

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GRAHAMSTOWN)

CASE NO.: 3491/2021

In the matter between:

SUSTAINING THE WILD COAST NPC

MASHONA WENT DLAMINI

DWESA-CWEBE COMMUNAL PROPERTY ASSOCIATION

NTSHINDISO NONGCAVU

SAZISE MAXWELL PEKAYO

CAMERON THORPE

ALL RISE ATTORNEYS FOR CLIMATE AND
THE ENVIRONMENT NPC

Seventh Applicant

and

MINISTER OF MINERAL RESOURCES AND ENERGY

First Respondent

MINISTER OF ENVIRONMENT, FORESTRY
AND FISHERIES

Second Respondent

SHELL EXPLORATION AND PRODUCTION
SOUTH AFRICA B V

Third Respondent

IMPACT AFRICA LIMITED

Fourth Respondent

BG INTERNATIONAL LIMITED

Fifth Respondent

FIRST RESPONDENT'S AFFIDAVIT

PIETER ALBERTS

make the following statements under oath:

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Pb

1 I am the Chief Director, Legal Services of the Department of Mineral Resources and Energy. I have been delegated by the first respondent (ie, the Minister) to depose to this affidavit on his behalf.

2 The facts set out below are both, to the best of my knowledge and belief, true and correct.

3 I have been advised that, in a case management meeting held with the above Honourable Court last week in the above-mentioned matter, the respondents were given a deadline of 1pm on Tuesday 14 December 2021 to file their answering affidavits. I understand that an indication was initially given by the State Attorney that the Minister did not intend to oppose Part A of this application. Upon reconsideration, the Minister now opposes the relief in Part A, but it has been logistically impossible to file this affidavit by the deadline of 1pm on 14 December. In the circumstances, the Minister begs leave to file this affidavit now – as may be seen, it is very short and it is respectfully submitted that there would be no prejudice to any party if it were to be admitted.

4 The Minister's stance in these proceedings is that:

4.1 The Environmental Management Programme used to support the application made by the Fourth Respondent for the renewal of its exploration right (ER 12/3/252, which was executed on 26 August 2021) constitutes an environmental authorisation as envisaged by the National Environmental Management Act 107 of 1998 (NEMA).

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4.2 For that reason, the seismic survey being, or to be, conducted by the

Fourth and Fifth Respondents is lawful, both in terms of NEMA and the

Mineral and Petroleum Resources Development Act 28 of 2002.

5 For this reason, the Minister opposes the granting of Part A of the application.

DEPONENT

[Handwritten signature]

I certify that this affidavit was signed and sworn to before me at Pretoria on this the 15th day of DECEMBER 2021, by the deponent who acknowledged that he knew and understood the contents of this affidavit, had no objection to taking this oath, considered this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'

COMMISSIONER OF OATHS

[Handwritten signature]

Name: Thun-S. P. P. P.

Address: 177D Moss 580 DISTRICT 208

Capacity: 10/0

