



6 May 2024

Ref: GC/UPRDB

URGENT

To: The President of the Republic of South Africa
His Excellency Mr Ramaphosa
Per email: PresidentRSA@presidency.gov.za
malebo@presidency.gov.za

Dear Honourable President Ramaphosa,

**LETTER OF ENDORSEMENT: THE GREEN CONNECTION ENDORSES THE
PETITION ON THE UPSTREAM PETROLEUM RESOURCES DEVELOPMENT
BILL**

1. We write to you as The Green Connection, a registered non-governmental organisation, that provides practical support to communities and government to promote sustainable development.
2. Our letter concerns the recently passed Upstream Petroleum Resources Development Bill [B13-2021] which is currently before you. We fully endorse the petition before you by the Centre for Environmental Rights. In our view, the Bill is constitutionally defective and must not be signed into law in its current form.
3. The Green Connection has submitted extensive comments on the UPRDB in both the National Assembly as well as the NCOP public participation process. Despite extensive submissions by many civil society organisations, these comments were not taken into account and the UPRDB was passed by parliament.
4. 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 exercise your presidential duty.

5. The Bill has severe implications for a number of Constitutional rights:

- **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.

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. The upstream petroleum resource development bill contradicts the purpose of the climate change bill which aims to respond to climate change and transition to low carbon economies.

- **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 of the UPRDB 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’).

- **Section 9: The right to equality**

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.

6. We urge you to exercise your constitutional duty and not assent to the UPRDB in its current form. We believe the UPRDB in its current form is unconstitutional and will have dire impacts on vulnerable communities.
- 7.
8. For any queries and correspondence related to the contents of this letter, please contact Lisa Makaula and Liziwe McDaid on the following:
lisa@thegreenconnection.org.za and Liziwe@mweb.co.za.

Yours sincerely,

Lisa Makaula

The Green Connection Advocacy officer

