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BOX 338

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case: 320 / 23

In the matter between:

**THE GREEN CONNECTION NPC**

**First Applicant**

**SOUTH AFRICAN FAITH COMMUNITIES'**

**Second Applicant**

**ENVIRONMENT INSTITUTE NPC**

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

**First Respondent**

**MINISTER OF MINERAL RESOURCES & ENERGY**

**Second Respondent**

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**FILING NOTICE SUPPLEMENTARY AFFIDAVITS**

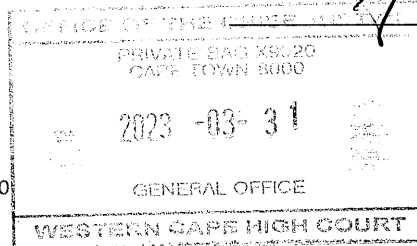
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**KINDLY NOTE FILED HEREUNDER:**

1. First Applicant's Supplementary Founding Affidavit.
2. Second Applicant's Supplementary Supporting Affidavit.

**DATED at RONDEBOSCH this 30 day of March 2023.**

Chennells Albertyn Attorneys  
18 Greenwich Grove, Station Rd, Rondebosch, 7700  
021-6858354  
[andrew@chennellsalbertyn.co.za](mailto:andrew@chennellsalbertyn.co.za)



Per : A J Dorer

BOX 338

**CHENNELLS ALBERTYN ATTORNEYS**

Attorneys for the Applicants

18A Greenwich Grove

Station Road

Rondebosch

Cape Town

7700

Tel: (021) 685 8354

Email: [andrew@chennellsalbertyn.co.za](mailto:andrew@chennellsalbertyn.co.za)

Ref: 11017AD

**TO:**

**THE REGISTRAR OF THE ABOVE HONOURABLE COURT**

Western Cape Division, Cape Town

**AND TO:**

THE STATE ATTORNEY

Per S Karjekar

**ATTORNEYS FOR THE FIRST RESPONDENT**

4 TH FLOOR, LIBERTY LIFE CTR

22 LONG STREET CAPE TOWN

REF: 149/23/P27

[skarjekar@justice.gov.za](mailto:skarjekar@justice.gov.za) ; [cvisagie@justice.gov.za](mailto:cvisagie@justice.gov.za)

**AND TO:**

Chennells Albertyn Attorneys  
18 Greenwich Grove, Station Rd, Rondebosch, 7700  
021-6858354  
[andrew@chennellsalbertyn.co.za](mailto:andrew@chennellsalbertyn.co.za)

BOX 338

THE STATE ATTORNEY

Per S Chothia

**ATTORNEYS FOR THE SECOND RESPONDENT**

4 TH FLOOR, LIBERTY LIFE CTR

22 LONG STREET CAPE TOWN

REF: 150/23/P5

[schothia@justice.gov.za](mailto:schothia@justice.gov.za) ; [alschreuder@justice.gov.za](mailto:alschreuder@justice.gov.za)

## Andrew Dorer

---

**From:** Andrew Dorer <andrew@chennellsalbertyn.co.za>  
**Sent:** Thursday, 30 March 2023 13:59  
**To:** 'Visagie Carmenita'; 'Schreuder Althea'  
**Cc:** 'Karjiker Shireen'; 'Chothia Shakirah'  
**Subject:** RE: The Green Connection NPC & 1 Other / The President of the Republic of south Africa & 1 Other (Case No: 320/23)  
**Attachments:** GREEN CONNECTION - FILING NOTICE and SUPPLEMENTARY AFFIDAVITS X2 - 30-03-2023.pdf

Dear Madams Visagie, Karjiker, Schreuder & Chothia

We trust you are well.

Kindly note attached hereto, as service upon you, the Applicants' supplementary affidavits under cover of a filing notice.

Kindly all confirm receipt.

Yours faithfully,

Andrew Dorer

**CHENNELLS ALBERTYN**  
**Attorneys, Notaries and Conveyancers**

**18A Greenwich Grove, Station Road, Rondebosch, 7700**  
**P O Box 78 Newlands, 7725**  
**Tel: (021) 685 8354 Fax: (021) 685 0710**

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---

**From:** Andrew Dorer <andrew@chennellsalbertyn.co.za>  
**Sent:** Monday, February 13, 2023 3:52 PM  
**To:** 'Visagie Carmenita' <CVisagie@justice.gov.za>  
**Cc:** 'Karjiker Shireen' <SKarjiker@justice.gov.za>  
**Subject:** RE: The Green Connection NPC & 1 Other / The President of the Republic of south Africa & 1 Other (Case No: 320/23)

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO: 320/2023

In the matter between:

THE GREEN CONNECTION NPC

First Applicant

THE SOUTH AFRICAN FAITH COMMUNITIES'  
ENVIRONMENT INSTITUTE NPC

Second Applicant

and

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA  
MINISTER OF MINERAL RESOURCES AND ENERGY

First Respondent  
Second Respondent

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SUPPLEMENTARY FOUNDING AFFIDAVIT

---

I, the undersigned,

KHOLWANI SIMELANE

make oath and state:

1. I am Green Connection's Advocacy Officer and the deponent to the founding affidavit (FA).

2. The facts in this affidavit are true and correct. They are within my personal knowledge and belief, unless stated otherwise or apparent from the context. Where I rely on information conveyed to me by others, I state the source and believe that information to be correct. Where I make legal submissions, I do so on the advice of the Applicants' legal representatives, whose advice I believe to be correct.
3. I am duly authorised to make the affidavit on behalf of Green Connection. Green Connection's resolution to that effect is annexure "KSI 1" to the FA.
4. For consistency, I use the same defined terms from my FA in this affidavit.
5. I have perused the joint Rule 53 record, delivered on behalf of the President and Minister. This supplementary founding affidavit thus amplifies the grounds on which Green Connection and SAFCEI seek the relief in the notice of motion (NOM).
6. The accompanying affidavit of FRANCESCA DE GASPARIS will confirm SAFCEI's support of the contents of this affidavit.

#### **President's and Minister's Rule 53 record**

7. The President and Minister delivered what purports to be the full record of their impugned decisions on 17 February 2023.
8. Disclosure of the full record is meant to ensure an equality of arms among parties to review proceedings, by giving them access to all the relevant documents, on which to prepare their affidavits.
9. The documents disclosed, however, paint a picture of State apathy on a matter of national significance—integrated energy planning. The record, in the main, consists of

letters and emails exchanged between Green Connection, or its attorneys, and (i) the Presidency and (ii) the Ministry.

10. Only two documents, to which the applicants would not otherwise have had access, are in the Rule 53 record:
  - 10.1. a letter from the Director-General of the Department of Minerals and Energy (Department), Adv Thabo Mokoena, to the Director-General of the Presidency, Ms Phindile Baleni, dated 2 July 2021 (annexed as "KSI 44"); and
  - 10.2. Ms Baleni's undated response, on behalf of the Presidency, to Adv Mokoena (annexed as "KSI 45").
11. The Department's letter was prompted by "KSI 15", the fifth letter from Green Connection's attorney to the Presidency, dated 17 June 2021. I have discussed its contents in paragraphs 49 to 53 of the FA.
12. The correspondence exchanged between the Department and Presidency sets out (i) the Minister's reasons for recommending that section 6 of the National Energy Act, 2008 not be brought into operation and (ii) the President's reasons for not bringing section 6 into operation.
13. It is not open to the President or Minister to raise new reasons in answering Green Connection and SAFCEI's case.
14. I first address the Minister's reasons and then the President's reasons in the next two sections. In doing so, I cross refer to the grounds of review pleaded in my FA.

## Minister's reasons

15. The Minister's reasons for advising the President not to bring section 6 into effect, as stated in "KSI 44", are identical to those given to Green Connection on 21 July 2021, "KSI 16".

16. I quote its relevant paragraphs and add paragraph numbers for ease of reference:

[4] The IEP considers the national energy supply and demand balance and proposes alternative capacity expansion plans based on varying sets of assumptions and constraints across the energy sectors (electricity sector, petroleum sector and gas sector). It, however, does not explicitly consider supply and demand at specific geographical locations within the country nor does it take into account sector specific infrastructure constraints at specific locations. It is thus important to develop and understanding of sector specific (sic) constraints, through undertaking detailed sector studies and analysis. This is a crucial exercise that must be diligently undertaken in order to develop an IEP which is credible and technically sound for South Africa.

[5] The Department, together with relevant State Entities, has thus undertaken the following sector plans to understand specific sector constraints to date:

1. Electricity Distribution Industry Asset Assessment
2. Electricity Transmission Plan
3. Electricity Generation Plan (Integrated Resource Plan (version 2010 and 2019))
4. Draft liquid fuels master plan (a 20-Year liquid fuel infrastructure roadmap) which deals with logistical issues relating to pipelines and storage facilities for petroleum products.
5. Draft Gas Utilization Masterplan (GUMP 2015) and
6. Gas Master Plan (GMP 2022) (currently under development)

[6] All of the above sector plans will, once approved by Cabinet, feedback (sic) into the Integrated Energy Planning process and will enable overall enhancement and an integrated approach to South Africa's energy planning process. The draft IEP was published in 2015 and the idea is to improve this draft with inputs from the above sector plans in order for the IEP to be technically sound and based on credible, factual data.

[7] As stated before, once fully developed, the IEP will provide a basis/platform to evaluate the impact and effect of different government policies simultaneously such as testing the impact of emission reduction limit with energy efficiency



interventions as well as the effect of the Carbon Tax policy together with improvement in vehicle efficiency and implementation of the solar water heating programme, amongst other interventions that Government is implementing.

- [8] The future iterations of the sector plans review will, from the point the IEP is approved by Cabinet forward, therefore be informed by the IEP as the overarching country energy policy. However, in order to develop the first credible IEP, the above approach (i.e. sector study/analysis) is technically sound and addresses the unique technical nature of South Africa's energy planning.
- [9] Given the period it ordinarily take (sic) for the sector specific (sic) policies to be developed and approved by Cabinet, taking into account NEDLAC consultations (approximately 6 months), internal government consultations (approximately 3 months) and general public consultations (approximately 2 months) and the required internal technical modelling exercise, report drafting and edited, the Department is of the view that enacting section 6 of the National Energy Act (Act 34 of 2008) should be considered once all the sector plans have been completed (or near completion) and approved by Cabinet. Enacting section 6 prior to completing the relevant sector plans could result in the Department violating the very section as it might not be able to comply with the prescribed timelines for the development and review of IEP for reasons outlined above.
- [10] Recognising the impact that lack of energy security poses to the economy, the Department has revised schedule 2 regulations under the Electricity Regulations Act (Act 4 of 2006) to enable electricity generation from embedded generators of up to 100 MW per site. The process to finalise the schedule is currently at the Regulator. The Department has also issued a request for proposal to procure up to 2000 MW of electricity generation capacity, this process is at an advanced stage. All this is done in the Department (sic) efforts to address the current energy shortfall.
- [11] It should be noted further that the policy implementation of the capacity under the IRP2019 is being expedited to procure generation capacity from renewable energy (up to 20 400 MW), hydro scheme (up to 2500 MW), gas to power (up to 3000 MW), storage (up to 2100 MW) and coal (up to 1500 MW).
- [12] The officials responsible for energy planning are available for further technical discussions on this very important topic.'

17. I stand by Green Connection's response to the Minister's reasons, as stated in its attorney's letter of 27 October 2021 ("KSI 17") and the rest of the FA.

18. The Minister tries to justify delaying the coming into effect of section 6 by relying on a need for various sector plans first to have been completed or to be near completion. I have already addressed the flaw in this argument in, *inter alia* paragraphs 88 to 94 of, my FA.
19. In any event, the sector plans that the Minister mentions in paragraphs 10 and 11 of his letter are limited to electricity security. Energy planning is much broader than just electricity security. So, even if he were correct about the sequencing of the IEP and sector plans, his purported justification to the President says nothing about planning in other relevant sectors: liquid fuels (diesel and petrol), hydrogen power, household gas supplies, aviation fuel, offshore oil and gas production, onshore fracking, and renewable energy.
20. It has been 15 years since section 6 was assented to, yet integrated energy planning is, at best, nascent. It is in this context that the Minister's counter that bringing section 6 into effect would be premature should be rejected.
21. For this reason too, the Minister's advice that the President should not bring section 6 into operation is invalid and falls to be reviewed and set aside.

#### **President's reasons**

22. The first time Green Connection and SAFCEI learned of the President's reasons for not bringing section 6 into operation was when it received the Rule 53 record. The Presidency's express reasons are the undated letter, "KSI 45".
23. As the chronology in paragraphs 58 to 67 of the FA catalogues, Green Connection's attorney struggled to get any clear answer from the Presidency on his reasons for not

bringing section 6 into effect. There is no good reason for the President's refusal to convey the contents of "KSI 45" to Green Connection upon request.

24. The Presidency's response, in "KSI 45", to the Department's claim that it was not yet ready to implement section 6 was simple.

'Section 6 of the National Energy Act, 2008 (the Act), amongst other, requires the Minister of Mineral Resources and Energy (the Minister) to develop and, on an annual basis, review and publish the Integrated Energy Plan in the *Gazette*.

We have noted from your letter [of 2 July 2021] that the Department of Mineral Resources and Energy is not yet ready to recommend to the President to bring section 6 of the Act into operation.

Considering the technical nature of this matter, the obligation placed on the Minister in terms of section 6 of the Act and the work the Department [of] Mineral Resources and Energy is still doing before it can recommend to the President to bring section 6 into operation, it will be appreciated if your office respond directly to the letter from Green Connection's lawyers and copy me. Green Connection can then engage directly with your office if they require further clarification on the matter.'

25. The letter signals the President's acceptance of the Minister's reasons for advising him not to bring section 6 into operation. The express grounds are these:

25.1. The issue of whether it would be appropriate to bring section 6 into operation is technical.

25.2. The nature of the duty that section 6 imposes on the Minister.

25.3. The preparatory work that the Department is presently undertaking to make the circumstances appropriate to bring section 6 into operation.

26. The letter implicitly accepts that, since the Minister fears breaching the duty to develop an IEP timeously, which section 6 would impose, it would be inappropriate to give the provision the force of law at this time. The Minister would risk breaching that duty

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because necessary preconditions have not yet been met—in this case, other sector-specific plans must still be finalised (or close to being finalised), 'to improve' the draft IEP of 2015 (published for public comment in 2016, "KSI 36").

27. But the President's refusal to bring section 6 into effect for these reasons is reviewable on the grounds detailed in the FA:

27.1. The President got the law wrong. Section 6(1) says: '*The Minister must develop and, on an annual basis, review and publish the Integrated Energy Plan in the Gazette.*'

27.2. It would not impose a duty on the Minister first to develop an IEP within a defined timeframe; the defined timeframe of one year applies only to the review and publication of an updated IEP.

27.3. Bringing section 6 into force would require the Minister to develop the first IEP within a reasonable time. Breach of that duty would result only if the Minister published an IEP unreasonably late or not at all.

27.4. Deferring the obligation to publish the IEP by not bringing section 6 into effect, therefore, gives the Minister a free hand, without the legal consequences that would flow from doing it unreasonably late, not at all. It also lets the Minister by pass the statutory criteria stipulated in section 6, which do not bind him. Parliament could never have intended this.

27.5. In any event, the additional time the Department said it needed—6 months to consult NEDLAC, 3 months for internal government consultations and 2 months for public consultations—has come and gone, even if one aggregates them sequentially.

- 27.6. So even if there were some merit in the President's interpretation of section 6(1) (which there is not), the President and Minister have not explained why those purported reasons are still valid almost two years on.
- 27.7. The President also misconstrued section 6(3). It does not make adoption of the six sector plans by Cabinet prerequisites for developing an IEP. I refer to what I have already said in paragraphs 95 to 101 of the FA.
- 27.8. It should have been plain to the President from the available information that the Department was simply seeking more time to do what it had been doing since 2015. The difference is that it did not want to be *obliged* by statute to improve the draft IEP. That is not a rational basis for refusing to bring section 6 into force.
- 27.9. The President has effectively condoned the stance that the Minister should be given the space to develop policy as he sees fit without being told by Parliament what to do and by when. That the Minister is purporting to comply with an inchoate section 6 is immaterial—as far as the IEP is concerned, he is guided by his own lights and not the Act.
- 27.10. The misconception that sector plans for energy security are preconditions for developing an IEP, as I have already addressed, also taints the President's decision.
- 27.11. In the end, the President did not apply a critical mind to the Department's reasons. He rubber-stamped them without more. The Rule 53 record and the President's letter to the Department, "KSI 45", give no other reasons for his decision not to bring section 6 into force.

28. The President's decision is thus invalid and falls to be reviewed and set aside.

**Erratum in the FA**

29. Paragraph 73 of the FA refers to Green Connection's letter to the President, dated 2 November 2022 ("KSI 25"). It refers to it as 'my' letter and adds that 'I' set out various things in the letter. This is plainly an error.

30. The letter, "KSI 25", was signed by Liz McDaid of Green Connection. The FA was initially drawn in her name, but it was later decided that I depose to the FA on behalf of Green Connection. Paragraph 73, in its draft form, correctly referred to Liz McDaid; but this reference was inadvertently not fixed before I ultimately deposed to the FA.

31. I ask that this minor error be corrected to refer to Green Connection instead of to me.



KHOLWANI SIMELANE

I certify that:

1. The deponent acknowledged to me that:
  - 1.1 he knows and understands the contents of this declaration;
  - 1.2 he has no objection to taking the prescribed oath;
  - 1.3 he considers the prescribed oath to be binding on his conscience.
2. The deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God".
3. The deponent signed this declaration in my presence at the address set out hereunder on this the **29** day of MARCH 2023.



COMMISSIONER OF OATHS.....  
COMMISSIONER OF OATHS  
Beth Kirsten Gaylard  
Chartered Secretary (FCIS)  
15 Greenwich Grove  
Station Road,  
Rondebosch, 7700  
(T) +27 21 686 7890



mineral resources  
& energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Enquiries: Thabang Audat; Mobile: 082 839 9567; Email: [Thabang.Audat@dmre.gov.za](mailto:Thabang.Audat@dmre.gov.za)

Physical Address: Matimba House; 192 Visagie, Pretoria, 0001

Ms. Phindile Baleni  
Director General  
Presidency  
Pretoria  
0001

[nokukhanya@presidency.gov.za](mailto:nokukhanya@presidency.gov.za)

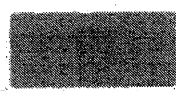
cc: [geofrey@presidency.gov.za](mailto:geofrey@presidency.gov.za)

**RE: PROCLAMATION OF SECTION 6 OF THE NATIONAL ENERGY ACT (ACT 34 OF 2008)**

I refer to the letter dated 17 June 2021 from Green Connection relating to the above topic. The letter is addressed to his Excellency, President Ramaphosa (**see attached**).

The department was requested by Presidency to respond to this letter as it is specific to energy planning issues. I thus provide the following response:

The development of the Integrated Energy Plan (IEP) is informed by the output of analyses founded on a solid fact base. The IEP is a multi-faceted, long-term energy framework which has multiple objectives, some of which include:



K.P. *[Signature]*

- To guide the development of energy policies and, where relevant, set the framework for regulations in the energy sector;
- To guide the selection of appropriate technologies to meet energy demand at an affordable cost (i.e. the types and sizes of new power plants, gas infrastructure and petroleum refineries to be built);
- To guide investment in and the development of energy infrastructure in South Africa; and
- To propose alternative energy strategies which are informed by testing the potential impacts of various factors such as proposed policies, introduction of new technologies, environmental considerations and effects of exogenous macro-economic factors.

The IEP considers the national energy supply and demand balance and proposes alternative capacity expansion plans based on varying sets of assumptions and constraints across energy sectors (electricity sector, petroleum sector and gas sector). It, however, does not explicitly consider supply and demand at specific geographical locations within the country nor does it take into account sector specific infrastructure constraints at specific locations. It is thus important to develop an understanding of sector specific constraints, through undertaking detailed sector studies and analysis. This is a crucial exercise that must be diligently undertaken in order to develop an IEP which is credible and technically sound for South Africa.

The Department, together with relevant State Entities, has thus undertaken the following sector plans to understand specific sector constraints to date:

1. Electricity Distribution Industry Asset Assessment
2. Electricity Transmission Plan
3. Electricity Generation Plan (Integrated Resource Plan (version 2010 and 2019)
4. Draft liquid fuels master plan (a 20-Year liquid fuel infrastructure roadmap) which deals with logistical issues relating to pipelines and storage facilities for petroleum products.
5. Draft Gas Utilization Masterplan (GUMP 2015) and

ak  
K.P



6. Gas Master Plan (GMP 2022) (currently under development)

All of the above sector plans will, once approved by Cabinet, feedback into the Integrated Energy Planning process and will enable overall enhancement and an integrated approach to South Africa's energy planning process. The draft IEP was published in 2015 and the idea is to improve this draft with inputs from the above sector plans in order for the IEP to be technically sound and based on credible, factual data.

As stated before, once fully developed, the IEP will provide a basis/platform to evaluate the impact and effect of different government policies simultaneously such as testing the impact of emission reduction limit with energy efficiency interventions as well as the effect of the Carbon Tax policy together with improvement in vehicle efficiency and implementation of the solar water heating programme, amongst other interventions that Government is implementing.

The future iterations of the sector plans review will, from the point the IEP is approved by Cabinet forward, therefore be informed by the IEP as the overarching country energy policy. However, in order to develop the first credible IEP, the above approach (i.e. sector study/ analysis) is technically sound and addresses the unique technical nature of South Africa's energy planning.

Given the period it ordinarily take for the sector specific policies to be developed and approved by Cabinet, taking into account NEDLAC consultations (approximately 6 months), internal government consultations (approximately 3 months) and general public consultations (approximately 2 months) and the required internal technical modelling exercise, report drafting and editing, the Department is of the view that enacting section 6 of the National Energy Act (Act 34 of 2008) should be considered once the all sector plans have been completed (or near completion) and approved by Cabinet. Enacting section 6 prior to completing the relevant sector plans could result in the Department

*K.P.*

violating the very same section as it might not be able to comply with the prescribed timelines for the development and review of IEP for reasons outlined above.

Recognizing the impact that lack of energy security supply poses to the economy, the Department has revised schedule 2 regulations under the Electricity Regulations Act (Act 4 of 2006) to enable electricity generation from embedded generators of up to 100 MW per site. The process to finalize the schedule is currently at the Regulator. The Department has also issued a request for proposal to procure up to 2000 MW of electricity generation capacity, this process is at an advanced stage. All this is done in the Department efforts to address the current energy shortfall.

It should be noted further that the policy implementation of the capacity under the IRP2019 is being expedited to procure generation capacity from renewable energy (up to 20 400 MW), hydro scheme (up to 2500 MW), gas to power (up to 3000 MW), storage (up to 2100 MW) and coal (up to 1500 MW).

The officials responsible for energy planning are available for further technical discussions on this very important topic.

I hope you find the above in order.



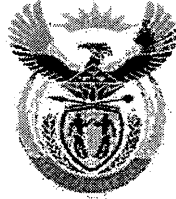
**Adv. Thabo Mokoena**

**Director-General**

**Department of Mineral Resources & Energy**

Date: 02/07/2021

K.P.  
BC



THE PRESIDENCY: REPUBLIC OF SOUTH AFRICA  
Private Bag X 1000, Pretoria, 0001

Adv. Thabo Mokoena  
Director-General of the Department of Mineral Resources and Energy  
Private Bag X59  
ARCADIA  
0007

Per email: [Thabo.Mokoena@dmre.gov.za](mailto:Thabo.Mokoena@dmre.gov.za)

Dear Adv. Mokoena,

**Proclamation of section 6 of the National Energy Act, 2008**

Your letter dated 2 July 2021 on the above matter refers.

Section 6 of the National Energy Act, 2008 (the Act), amongst others, requires the Minister of Mineral Resources and Energy (the Minister) to develop and, on an annual basis, review and publish the Integrated Energy Plan in the *Gazette*.

We have noted from your letter that the Department of Mineral Resources and Energy is not yet ready to recommend to the President to bring section 6 of the Act into operation.

Considering the technical nature of this matter, the obligation placed on the Minister in term of section 6 of the Act and the work the Department Mineral Resources and Energy is still doing before it can recommend to the President to bring section 6 of the Act into operation, it will be appreciated if your office respond directly to the letter from Green Connection's lawyers and copy me. Green Connection can then engage directly with your office if they require further clarification on the matter.

Yours sincerely

**Phindile Baleni (Ms)**  
Director-General and Secretary of the Cabinet  
Date:

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case: 320 / 23

In the matter between:

**THE GREEN CONNECTION NPC** First Applicant

**SOUTH AFRICAN FAITH COMMUNITIES'**

**ENVIRONMENT INSTITUTE NPC** Second Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA** First Respondent

**MINISTER OF MINERAL RESOURCES & ENERGY** Second Respondent

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**SECOND APPLICANT'S SUPPLEMENTARY SUPPORTING AFFIDAVIT**

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I, the undersigned,


**FRANCESCA DE GASPARIS**

do hereby make oath and state:

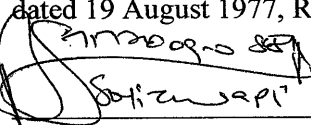
1. I am an adult environmentalist and the Executive Director of the Second Applicant (SAFCEI).
2. The facts in this affidavit are true and correct. They are within my personal knowledge and belief, unless otherwise stated or apparent from the context. Where I refer to

information conveyed to me by others, I state the source and believe that information to be correct. Where I make legal submissions, I do so on the advice of SAFCEI's legal representatives, whose advice I believe to be correct.

3. I have considered the supplementary founding affidavit of **KHOLWANI SIMELANE**, made in support of the application (**supplementary affidavit**) on behalf of the First Applicant (**Green Connection**). I have also perused its annexures.
4. For economy, I do not repeat the grounds articulated in the main and supplementary affidavits here.
5. SAFCEI is the Second Applicant. It also seeks the relief in terms of the notice of motion on the grounds set out in the main affidavit and the supplementary affidavit. I confirm SAFCEI's support of the contents of the supplementary affidavit.
6. I am duly authorised to bring the application on behalf of SAFCEI as the Second Applicant, and I am duly authorised to depose this affidavit, in accordance with the authorisation resolution attached to the "Second Applicant's Supporting Affidavit" as annexure "FDG 1".

  
FRANCESCA DE GASPARIS

I certify that the above signature is the true signature of the deponent who has acknowledged that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at Rondebosch on this the 30 day of MARCH 2023 in accordance with the provisions of R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.

  
COMMISSIONER OF OATHS

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SUID-AFRIKAANSE POLISIEDIENS
COMMUNITY SERVICE CENTRE
30 MAR 2023
RONDEBOSCH
SOUTH AFRICAN POLICE SERVICES