



CLIMATE  
JUSTICE  
CHARTER  
MOVEMENT



**SAFSC**  
SOUTH AFRICAN FOOD  
SOVEREIGNTY CAMPAIGN



## Re: Written Submissions on the Gas Amendment Bill [B9-2021]

Date: 28 July 2021

To: Mr. S Luzipo

Chairperson of the Portfolio Committee on Mineral Resources & Energy

For Attention: Mr Arico Kotze

Per Email: [akotze@parliament.gov.za](mailto:akotze@parliament.gov.za)

As the Climate Justice Charter Movement, we are open to making an oral submission before Parliament.

### **Submissions on the Gas Amendment Bill (B9-2021) by the Climate Justice Charter Movement**

1. We make these submissions as the Climate Justice Charter Movement. We are a diverse movement that brings together water-stressed communities, labor, media, faith-based organizations, youth organizations, climate justice organizations, women's organizations, academics, and leading climate scientists.
2. As a movement, we have always opposed the continued dependence on oil, coal, and gas to power our economy. In September 2019 we challenged this extractivism outside SASOL and gave our memorandum of demands (SAFSC, 2019) and on the 16<sup>th</sup> of October 2020, we submitted the Climate Justice Charter (CJC) to parliament for adoption along with our memorandum of demands (SAFSC, 2020). The CJC at the time of writing has been endorsed by 242 different organizations and thousands of people who care about the future of life on earth. The CJC is available in all eleven official languages of South Africa.
3. According to section 234 of the constitution, Parliament has the power to adopt charters. It is unfortunate that instead of adopting the CJC which sets an alternative vision for this country based on the principles of a deep just transition, this parliament is considering a bill that is dangerous for this country and the world's climate future.
4. Our arguments are thematically organized as follows: firstly we argue that this bill violates section 24 of the constitution, then we argue that accenting this bill into law will accelerate the greenhouse effect and lead to further heating, then we argue that assenting this bill into law will make it impossible for us to reach net-zero by 2050.

**This Bill violates section 24 of the constitution of the Republic of South Africa.**

5. The right to an environment that is not harmful to human health will be violated by the extraction of harmful Greenhouse Gases. This bill paves the way for the extraction of unconventional gases such as coal bed methane and shale gas extraction. Extracting such toxic gases will lead to health problems, air pollution and will impact our water.
6. The United States Environmental Protection Agency (EPA, 2016) found that exposure to chemicals like benzene, formaldehyde, and hydrogen sulfide in the process of shale gas extraction can cause Silicosis; an incurable lung disease, liver failure, and autoimmune disease, reproductive disorders, and other illness while also increasing the risk of cancer to workers and nearby communities.
7. Coal bed methane gas extraction will require extensive use of groundwater. South Africa is a water-scarce country, some communities are living in perpetual day zero. The 2030 Water Resource Group which is hosted by the World Bank Group estimates that South Africa's water demand by 2030 will be 17.7 billion m<sup>3</sup> while supply will only be 15 billion m<sup>3</sup>. This means South Africa's water demand is projected to outstrip supply by 17% in 2030 (Bank, 2021)
8. This country's water should be prioritized for its people, it should not be prioritized or risked to benefit just one industry.
9. Assenting the bill into law will violate the right to an environment that is not harmful to people's wellbeing. This is because the extractive process that the bill will legalize create a legal framework for unconventional gas extraction that will impact our scarce water resource, damage air quality, and human health. Living with the knowledge that the environment is being destroyed and that reproductive complications and cancer may result if you are exposed to these processes will cause distress, anxiety, and heartache for many people thereby undermining their right to an environment that does not harm their wellbeing as enshrined in the constitution.

**The Bill violates section 24 (b)**

10. This bill will legalize the destruction of the environment. It does not protect the environment for the current generation nor future generations instead, this bill creates the legal framework for the destruction of essential ecosystems through soil contamination, water contamination, and air pollution. This destruction is irreversible, thus leaving the earth impoverished forever, violating the rights of future generations to enjoy the earth
11. The earth's systems are collapsing because of the climate crisis and the future is even bleaker. Children born in this decade have been exposed to droughts, floods, severe storms, and other climate shocks. They are already paying the price for a climate crisis they never caused. We cannot sentence future generations to a climate death. Young activists from the Climate Justice Charter Movement have written several articles on their hopes for a climate justice future while also expressing their fears if parliament fails to adopt the CJC. See (Noor-Mahomed, 2021), (Evans, 2021) also see (Naidoo, 2021).
12. The carbon extractive legal framework that the bill provides for is unnecessary because of cheaper and more sustainable alternatives. The CJC sets out people's alternatives to fossil fuels as part of decarbonizing our society through a deep and just transition.

13. On average, our country uses 297,8 terawatt-hours of electricity per year. This demand can be met with offshore wind energy. A recent study by the Department of Mechanical and Mechatronic Engineering at Stellenbosch University has shown that offshore wind energy can supply 2 387,08 terawatt-hours of electricity annually; that that is eight times our current energy needs (Rae & Erfort, 2020).
14. According to the International Renewable Energy Agency, the costs of renewable energy systems and unit costs of renewable energy generation have come down dramatically in comparison to fossil fuels. The report shows that “ Solar photovoltaics (PV) shows the sharpest cost decline over 2010-2019 at 82%, followed by concentrating solar power (CSP) at 47%, onshore wind at 40% and offshore wind at 29%” this means that “Electricity costs from utility-scale solar PV fell 13% year-on-year, reaching nearly seven cents (USD 0.068) per kilowatt-hour (kWh) in 2019. Onshore and offshore wind both fell about 9% year-on-year, reaching USD 0.053/kWh and USD 0.115/kWh, respectively, for newly commissioned projects. Costs for CSP, still the least-developed among solar and wind technologies, fell 1% to USD 0.182/kWh” (IRENA, 2020).
15. This then means that the bill does not pass the morally permissible standard of risk imposition in environmental intergenerational ethics as it imposes an unnecessary risk to the environment, thus, the bill is ethically unjustifiable
16. The bill undercuts the ecologically sustainable development envisaged in section 24 of the constitution by providing the legal framework and justification to an ecologically unsustainable, expensive, and unjustifiable carbon-intensive industry.
17. By passing this bill, the state will be failing its custodianship of the environment and its constitutional obligation of protecting the environment as section 24(b) states.

**Assenting the bill into law will accelerate the greenhouse effect and lead to further heating.**

18. South Africa’s first Nationally Determined Contribution (NDC, 2021) admits that Southern Africa is already warming at about twice the global rate of temperature increase due to the greenhouse effect (NDC 2021, p5). Assenting this bill into law will lead to further greenhouse gas emissions into the atmosphere further accelerating the heating in the region.
19. The Climate Science Think Piece which was compiled by the leading climate scientists in South Africa for the Emancipatory Futures studies in the Anthropocene program, warns that an overshoot of 1.5° in global average temperatures will result in a 3° temperature increase for Southern Africa. This 3°C increase will be devastating, it will collapse the maize crop and cattle industry in Southern Africa due to multiyear droughts and heatwave frequency and duration. The think piece also notes that the warm poleward displacement of cold fronts is already disrupting rain patterns in Southern Africa greatly threatening food production and the millions of South Africans who are already food stressed (Scholes, Engelbrecht, & Vogel, 2020).
20. The NDC agrees that the heating will lead to more dry spells and longer dry seasons, an increase in heatstroke, and frequent heatwaves. The government is aware of the causes of the accelerated heating in the region and its impacts on lives and livelihoods. With that knowledge, the government should not assent into law a bill that provides a legal framework for the perpetuation of such conditions.

21. Current Climate models have underestimated the rate at which the earth is warming and the severe climate shocks that come with it. The severe flooding in Europe, the heatwaves in North America, the famine-inducing drought in Africa, the accelerated breaking up of ice sheets in Antarctica were all underestimated by climate models. The Mauna Lao Observatory in Hawaii measured atmospheric Carbon Dioxide at a records level of 415 ppm in 2021, far exceeding previous estimations and the safe zone ppm of 350 carbon concentration.
22. We have also reached climatic tipping points, an international team of scientists has published research titled; *Amazonia as a carbon source linked to deforestation and climate change*, which harrowingly shows that the Amazon Rain forest is now emitting more carbon dioxide than it is absorbing (Gatti et al, 2021).
23. The bill will undermine South Africa's global commitment of limiting average temperature increase to below 2° pre-industrial levels and its pursuit of maintaining temperature increases to below 1.5° Celsius. Minister Edna Molewa signed the Paris agreement on the 22<sup>nd</sup> of April 2016 on behalf of the South African government and parliament on the 1<sup>st</sup> of November 2016 ratified the treaty and submitted its instrument of ratification.
24. This bill provides for an unconstitutional legal framework that violates the goals of a ratified treaty; the Paris Agreement.

**International Energy Agency calls to stop all investments in oil and gas to achieve net-zero by 2050.**

25. The International Energy Agency (IEA) in its 2021 comprehensive report titled, *Net-zero by 2050; A roadmap for the Global Energy Sector* has argued that there should be no new development in oil and gas if the world is to achieve net-zero by 2050 (IEA, 2021). This bill sets the framework for doing the opposite, developing the carbon-intensive extractive industry which will mean that South Africa will not reach net zero by 2050.
26. As other countries transition towards renewable energy, this bill sets South Africa on an abandoned backward path. The Oxford Smith School of Enterprise and the Environment published a report on the 4<sup>th</sup> of May 2020 titled: *Will COVID-19 fiscal recovery packages accelerate or retard progress on climate change?* In which they surveyed 230 leading economists from various industries. These leading economists unanimously agreed that countries that invest and prioritize investments in renewable energies are going to create more jobs and have more sustainable economies (SSEE, 2020). Since then, investments in renewable energy more than double in comparison to investments in fossil fuels.
27. If this bill becomes law, we will emit more carbon and the South African economy will be unviable in a world of carbon tariffs. The European Parliament is already discussing a Carbon Border Tax and on July 19<sup>th</sup>, 2021, Democratic senator from Delaware Chris Coons and house Representative member Scott Peters of California tabled a proposal to have a Carbon Border tax in the United States (Friedman, 2021) The world is moving towards carbon tariffs and our economy will suffer if we continue on the path of this bill.
28. The risks of assenting this bill into law outweigh the benefits therefore, parliament should abandon the bill in its entirety.

Yours Sincerely  
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