

For the office of: Advocate Thabo Mokoena  
**Director-General of Mineral Resources**  
Pretoria

For the attention of: Ms Sibongile Malie: Sibongile.Malie@dmre.gov.za  
Mr Mthokozisi Mtshali: Mthokozisi.Mtshali@dmre.gov.za  
Ms Mukondi Ndou: Mukondi.Ndou@dmre.gov.za

6 May 2020

Dear Director General

**OBJECTIONS AND REQUESTS TO CONSULTATION PROCESSES TAKING PLACE DURING LOCKDOWN AND THE NATIONAL STATE OF DISASTER FOR THE DRAFT UPSTREAM PETROLEUM RESOURCES DEVELOPMENT BILL PUBLISHED FOR COMMENT ON 24 DECEMBER 2019 (NOTICE 1706 OF 2019, GOVERNMENT GAZETTE NO. 42931, 24 DECEMBER 2019)**

Following groundWork's submission of responses to the draft Bill on 21<sup>st</sup> and 28<sup>th</sup> February 2020, we wish to declare our objections to and concerns around consultations taking place during the period of lockdown under the National State of Disaster.

As you are aware all South Africans including community groups we work with and many that have signed onto our submission are not contactable at this time as they comply with lockdown restrictions. Most people do not have access to telecommunications and are not contactable or incapacitated and without the technological means due to trying times under lockdown restrictions. Their struggle now during this time of Covid-19 is a matter of survival to access food and healthcare, particularly for those also living under dire pollution conditions in the Highveld as a result of the fossil fuel industries impacting on their health. They are the ones excluded from this process, as well as many rural, coastal and farming communities throughout South Africa whose lives will be further impacted by this Bill and whose voices need to be heard in the consultation process.



We therefore request that consultations take place after the State of Disaster has ended so that everyone is included fairly in this process. We view any consultations on the draft Bill during the lockdown as prejudicing the excluded people's right to a fair and democratic consultation on national legislation that will be impacting on their lives and livelihoods.

We do not see the urgency in starting consultations on an unrequired piece of legislation that is in any case contradictory to the global trajectory of progress in energy generation and reduction of greenhouse gas emissions with a transition to renewables. Our vulnerability to climate change impacts such as drought in a water scarce country will be exacerbated by water guzzling and polluting fossil fuels industries should such a Bill be allowed. This will weigh heavily on the lives of every South African and generations to come.

We wish to request a national public participation schedule outlining the Department's plans to consult with all potentially impacted communities as any proposed national petroleum Bill enabling prospecting, extraction, supply, distribution and storage of fossil fuels will have dire impacts on people's lives and precious water catchments on a national scale leaving our country with stranded assets that will push future generations into further debt. Any public participation around such a Bill should therefore allow for adequate and meaningful consultation with sufficient time and process to engage with the affected people in order for the process to be transparent, just and fair.

We reiterate our concerns regarding what is considered inclusive and meaningful national public participation and consultation processes on the draft Bill and request for:

1. a national public participation schedule which is to be made public, and
2. all consultations to only take place after the State of Disaster has been lifted.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Avena Jacklin'.

**groundWork**

Avena Jacklin

Climate and Energy Justice Campaign Manager