



To: **EVA Solutions – Social and Labour Plan Consultants**
Per email: comment@evasolutions.co.za

From: The Green Connection
shahil@thegreenconnection.org.za
liziwe@mweb.co.za

And: Natural Justice
amelia@naturaljustice.org
lebo@naturaljustice.org
rantscho@naturaljustice.org
melissa@naturaljustice.org

14 August 2025

Dear Social and Labour Plan Consultants

JOINT COMMENT ON MAIN STREET 1549 (PTY) LTD OFFSHORE BLOCK 11B/12B PRODUCTION RIGHT APPLICATION: SOCIAL AND LABOUR PLAN (SLP)

1. Introduction

- 1.1. The Green Connection and Natural Justice jointly welcome the opportunity to provide comments on the Social and Labour Plan ('**SLP**') for the Main Street Project covering Blocks 11B and 12B.
- 1.2. The Green Connection ('**TGC**') is a registered non-governmental organisation, that believes that economic growth and development, improvement of socio-economic status and conservation of natural resources can only take place within a commonly understood framework of sustainable development. The Green Connection aims to provide practical support to both the government

and non-governmental/civil society sectors, which are an integral part of sustainable development.

- 1.3. Natural Justice ('**NJ**'), Lawyers for Communities and the Environment is a non-profit organization, specialising in environmental and human rights law in Africa – with a focus on the pursuit of social and environmental justice for local and Indigenous communities. Natural Justice offers support to local and Indigenous communities impacted by the ever-increasing demand for land and natural resources. Our work is informed by the values, knowledge and self-determination of the communities whom we stand in solidarity with.
- 1.4. Main Street 1549 (Pty) Ltd ('**Main Street/ Applicant**') with its joint venture (**JV**) partners at the time, held an offshore Exploration Right over Block 11B/12B. In 2022, the Applicant applied for a Production Right to allow for the development and production of the gas and condensate resources through several potential development phases. The Applicant proposes to initially conduct a downscaled and largely non-intrusive survey campaign along the potential production sites and pipeline routes from the deep-water field areas in Block 11B/12B onto the shelf and into the adjacent Block 9.¹
- 1.5. In terms of Section 34(2)(j) of the Mineral and Petroleum Resources Development Act 28 of 2002 ('**MPRDA**'),² read with Regulation 42 of the MPRD Regulations, 2004 ('**Regulations**'),³ all production right applications must include a Social and Labour Plan ('**SLP**').

2. General Comments

- 2.1. From the outset, it is important to state clearly and unequivocally: we do not support the approval of this SLP or the Main Street Project itself. The deficiencies identified in this submission are not minor technical gaps that can be addressed through simple amendments. We submit that they are fundamental flaws that disregard legal compliance, rights protection, and sustainable development.
- 2.2. The SLP, as a legally required instrument under the MPRDA,⁴ is intended to ensure that mining and petroleum operations contribute to the social and

¹ SLR Consulting (South Africa) (Pty) Ltd, *Environmental and Social Impact Assessment and Environmental Management Programme for Proposed Survey Activities in Block 11B/12B, South Africa*, prepared for Main Street 1549 (Pty) Ltd, SLR Project No 723.000129.00001, Authority Reference No 12/4/013 PR (11 July 2025). [Proposed Survey Activities Block 11B/12B, South Africa](#). Accessed on 06 August 2025. ('**Draft ESIA**')

² Mineral and Petroleum Resources Development Act 28 of 2002 (**MPRDA**).

³ Mineral and Petroleum Resources Development Regulations GN R527 published in GG 26275 of 23 April 2004 (as amended) reg 42. (**MRPDA Regulations**).

⁴ MPRDA Regulation 42.

economic development of affected communities. In its present form, the Main Street SLP fails to recognise and protect the rights of small-scale fishers, does not provide for meaningful and inclusive public participation, contains no enforceable commitments or accountability mechanisms, fails to align with South Africa's Just Energy Transition ('JET') principles,⁵ and offers negligible and unsustainable local employment opportunities.

3. Legal and Policy Framework

- 3.1. This SLP is subject to an interconnected web of constitutional, statutory, and policy obligations. Section 24 of the Constitution⁶ guarantees the right to an environment that is not harmful to health or well-being, while section 25(4)–(5) affirms the principle of equitable access to natural resources. Section 33 provides for just administrative action, ensuring that all decisions are lawful, reasonable, and procedurally fair.
- 3.2. The MPRDA sets out the purpose of SLPs in Sections 23(6) and Regulation 46, which require a detailed and enforceable programme for local economic development, human resource development, and measures to mitigate negative impacts on affected communities. The National Environmental Management Act 107 of 1998 ('NEMA') establishes key principles for sustainable development, including the polluter-pays principle, the public trust doctrine, and the requirement for accountability.⁷
 - 3.2.1. The UPRDA⁸ was introduced to separate the governance and regulations of petroleum resources from mineral resources, both previously regulated under the MPRDA. It introduces a new legal framework for offshore oil and gas development in South Africa, and establishes specific obligations for petroleum right holders, including those applying for production rights and submitting SLPs.⁹
 - 3.2.2. The Mineral Resources Development Bill,¹⁰ published by the Minister of Mineral and Petroleum Resources, while currently under public review, envisions important changes including new definitions, community empowerment and the SLP regime in South Africa.¹¹

⁵ Presidential Climate Commission, *Just Energy Transition Implementation Plan 2023–2027* (Republic of South Africa, 2023) <https://www.stateofthenation.gov.za/assets/downloads/JET%20Implementation%20Plan%202023-2027.pdf>. Accessed on 12 August 2025.

⁶ The Constitution of the Republic of South Africa, 1996. ('Constitution')

⁷ National Environmental Management Act 107 of 1998, sec 2. ('NEMA')

⁸ Upstream Petroleum Resources Development Act 13 of 2021. ('UPRDA')

⁹ UPRDA secs 5 and 20.

¹⁰ Draft Mineral Resources Development Bill, 2025. ('MRDB')

¹¹ MRDB secs 1 and 24.

- 3.3. The National Environmental Management: Integrated Coastal Management Act 24 of 2008 (NEM: ICMA) obliges decision-makers to respect the rights and needs of coastal communities, while the Marine Living Resources Act 18 of 1998 (MLRA) and the Small-Scale Fisheries Policy, 2012 recognise and protect the rights, livelihoods, and cultural heritage of small-scale fishers. The Promotion of Administrative Justice Act 3 of 2000 (PAJA) reinforces procedural fairness, and the Skills Development Act 97 of 1998 mandates targeted skills development for historically disadvantaged and marginalised groups.
- 3.4. Finally, South Africa is bound by international instruments such as the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries¹² and the African Charter on Human and Peoples' Rights,¹³ which affirm the right of communities to freely dispose of their natural resources and to participate meaningfully in decision-making processes.

4. **Specific Submissions**

4.1. ***Inadequate Recognition of Small-Scale Fishers***

- 4.1.1. Small-scale fishers are not a peripheral stakeholder group to be acknowledged in passing; they are a legally recognised, rights-bearing constituency whose livelihoods are intrinsically tied to the marine environment. Their rights are embedded in the MLRA, the Small-Scale Fisheries Policy, Section 24 of the Constitution, and Section 63 of NEM: ICMA. These rights encompass not only access to fishing grounds but also the protection of cultural traditions and other forms of intangible cultural heritage, intergenerational skills transfer, and community cohesion.
- 4.1.2. The SLP, however, does not explicitly recognise fishers as forming part of its definition of 'community' or 'host community'¹⁴ or anywhere else in the SLP when it stipulates its plans for the community. The SLP further contains no fisheries-specific baseline assessment, making it impossible to identify, measure, or mitigate the likely impacts on fishing communities. While the SLP¹⁵ acknowledges that exploration and production activities pose a risk for cultural heritage, particularly intangible cultural heritage (high significant impact), and on the activities of small-scale fishers (medium significant

¹² Food and Agriculture Organization of the United Nations, *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (FAO 2015).

¹³ Organisation of African Unity, *African Charter on Human and Peoples' Rights*, art 21.

¹⁴ Draft SLP, iv.

¹⁵ Draft SLP, 40-41.

impact), it fails to specify in detail the adverse impacts that exploration and production activities would have. This includes restricting fishing grounds, displacing fishers to less accessible waters, increasing operational costs, and potentially reduce catch sizes due to noise pollution, habitat disturbance, and other environmental impacts. The seasonal nature of many fisheries, such as the snoek migration, has not been factored into planning, nor has the heightened safety risk posed by increased marine traffic, the presence of drilling infrastructure, or the catastrophic possibility of oil spills and blowouts.

- 4.1.3. This omission also erases the gendered dimensions of the sector.¹⁶ Women play vital roles in post-harvest processing, distribution, and local marketing. Disruption to fishing activities would ripple through these roles, undermining not only household incomes but also broader community economies. Whilst the SLP acknowledges the development of women as important, it does not give any specificity of how women, including women involved in the small-scale fisher sector, will be supported.
- 4.1.4. If the project proceeds without robust mitigation and livelihood protection measures, the result may impact food security, increased social conflict due to inadequate or inequitable compensation, and the forced outmigration of community members seeking alternative work. These are not abstract risks, but are foreseeable, preventable harms that the SLP ignores. The complete absence of a dedicated Small-Scale Fisheries Impact and Support Plan signals a disregard for statutory and constitutional obligations, serious enough to warrant outright rejection of the SLP.

4.2. ***Meaningful public participation***

- 4.2.1. The [Draft Updated SLP](#) claims to have been developed in consultation with a broad range of stakeholders, including local government and PASA.¹⁷ No details are given, and it is unclear what input was provided and how it was incorporated into this draft SLP. Similarly, the SLP holds that engagements during 2023 rendered valuable information but provides no records of the feedback or how it influenced the plan.¹⁸
- 4.2.2. Following several changes to the composition of the JV, EVA Solutions ('**Consultant**') prepared the Draft SLP and its summary ahead for public review from 14 July to 14 August 2025.¹⁹ The open days for public review were

¹⁶ See Statistics South Africa *Quarterly Labour Force Survey (QLFS) Q1:2025*. <https://www.statssa.gov.za/publications/P0211/P02111stQuarter2025.pdf>. Accessed on 12 August 2025.

¹⁷ Draft SLP, page i.

¹⁸ Draft SLP, page i.

¹⁹ Main Street 1549 (Pty) Ltd, *Social and Labour Plan for Offshore Block 11B/12B (2027–2031)* (Draft for public comment, 14 August 2025). ('**Draft SLP**').

on 14 to 22 July 2025, where the consultant presented the SLP to the interested and affected persons who attended from local communities. The consultant jointly conducted the public review together with the Environmental Assessment Practitioner ('EAP'), responsible for the EIA aspects of the application within this period.

- 4.2.3. NJ and TGC representatives attended and participated in the open days, where the consultant, representing the Applicant presented the SLP to the public in Mossel Bay, George and Knysna during the open days, and made several observations worth noting in respect of the obligation of the Applicant to conduct meaningful public consultations in terms of the MPRDA and UPRDA.²⁰ The observations noted include:
- 4.2.4. Section 2(4)(f) NEMA requires that decisions must inform the needs, interests and values of all interested parties, and that participation must be meaningful. The fragmented 'conveyor belt / booth' setup format adopted by the consultant and the EAP in consulting the public undermines the collective agency of communities. It prevented attendees from hearing each other's concerns, building solidarity, or formulating collective responses to the presentations. This format divides participants along linguistic and racial lines, reinforcing existing social inequalities and disparities in the region.
- 4.2.5. The IDP identifies language, race and spatial apartheid legacies as key barriers to inclusive development.²¹ The consultation format failed to acknowledge these barriers, nor to create a safe, inclusive space for dialogue. The space did not facilitate community-led engagement. This is particularly concerning in areas where historical exclusion and economic marginalisation persists.²²
- 4.2.6. Both the Constitution and the Promotion of Administrative Justice Act ('PAJA')²³ require that administrative processes must be procedurally fair.²⁴

<https://cdn.sanity.io/files/b0ecix6u/production/d57e67bb0b7f4c2e40bf69cccc7e15bf2aae5901.pdf>. Accessed on 06 August 2025.

²⁰ Regulation 42 of the MPRDA Regulations and Section 19 of the UPRDA require consultation with affected communities, not just information dissemination.

²¹ Garden Route District Municipality, *Integrated Development Plan 2025–2026* (Final, 27 May 2025) 12. <https://www.gardenroute.gov.za/wp-content/uploads/2021/04/Growth-and-Development-Strategy.pdf>. Accessed on 12 August 2025.

²² For context, see <https://www.dailymaverick.co.za/opinionista/2024-05-02-sas-coloured-people-crushed-between-ethnonationalism-and-african-nationalism/>; <https://www.news24.com/xarchive/archive/eleanorduplooy/the-unsettling-meanings-of-coloured-identity-and-why-it-should-be-challenged-20180618>; and https://scielo.org.za/scielo.php?script=sci_arttext&pid=S0259-01902021000100008. Accessed on 11 August 2025.

²³ Promotion of Administrative Justice Act 3 of 2000. ('PAJA').

²⁴ Constitution, sec 33.

The format used limited oral expression, it isolated concerns as individual, rather than community concerns or needs.

- 4.2.7. The use and distribution of simplified information materials, such as pamphlets and the presence of comment templates and drop boxes at the public open day venues can be positively appreciated as part of the Applicant's statutory obligations under the MPRDA and Regulations.
- 4.2.8. Despite some positive practices, the format and setup of the consultations observed during the open days limited collective engagement and solidarity, this 'booth-style, conveyor-belt' format while efficient and convenient for the consultants, fragmented the community along linguistic and racial lines and discouraged open dialogue.
- 4.2.9. The absence of facilitated plenary discussions undermines the ability of communities to form shared positions, influence each other and build solidarity around common concerns.

4.3. ***Human Resource Development and Employment Creation***

- 4.3.1. The SLP outlines a Human Resources Development Programme ('HRDP')²⁵ intended to contribute to community upliftment. However, commitments are notably vague and insufficient. The SLP fails to specify the quantity, type and duration of jobs to be created during the production phase,²⁶ nor does it breakdown of employment opportunities across skill levels, geographic areas or specified demographic groups such as women and youth. The SLP holds that no jobs will be created during the first five years of the production right and defers this to the next five years, after production begins. Several commitments are tied to the FID. Interested and Affected persons are therefore unable to meaningfully engage with the SLP, as they are not given any information of the reality once production begins.
- 4.3.2. This omission undermines the requirements under Regulation 42, read with section 35 of the UPRDA, which mandate that production right holders must contribute meaningfully to local economic development and employment.
- 4.3.3. Experience from similar offshore oil and gas developments shows that employment opportunities are often temporary, highly specialised, and dominated by external contractors. The promised economic benefits for local communities, therefore, are unlikely to materialise at the scale suggested, leaving behind environmental damage and social disruption without the

²⁵ Draft SLP, 9 – 20.

²⁶ Draft SLP, 8.

offsetting benefits of stable employment. no strategy for transitioning workers into other livelihoods once the finite life of the project ends.

- 4.3.4. The SLP does not address the potential livelihood losses that may result from offshore oil and gas production, particularly in the event of a spill, for small-scale fishers and other coastal communities' dependant on the ocean economy. There is further no strategy for transitioning workers into other livelihoods once the finite life of the project ends. The current strategy for downscaling and closure focusses mainly on consultation.
- 4.3.5. While the SLP references employment equity and skills development,²⁷ the actual commitments or dedicated strategies to women and youth are limited. Leadership opportunities are identified as a focus for engaging unemployed individuals, but only four (4) learnerships, (4) internships and twelve (12) bursaries are planned over five (5) years.²⁸ The Applicant anticipates that there will be a skills shortage due to the fact that the Southern African Oil and Gas industry is not fully developed.²⁹ It states that "The Applicant's policy will be to encourage recruitment from the local communities wherever possible. However, literacy levels among the local community may prove to be an obstacle to this".³⁰ This is particularly concerning considering the latest StatsSA data,³¹ showing high youth unemployment rates and the underrepresentation of women in the ocean economy. This will inevitably result in labour being brought in from other areas, which would put additional pressures on the IZOI and further marginalise small-scale fishers and local communities within the IZOI.
- 4.3.6. The IDP prioritises youth development, gender equity and skills upliftment, however this is not reflected adequately in the SLP. Various training programmes are further outlined, including Adult Basic Education and Training, core skills and employment, but fails to establish a clear link between training and employment. There is no indication of how trained individuals will be absorbed into the production operation or supported in finding work in related sectors.

²⁷ Draft SLP, 11 – 20.

²⁸ Above at 22.

²⁹ Draft SLP, 11.

³⁰ Draft SLP, 12.

³¹ Statistics South Africa Quarterly Labour Force Survey (QLFS) Q1:2025.

4.4. **Community development Programme (LED)**

- 4.4.1. The SLP outlines a series of LED projects targeting Mossel Bay and George Municipalities,³² however no assessment or evidence of their demand is presented. There is no clear mapping between the LED projects and IDP priorities of the relevant municipalities. The LED projects fail to incorporate community cultural and heritage values into the LED programme. The ESIA identifies high-significance Intangible Cultural Heritage ('ICH') impacts in the region, particularly on small-scale fishers and traditional coastal livelihoods.³³ These communities are culturally and economically tied to the marine environment.
- 4.4.2. We, therefore, submit that significant ICH impacts may occur during the production phase and cumulative impacts from multiple offshore projects, such as surveys, pipeline installations and exclusion zones, could erode cultural practices, displace traditional fishing activities and fragment community identity.
- 4.4.3. The SLP fails to incorporate community cultural and heritage values into the LED programme. The LED projects do not include any initiatives that promote or preserve local heritage and indigenous knowledge systems,³⁴ and have no clear support for the cultural tourism. No plans are in place to engage directly with Khoi and San or amaXhosa cultural institutions or community formations, despite appearing in the 'Immediate Zone of Influence ('IZOI')'.³⁵

4.5. **Conditional and Uncertain Commitments**

- 4.5.1. The LED programme is suspensive, heavily contingent on the Final Investment Decision ('FID'), which may be delayed. While, on one hand the Applicant claims to commit to early implementation, the SLP on the other hand, states that timeframes and budgets are provisional.³⁶ This undermines the requirements mandating unconditional and proactive development contributions.³⁷
- 4.5.2. No clarity is provided on the funding resources for the SLP commitments. It is uncertain whether the funding is secured and whether it will be from the Applicant's internal resources or whether it will be reliant on partners.

³² Draft SLP, 33 – 37.

³³ Draft ESIA, 40 – 42.

³⁴ Protection, Promotion, Development and Management of Indigenous Knowledge Act 6 of 2019.

³⁵ Draft SLP, secs 1.1 and 3.2.

³⁶ Draft SLP, 3 – 4.

³⁷ MPRDA Regulation 42, and UPRDA sec 35.

4.5.3. The SLP does not stipulate a monitoring and evaluation methodology, mechanism or plan. It is uncertain how compliance with the plan will be measured and reported on yearly to the Regional Manager³⁸ or how communities can hold the Applicant accountable to its commitments in the final SLP. A ‘future forum’ is only envisaged as an engagement body for downscaling and retrenchments.

4.6. ***Integrated Development Plan: Garden Route District Municipality***

4.6.1. The Applicant acknowledges that the Municipal Structures Act,³⁹ read with the MPRDA Regulations, requires municipalities to develop IPDs through inclusive public participation.⁴⁰ Further noting that; *“directly affected communities must be afforded an opportunity to comment on the contents of a proposed SLP to ensure that it is aligned with local municipality [IDP] needs.”*⁴¹

4.6.2. The SLP commitments focus mainly on Mossel Bay and George,⁴² which are large regional urban centres, as the primary LED beneficiaries, despite the IZOI including many smaller rural towns such as Groot Brak, Sedgfield, Kleinkrantz, Smutsville, Knysna and other areas.⁴³

4.7. ***Failure to Align with a Just Energy Transition***

4.7.1. The SLP does not engage with the principles of the National Development Plan’s⁴⁴ Chapter 5 or South Africa’s Just Energy Transition Framework.⁴⁵ By advancing a fossil fuel-based project in the face of global climate imperatives, it locks South Africa into a high-carbon trajectory, and risks stranded assets, while the social and environmental burdens fall disproportionately on small-scale fishing communities.

4.7.2. A genuine just transition requires that no community be forced to bear the costs of development that primarily benefits external actors. The negligible job creation, combined with the significant risk to marine ecosystems and community livelihoods, makes this project incompatible with the principles of equity, sustainability, and intergenerational justice.

³⁸ MPRDA Regulation 46

³⁹ Municipal Structures Act 117 of 1998, secs 28 – 29.

⁴⁰ MPRDA Regulation 46(c)(iv)).

⁴¹ Draft SLP, 3 – 4.

⁴² Draft SLP, 23 – 24.

⁴³ Above.

⁴⁴ National Planning Commission. (2013). National Development Plan 2030: Our Future, Make it Work. Pretoria: Government of South Africa. Accessed at www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf

⁴⁵ Presidential Climate Commission. (2022). Just Transition Framework. Accessed at <https://pcccommissionflow.imgix.net/uploads/images/A-Just-Transition-Framework-for-South-Africa-2022.pdf>.

5. Conclusion and recommendations

- 5.1. The SLP fails comprehensively to meet its legal and ethical obligations. Its disregard for the rights of small-scale fishers, its exclusionary public participation process, its lack of enforceable commitments, and its hollow promises of economic benefit render it both unlawful and unjustifiable.
- 5.2. These are not isolated shortcomings that can be addressed through piecemeal revision. They reveal a systemic failure to integrate constitutional rights, statutory mandates, and the lived realities of affected communities into project planning.
- 5.3. Accordingly, The Green Connection and Natural Justice call on the Petroleum Agency of South Africa to reject the Social and Labour Plan for the Mainstreet Project and to refuse the associated production right. Approval would not only breach domestic and international obligations but would also set a dangerous precedent for the approval of extractive projects that offer little more than environmental degradation, social disruption, and empty economic promises.