



THE GREEN CONNECTION

www.thegreenconnection.org.za

PO Box 24308
Lansdowne
7779

4 April 2024

To: Mr. Nkosiyakhe Amos Masondo

Chairperson of the National Council of Provinces

PER: (Email) chairpersonsoffice@parliament.gov.za

To: Ms. Sylvia Elizabeth Lucas

Deputy Chairperson of the National Council of Provinces,

PER: (Email) slucas@parliament.gov.za

To: Mr. Archibold Jomo Nyambi

House Chairperson for Committees

PER: (Email) anyambi@parliament.gov.za

To: Adv. Modibedi Phindela

Secretary to the National Council of Provinces

PER: (Email) phindela@parliament.gov.za

Dear Hon Masondo, and colleagues,

The Upstream Petroleum Resource Development Bill [B13-2021] Undermines the Constitution and Parliament Should Not Pass it In Its Current Form.

We write to you as The Green Connection, a registered non-governmental ecojustice organisation, that promotes sustainable development.

The Green Connection has submitted extensive comments on the UPRDB in both the National Assembly as well as the NCOP public participation process. Part of our concern is that despite many civil society submissions, these comments were not taken into account and parliament seems intent on approving the current UPRDB which remains a flawed piece of legislation that we believe is completely out of step with our Constitution.

The Constitution of South Africa safeguards our human rights, and all legislation must pass constitutional muster. We believe that parliament and our current law makers have fallen short of their duty by approving the UPRDB. We therefore write to you to bring this to your attention so that you may intervene, to ensure that parliament effectively carries out its responsibilities.

Section 24: The right to a healthy environment:

“24. Everyone has the right— (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

Importantly, section 24 highlights the need to ensure that the environment is protected for the benefit of present and future generations. The aim of the UPRDB is to create a new regime for the exploitation of petroleum resources and to accelerate its exploitation. Oil and gas are polluting fossil fuels that are responsible for climate change and the scientific consensus is that the world needs to divest from fossil fuels if we are to have a liveable future.



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This aim is contrary to South Africa's international and national climate change commitments and will undermine our national climate goals. Climate change effects such as floods have severely affected many vulnerable communities in South Africa [claiming hundreds](#) of lives in KwaZulu – Natal , while these are the communities that contributed least to climate change. The implementation of the UPRDB will lead to undermining our climate commitments and contribute to increased suffering due to climate change both for this generation and the next – this contravenes section 24.

Section 32: The right to accessing information:

“32. (1) Everyone has the right of access to— (a) any information held by the state; and (b) any information that is held by another person and that is required for the exercise or protection of any rights

Section 33: The right to just administrative action:

“33. (1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

The provisions made for consultation under the UPRDB are inadequate, and do not meet the requirements for procedurally fair administrative action.

Section 18 allows for a person to appeal a decision but does not provide for such persons to be informed of such decisions, while section 19 enables interested and affected parties to be consulted but no provision is made in the UPRD Bill for sufficient information to be provided to I&APs to inform their comments (meaning that I&APs are required to comment or object 'blind').

This bill will not promote the much-needed local economic growth as its exploitation and extraction will only benefit the multi-national oil and gas companies, whilst communities bear the burden of the environmental harm. It is incumbent on lawmakers to uphold their duties of good governance and ensure that law making takes place within our constitutional framework as per Section 9 of the constitution.

Section 9: Right to equality

1. Everyone is equal before the law and has the right to equal protection and benefit of the law – Laws may not unfairly discriminate against anyone, and everyone is entitled to equal rights and freedoms.

We urge the National Council of Provinces to not pass the UPRDB in its current form. We believe this UPRDB in its current form unconstitutional and will have dire negative impacts on vulnerable communities.

We look forward to hearing from you and are open to have further discussions.

Your sincerely,

The Green Connection

Liziwe McDaid

Strategic Lead

The Green Connection

liziwe@thegreenconnection.org.za

Lisa Makaula

Advocacy Officer

The Green Connection

lisa@thegreenconnection.org.za