



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIROMENT & TOURISM

Appeal in terms of the provisions of section 43 of the National Environmental Management Act, Act 107 of 1998, (as amended) and National Appeals Regulations R. 933 of 08 December 2014

Kindly note that:

1. This form complies with the requirements of the National Appeals Regulations R. 933 of 08 December 2014.
2. It is the responsibility of the appellant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. Appeals should be hand delivered or posted to the office of the MEC for Limpopo Department of Economic Development, Environment and Tourism.
4. No faxed or e-mailed appeals will be accepted – ***CER Response: Please note that in addition to procedurally fair administrative requirements under the the Promotion of Justice Administrative Act, 2000 (PAJA), Regulation 8(1) of the National Environmental Management Act: National Appeal Regulations, 2017 specifically indicates that “A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in Section 47D of the Act” and NEMA section 47D(1)(bB) specifically allows for delivery of documents “by emailing a copy of the notice of other documents to the person, if the person has an e-mail address”.*** ***Kindly note therefore that this appeal is submitted electronically in terms of the above legal provisions.***

Appellant's contact details

Name:	Centre for Environmental Rights
Address:	2 nd Floor, Springtime Studios, 1 Scott Road, Observatory 7925, Cape Town, South Africa
Phone:	
Cell:	021 447 1647
Fax:	
Email:	mkoyama@cer.org.za

Project information:

Project name:	Musina Makhado Special Economic Zone Project
Reference number as on letter of Environment:	12/1/9/2-V79
Date of authorization:	23 February 2022

Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the Environmental Authorisation..*
- *The appeal must be accompanied by all relevant documents or copies of these that are certified as true by a commissioner of oaths.*
- *The appeal must set out all the facts and the grounds of appeal.*
- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

¹ Should the space provided not be sufficient, a clearly marked page may be attached to the form

	Community/ organisation
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If on behalf of a community or organisation, please provide proof of mandate to do so.

Mandates by Earthlife Africa, groundWork, Mining and Environmental Justice Community Network of South Africa (MEJCON) and Dzomo la Mupo, and are attached, as Annexure B, C, D and E respectively.

2. **Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorization?**

Yes	
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Please provide reasons:

Yes there are procedural defects associated with the process followed by the applicant. Please see the full Appeal (Annexure A), in particular, Grounds 1 and 2.

3. **Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?**

Yes	
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Please provide reasons:

Yes Please see Annexure A, the appeal submission for details.

4. **Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?**

	No
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Please provide reasons:

Many expert reports in the FEIR indicate that mitigation is not possible, and procedural irregularities, cannot be remedied after the fact.

5. **Are you fundamentally opposed to any development activity on the site?**

	No
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Please provide reasons:

Any activity or proposed development must be sustainable, should take place in consultation with communities, and should meet the requirement of all relevant laws.

¹ Should the space provided not be sufficient, a clearly marked page may be attached to the form

6. Do you have an objection in principle against the development?

Yes	
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Please provide reasons:

Please see the appeal submission Annexure A

7. Does your appeal contain any new information that was not submitted to the environmental consultant or Department prior to the Department's consideration of the application?

Yes	
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If the answer above is yes, please explain why it should be considered by the MEC and why it was not made available to the environmental consultant or Department during the application process.

There are procedural irregularities related to the notification of the appeal, and these events only took place after the EA decision was made. Please see Appeal submission Annexure A for details.

8. I have no objection to this appeal being made available to any interested and affected third party and/or member of the public, since I understand that the EIA process is transparent.

Yes	
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If answer above is no, please provide reasons:

9. I affirm that National Appeals Regulations R. 933 of 08 December 2014 have been complied with.

DECLARATION:

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.



APPELLANT

DATE: 28.03.2022