“It’s [nuclear] ability to generate the level of energy that we need, so we are going to make sure that we diversify our energy production in the country, have renewables, have nuclear and currently we are running on fossil fuel, we will continue with that.

“We think diversifying will assist us to have balanced energy sources. That’s why we continue to state that our policy is that of an energy mix, we do not want to be exposed as a country where we have one source of energy and if it happens that it becomes unreliable we will be in trouble,” she said.

Minister Kubayi has appealed to stakeholders to stop the temptation to divide the sector between Nuclear and Renewables.

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