



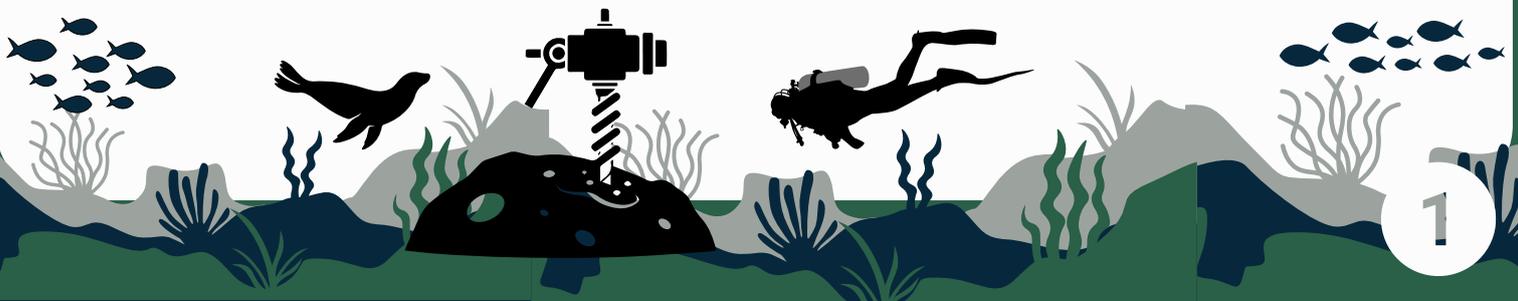
FACTSHEET:

Proposed exploration drilling by **TotalEnergies in the Deep Water Orange Basin block**

In 2023, the **Department of Mineral and Petroleum Resources** granted an **Environmental Authorisation (EA)** to **TotalEnergies EP South Africa S.A.S** for the drilling of ultra deep water exploration wells in the northern area of the **Deep Water Orange Basin (DWOB) block**, approximately 200 km offshore of South Africa's west coast. Administrative appeals against this decision were refused. **The Aukotowa Primary Fishing Cooperative, The Green Connection, and Natural Justice** have approached the **Western Cape High Court** to set aside these decisions. The case will be heard in Cape Town **on 23 and 24 March 2026**.

Timeline:

- 23 October 2023:** Department of Mineral and Petroleum Resources grants an Environmental Authorisation (EA) to TotalEnergies for the drilling of exploration wells in the Deep Water Orange Basin (DWOB) region.
- 14 November 2023:** Aukotowa Fishing Cooperative, The Green Connection, and Natural Justice submit internal appeals against the decision.
- 24 April 2024:** Eight internal appeals were dismissed by the Minister of Forestry, Fisheries, and the Environment.
- 31 October 2024:** Applicants (Aukotowa Fishing Cooperative, The Green Connection, and Natural Justice) lodged an application for judicial review of the decisions of the Department and the Minister of Forestry, Fisheries and the Environment to grant environmental authorisation.
- 23 and 24 March 2026: Court hearing in the Western Cape High Court.**



Review Grounds

The organisations are asking the courts to **review and set aside** both **the Director-General's decision to grant the EA and the Minister's decision to dismiss the internal appeals**. The organisations will also request that instead of sending the matter back to the **Department of Mineral and Petroleum Resources** to reconsider with additional information, that the Court itself issue an order refusing the authorisation. **The review application is based on four grounds.**

Ground 1: Need and Desirability (Climate Change and Energy Planning)

- **Failure to assess need and desirability:** The decision-makers adopted a flawed and narrow approach by assessing the exploration phase in isolation, this goes against the requirement under the National Environmental Management Act to properly evaluate the need and desirability of the project.
- **Lifecycle climate impacts ignored:** It is irrational to approve exploration based on a purported national need for gas while ignoring the significant greenhouse gas emissions that would result if the gas is eventually extracted and burned.
- **International legal obligations strengthened:** The 2025 International Court of Justice Advisory Opinion confirms that States have a duty under international law to prevent significant harm to the climate system.
- **Inconsistent with climate commitments:** The project undermines South Africa's net-zero commitments and relies on an outdated 'bridge fuel' narrative that fails to account for the long-term costs of gas dependency.

Ground 3: Socio-Economic Impact on Small-Scale Fishers

- **Threat to livelihoods and food security:** Communities such as those in Port Nolloth already face declining fish stocks and the frontline impacts of climate change, yet the decision-makers treated the risks to fishing livelihoods as a minor inconvenience rather than a serious threat to food security and economic survival.
- **Heritage and constitutional rights sidelined:** The decision failed to give proper weight to the heritage, cultural and constitutional rights of small-scale fishers who depend on the ocean for their way of life.
- **Corporate interests prioritised:** By approving the project without meaningfully addressing these impacts, decision-makers effectively placed the profits of a multinational corporation above the livelihoods of vulnerable coastal communities.
- **Sustainable development undermined:** Sustainable development cannot be achieved where the social and economic needs of local coastal communities are sacrificed for industrial expansion.

Ground 2: Oil Spill Risk and the Precautionary Principle

- **Ultra-deep drilling:** The proposed exploration would take place in waters deeper than 2,000 metres, where drilling is technically complex and environmental risks are far harder to predict and manage.
- **Risks downplayed:** The Environmental Impact Report describes a major spill as 'highly unlikely', but provides no strong, site-specific evidence for operations at these depths. It also relies on an oil blow-out contingency plan that has never been tested in South African conditions.
- **Precaution ignored:** By overlooking these uncertainties, decision-makers failed to apply the precautionary principle, which requires caution where there is a risk of serious or irreversible environmental harm.

Ground 4: Failure to Consider the Integrated Coastal Management Act

- **Key coastal law ignored:** The decision-making process failed to consider the National Environmental Management: Integrated Coastal Management Act, a key law regulating activities that affect South Africa's coastal zone.
- **Statutory requirements overlooked:** The Director-General's decision did not mention the Act or its requirements for assessing coastal projects, despite the project directly affecting the marine and coastal environment.
- **Public trustee duty disregarded:** By omitting these considerations, the State failed to fulfil its duty to act as a public trustee of coastal public property on behalf of all South Africans.
- **Community interests not considered:** The Integrated Coastal Management Act requires decision-makers to consider the interests of the whole community when approving activities that affect the coast, yet this obligation was not meaningfully addressed.

