

The Honourable Fikile Majola

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Portfolio Committee on Energy
Per email: fmajola@parliament.gov.za

Arico Kotze

Secretary
Portfolio Committee on Energy
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Copied to:

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Tyhileka Madubela
Secretary
Portfolio Committee on Environmental Affairs
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Our ref: CER 12.4/RH/NL
16 April 2018

Dear Hon. Majola

THE UPDATED INTEGRATED RESOURCE PLAN FOR ELECTRICITY (IRP) AND INTEGRATED ENERGY PLAN (IEP)

1. We address you as the **Life After Coal/Impilo Ngaphandle Kwamalahle**¹ Campaign – made up of the Centre for Environmental Rights² (CER), groundWork³ and Earthlife Africa (“Earthlife”),⁴ and **Greenpeace Africa**.⁵
2. We note that there is a scheduled briefing of the Portfolio Committee on Energy by the Department of Energy on its Annual Performance Plan for 2018/2019, which is scheduled for tomorrow, 17 April 2018.

¹ Website available at <https://lifeaftercoal.org.za/>.

² Website available at: <https://cer.org.za/>

³ Website available at: <http://www.groundwork.org.za/>

⁴ Website available at: <http://earthlife.org.za/>

⁵ Website available at: <http://www.greenpeace.org/africa/en/>

3. We also note the recent statements⁶ made by the Director-General Thabane Zulu at the 6th Annual Africa Power Roundtable Conference, as reported in the media, being , *inter alia*, that:
 - 3.1. the IRP is a “high priority” and is set to be published soon;
 - 3.2. a meeting with lawmakers on the IRP, which guides the Ministerial determinations required for all power generation investments in South Africa, is currently set down for April 17;
 - 3.3. public consultation on the IRP update had taken place in 2016 and 2017; and
 - 3.4. the Department of Energy is averse to publishing an IRP that is vulnerable to legal attack and does not want to make decisions only to spend a lot of time in court trying to justify those decisions.
4. We presume that the abovementioned “meeting with lawmakers on the IRP” refers to tomorrow’s briefing of the Portfolio Committee on the Department’s Annual Performance Plan – kindly advise if this is not the case?
5. In anticipation of tomorrow’s briefing, we refer you to our letter to the Minister of Energy sent earlier today,⁷ a copy of which is attached. This letter refers to our previous correspondence to the Minister and highlights the following main concerns:
 - 5.1. it appears that the IRP update – to be published “soon” - will not be made available for further public consideration and comment. This is unacceptable and will render any published IRP update vulnerable to legal challenge;
 - 5.2. the public must be afforded a sufficient and reasonable opportunity to consider and comment on the draft IRP before it is promulgated – to date, this has not been the case for the reasons set out in today’s letter to the Minister; and
 - 5.3. the IRP update must, as a minimum, give effect to the requirements listed in our letter.
6. We request that you circulate the letter to the Minister to the Portfolio Committee meeting members, and that you consider the content of this letter in preparing for tomorrow’s briefing. In particular, we would be grateful if you could ask the Department of Energy whether further opportunity for public consideration and comment will be given; and, if not, why not?
7. We also refer to our previous letter to the Portfolio Committee of 29 November 2017⁸ (a copy of which is attached) which asked the Committee to ensure:
 - 7.1. that the Department make requested and necessary outstanding records, as listed in the letter available without delay. Although we have now received access to some of these records from the Department, many of them were not made available;
 - 7.2. that the Department provide for an adequate, reasonable, and fair public consultation process to be followed before promulgating the IRP Update and IEP – providing all members of the public with a reasonable opportunity to consider and comment on the latest drafts of the IRP Update and draft IEP, and that any purported consultation meetings

⁶ Article available at: http://m.miningweekly.com/article/high-priority-irp-update-to-be-published-soon-2018-04-10/rep_id:3861

⁷ Letter available at: https://cer.org.za/wp-content/uploads/2018/04/LAC-and-GP-letter-to-Minister-Radebe-on-IRP_16-April-2018.DOCX.pdf

⁸ Letter available at: https://cer.org.za/wp-content/uploads/2017/11/LAC-letter-to-PCE_29-Nov-2017.pdf

are accessible to all stakeholders with adequate notice and information on such meetings being provided well in advance. Failure to do this means that the public's rights to participate in relation to these crucial planning documents – which will have far-reaching implications for the health and wellbeing of all South Africans - would be infringed; and

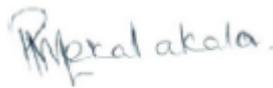
7.3. that the Department take into account the relevant information referred to in the letter; including the findings of the Council for Scientific and Industrial Research (CSIR), Meridian Economics, and the Frankfurt Institute (which confirm that new coal-fired electricity is unnecessary and costly) in finalising the IRP Update and IEP.

8. Should you have any queries please do not hesitate to contact us.

Yours sincerely



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