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Copied to:
Andrew de Blocq
DA Spokesperson on Forestry, Fisheries and the Environment
By email: adeblocq@parliament.gov.za

19 May 2025

Dear Minister George,

**URGENT REQUEST FOR MINISTERIAL ASSUMPTION AS COMPETENT AUTHORITY
FOR ENVIRONMENTAL AUTHORISATION: PROPOSED FERROCHROME/
FERROALLOYS SMELTER PLANT, MUSINA-MAKHADO SPECIAL ECONOMIC ZONE,
LIMPOPO (“THE PROJECT”)**

1. We act on behalf of Living Limpopo NPC,¹ Vhembe Biosphere Reserve NPC,² and the Herd Nature Reserve NPC,³ which represent the public interest in environmental and climate justice and the communities and ecosystems directly impacted by the MMSEZ. They are all registered interested and affected parties (I&APs) in the EIA process underway for the ferrochrome smelter and related projects in MMSEZ⁴.

¹ Living Limpopo NPC, a non-profit organisation based in Limpopo that advocates for sustainable nature-based economic development in the Vhembe District and actively opposes the expansion of coal mining and coal-based industrialisation in the region.

² The Vhembe Biosphere Reserve NPC, a non-profit organisation and managing entity of the Vhembe Biosphere Reserve, a UNESCO-designated biosphere reserve encompassing the Vhembe District in Limpopo Province, that aims to promote biodiversity conservation and conservation-led, inclusive development in the Vhembe.

³ The Herd Nature Reserve NPC, a non-profit organisation and designated Management Authority of The Herd Nature Reserve, a declared Nature Reserve under the National Environmental Management Act: Protected Areas Act, Act No. 4 of 2004, situated in the Vhembe District in Limpopo Province, in the central Limpopo River Valley at the confluence of the Nzhelele and Limpopo Rivers.

2. We are instructed to request that the Minister of Forestry, Fisheries and the Environment (DFFE) assume the role of competent authority responsible for deciding the application for environmental authorisation in respect of the proposed ferrochrome smelter and related projects within the Musina-Makhado Special Economic Zone (MMSEZ) in the Vhembe District of Limpopo Province and any ongoing and future Scoping and Environmental Impact Assessment (EIA) process/es in terms of the National Environmental Management Act, Act No. 107 of 1998 (NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2014 the Regulations) connected to projects within the MMSEZ.
3. Kinetic Development Group Limited applied for environmental authorisation (EA) for a ferrochrome and ferroalloy smelter plant within the MMSEZ, to the Limpopo Department of Economic Development, Environment and Tourism (LEDET) as the competent authority on 24 September 2024.
4. It is submitted that, in terms of s24C⁵ of NEMA, DFFE, rather than LEDET, is the designated competent authority for this application for the following reasons:
 - 4.1. The project's implications for South Africa's international environmental commitments and its location within an internationally designated area which trigger the requirement for Ministerial designation as competent authority under NEMA, and
 - 4.2. The conflicts that arise from LEDET's designation as the competent authority, which would compromise the fairness and legitimacy of the environmental authorisation process in contravention of the Promotion of Administrative Justice Act, Act No. 3 of 2000 (PAJA). A conflict of interest occurs whenever the provincial government department responsible for promoting and developing

⁵ Section 24C (2)(d)(ii) The Minister must be identified as the competent authority in terms of subsection (1), unless otherwise agreed to in terms of section 24C(3), if the activity—
 (a) has implications for international environmental commitments or relations, and where—
 (i) it is identified by the Minister by notice in the *Gazette*; or
 (ii) it is an activity that takes place in an area protected by means of an international environmental instrument, other than—
 (aa) a conservancy;
 (bb) a protected natural environment;(2A) (2B)
 (cc) a proclaimed private nature reserve;
 (dd) a natural heritage site;
 (ee) the buffer zone or transitional area of a biosphere reserve; or
 (ff) the buffer zone or transitional area of a world heritage site;
 (b)
 (c) has a development footprint that falls within the boundaries of more than one province or traverses international boundaries;
 (d) is undertaken, or is to be undertaken, by—
 (i) a national department;
 (ii) a provincial department responsible for environmental affairs or any other organ of state performing a regulatory function and reporting to the MEC; or
 (iii) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government; or
 (e) will take place within a national proclaimed protected area or other conservation area under control of a national authority.

the MMSEZ, which stands to benefit from the project's approval, makes decisions regarding its environmental impacts and authorisations. There is an ongoing risk that the decisions will not be objective or impartial, as required by law.

5. We therefore request that the Minister exercise his powers in terms of NEMA, as well as in terms of s100(1)(a) of the Constitution, to:
 - 5.1. Revoke any powers or duties designated to LEDET in relation to the MMSEZ;
 - 5.2. Formally assume the role of competent authority for all environmental authorisation application processes, including the proposed ferrochrome smelter in the MMSEZ;
 - 5.3. Direct LEDET to cease processing current and future applications;
 - 5.4. Direct LEDET and the appointed EAP, Gudani Consulting, to transfer all documentation to DFFE;
 - 5.5. Notify the Applicant, Kinetic Resources Development, and the appointed EAP that the current application before LEDET is invalid and direct the Applicant to re-submit an application to DFFE and notify all registered Interested & Affected Parties (I&APs) accordingly.

Background

Musina-Makhado Special Economic Zone

6. The MMSEZ is a large-scale industrial development planned for a 60 km² area in the Vhembe Biosphere Reserve located in the Vhembe District of Limpopo Province⁶.
7. It undergirds an ambitious, high-risk, high-cost fossil fuel-based industrialisation and urbanisation development plan that will have profound social, economic and environmental consequences for a region of immense biodiversity and cultural heritage significance.
8. The primary focus is an energy-metallurgical zone being developed at the 'South Site' of the MMSEZ designated in 2017 in terms of the Special Economic Zones Act, Act No. 16 of 2014, as the 'South African Energy-Metallurgical Zone of the Musina-Makhado Special Economic Zone'⁷, that will produce 5 million tons of steel annually in a 'connected sequence' from coking coal, to pig iron, to ferroalloys, to crude and stainless steel plants, and is set to double South Africa's declining total steel manufacturing capacity⁸.

⁶ <https://mmsez.co.za/>

⁷ Government Gazette No. 41287, 1 December 2017, Notice. No. 1324; <https://www.gov.za/documents/notices/special-economic-zones-act-designation-musina-makhado-special-economic-zone-south>

⁸ <http://emsez.com/en/index.php>

9. The market case for steel and the feasibility of developing power- and water-intensive industry in the Vhembe region are highly questionable. The metallurgical zone is dependent on the damming of the Limpopo River as well as the creation of 3,500 MW of power generation capacity to supply its vast water and power requirements, respectively.
10. The impact of the MMSEZ in this sensitive region, not least in terms of driving the exploitation of the Greater Soutpansberg Coalfield, will be commensurate with the scale of the megaproject. Pollution from coal mining and heavy industry on this scale threatens to cause significant environmental harm, with serious negative spillovers for other sectors of the economy, including agriculture, tourism and the biodiversity-based economy, human health and societal wellbeing. The destruction of the natural terrestrial carbon sink for coal resource extraction also constitutes loss and damage to valuable environmental infrastructure.

Application for Environmental Authorisation for the Ferrochrome / Ferroalloys Smelter Plant

11. On 20 September 2024, Kinetic Development Group Limited, a coal production, coal processing and coal trading company incorporated in the Cayman Islands and listed on the main board of the Hong Kong Stock Exchange⁹, applied for EA for a major ferrochrome and ferroalloy smelter within the MMSEZ South Site¹⁰.
12. The application is currently before LEDET (Reference No.: 12/1/9/2-V196; 20/09/2024, a copy of which is attached as Appendix A).
13. The EIA was announced¹¹ on 13 September 2024 for several core projects at the South Site of the MMSEZ, including:
 - 13.1. A ferrochrome and ferroalloy smelter plant (1Mt/a)
 - 13.2. A coal washery (10Mt/a) and coking coal plant (3Mt/a)
 - 13.3. A 1,000 MW solar PV power plant that will require the clearance of approximately 3,000 thousands of hectares of indigenous vegetation.
14. Kinetic Development Group Limited is the Applicant for the proposed ferrochrome and alloys smelter plants. South African Energy Metallurgical Base Pty Ltd (EMSEZ) is the Applicant for all other plants and facilities. EMSEZ is the local subsidiary of Shenzhen Hoimor Resources Holding Company Limited, the licensed operator of the MMSEZ energy-metallurgical zone, also registered in Hong Kong¹².
15. The EIA process for the ferrochrome smelter is still in its early stages. The Scoping Report (SR) was issued on 8 November 2024¹³, and I&APs submitted comments within

⁹ <https://www.kineticme.com/en/> and see SR Appendix 7 'Feasibility Study of Ferrochrome Smelting Project in SA(EN) s1.1.5 'Enterprise Overview'

¹⁰ <https://www.gudaniconsulting.co.za/public/docs>

¹¹ Notice published in the Limpopo Mirror on 13 September 2024, a copy of which is attached as Appendix E

¹² <https://cer.org.za/wp-content/uploads/2019/07/Operator-Agreement-Musina-SEZ-and-Hoimor.pdf>

¹³ https://www.gudaniconsulting.co.za/assets/pdf/scoping_report_kinetic_group_sept_2024.pdf

the timeframe, which ended on 10 December 2024. These comments included objections to LEDET acting as the competent authority. No response has been received on this critical issue¹⁴, and no notice of decision on the acceptance of the Scoping Report has been received.

16. A copy of our comments submitted on 9 December 2024 is attached as Appendix B.

Ministerial Mandate under NEMA and Procedural Fairness under PAJA

17. 'Competent Authority' is defined in s1 of NEMA and the procedure for identifying a competent authority is set out in s24C of NEMA.
18. Section 24C(2)(a)(ii) of NEMA is unequivocal: Where a proposed activity has **implications for international environmental commitments** or occurs within an area protected by an international environmental instrument, **the Minister must be the competent authority**.
19. According to s3(1) of the Promotion of Administrative Justice Act, 2000 (PAJA), **administrative action must be procedurally fair**. This provision is based on s 33 of the Constitution.
20. Further, **administrative action is reviewable in terms of PAJA**, in instances **where, *inter alia*, the administrator who took the decision is biased or reasonably suspected of bias** (s6(2)(a)(iii) of PAJA) or a decision was taken by an administrator who lacked the authority to do so in terms of an empowering provision (s6(2)(a)(i) of PAJA).

International Commitments and Climate Change

21. It is submitted that the Minister must be the competent authority for the following reasons:
 - 21.1. The MMSEZ, particularly the ferrochrome smelter, has direct and material implications for South Africa's international environmental commitments, most notably for its obligations under the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement, as well as the recently enacted Climate Change Act, 22 of 2024.

Carbon Emissions Profile:

- 21.2. The climate impact of the MMSEZ, including the proposed ferrochrome smelter plant, is assessed in the *Climate Change Assessment Report for the proposed Musina-Makhado Special Economic Zone South Site*, prepared for Musina-Makhado Special Economic Zone (SOC) Limited and Limpopo Economic

¹⁴ See comments submitted on 9 December 2024 by the Centre for Environmental Rights on behalf of its clients, sC1 @ para 38.-47., a copy of which is attached as Appendix C

Development Agency (LEDA) by Promethium Carbon (2021), a copy of which is attached as Appendix D (the Promethium report).

21.3. The Promethium report forms part of the EIA that supported environmental authorisation for site establishment activities at the South Site energy-metallurgical zone of the MMSEZ issued by LEDET in February 2022 (LEDET Reference No. 12/1/9/2_V79), which is now the subject of three pending judicial review applications¹⁵.

21.4. Key findings of the Promethium report include:

The proposed Musina-Makhado SEZ development is expected to generate approximately 1 billion tonnes of carbon dioxide equivalent of direct and energy indirect emissions over the lifetime of the project. The largest contributors to these emissions are the ferrochrome, lime and carbon steel plants.

The project has a High (negative) impact rating for the operational phase of the project, in terms of the 2014 NEMA EIA Regulations, with a significance score of 100.

The emissions released by the various activities associated with the SEZ over the operational lifetime of the project will consume [at least] as much as 10% of South Africa's carbon budget.

The impact on the emission inventory of the country is therefore VERY HIGH (negative).

South Africa submitted their Nationally Determined Contribution (NDC) in response to the Paris Agreement in 2015 and outlines the national emissions trajectory up to 2050. South Africa's national emissions are expected to peak between 2020 and 2025, plateau for approximately a decade and decline thereafter in absolute terms. The Musina-Makhado project alone will contribute 6% - 10% of the emissions proposed in South Africa's PPD that was used to inform the NDC, thereby significantly altering the national greenhouse gas trajectory that has been published and committed to.

The impacts of the Musina-Makhado project's emissions must be considered within the context of both national and international greenhouse gas reduction plans... In the light of this classification, the Musina-Makhado emissions of more than 10 million tons per year has a VERY HIGH impact.

The impacts of the Musina Makhado project will impact the global inventory, particularly as the planned activities in the project are in emission-intensive industries.

¹⁵ See details of review cases [here](#)

21.5. The [Promethium](#) report¹⁶ shows MMSEZ's calculated emissions inventory in relation to South Africa's remaining portion of the global carbon budget.

Table 13: The Musina-Makhado SEZ development's emissions relative to South Africa's carbon budget

Emissions	2°C Target	1.5°C Target
South Africa's carbon budget	7,512 Mt CO2e	4,411 Mt CO2e
Scope 1 and 2 emissions of the project activities using 2020 industry benchmark intensities over the life of the project	1,010 MtCO2e - equivalent to 13-14% of SA's carbon budget	1,010 MtCO2e - equivalent to 23-24% of SA's carbon budget

21.6. It is notable that on this assessment, the MMSEZ's emissions trajectory is compatible only with a $>2^{\circ}\text{C}$ global warming scenario, in direct contravention of South Africa's Paris commitment to pursue efforts to limit warming to 1.5°C .

Proportional Impact of the ferrochrome smelter:

21.6.1. The proportional contribution of the ferrochrome smelter to the MMSEZ's emissions profile is also quantitatively substantiated by the [Promethium](#) report.

21.6.2. The emissions intensity of the ferrochrome plant, at 4.49 tons of CO2e per ton of ferrochrome, is higher than that of all other plants that will be developed in the connected production sequence from coking coal to pig iron, crude steel, and stainless steel, barring the silicon-manganese plant.

21.6.3. The ferrochrome smelter plant will emit approximately 13.5 million tons of CO2e per year at full capacity (of 3 million tons per annum¹⁷), accounting for 40% of the entire MMSEZ metallurgical cluster's annual emissions and independently exceeding the threshold for a High Impact GHG emissions rating according to South African benchmarks applied for calculation and reporting to the IPCC of the country's GHG emissions inventories, which are quoted in s5.2.1 of the [Promethium](#) report.¹⁸

¹⁶ s5.2

¹⁷ Note that the Scoping Report for the ferrochrome smelter indicates a maximum capacity of the plant of only 1 Mt/a. This is consistent with the incremental phased approach adopted for the development of the MMSEZ, which has served to avoid a full cumulative environmental impact assessment.

¹⁸ [Promethium](#) Report s 5.1, Table 12 – Annual project emissions p. 56

21.6.4. S5.1 of the Promethium report shows the emissions breakdown per plant:

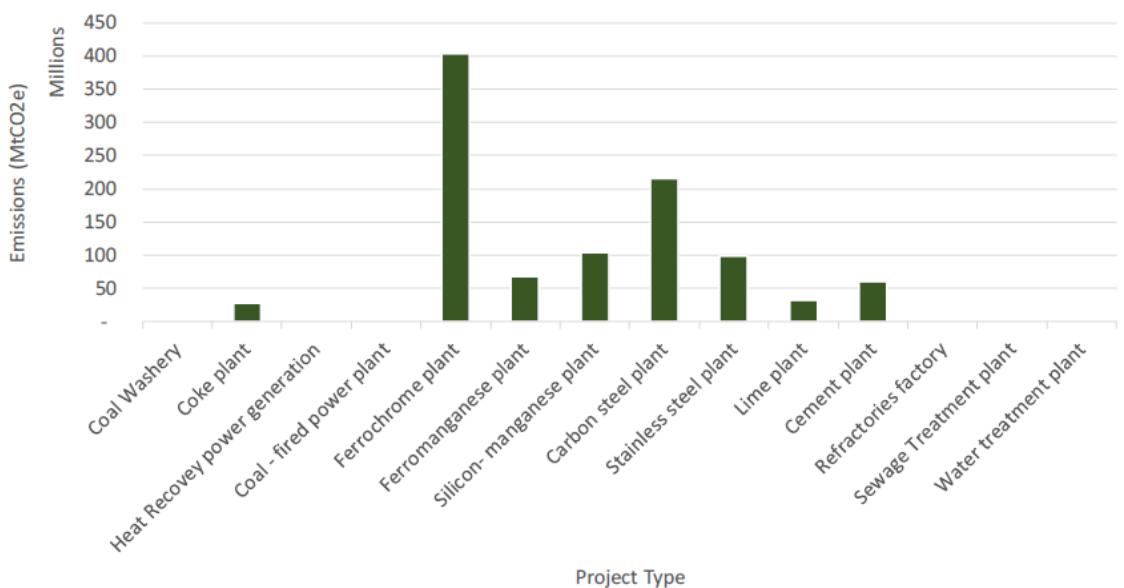


Figure 13: Emissions per project type for the 30 year life of the project

21.6.5. Overall, the assessment shows that the significant climate impacts of the proposed MMSEZ projects will prejudice South Africa's climate change mitigation and adaptation efforts and its international commitments to reduce GHG emissions. Additionally, the MMSEZ industrial plants and infrastructure will not only contribute directly to climate change through their GHG emissions, but will exacerbate the area's vulnerability to climate change through, for example, depleting and polluting the area's limited freshwater resources – already threatened by the impacts of climate change – undermining the resilience of ecosystems and communities living in Limpopo to withstand the impacts of climate change. This has provincial and national consequences. The proposed ferrochrome project is therefore a matter of national and international concern.

International Climate Commitments and NEMA:

21.6.6. These findings render the proposed MMSEZ, including the ferrochrome smelter, incompatible with South Africa's binding obligations under Paris Agreement Articles 4.2 (requirement for parties to pursue mitigation measures and actions with the aim of meeting their NDCs), 4.3 (progressive NDC enhancement) and 7.1 (climate-resilient development), and render LEDET's provincial-scale approval authority designation incompatible with the requirement under s24C(a)(ii) of NEMA for the Minister to be identified as the competent authority in instances where a project has implications for international environmental commitments.

21.6.7. The Minister's direct oversight is imperative to align this nationally significant project with constitutional environmental rights, including s24 of the Constitution, national and international law.

Protected International Area

22. The proposed Ferrochrome Project impacts a United Nations Educational, Scientific and Cultural Organisation (UNESCO) site. The MMSEZ and the coal mines to be developed to supply the smelters are located within the UNESCO-designated Vhembe Biosphere Reserve, a site of global biodiversity and cultural significance. Any high-impact development in the designated area potentially violates obligations for its protection and sustainable land management.

LEDET's Conflict of Interest and Relationship with the Applicant preclude it from acting as Competent Authority

23. On the issue of bias, both actual bias and apparent bias make an administrative decision invalid under s6(2) read in conjunction with s3(1) of PAJA.
24. Apparent bias occurs when the administrator may not be actually biased against a person or decision; however, it would appear to a reasonable person or the public that the administrator is biased. Circumstances that usually create such an impression are when there is a conflict of interest, such as monetary interest, personal interest, prejudice, or shares in the company.
25. It is trite that a decision-maker cannot be the Applicant (or closely associated to the Applicant) in the matter before the decision-maker, and the decision-maker cannot hold an interest in the outcome of the decision (such as having a financial interest, being the shareholder/director/chairperson who stands to benefit from the decision).
26. In the present circumstances, LEDET is cited as the competent authority, and will therefore make the decision of whether or not to accept the SR and other processes needed to obtain environmental authorisation for the MMSEZ and associated projects, including the proposed ferrochrome project.
27. Although the Applicant is Kinetic Development Group, LEDET is mandated to support and develop the MMSEZ project and therefore has a manifest interest in the approval of the EA. Furthermore, the Musina-Makhado Special Economic Zone State-Owned Company (MMSEZ SOC), which was established to develop and manage the MMSEZ, is a wholly-owned subsidiary of LEDA, itself established in terms of the Limpopo Economic Development Agency Act (Act 5 of 2016) (LEDAA) and a wholly-owned subsidiary of LEDET. This shareholding structure constitutes a conflict of interest for LEDET in its capacity as the administrator, and consequently, apparent bias in favour of the MMSEZ project and, by extension, investors in the MMSEZ's construction and operation.
28. It is notable in this regard that one of the two natural persons named in the EA application form as the representatives for the Applicant, Kinetic Development Group,

and the contact details given, is an Executive Manager of the MMSEZ SOC, Richard Zitha¹⁹.

Direct Facilitation of the Applicant, Kinetic Development's Interests:

29. LEDET's conflict of interest extends beyond administrative promotion of the MMSEZ - it actively facilitates Kinetic Development Group's strategic investments through high-level diplomatic engagements.
30. In September 2024, Limpopo Province Premier Phophi Ramathuba and LEDET MEC Tshitereke Matibe accompanied President Cyril Ramaphosa on an official state visit to the People's Republic of China and attended the Forum on China-Africa Cooperation (FOCAC) held in Beijing²⁰, where they personally witnessed the signing of investment agreements with Kinetic Development Group, the Applicant for the proposed ferrochrome smelter, the EA over which the MEC presides.²¹
31. The FOCAC deal announcement followed Kinetic Development's August 2024 acquisition of a controlling 51% stake in MC Mining Limited for R1.6 billion²², effectively consolidating control over both the coal supply and metallurgical processing facilities within the MMSEZ²³.
32. In the announcement on social media during the FOCAC summit on 6 September 2024, by the Office of the Premier of Limpopo Province, it was stated that:

The Premier of Limpopo, Dr. Phophi Ramathuba, accompanied by MEC for LEDET Mr. Tshitereke Matibe also held a meeting with the Kinetic Group in Beijing on the sidelines of the Forum for China-Africa Cooperation. The meeting, led by Kinetic Group Chairman Mr. Zhang Li and CEO Mr. Ju Wenzhong focused on potential cooperation in the implementation of key projects within the Musina-Makhado Special Economic Zone. These projects include coal production and the establishment of a coking coal plant, the development of a ferrochrome plant at the Musina-Makhado South Site, and advancements in hydrogen energy. The Kinetic Group has committed to investing US\$ 1 billion, with construction of the coal mine in Musina set to begin in October 2024.

33. The connections between these entities and their interests were publicly showcased in South Africa when LEDET and MMSEZ SOC jointly hosted a reception for Kinetic Development and Shenzhen Hoi Mor and its subsidiary, South African Energy

¹⁹ See LEDET EIA Application Form signed 20 September 2024 - Background Information @ p. 13 of the PDF (p. 10 of application form).

²⁰ <https://iol.co.za/sundayindependent/news/2024-09-07-dr-phophi-ramathuba-the-premier-with-a-mission-and-vision/>

²¹ <https://www.facebook.com/share/1AoPH9mNjD/>

²² <https://www.mcmining.co.za/all-categories?task=download.send&id=1843:kinetic-development-group-to-invest-us-90-million-in-mc-mining-limited&catid=112>

²³ Refer to comments made during Limpopo Investment Conference, November 2024, MMSEZ panel discussion by Kinetic Development Group representative, Chris Huang

https://www.facebook.com/watch/live/?ref=watch_permalink&v=867502515366681

Metallurgical Base in August 2024²⁴, and when LEDET hosted delegations from Kinetic Development in March 2024 shared on the MMSEZ's social media channels²⁵.

Ongoing Legal Violations by the Applicant, Kinetic Development:

34. This relationship has now become the subject of serious environmental controversy, as Kinetic Development's subsidiary, MC Mining Limited, stands accused of unlawfully commencing mining activities at the Makhado Colliery site in December 2024 while its environmental authorisation remains suspended under appeal.
35. A request to handover a formal petition signed by over 20,000 South Africans and detailed supplementary appeal documentation setting out MC Mining's unlawful commencement of mining at Makhado Colliery and demanding urgent enforcement action, was submitted to your office on April 25, 2025 by our client, Living Limpopo jointly with a coalition of civil society organisations, but remains unanswered despite the ongoing environmental violations on the site that directly benefit LEDET's development agenda. A copy of this submission is attached as Appendix F.

Previous Objections to Delegation of Authority to LEDET

36. It is important to note that this is not the first time concerns have been raised about LEDET's designation as the competent authority for authorisation of the MMSEZ.
37. During the previous EIA process for site establishment, LEDET's competence to act was the subject of repeated submissions by numerous I&APs to LEDET, to the Minister's predecessor, and subsequently to the High Court: LEDET's bias and conflict of interest form a central ground of review in the three separate judicial review applications challenging the decision to grant environmental authorisation.
38. It is notable in this regard that DFFE officials confirmed in an email to the EAP dated 17 September 2018 (a copy of which is included in the EIA Report Comments and Responses Register and attached hereto as Appendix G), that the DFFE Minister should be the competent authority in terms of s24C of NEMA. However, this was followed by a letter to the EAP by a LEDET official advising that 'the Competent Authority for the application for environmental authorisation for Musina-Makhado special economic zone is the MEC for LEDET' and a response from the then Minister of DFFE, Minister Creesy (attached as Appendix H). Objections have been repeatedly and formally raised by I&APs parties since then. One such letter is attached as Appendix I.

Conclusion

²⁴ <https://www.facebook.com/share/1YkXEuXzPF/>

²⁵ <https://www.facebook.com/share/1BhfzYuH3e> - 'MMSEZ metallurgical cluster operator providing a progress report and introducing Kinetic, the new ferro-chrome plant investor to the Limpopo delegation, led by the MEC of Economic Development Environment and Tourism, Mr Rodgers Monama.'

39. In light of the above, we urgently request that you:

- 39.1. **Formally assume the role of competent authority** for the environmental authorisation application process of the proposed MMSEZ ferrochrome smelter, as required by NEMA s24C(2).
- 39.2. **Direct LEDET to cease processing any EIA applications related to the MMSEZ** and instruct LEDET and appointed EAPs, to transfer all documentation to your Department.
- 39.3. **Notify the EAP and the Applicant, Kinetic Development Group Limited, that the current application to LEDET is invalid**, direct the Applicant to re-submit an application to your Department and direct the EAP to notify all registered I&APs accordingly.
- 39.4. **Revoke any delegation of powers and duties issued to LEDET** in relation to the MMSEZ project at all and any of its sites and take steps to ensure that all future MMSEZ-related applications are processed at the national department level, with full transparency and public participation in compliance with NEMA, the EIA Regulations, PAJA and the Constitution.

40. The fate of one of South Africa's most ecologically significant regions hangs in the balance. The MMSEZ and related exploitation of the Greater Soutpansberg Coalfield represents a profound threat to our nation's biodiversity, water resources and climate commitments, to economic sectors from agriculture, tourism and the biodiversity economy and to human rights – a threat that demands the highest level of environmental scrutiny from our national government. This scrutiny is impossible when the very provincial authority backing and funding the project's development is also evaluating its impacts and deciding on its merits and approval.

41. This is not merely a procedural matter – it is a constitutional imperative. As the guardian of our national environmental interest and environmental assets, a provincial authority with inherent conflicts of interest cannot be allowed to make decisions of national and international significance. Processing of the EA and other related applications by LEDET not only violates the spirit and purport of our environmental laws but also risks compromising South Africa's ability to honour its international climate commitments and constitutional obligations to its citizens.

42. Your intervention will ensure the integrity of our environmental governance system, the future of the Vhembe Biosphere Reserve region, and South Africa's standing as a responsible global citizen in the fight against climate change.

43. We await your urgent response and remain available to provide any additional information that may assist in resolving this matter.

Yours sincerely,

All Rise Attorneys for Climate and Environmental Justice is a non-profit company with registration number 2019/305876/08 and NPO Ref. 232-020 and an accredited law clinic in terms of section 34(8)(b)(iv) of the Legal Practice Act, 2014 Directors: Renee Kirkham (non-executive), Mawande Mazibuko (non-executive), Trudie Nichols (non-executive), Dineo Skosana-Ngwenya (non-executive), Janice Tooley (executive), Kirsten Youens (chief executive) Attorneys: Kirsten Youens, Janice Tooley

Kirsten Youens

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