

FACT SHEET:

Upstream Petroleum Resources Development Bill

What is the Purpose of this Bill?

This Bill details 15 objectives related to **petroleum rights licensing, exploration of petroleum and management of petroleum rights**. One of the purposes of the Bill is to **accelerate the exploitation of petroleum resources in South Africa**.

An explanatory summary of this Bill and notice of its introduction was published in Government Gazette No. 44694 of 11 June 2021.

Why does this Bill Matter?

Environmental Impacts

If the Bill is passed, it will implicate the current climate crisis and the legal path that South Africa is taking to address the crisis. South Africa has ratified the United Nations Framework Convention on Climate Change ([UNFCCC](#)) and the [Paris Agreement](#), which imposes obligations to reduce greenhouse gas emissions and increase climate adaptation programmes. Therefore, this Bill opposes South Africa's commitment to supporting laws, regulations and policies that address the climate crisis. There is also no need for South Africa to develop better options for supplying clean energy.

South Africa is also losing its biodiversity at a rapid speed. Many indigenous species in South Africa are threatened or facing extinction. This Bill does not explicitly explain how the biodiversity offset and [South Africa's Biodiversity Strategy and Action Plan](#) will be implemented with the Bill to restore degraded lands.

Human Rights Impacts

The exploration of natural resources has substantial impacts on land, wildlife and the environment. This resulting harm to the environment also affects fundamental human rights.

The South African government has a responsibility towards future generations. Therefore, laws made by our government should promote sustainable and responsible management of natural resources, ensure good governance and human security, and safeguard human health, natural resources and ecosystems. Exploiting petroleum resources through this Bill contradicts this responsibility.

Furthermore, there has not been proper consultation and participation of communities in the process leading to the writing of this Bill. Public participation and consultation are a constitutional right in South Africa (§33 Constitution of the Republic of South Africa, 1996). The government must ensure meaningful public participation with the Bill for all citizens, including those in remote, rural and/or poor communities, as these communities are the most vulnerable to the impacts of climate change. This Bill should have had public hearings in every district of South Africa. The public should be given further reasonable and adequate opportunity to understand and engage with the Bill, and a safe platform to effectively participate.

Policy Impacts

South Africa has existing national legislation that provides for the protection, licensing and use of natural resources. Communities need to analyze the Bill and understand how it affects the interpretation, application and principles of current legislation, such as the National Environmental Management Act and the Mineral and Petroleum Resources Development Act. The Bill also does not adequately provide for a well-coordinated climate action response across all levels of government.

Countries in the global north are paying more attention to the devastating effects of the climate crisis. Consequently, they are moving towards reducing the financing of fossil fuel

projects. In addition, there are currently numerous climate litigation cases challenging creditors and governments to decrease the financing of fossil fuel projects. While fossil fuel projects are still being funded, the South African government needs to explain where the funding is coming from. If the Treasury is the source, then the public has the right to participate in the decision-making process and to access funding information.

How Can I Get Involved?

Your voice matters! Individuals or communities are able to submit comments on the Bill during the introduction stage. To submit a comment, email Mr Arico Kotze at akotze@parliament.gov.za **by no later than 16h00 on Friday, 29 July 2022**. To make an oral presentation on your comment, indicate your interest to do so in your email to Mr Arico Kotze.

Any questions can be directed to Mr Arico Kotze on tel (021) 403 3662 or cell (083) 709 8470. The Bill and further information about public participation can be found online at: <https://pmg.org.za/call-for-comment/1169/>.