

APPENDIX 14:
CULTURAL HERITAGE IMPACT ASSESSMENT

CULTURAL HERITAGE IMPACT ASSESSMENT FOR BLOCK 5/6/7, EXPLORATION DRILLING PROJECT

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Photograph of Kingsley by Laetitia Bosch, Cape Town, March 2022

EXECUTIVE SUMMARY

The following document provides a Cultural Heritage Impact Assessments (CHIA) in relation proposed exploration well drilling in Block 5/6/7. ‘TotalEnergies EP South Africa Block 567 (Pty) Ltd (TEEPSA) and its partners hold an Exploration Right over Block 5/6/7, which allows for the undertaking of various exploration activities within the Block, including two dimensional (2D) seismic, three-dimensional (3D) seismic and controlled source electromagnetic surveys. Since the first granting of the Exploration Right, a 2D and 3D seismic survey have been undertaken within the Block. Based on an analysis of acquired seismic data, TEEPSA proposes to drill one exploration well, and success dependent, up to 4 additional wells in total within an Area of Interest within the Block (i.e., up to 5 wells in total). The Area of Interest is 10 000 km² in extent and is located offshore roughly between Cape Town and Cape Agulhas, approximately 60 km from the coast at its closest point and 170 km at its furthest, in water depths between 700 m and 3 200 m’ (SLR Briefing Note to Specialists 2022).

The CHIA presented here is informed by anthropological field research conducted from October 2020 to November 2021, and more recent field research conducted in March-September 2022. Part of the scope of the research is to investigate human cultural heritage and religious connections to the ocean and coasts, and how such practices and beliefs may be impacted by exploration drilling in the areas of indirect influence. The document presented here provides insight into the cultural, religious and spiritual uses of the sea and coast, specifically Intangible Cultural Heritage (ICH) uses. The areas in which research was conducted include selected sites (noted in this report) from Port Nolloth in the Northern Cape Province to Gqeberha (formerly Port Elizabeth) in the Eastern Cape Province. A multigenerational and multilingual team of South African and foreign national researchers, primarily educated in the social and human sciences engaged local coastal participants on the cultural and social meaning of the sea for them, their memories of the sea, their uses of the sea and coast and what it would mean to them if offshore exploration drilling were to be implemented in the Exclusive Economic Zone of South Africa, or beyond it.

The Principal Investigator prepared and presented the research findings to TEEPSA and SLR Consulting to inform the analysis and assessments in the CHIAs. The key finding of the cultural heritage assessment is that while the identified receptors of tangible and intangible cultural heritage may be either moderately or highly sensitive, under normal operations and after the implementation of recommended mitigation efforts, the impacts will be low. As qualified in the document however, categorical opposition to normal operations at Block 5/6/7 can raise the residual impacts of normal operations to medium. It is strongly advised that TEEPSA undertake a rigorous communication and participation campaign prior to and during the operations period, to ensure (even if difficult), full community participation, as well as stakeholder engagement to provide information to communities so that people understand the operations process and can provide inputs. The areas researched offer sites of significant archaeology, a World Heritage site (in the Western Cape) a World Heritage Site nomination on the South Cape coast. No part of this report can be copied/transferred without citing this report.

ACRONYMS AND ABBREVIATIONS

Areas Beyond National Jurisdiction	ABNJ
Cultural Heritage Impact Assessment	CHIA
UN Convention on Biological Diversity	CBD
Exclusive Economic Zone	EEZ
Indigenous Knowledge	IK
Indigenous Knowledge Systems	IKS
Intangible Cultural Heritage	ICH
Marine Intangible Cultural Heritage	MICH
Marine Protected Areas	MPAs
National Environment Management Act	NEMA
National Environment Management Act: Integrated Coastal Management	NEMA: ICM
National Environment Management: Protected Areas Act	NEMA: PAA
National Heritage Resources Act	NHRA
National Indigenous Knowledge Systems Office	NIKSO
Polycyclic Aromatic Hydrocarbons	PAH
Small Scale Fishers	SSF
Tangible Heritage	TH
Un Convention On The Law Of The Sea	UNCLOS
Underwater Cultural Heritage	UCH
UN Convention On Elimination Of All Forms Of Discrimination Against Women	CEDAW
Un Declaration On The Rights Of Indigenous Peoples	UNDRIP
Un Office Of The High Commissioner For Human Rights	OHCHR
World Heritage Sites	WHS

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DECLARATION

I, Prof MJR Boswell, declare that –

I am not conducting any work or activity for TotalEnergies EP South Africa Block 567 or SLR Consulting other than the Cultural Heritage Impact Assessment (CHIA) presented in this document. I have prepared the document in an objective manner, even if this results in views and findings that are not favourable for the client. No part of this report may be copied/transferred/cited without reference to this report.

- I declare that there are no circumstances that may compromise my objectivity in performing such work,


- I have the required expertise in conducting the specialist report, a copy of my Curriculum Vitae (CV) is attached.

-I will comply with the relevant Heritage Legislation, the National Heritage Resources Act no. 25 of 1999, and

- I have not, and will not engage in, conflicting interests in the undertaking of the activity;

- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;

- All the particulars furnished by me in this declaration are true and correct.



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1. SCOPE OF THE WORK

Heritage is both legacy and living cultural practice. As sentient beings, humans ‘produce’ culture and cultural practices, doing so within, and in relation to socioeconomic and ecologically defined settings. In other words, cultural production does not happen in a vacuum. Human groups and individuals draw on their physical and often ecological setting to inspire and advance processes of culture ‘making’. Analysing the importance of marine intangible cultural heritage, it is stated that:

By the end of the 21st Century, it is estimated that up to 500 million people will be living at the coast, an increase of 300 million from the beginning of the Century.¹ Increasing human habitation is increasing pressure on coastal resources. Offshore exploration drilling has the potential to further impact coastal natural and ritual resource use. It is for this reason that a Cultural Heritage Impact Assessment (CHIA) has been requested by TEEPSA, in relation to proposed exploration drilling in Block 5/6/7, which may affect coastal areas from Port Nolloth in the Northern Cape to Gqeberha (Port Elizabeth) in the Eastern Cape Province.²

First however, one needs to define and chart the form and substance of heritage, especially marine and maritime heritage, forms of heritage likely to be found at the coast.

...There is a very long history of marine intangible cultural heritage through consideration of maritime heritage³ and the interdependence of tangible and intangible heritage.⁴ Heritage scholars have long interrogated the uses of heritage,⁵ noting how

¹ World Oceans Review. 2010. *Living with the Oceans: A Report on the State of the World's Oceans*. <https://worldoceanreview.com/en/wor-1/coasts/living-in-coastal-areas/#:~:text=At%20a%20rough%20estimate%20more,to%20400%20to%20500%20million>. Accessed 25/01/2020.

² The field research presented in this CHIA draws on field research on coastal cultural heritage conducted between October 2020 and May 2022. The research is partly funded by the NRF Grant UID 129962. The analyses of the cultural valuation of the oceans can be partly attributed to secondary data analysis conducted for this grant and therefore, this report is to be considered a technical, commissioned report output for this NRF Grant.

³ Wang, J. 2019. ‘A review on marine heritage study: Focusing on the relationship between community and marine heritage, the value, conservation and management of marine heritage’, *International Journal of Geoheritage and Parks* 7(3): 145-51.

⁴ Bouchenaki, M. 2003. ‘The Interdependency of the Tangible and Intangible Cultural Heritage.’ The World Heritage Convention: Future Challenges and Possible Lines of Actions European Conference, Roros, Norway, 03 -05 September 2003.

⁵ Smith, L. 2006. *The Uses of Heritage*. Routledge: London.

the poor rarely have their heritages publicly signified⁶ and the importance of recognising ICH to the pluralising of pasts.⁷ In the context of global environmental conservation, the conservation of cultural heritage is deemed critical to preserving biodiversity.⁸ Thus, conserving ICH and ultimately marine intangible cultural heritage (MICH), is not only important to cultural inclusion and the recognition of cultural rights, it is critical to the conservation of biodiversity *tout court*. In South Africa, intangible cultural heritage conservation would also be key to redressing an unequal past and to foregrounding previously discriminated against indigenous knowledge forms. South Africa... has a long palaeoanthropological coastal history and a recent history of coastal dispossession, it is critical to consider and include marine intangible cultural heritage.⁹

Marine and cultural heritage conservation also realises the UN Convention on Biological Diversity (CBD) ratified in 1992,¹⁰ which in its preamble notes that state parties remain:

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components.

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner.

⁶ Kirshenblatt-Gimblett, B. 2004. 'Intangible Heritage and the Metacultural Production of Heritage.' *Museum International*. 561/2: 52-66.

⁷ Graham, B., Ashworth, G.J. and J.E. Tunbridge, 2007. *Pluralising Pasts: Heritage, Identity and Place in Multicultural Societies*, Pluto Press: London.

⁸ Kang Shua, Y. 2019. 'Cultural Heritage Conservation and the Planet', edited by UNESCO in *Asia Conserved III – Lessons Learned from the UNESCO Asia-Pacific Awards for Cultural Heritage Conservation (2010 – 2014)*. United Nations Educational, Scientific and Cultural Organization; Southeast University Press.

⁹ Boswell, R. (Forthcoming 2022a). 'Legislating Marine Intangible Cultural Heritage in South Africa', *SA Journal of Environmental Law and Policy*.

¹⁰ United Nations Convention on Biological Diversity 1992. <https://www.cbd.int/doc/legal/cbd-en.pdf> accessed 14/04/2022

Bearing in mind the CBD and the importance of tangible and intangible cultural heritage to the development of South Africans and humankind in general, the CHIA for Block 5/6/7¹¹ summarises the research findings and discusses the tangible and intangible cultural heritage of sites from Port Nolloth in the Northern Cape Province to Gqeberha (formerly Port Elizabeth) in the Eastern Cape Province.

The CHIA report uses anthropological research methods, including fieldwork, to define the receptors, their sensitivity to specific impacts existing, cumulative observable impacts in the sites. The CHIA also provides: the methodology guiding the CHIA (as well as the consultation process undertaken while preparing the specialist report), a note on the duration, date and season of the field research, a summary of the findings, a description of assumptions made (hypotheses) and any uncertainties or gaps in knowledge identified, information regarding the sensitivity of the sites, indication of any areas to be avoided, including buffers, mitigation measures for inclusion in the EMPr. The report sets out the aims and objectives of the research, the terms of reference (ToR) for the CHIA and all the elements noted in EIA Regulation 2014 (Appendix 6), which sets out specific requirements for specialist reports.

2. LEGISLATIVE CONTEXT

2.1 The United Nations treats culture, a socio-psychological product and process, as a human right and essential element for human wellbeing. The UN Office of the High Commissioner for Human Rights (OHCHR), defends cultural diversity, stating that, ‘Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.’¹²

¹¹ See Figure 1.

¹² OHCHR, 2001. Universal Declaration on Cultural Diversity. <https://www.ohchr.org/en/instruments-mechanisms/instruments/universal-declaration-cultural-diversity#:~:text=As%20a%20source%20of%20exchange,of%20present%20and%20future%20generations>. Accessed 11/04/2022.

- 2.2 The UN CBD specifically recognises the intrinsic value of biological diversity, the role of culture in sustaining diversity and the role of state parties in sustainably managing their biological resources.
- 2.3 Furthermore, the United Nations Education and Science Council (UNESCO) advances the protection of indigenous and cultural rights via the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the recognition and protection of World Heritage, both tangible and intangible, cultural and natural.
- 2.4 South Africa is also signatory to the World Heritage Convention (1972) but not the Convention for the Safeguarding of the Intangible Cultural Heritage (ICH) (2003). In 1999, it promulgated the country's World Heritage Convention Act (49 of 1999), a law to guide the identification and nomination process for World Heritage Sites. The World Heritage Convention Act and mention of living heritage in the National Heritage Resources Act 25 of 1999, suggest that government has pledged to conserve both tangible and intangible heritage.
- 2.5 In South Africa, the expression of cultural diversity is also protected. Not only is South Africa a member of the UN, it has also adopted UNDRIP, the World Heritage Convention 1972 and the Convention on Elimination of all Forms of Discrimination against Women (CEDAW). And, as noted below:¹³

The Constitution accords both culture and religion equal recognition and protection.

Section 9(3) of the Constitution prohibits the state from unfairly discriminating against anyone on one or more grounds, including, among others, '*religion*, conscience, belief, [and] *culture*' (my italics).

Section 15(1) bestows everyone the right to 'freedom of conscience, *religion*, thought, belief and opinion' (my italics) but excludes culture.

Section 30 confers every person the right to 'use the language and to participate in the cultural life of their choice' but only to the extent consistent with the Bill of Rights. The provision excludes religion.

Section 31 entitles persons belonging to a cultural, religious or linguistic community –

- (a) to enjoy their *culture*, practise their *religion* and use their language; and
- (b) to form, join and maintain *cultural*, *religious* and linguistic associations and other organs of civil society' (my italics).

¹³ Moleya, N.I. 2018. 'Equality for all religions and cultures in the South African legal system', [https://www.derebus.org.za/equality-for-all-religions-and-cultures-in-the-south-african-legal-system/#:~:text=The%20Constitution%20accords%20both%20culture,culture'%20\(my%20italics\).](https://www.derebus.org.za/equality-for-all-religions-and-cultures-in-the-south-african-legal-system/#:~:text=The%20Constitution%20accords%20both%20culture,culture'%20(my%20italics).) Accessed 11/04/2022.

Culture also enjoys special constitutional recognition and protection by virtue of ss 211 and 212 and 181(1)(c) of the Constitution.

- 2.6 In South Africa, the recognition and protection of cultural heritage flows from the broader concern to safeguard cultural diversity, cultural expression and the natural environment.
- 2.7 In this regard, the government has promulgated the National Environment Management Act (NEMA) and the related Protected Areas Act 57 of 2003 (NEMA: PAA) and National Environmental Management: Integrated Coastal Management Act of 2008 (ICM). These Acts seek both to safeguard the country's marine ecological assets and to ensure democratic and public participation in the management of national, natural resources.
- 2.8 Heritage is equally deemed worthy of protection. In this regard, the South African government has the National Heritage Resources Act 25 of 1999 (NHRA), via which it regularly nominates, inscribes, seeks to protect and safeguard national, regional and provincial heritages, as well as living heritages.
- 2.9 The South African Heritage Resources Agency (SAHRA) is established in terms of NHRA and is the implementing agency of the Department of Arts and Culture. The mandate of SAHRA is to identify, conserve, protect and promote heritage resources for present and future generations.
- 2.10 The National Heritage Council (NHC) is established under the National Heritage Council Act 11 of 1999. The NHC is focused on ICH protection.
- 2.11 While NHRA attends mostly to the management of tangible heritage (TH) (monuments, sites and artefacts), it also seeks to protect Intangible Cultural Heritage (ICH), via the provisions set for Living Heritage.
- 2.12 NEMA, NEMA: PAA, ICM and NHRA collectively seek to safeguard the integrated coastal cultural and natural heritage of South Africa, as well as local, democratic participation in processes of coastal management.
- 2.13 NHRA recognises that ordinary South Africans are also custodians of heritage and that heritage management should occur in tandem with local communities and traditional leaders.

Specifically, and in the section considering heritage resources, NHRA notes that,

5(1) (a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival; (b) every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans; (c) heritage resources have the capacity to promote

reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and (d) heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

And,

(7) The identification, assessment and management of the heritage resources of South Africa must— (a) take account of all relevant cultural values and indigenous knowledge systems; (b) take account of material or cultural heritage value and involve the least possible alteration or loss of it; (c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs; (d) contribute to social and economic development; (e) safeguard the options of present and future generations; and (f) be fully researched, documented and recorded.

2.14 The principles and goals of NHRA are further supported in the Protection, Promotion, Development and Management of Indigenous Knowledge Act 6 of 2019. The Indigenous Knowledge Act serves to assert the human dignity of South Africans, the restoration of indigenous knowledge forms and to educate the public about indigenous knowledge.

2.15 Via the National Indigenous Knowledge Systems Office (NIKSO), government seeks to identify skilled indigenous knowledge practitioners, as well as indigenous knowledge forms to conserve, promote and develop. IKS (Indigenous Knowledge Systems) and IK (Indigenous Knowledge) form a key part of cultural heritage in South Africa, since both were suppressed and marginalised under colonial and apartheid rule.

2.16 A further consideration in this report is that South Africa is party to the UNESCO Convention on the Protection of Underwater Cultural Heritage promulgated in 2001 (UCH Convention). In this regard, the government is tasked to identify, conserve, nominate and safeguard both TH and ICH that is underwater. And, as noted in this report, ancestral veneration is important to both First Peoples¹⁴ and indigenes in South Africa. Ancestral veneration forms part of both the tangible and intangible underwater cultural heritage in South Africa's EEZ. Furthermore, the remnants of TH in the form of shipwrecks and other tangible artefacts associated with shipping vessels older than 60 years, also form part of South Africa's TH. UCH, ICH and TH are managed and conserved by the South African Heritage Resources Agency (SAHRA) and it is only SAHRA that can issue the necessary permits for the removal, alteration and modification of tangible cultural heritages in the national sphere.

¹⁴ Here I refer to the Khoisan peoples of South Africa.

- 2.17 Beyond the EEZ, the UN Convention on the Law of the Sea (UNCLOS) applies. In October 2002, the South African government began its Extended Continental Shelf Project, in which the Minister of Minerals and Energy directed the Petroleum Agency of South Africa (PASA) to determine the possibility of extending the country's continental shelf beyond the EEZ. The outcome of this application is pending. Areas Beyond National Jurisdiction (ABNJ) (i.e., areas beyond the 200 nautical mile mark) form part of the Common Heritage of Humankind.
- 2.18 Last, heritage is not merely in the past. It is also in the future. That is, where one finds areas of potential heritage interest (such as in the Western Cape Province with its long history of slave and indentured maritime history), there is possibility of discoverable cultural heritage. Developers on land are often required to ensure the presence of archaeologists when land is being excavated for development purposes. At sea, a similar arrangement may be necessary, since it is not clear yet, what might be found that is of archaeological, maritime or cultural heritage interest and value, either within the EEZ or in the ABNJ.
- 2.19 The report acknowledges the cultural diversity of South African society, the geographical mobility of the population, current and potential future considerations of the oceans and coasts in cultural terms as well as legislation that guides and informs heritage management in the country.

3. APPROACH TO THE STUDY

3.1 Aim and Objectives

- 3.1.1 Considering the legislative and sociocultural context noted in the proposal submitted to TEEPSA, the aims of the Cultural Heritage Assessment (CHIA) are to:
- 3.1.2 Engage with the key stakeholder communities within the indirect area of influence to establish the cultural, spiritual and/or religious significance of the ocean and coast to local communities and,
- 3.1.3 Assess the potential impacts of normal operations and unplanned events on cultural, spiritual, or religious practices – especially as these pertain to tangible and intangible cultural heritage

- 3.1.4 Identify practicable mitigation measures to reduce any negative impacts on tangible/intangible cultural heritage
- 3.1.5 Produce a CHIA that includes information regarding the potential cumulative impacts.
- 3.1.6 The above-noted objectives are selected so that the research team can show how the proposed project could affect or hinder communities' cultural and intangible cultural heritage or users of the ocean. Relatedly, the objectives of the CHIA are to:
 - 3.1.6.1 Conduct primary anthropological research in the stated communities within the indirect area of influence¹⁵ to describe, discuss and analyse the receiving environment, specifically key stakeholders' intangible cultural heritage and the prevalence/frequency/commonality of cultural and spiritual reliance on the sea. A list of the selected sites, information regarding the profile of the communities and protocols for engagement are noted in this report. The cultural heritage to be assessed includes the heritages of indigenous, autochthonous and recently settled peoples, their spiritual and religious uses of/connections to the sea and coast and their cultural valuation of these assets utilise both primary and secondary data collected to assess the potential impacts of both normal operations and unplanned events on the stated variables (culture, spiritual aspects and religion).
 - 3.1.6.2 Utilise both primary and secondary data collected as well as the other specialist mitigation, to identify mitigation measures to avoid where possible or reduce potential negative impacts on aspects of culture and spiritual/religious uses of the sea and coast.
 - 3.1.6.3 Assess Xhosa and/or indigenous and autochthonous ancestral beliefs and ritual practices regarding coastal and deep ocean significance. This includes Khoisan (First Peoples) cultural relations with the sea and coast.
 - 3.1.6.4 ICH of settler groups (English/Portuguese/other European descendants) and coastal ICH indicated by Afrikaans speaking peoples.
 - 3.1.6.5 Gender and generational dimensions of ICH at the coast in the selected sites.

¹⁵ It is important to note that these areas are also the prime research sites for the PI's NRF funded research in South Africa and therefore, research questions asked in respect of the CHIA are the same questions that are asked in the approved project.

3.2 Terms of Reference

The terms of reference, as derived from SLR Consulting are as follows:

- 3.2.1 Describe the receiving environment and baseline conditions that exist in the study area and identify any sensitive areas that will need special consideration.
- 3.2.2 Review the Scoping Comments and Responses Report to ensure that all relevant issues and concerns relevant to fields of expertise are addressed.
- 3.2.3 Where applicable, identify and assess potential impacts of the proposed project activities and infrastructure following the impact assessment methodology (noted in Point 4), including describing any associated cumulative impacts (qualitative assessment, to the extent that this is feasible).
- 3.2.4 Describe the legal, permit, policy and planning requirements.
- 3.2.5 Identify areas where issues could combine or interact with issues likely to be covered by other specialists, resulting in aggravated or enhanced impacts.
- 3.2.6 Indicate the reliability of information utilised in the assessment of impacts as well as any constraints to which the assessment is subject (e.g. any areas of insufficient information or uncertainty).
- 3.2.7 Where necessary consider the precautionary principle in the assessment of impacts.
- 3.2.8 Identify management and mitigation actions using the Mitigation Hierarchy by recommending actions in order of sequential priority. Avoid first, then reduce/minimise, then rectify and then lastly offset
- 3.2.9 Identify alternatives that could avoid or minimise impacts.
- 3.2.10 Determine significance thresholds for limits of acceptable change, where applicable.

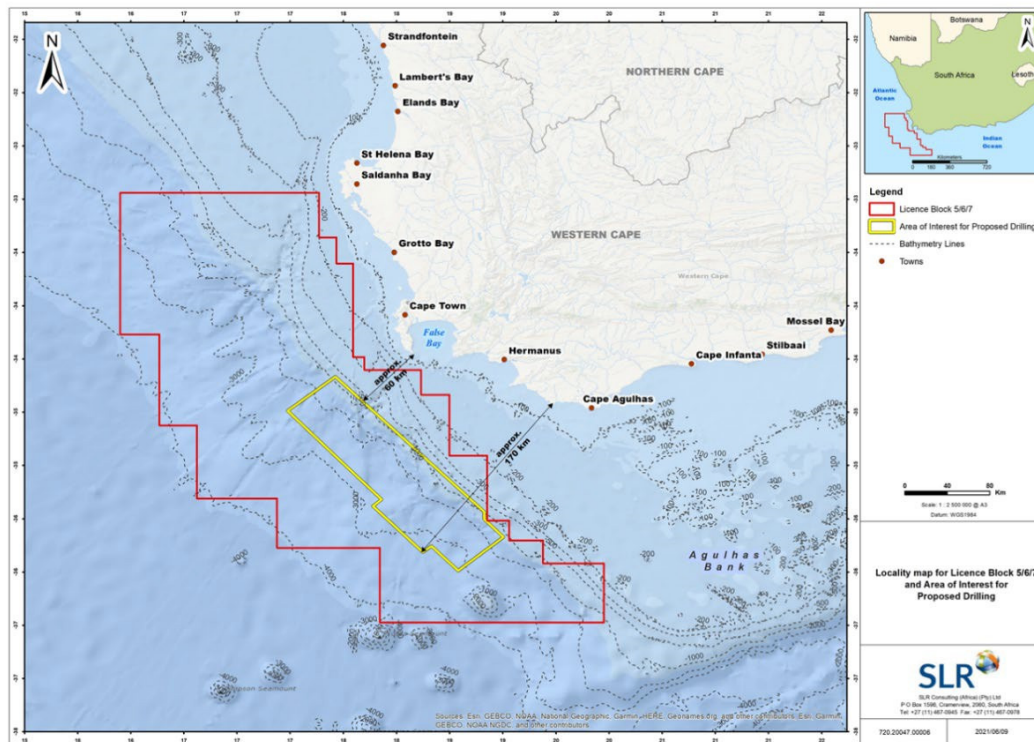


Figure 1 License Block 5/6/7

Source: SLR Consulting

4. SITES, RESEARCH METHODS, LIMITATIONS AND INFORMATION GAPS

4.1 Research Sites and Methods

- 4.1.2 The CHIA considers and respects the principles noted in both NHRA and the Indigenous Knowledge Act as noted in the section on the Legislative Context. It offers an as comprehensive as possible overview of key research findings on human cultural connection with the ocean and coasts in South Africa. Drawing on selected sites, a multidisciplinary team of qualitative researchers collected qualitative data on coastal cultural heritage from October 2020 to May 2022. The findings draw on primary data (collected since 2020) and secondary data (from 1994 to the present), regarding the spiritual/cultural/religious uses of the sea and coast. In this regard the research conducted and analysed is holistic and inclusive.
- 4.1.3 The sites investigated are geographically, climactically, socially and culturally diverse. Ecology, climate and geology appear to affect socioeconomic and sociocultural activity and interests, in each of the sites researched.
- 4.1 In each site, a more or less equal number of women and men were interviewed. The majority of those interviewed are between the ages of 20 to 60. That is, the majority of

those interviewed could be classified as either economically active (formally or self-employed), or, that they have the potential to be economically active.

4.2 The research team interviewed a wide cross-section of South Africans and some immigrants. South Africans interviewed included the descendants of First Peoples (i.e., Khoisan descendants, which include descendants of the Korana and Griqua), as well as Nguni descended peoples, European descendants and those who still classified themselves in racial terms (i.e., white, black African, coloured or Indian). Specifically, the public participation process involved consultation with the West Coast Gouriqua Council, the Cochoqua and Guriqua peoples. In 2021, the South African Cooperative Governance and Traditional Affairs (COGTA) established the Commission on Khoi-San Matters as per the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019) (TKLA). A purpose of the Commission is to receive applications for the national recognition of Khoi-San communities and leaders and to investigate such applications and make recommendations to the Minister on possible recognition of Khoi-San communities and groups. Notice 802 of 2022, of the TKLA, indicates that application for such recognition only commenced on 30 March 2022. While the legitimacy of COGTA's request for registration of Khoi-San communities and leaders is contested (by some Khoisan people who recognize that cultural heritage and identity are political, rather than genetic or biologically determined), the situation is that presently, such groups and communities must apply for national recognition. Thus, consultations with the aforementioned groups were implemented considering the UNDRIP principle of Free, Prior, Informed Consent (FPIC), as well as the Ethics Clearance requirements for human related research at Nelson Mandela University. The latter specifically and expressly requires written informed consent for each participant involved in the research investigation. The national and legal status of leaders of the Khoi-San communities engaged is in progress (according to the TKLA) and it is acknowledged that more leaders and communities may come forth to request consultation, once they are registered with the Commission and their national status is established. Engagement with communities should be done in good faith, bearing in mind the importance of consultation and inclusion in consultation processes prior to proposed coastal development, as per South African law. Similarly, the report presented here considers the Biocultural Community Protocol (BCP) of the Guriqua Peoples in particular their and coastal peoples' cultural connections with the sea and nature. The historical distribution of these populations is noted in Figure 3.

- 4.3 The research was also generationally diverse. The team interviewed those who consider themselves to be part of a younger generation of South Africans and vice versa.
- 4.4 Interviewers were multilingual or, where a researcher did not speak the language spoken by the interviewee, a fellow team member would accompany the key researcher to conduct the interview.
- 4.5 The research team itself was generationally and ethnically diverse. The team comprised of foreign nationals, a Khoisan descendant, Sotho, Xhosa, Afrikaans as well as European descendants.
- 4.6 All team members are trained in either the humanities or social sciences research, specifically anthropology and/or sociology. The lead researcher has more than 20 years of field research experience in national and international coastal contexts.
- 4.7 The duration of the field research in 2022 was 35 days (including nights). This research is supplemented by equally rigorous fieldwork from 2020 to March 2022, in the Western Cape and Eastern Cape Provinces.
- 4.8 The research team stayed overnight in, or near the sites where field research was conducted. The aim was to ensure possibility for deep and meaningful observation of social and cultural dynamics in the selected locales. Each research day comprised of between 6 to 8 hours of individual semi-structured interviews and several focus group interviews. Thus in 2022 alone, between 210 to 280 hours of fieldwork per researcher for least 6 researchers per day (total of 1260 hours to 1680 hours). The interviews each lasted between 40 minutes to 1.5 hours. Community consultation involved selecting, accessing and confirming interviewees, the written formal consent communication, the interview and social engagement accompanying each interview.
- 4.9 The 2022 work covered the closing of the season for crayfish in the Northern and Western Cape provinces. It is however to be noted that the fieldwork period coincided with the closing season of crayfish for some fishers – the commercial crayfish season continued until June 2022 and this year was extended to August 2022. The fact that the field work coincided with the onset of the snoek season is also important. The latter may have impacted on the availability of the fishers for interviews. The selected field dates did however, permit an understanding of the impact of the quota system on SSF, as well as both summer and winter cultural relations that coastal communities cultivate with the sea and coast. Information regarding the season variable is noted under the section dealing with normal operations impacts and mitigation measures are recommended.

- 4.10 The present and accepted approach in anthropological fieldwork is that all engagement with local communities is respectful, culturally aware, ethically informed, politically conscious and seeks to do no harm to local communities. The research approach is also self-reflexive, meaning that researchers must reflect and debrief with research partners, their impact on the research process and how they might improve their research praxis in the future.
- 4.11 The research included a diversity of stakeholders, from the descendants of indigenes, specifically Khoisan (Nama and Griqua descendants), as well as those who still define themselves in racial terms in South Africa (Coloureds, whites, Black African and Indian). The research also included interviews with participants and observations in coastal locales, where relevant activities are taking place, such as swimming, surfing, kite surfing, sailing and beach walking; and where there were local businesses and effort to leverage subsistence from the sea (i.e., fishing). The research conducted was also generational and gender defined, and it included immigrants.
- 4.12 Analysis of the data involved consultation of a wide range of secondary sources, such as: archaeological studies and publications detailing tangible heritage at the coast, historical and research studies on Khoisan and Nguni beliefs and ritual practices, research dissertations on the sociocultural and ecological aspects of the sites where fieldwork was conducted, State of the Bay reports, reports regarding national government issuance of fishing quotas and licences, as well as the impacts of these on SSF livelihood and engagement with the sea, multi-use (municipal, tourism, business) plans for the research sites, legislation and international Conventions regarding heritage and indigenous knowledge management, reports and news articles on the impacts of existing industries on the research sites, the recently produced National Coastal and Marine Spatial Biodiversity Plan (2022), MARPOL 73/78, MARPOL Annexes related to mitigation of oil pollution and recent news regarding the mobilisation of SSF.

Table 1 Overview of Field Research Sites October 2020 – May 2022, Gender and Ethnicity/Racial Percentage of Interviewees

Provinces	Sites for Primary data collection	Number and gender of interviewees	Secondary data analysis only	Ethnicity/Racial Percentage of Interviewees
Northern Cape	Port Nolloth	21 individuals (14 males & 7 females)	Alexander Bay McDougall Bay Hondeklipbaai	10% African 80% Coloured 10% White
Western Cape	Paternoster, Langebaan, Lambert's Bay, Pringle Bay, Kalk Bay, Hout Bay, St Helena's Bay, Steenberg Cove, Cape Town Waterfront, Three Anchors Bay, Mosselbay, Knysna, Camps Bay, Covie, Stillbaai, Struisbay, Betty's Bay	99 individuals (51 males & 48 female)	Velddrif	70% Coloured 20% African 10% White
Eastern Cape	Storms River Village, Cold Stream, Kranshoek, Wilderness, Eersterivier Clarkson, Thornham, Colchester, St Francis, Algoa Bay	104 individuals (78 males & 26 females)	n/a	60% African 30% Coloured 10% White

Limitations

4.13 A potential limitation of the research is that due to concerns regarding the safety of interviewers, inhabitants at the coastal edge in Mitchells' Plain and Khayelitsha were not interviewed. However, the demographic of Western Cape inhabitants was covered in the research, since the majority of those interviewed from the Northern Cape, the West Coast and in the CBD of Cape Town itself, are descendants of indigenes, or the descendants of Malay and Indian peoples who arrived in the time of colonisation. Many were also people who self-describe as Coloured.

Information Gaps

- 4.14 Knowledge gaps in the research are considered to be of medium to low significance, since the fieldwork canvassed a wide variety of stakeholders and each interview conducted was in-depth on the cultural valuation of the ocean and coast, as well as ritual activity at the coast. A challenge for the researchers however, and bearing in mind recent events regarding non-consultation of fisher communities in offshore development projects, the team approached key fisher experts and environmentalists in South Africa for advice and access to local fisher networks to facilitate engagement with this important stakeholder group. However, the request for support and network access was not provided. A comment received in this regard from one fisher expert was that such groups are ‘tired’ of consultants. The specialist also had to verbally reiterate the importance of the CHIA in preserving, protecting and advancing the rights of all South Africans to be consulted in EIAs, unfortunately in this case the experts proved to be uncooperative. In this regard the team had to engage with those fisher communities and groups that were open to being consulted for the CHIA.
- 4.15 The significance of the representation gap however is still considered to be low, given the wide consultation effected during fieldwork despite the uncooperativeness of the fisher experts noted above.
- 4.16 The significance of the time for research is low to very low since detailed information was obtained from the highly qualitative interviews conducted. The gain was in depth, rather than breadth and for the purposes of this research endeavour, the gain was satisfactory.
- 4.17 The methodology and method for the CHIA for Block 5/6/7 draws on several sources: Appendix 6 of EIA Regulations 2014 (as amended) promulgated in terms of Chapter 5 of NEMA and published in Government Notice (GN) No. 982 (as amended); TEEPSA Block 5/6/7 Scoping Report; SLR Consulting’s EIA Methodology (which defines the criteria for assessment, as well as descriptors for the sensitivity and magnitude of impact ratings) and the national government documents on assessment of impact significance, cumulative effects and limits of acceptable change.¹⁶ The assessment protocol uses the ‘balanced’ weighting approach, which considers the cost of the impact to society, bearing in mind the values of local communities and the goals of TEEPSA. The aim is to anticipate future conditions arising from normal operations and unplanned events, as well the sociocultural results arising from such conditions.

4.18 In my professional opinion, there is ‘carrying capacity’ for any resource. Breaching this capacity can increase negative impact on natural assets used in cultural heritage practices and rituals.

Regarding indigenous coastal cultural heritage, there is complex and holistic consideration and valuation of the sea and coast. For the Khoisan (First Peoples) descendants, there is a deep connection with the coast and sea.¹⁷ The Khoisan ancestors were among the first *strandlopers* (beach walkers), and as the DSI-NRF A Rated scientist Dr Curtis Marean describes them, they were the first aquatic hunter gatherers to have established a sustainable livelihood and potential cultural relation with the sea.

¹⁶ Department of Environmental Affairs and Tourism. 2002. *Impact Significance* (Information Series 5). https://www.dffe.gov.za/sites/default/files/docs/series5_impact_significance.pdf accessed 11/04/2022; Department of Environmental Affairs and Tourism. 2004. *Cumulative Effects Assessment* (Information Series 7), https://www.dffe.gov.za/sites/default/files/docs/series7_cumulative_effects_assessment.pdf accessed 11/04/2022.

5. DESCRIPTION OF THE BASELINE: CULTURAL HERITAGE ENVIRONMENT

5.1 Definition of Cultural Heritage

- 5.1.1 ICH (Intangible Cultural Heritage) consists of the folklore, ritual practice, beliefs, symbolism, social attachment, as well as associated human sensory engagement with the coast and sea.
- 5.1.2 ICH is also found underwater, as part of the tangible heritage associated with maritime artefacts that remain on the sea floor after a shipwreck for example.
- 5.1.3 In this regard and for Block 5/6/7, there is need to consider terraqueous (territorial and watery) territories which refer to and includes inshore archaeological sites and sites of spiritual significance. These contain 'living' waters that empty out into the sea. These territories are said to be multiply influential, as they contain marine species of subsistence and ecological value, and the waters are incorporated in ritual purposes.
- 5.1.4 South Africa has several World Heritage Sites (WHS) in which the tangible natural and intangible cultural elements are recognised and valued. The government also recognises intangible cultural heritage by seeking to protect living heritage. The latter is noted in the National Heritage Resources Act 25 of 1999.
- 5.1.5 The recognition of cultural diversity protection is also evident in the SA Constitution.
- 5.1.6 ICH is diversely considered by stakeholder groups situated at the coast, in the different provinces of South Africa. The ICH maintained reflects the cultural diversity of South Africa.
- 5.1.7 ICH and TH (tangible heritage) are contested by stakeholder groups because the practices associated with both reflect the specific cultural interests and values of each group. Despite contestation however, the anthropological research

¹⁷ Boswell, R. and Thornton, J.L. (2021a). 'Including the Khoisan for a more Inclusive Blue Economy', *Journal of the Indian Ocean Region* 17 (2) 141-60.

(henceforth referred to as the ‘research’) revealed that there are shared and often converging values regarding the conservation of the ocean and coasts.

- 5.1.8 ICH is recognized by the First Peoples of South Africa, the various groups defined within the Khoisan collective. This includes for example, the Nama, Griqua/Guriqua and Korana peoples. It is also expressed by Nguni descendants, as well as the descendant groups of Europeans in the country.

5.2 Location of Coastal Tangible and Intangible Cultural Heritages

- 5.2.1 The research found that ICH related to the coast and sea overlaps with immigrant (specifically southern African and Central African) beliefs and ritual practices at the coast.
- 5.2.2 The research also revealed that coastal and oceanic ICH is holistic. It includes a variety of waterways that ultimately lead to the sea, these include: streams, rivers, pools, lakes and estuaries. These waterways are described as ‘living’ waters and are believed to play a critical role in spiritual and health management in indigenous (First Peoples and Nguni) groups specifically.
- 5.2.3 The specific beliefs concerning these ‘living’ waters can be summarized as follows:
- 5.2.3.1 That the waters contain the ancestral spirits of the cultural communities noted
 - 5.2.3.2 That the waters offer a spiritual domain to which people in the present realm can travel to (intentionally or otherwise) and from which they can return if the correct ritual activities are performed to ensure safe return.
 - 5.2.3.3 That while the lesser waterways such as streams, rivers and pools may contain a community’s specific ancestral spirits, the ocean itself contains the ancestral spirits of the African continent and arguably the ancestral spirits of all humanity.
 - 5.2.3.4 That the ancestral spirits in the ocean reside on the seabed or seafloor
 - 5.2.3.5 That indigenous peoples (both Nguni descendants and Khoisan peoples [now also described as First Peoples] that engage in cultural rituals at the coast) should always approach the sea and coast, as well as lesser waterways with reverence and sometimes, fear.
 - 5.2.3.6 That belief in the ancestral world and the place of ancestors in waterways and other ecologically sacred places does not require a relinquishing of

belief in an omnipresent God. The ancestors form part of a complex genealogy of which God is the head.

5.2.3.7 That regular, consistent and frequent interaction take place with the coast and sea in order to secure the guidance and benevolence of ancestors, as well as spirits that reside in such living waters.

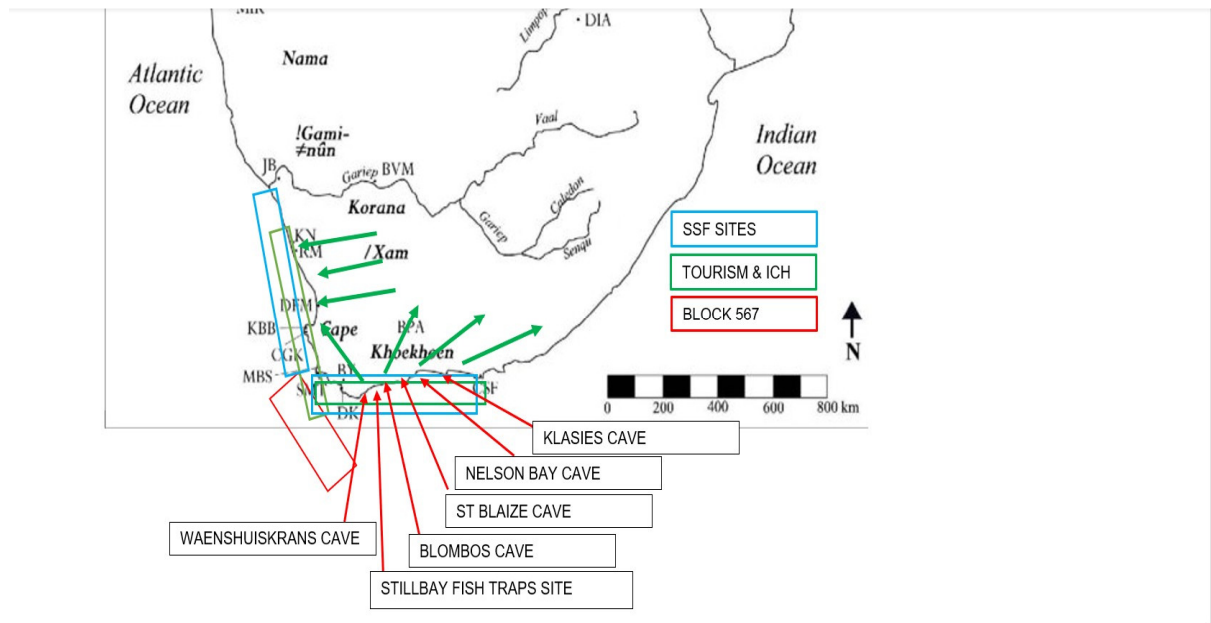


Figure 2 Map of the Northern Cape Coast, West Coast and southern Cape Coast of South Africa indicating sites of archaeological importance (abbreviated letters in capitals), coastal caves and mega-midden sites of cultural value in the southern Cape.

Original Map Source: Mitchell, P. 2014. 'The canine connection II: Dogs and southern African herders', *Southern African Humanities* 26: 10-19. https://www.researchgate.net/publication/287614904_The_canine_connection_II_Dogs_and_southern_African_herders accessed 05/04/2022

5.3 Summary of Research Findings

- 5.3.1 The coastline considered part of the area of indirect influence for Block 5/6/7 has rich coastal intangible cultural heritage as well as archaeological (tangible) heritage. These heritages are evident from the West Coast of the Western Cape Province, the south Cape Coast and the Eastern Cape Coast up to St Francis Bay. These heritages were noted and discussed by participants during fieldwork from October 2020 to November 2021¹⁸ and again from March to May 2022. SSF and SSF families displayed high regard of the sea as well their spiritual and cultural connection with the ocean. The team also found First Peoples' revivals of identity and re-membering of coastal ICH through recently discovered caves, fish trap sites (Stillbaai) and shell middens. These stories revealed the cultural and ecological sensitivity of these coastlines, as well as their cultural value. MPA studies, the reliance of SSF families on these coastlines for subsistence, the role of the coastline in fish spawning, as well as studies of aquatic biodiversity further reveal the intangible cultural heritage of the sites.¹⁹
- 5.3.2 In our research, we also analysed secondary data to ascertain the archaeological and tangible cultural heritage at the coast. We found that, in Namaqualand (and therefore some of the Northern Cape towns selected for the fieldwork presented here), there are rich coastal and inland archaeological sites, which may be both of regional and national value. Demset (1996, 13-14) explains that Port Nolloth, Alexander Bay and the Namib desert of which these and nearby towns are a part, are geologically and archaeologically significant. The pre-human (geological) history of the area reveals that:
- The regional geology of the Namaqualand coast consists of Precambrian rock overlain by Cainozoic to recent sediments. The creation of the coastal belt as a

¹⁸ During which more than 100 detailed interviews were conducted for NRF funded research.

¹⁹ Muhl, E-K. and Sowman, M. 2020. 'Rights, Resources, Rezoning and the Challenges of Governance in South Africa's Oldest Marine Protected Area', *Conservation & Society* 18(4): 366-77. Muhl, E-K. nd. 'Tsitsikamma, South Africa: Food security and livelihood threats to fishers bordering the Tsitsikamma Marine Protected Area', <https://www.communityconservation.net/tsitsikamma-south-africa/> accessed 22/02/2021.

physiographic region dates back to the formation of the narrow coastal tract between the South Atlantic Ocean and the Great Escarpment following the break-up of west Gondwana (Africa and South America) some 127 million years (Myr) ago ... This development was paralleled by the creation of the Great Escarpment through head ward erosion by the ocean... In addition, a major marine regression of over 600 m in the Late Cretaceous (70 to 65 Myr BP) affected the continental margin in not only producing unconformities in deposits of the period but more importantly, by exposing the coastal plain... By the close of the Cretaceous period (65 Myr), the continent had attained its present outline and what we see today as the Namaqualand coastal plain was then the newly formed base level of oceanic erosion or developing continental shelf.²⁰

- 5.3.3 Secondary data analysis also revealed a similarly rich tangible (and archaeological) coastal heritage along the West Coast of the country and in the south Cape Coast.
- 5.3.4 Indigenes' complex and holistic consideration and valuation of the sea and coast presents a different 'use' metric and valuation of the sea and coast. The ocean is not merely an asset, *it is a living organism and integral part of the global ecological system*. For these communities, the whole ocean forms part of a cultural complex in which ancestral permission/blessing must be obtained for any development to take place. In this regard, the people interviewed consider the whole ocean to be highly sensitive regardless of industrial or other activities happening inshore.
- 5.3.5 In our research and engaging with people of Khoisan ancestry, we found that, regarding ICH specifically, the are deep First Peoples' relations with the sea and nature. For the First Peoples or Khoisan, humans live in a symbiotic and holistic relationship with the sea. This is a relationship that must be conserved, and it is key to the full development of persons who are part of a larger, critically balanced ecosystem. Khoisan and Nguni peoples regularly and consistently engage with the ocean and nature, drawing on fynbos and coastal plants for healing and using the sea to commune with the ancestral world. For the Xhosa

²⁰ Desmet, P.G. 1996. 'The vegetation and restoration potential of the coastal belt between Port Nolloth and Alexander Bay, Namaqualand, South Africa', MSc Botany, University of Cape Town. Accessed 02/03/2022.

in particular the ocean seabed is the final resting place of ancient ancestors and there is belief (even among Zimbabwean immigrants) that the sea is living water and has the possibility of healing many physical and spiritual ailments. Under apartheid, many West Coast peoples were categorised as Coloured. This denied them expression of their Khoisan and other ancestries. Since 1994, the Khoisan revival has seen many Coloureds taking the 'liberation walk', to reconnect with their Khoi ancestry and the spirit world denied to them in Christianity and under apartheid. The majority population in the Northern Cape and Western Cape, defined as Coloured and African Black (under apartheid), were found to believe in, and or having engaged in ritual activity that expresses a deep relationship with the ancestral world. For these communities, ancestors exist, and they may express their presence in a person's daily life or be accessed via ritual processes at the seashore and/or at the edge of flowing rivers, waterfalls, streams, and estuaries. Hence the environmental conservation of all these flowing waters is critical in the maintenance of beliefs and ritual practice.

5.3.6 While ethnographic research reveals that on land, it is possible for community members to clearly identify sacred sites and their boundaries, for example, a particular stream or river may be used more than another for ritual communication with the ancestors – at sea this is more difficult as the ocean is perceived as a 'repository' for many generations of souls.

5.3.7 Secondary data analysis reveals a wealth of ancient shell middens (seashell sites) and caves with ancient rock art (produced by the First Peoples) in the northern cape and along the West Coast of South Africa, specifically in the area of Paternoster and St-Helena Bay. The location of these sites can easily be found and are geographically referenced in GIS. There are inshore sites of archaeological and tangible heritage significance, recently (February 2022) nominated by the South African government for World Heritage consideration. Even those sites not nominated for either

national or World Heritage status are considered to be valuable and worthy of conservation, as noted in the principles set out in Section 5 of NHRA.

- 5.3.8 Our secondary data analysis revealed the archaeological significance of the northern cape coast and the West Coast of the country. Orton, Hart and Halkett (2005) discuss the proliferation for example, of shell middens in the areas of Kleinsee, Hondeklipbaai and further down the West Coast to Langebaan. The middens offer evidence of early coastal human occupation and thus, the (archaeological) tangible cultural heritage of South Africa.
- 5.3.9 Inshore and archaeologically significant sites are also connected to coastal cultural heritages, since some rock art in these sites express the coastal activity of aquatic hunter gatherers, showing that historically, Khoisan peoples moved between inland sites and coastal sites. The sites are directly on the shore (See Figure 2) and experience to varying degrees, various existing impacts (property development, urban regeneration). The archaeological sites cannot be dismissed as mere expression of past relationships in specific ecological niches. For, the research found that present day Khoisan descendants are recently and currently re-membering and re-establishing connection with this history and are reviving pilgrimages to the sea to reconnect with histories suppressed under colonial and apartheid rule.
- 5.3.10 Relatedly, the indigenous peoples of South Africa, who are considered Nguni descendants (i.e., Xhosa peoples), have both historical and contemporary coastal cultural heritage. As explained next, they believe that living waterways house ancestral spirits and that regular and sustained communion with such spirits and the ecological spaces noted, nourish and support benevolent relationships with the ancestral world. The ancestors are consulted for a diversity of reasons, such as explanation of ill health, a venture to be undertaken, for significant life cycle rituals (birth, marriage and circumcision for instance).
- 5.3.11 In our interview with two healer-diviners in the Eastern Cape Province, we learned the deep, spiritual, ancestral, intangible cultural

heritage connection of the Nguni peoples to the sea and coast. Thabo, a healer-diviner told us:

...I have 15 years *ndigodusiwe*, that is, since I was ‘taken home’ (into the ancestral world) as a traditional healer. I help...people with *Umoya* (spiritual calling). Even when someone is poisoned by black poison [black magic], I help them. I also help people *Ndiyafukamisa* (ritual with people at the ocean) or even at the river.

The rules of being *iqgrirha uyafukamisa zonke ezindawo* (ritual involving healing with the ocean) happens because we believe in ancestors. In traditional healing, we have people who are *from the ocean* and people who *from the water/river*. It is important then that when we go to ocean, we go there are pray and ask the ancestors for help.

There are also medicines at the ocean (*amafutha enje*) and when we go there have things that we go off to the ancestors and we don’t just take things from the ocean without giving back to them. *Ulwandle nalo luyafukenyele*, you could stay there for a week and *listen to the noise the ocean makes*. Sometimes, someone could have strange noises in their ears and not hear and we say that person must go and *experience the noise of the ocean*. Sound can open the ears, or even pouring the [sea] water into the ears will have the effect of opening the ears. Sometimes even when someone has a stomach-ache or has been poisoned, you can give them ocean water and that will clean that poison out. That’s why we work with the ocean and the water because that water can help us in healing people.

There are medicines out there...Unfortunately we can’t reach those medicines now because of the new laws [the creation of the Marine Protected Area at Tsitsikamma] that are now in place that says we can’t go there [to the sea]... there are lots of medicines that found on the ocean bed and by the ocean.

It has been a very long time [since we had access to the sea] and it's not easy to gain access. There are rangers who guard/monitor people. And if you go there, you have to go there with permits... but people are still getting sick and people are still in a lot of trouble.

Even if you have a permit here or if you don't have a permit, it is still hard here. The permits for traditional healers are only arriving now (a new development) and they ways to close us off from access...in the past we use to believe in ancestors, we never believed in papers and permits.

5.3.12 Thandi, another healer-diviner from the Eastern Cape Province revealed the Nguni peoples' intangible cultural heritage of the coast, she said:

[My spiritual belief does not] restrict us to the sea [we can go to] the dams, the rivers and so on and so forth where you would go and have an intimate conversation with your ancestors. You would go and ask for healing. You would go and ask for numerous or series of factors that would be part of your journey in terms of spirituality...We can take it from the rivers straight to where the rivers actually flowing to the sea, but the procedure is the same.

So, in terms of water, I believe that you may know that life began at water and that's where we then go and have these talks with spirits and with our forefathers. We may ask for whatever that we would ask in terms of having to live, to heal. If its darkness, that's overshadowing us, we may ask for that darkness to be removed. A whole lot of people are so scared to be part of this journey... There are complicated scenarios but it's not really complex, cause you're dealing with ancestors, people who are closer to God. If you are a spiritual healer, there's no way that you would totally discard God out of the picture because God is the creation of everything. Even the ancestors are created by God but it's just that we praise God in various ways. So, God is the umbrella of all things and then the ancestors. So, *water then plays that pivotal role in terms of cleansing*... you're getting onto a different stage now where you need to be pure. [Ancestors are] people that are protecting you are elderly people that are pure, pure spirits. It's people that are not dealing with *umuthi* ...we are *amagqirha* [healer-diviners]. I'm actually *Igqirha*... *Igqirha* doesn't deal with bad *umuthi*, *Igqirha* is someone who is actually giving healing, someone who is actually cleansing, someone who is communicating to ancestors in terms of having to give healing to whoever seeks help. So, what that *amagqirha* would use for cleansing, for ensuring that you are getting into a point whereby you get to be linked to your ancestors and you have to respect what's in water.

There's diet that you need to follow, there's certain things that you need to discard totally out of your life because you are dealing with water. Water is pure, you are dealing with water. So that's the first part, let us not just take it to the ocean because a river also plays a very important role in terms of that and there are certain stages that one has got to follow as *Igqirha* when you go through that process or channel which is then stages what we call *imfukamo*. As *Igqirha* you'd have to go and stay by the river and have your heart over there...you'd actually see them in such a symbolic manner where you would probably have a wild animal that would probably come ...or a bird or even by the river you'd see some sea-lion, something that is totally unique.

Personally, I would hallucinate, or I would have these visions or I would dream of someone saying to me "we need to meet", elderly person, or just perhaps a kid because some of those ancestors died when they were young. "I'd want to see you by the river" or "I'd want to see you by the beach" and they would just show you the spot, it wouldn't be the spot that you'd go to but they'd show you the design or the layout of the place that they would want to see you. And definitely you'd drive or you'd walk and be in that field and for sure ... it would be [as if] you were in the river, you would have birds flying around showing that they're there for you, you'd have birds crossing the river. You would have dolphins just swimming around and sharks and so on and so forth. It just shows that they're there for you. You'd feel the atmosphere around you, the background and the presence and then you would address and say whatever you want to say. *If they want you to go cleanse yourself, they'd actually tell you that you must actually go cleanse yourself at the sea.*

5.3.13 Thus, living waters (rivers, streams, pools, lakes, estuaries and seas) should be kept pristine for ease of and successful communication with the ancestors. Indigenous peoples (and some of those defined as Coloured under the apartheid regime), also imbibe sea water, as part of a complex set of ritual practices that facilitate contact with the ancestral world. Thus estuaries, rivers and streams fed by oceanic waters are sites as well. These are cultural and sacred landscapes and their waters (as well as seawater) are used for ritual purposes.

5.3.14 European descendants in the research sites also cultivate a cultural relationship with ocean and coast. While the majority of responses focused on leisure pursuits at the coast, interviews on these subjects revealed that coastal sporting/leisure activities had become ICH for these communities, since the activities contained strong cultural elements (i.e., social grouping, ritual practices, commensality, unique identity, shared histories) and that these were practiced on a regular and continuing basis. Interviewing a woman in Kalk Bay, who said:

I don't fish. I swim a lot. I, I definitely swim in the ocean a lot. I find myself looking at waves a lot. I can stand on the beach, like Noordhoek or whatever, and like watch wave after wave, after wave coming in. And I think it's something to do with. Curling motion. And I've always been interested in that curling motion because of the mathematics of it, and also just heart resonates and brings energy into the world. I think they call it the golden ratio and it's in every shell it's, you know, so that's what I love. So the other relationship I have here to the ocean is I definitely I'm here because of the harbour very much so, because it's an old fishing harbour that's been here for a long, long time. And the coloured community has also never been removed from here. And they've always had this relationship to the sea and it hasn't really turned commercial. I mean, it's a lot busier than it used to be. I really like being able to sort of walk down to the harbour and buy like a yellow tail from the boat and come back and cook it. And I try to sort of shop like that in general. Like I don't like going to big stores and things.

I think I'm getting like, this connection to that source with that energy in it [the sea], as opposed to it being packaged and shipped all over the place. It's, it's, it's more wholesome. And, um, you cutting out all the, yeah the big, big brands that I don't want to be supporting because I feel they aren't supporting the sustainable way of living in and being. So, I actually don't eat that much seafood myself. I eat mainly Yellowtail and snoek and tuna. I've been eating some mussels and we pick them off the rocks. So just the connection to the, to the source. Basically, even if I don't really, I used to be a vegetarian and I don't eat much meat now, but I do eat a little bit of meat, but then I'll try it.

Yeah. I've always been fascinated by the golden ratio, not just because of the waves and the ocean and because it's an everything, I'm also a masseuse. And I've, I was thinking about it a while back and well, years back. And then I do think about it a lot. It's just even just that circular motion, it brings it's energizing because it's got that. Energy in it. I don't know how else to put it, which is all inclusive and connecting everything. I believe, all the whole world is a living, breathing sentient thing, and we're in the middle of it where we're part of it. Yeah. That's what I believe. *I believe the ocean is a living breathing thing and it's very much connected to the womb. It's connected to the moon, the feminine part of the feminine part of humans. Influenced by that connected to it. It's just, I believe the way it is.*

It's also the feeling of being in this grand, like vastness and being in amongst that sort of, it's like this feeling of being huge and very small at the same time. And, and that like beautiful silence. That's just very, very calming. And it's just, I find often when you feel like rattled or whatever, like annoyed or some or something negative or whatever. And you dive into the ocean. I mean, I think that's what, like baptism is in all of that. It's, that's the sort of like washing it off and the ocean. Yeah. It's definitely like something like, that's the feeling I get when you jump into the ocean and you play in the waves. Like I used to do this a lot *when it was wild*, you just sort of. Allow yourself to be like, I don't know, not, not to try and resist anything or swim in a certain way or whatever. You just sort of play with how it's coming. I like doing that. Yeah. Really interacting with it.

5.3.15 Our research also revealed the role of the sea and leisure at the sea as an important deterrent against substance abuse and crime. One man interviewed in Kranshoek, Plettenberg Bay, said to us: 'Ol' pal, how can I bring it across? [The ocean] can help alleviate some of these issues of ours. How can I bring it across? We may be able to get a little vehicle to ferry people to the beach. You can bring R5 or so. We can go to the dam where we are able to swim. It will help take the children's attention off *Tik* (drug). You know *Tik* plays a major role in our lives all over the land no matter where one is from'.

5.3.16 Others told of the healing and rejuvenating power of the sea and the reasons why they swim and go into the sea for health. One man from the Eastern Cape Province, near Tsitsikamma, said,

‘I did not believe it until I discovered it. You’re drinking this litre to clean your stomach. The ocean cleanses you and many days... You have ride over the water (*referring to illness*), so the sea spits you out again and it doesn’t spit you out where you fell, it spits you out in a different place. But when it comes to sicknesses, you can drink the water to clean yourself on the inside. You don’t have to go to town, just fetch a litre of water and drink it and then you’re cleaning your body on the inside and then you’re fresh.

Oh brother, the waves (short silence). With a fish, once there’s a pull and you start pulling your pole and you feel the pull of the fish, *that is like heaven*. Oh brother, let me tell you something. If I just feel that breeze in the morning, that inhalation, then you feel human. If I’ve had a drink at night and go swimming the next morning, then I’m like a fresh buck that jumps all day. I always told my father when he was alive, my sick dad, ‘daddy take me to the beach.’ Then I would’ve had some alcohol the previous night and he would complain that I shouldn’t drink. I would take a quick swim and I’d be like a buck for the rest of the day. But one thing, the ocean tires you. You could be active all day and tonight you’ll be fast asleep’.

5.3.17 Secondary data analysis also revealed the significance of the ocean itself and the seabed to ICH. In the forcible transfer of African slaves to the Cape, as well as to the Americas (across the Atlantic), there were many shipwrecks and drownings. In the case of South Africa, in 2015, the remains of the vessel, Sao Jose, which was on its way to the colonies of Brazil in 1794, were found off the coast of Camps Bay, an area adjacent to Block 5/6/7. While Camps Bay itself is an area of high economic value, its colony of rare African Penguins and its status as a site of outstanding natural beauty, the slave vessel remains salvaged there, now form an integral part of the slave cultural history of South Africa. It is possible for instance, that similar underwater cultural heritages may be found, if not in the EEZ but certainly beyond it. These historical sites are continuously being recovered. They are therefore important to be considered in the CHIA.

5.3.18 The research also revealed the role of other stakeholder groups in recognising and protecting coastal cultural heritage. These groups included municipalities and property developers who focus on the unique features of coastal towns (Tangible and Intangible cultural heritage) and leverage these features for infrastructure development and investment respectively. For instance, we found that, the Western Cape government has produced a series of feasibility studies in 2021,²¹ including a World Heritage Site (WHS) socioeconomic study. The study has been commissioned:

... under part 3(h) of schedule 1033 of the South African World Heritage Convention Act No. 49 of 1999 (SAWHCA) Format and Procedure for The Nomination of World Heritage Sites in The Republic of South Africa. The general purpose of the Study is to identify the possible socio-economic and tourism benefits to the local community derived from the declaration of the serial nomination as World Heritage Site. More specifically, the Study should determine the potential community benefits to be derived from the serial nomination; the projected jobs to be created, as a direct and indirect result of the nomination; potential funding sources, present and future, to support the programmes at the World Heritage Site and the sustainability thereof.

5.3.17 In the Socioeconomic study, there are archaeologically significant sites noted (and therefore mixed tangible/intangible cultural heritage sites) worthy of world heritage status. In February 2022, the South African government approved the nomination of these sites for World Heritage consideration, as well as four other sites (including sites in the southern cape coast and in Kwazulu-Natal). The South African cabinet noted that the nominated sites ‘collectively contribute to the understanding of the evolution of humankind and they showcase the long sequences of human occupation over tens of thousands of years with evidence dating the period of the emergence of modern humans’. The submission of the sites for nomination is said to be ‘aligned to the World Heritage Convention Act,

²¹ Western Cape Government, 2021. *Socio-Economic Study for The Proposed World Heritage Site Nomination: The Emergence Of Modern Humans: The Pleistocene Occupation Sites Of South Africa*, personal copy.

49 of 1999, which provides for countries to make these submissions as part of the global understanding of the evolution of humans.’²²

- 5.3.18 Some of the groups encountered, such as Small-scale Fishers (SSF), demonstrated greater cultural proximity to the ocean and coast. Thus, they personalised the ocean and coasts more, recognised the agency of the sea itself and the social personalities of marine life. They also more keenly noted human-ocean symbiosis, the reliance of humans on the sea not only for subsistence but for sensory experience and holistic existence. In this regard, SSF have a cultural heritage relationship with the sea. Their connection with the sea and coast is not just about subsistence or commercial use of the sea.
- 5.3.19 A further finding regards the twinning of diverse ecological niches in the coastal biome and the consequent expression of dual cultural heritages that showcase the holistic nature of coastal cultural heritage. These are forms of biocultural heritage, since they intertwine floral/faunal expressions of marine biodiversity, geological markers and human engagement with such diversity. Specifically, it was found that:
- 5.3.19.1 In Pringle Bay, Hangklip and broader Cape Town, that residents twinned the cultural heritage of the mountain with that of the sea. They spoke of the invigorating atmospheric natural heritage engendered by sea air in the coastal areas and how the mountain-sea climatic system was a holistic one leading to specific fauna and flora that formed part of the natural-cultural heritage of the coast.
- 5.3.19.2 The ecological twinning is not perceived as being directly impacted by the exploration drilling, except where greenhouse gas emissions may increase as a result of normal exploration drilling.
- 5.3.20 In Paternoster, Kalk Bay, Langebaan and St James, board and kite surfers, as well as SSF and swimmers spoke of the interplay of Earth/moon gravity and the tides, their impacts on surf swells and winds, as well as the abundance of fish. One of the kite surfers interviewed in Langebaan told us his journey into kite surfing and how that became his intangible cultural heritage:

I stayed in Langebaan now for 14 years. And as a kid, we grew up swimming in the ocean, surfing in the ocean. So, we developed a good love for the ocean and then, just as after I finished

²² Government of South Africa, 9 February 2022. ‘Statement of the Virtual Cabinet Meeting of 9 February 2022’, <https://www.gov.za/speeches/statement-cabinet-meeting-9-february-2022-11-feb-2022-0000> accessed 02/04/2022.

school, started kite surfing, and then I decided to make it my job and passion as one. So, I started doing that and now I'm doing it for about five years. So, loving the life.

When were in school, we used to drive with our bicycles to school every morning, and then we'd take our little skim boards. It's a board that you throw onto flat water, and you run and jump on top of it. And we used to go after school, down to the main beach and the tide pulls up very high, so the water comes up onto the beach and you've got nice long flat water. So, we used to play as children in the water and skimming. And then we'd ride around on our bicycles and just have fun.

There's only a certain amount of waves to catch it can get quite, quite picky out there. It just rolls and sets and in between the sets you have your waiting gaps. So you have to first start in the shallow side of the water. That's where the waves are pretty small. So you can walk into the water, then you need to start paddling as the waves, getting bigger and deeper. You need to duck dive underneath the wave. So that's just to get out at the back where the proper waves are breaking. So once you get there, you sit at the back for approximately five to 15 minutes. Depends on how good the waves or how consistent they come in. And then the set. So that's a set of sometimes anything from seven to eight waves. And then as the set comes in, you have each guy, uh, claims a wave and the guy who paddles for it goes, all the guys, wait their turn. If you don't get it, turn on the wave, then you have to wait again, 15 minutes for the next set to arrive. So you have the breaking side of the wave. That's called the inside and then the open faces the outside. So the guy who's the closest towards the breaking face has right of way. So if you drop in, in front of him, then you snaking his wave. Now you can see what the whole battle for the wave maybe clashing of heads.

So, if we have really good wind, we about there, uh, anything from six to eight hours a day, teaching people how to kite surf. So it's a, it's a full day on the beach in the sun. So you have to be prepared. This is a bit of a, it's kind of a catch 22. You can't really go out for. You can go out for personal sessions, but it's normally that if there's wind, you're teaching. Um, so yeah, it will be a full down the beach.

You definitely always in the water. So, so that certain types of bacteria and stuff that is in the water can affect you. If we, if we take a knock in the tourist industry, it will heavily affect us because most of our clients are coming from outside, foreigners.

So that's when my surfing passion kicks in because in the, in the winter we have big waves and rain-storms, which pushes big swell. So, in the summer you have a wind really sunny days and clear skies, good wind. That's how we grew up on the Wild West Coast.

In winter, the water is rough. Hey, the water is cold. It's it's murky. It's not blue. Like a crystal clear it's it's it's *angry water*, so it can be quite intense, but the thrill and the adrenaline you get out of that is amazing. Yes. It's more of a majestic feeling with surfing with kiting it's it's, it's very intense. It's it's *extreme*. You have a feeling that, that you just stay like super mellow and yeah. Yeah definitely still rushing full of adrenaline. Yeah. And then after it settles you like, okay, go tired. *I've made it. I'm still alive, guys.* So, you must just live your life and enjoy every single moment while it still lasts. We've got so many, better things to do than sit inside the whole day, go outside and enjoy earth water, anything it's all out there for you to explore nature. *Everything is working from each other. The water moves with the moon's energy. When it's, when it's full moon, you've got super high tides, strong tides. So, so all of that energy works together and it can, can really influence you in a, in a strong, positive way. That is why when everyone's on the water, there's no problem. Everyone is in this amazing world where all the energy's perfect.* And we can just explore and enjoy yourself.

5.3.21 It is important that the importance of fisher cultural heritage is not diminished in consideration of tangible and intangible cultural heritage in coastal South Africa. Valuable and interesting research has been done and is being done on this subject by emerging scholars, as well as established researchers. While it is not possible to foreground the details of such heritages here (since research on such heritages is now coming to light and this report offers a holistic, integrative study of coastal cultural heritages that considers a diversity of coastal stakeholder groups), it is important to concede that fisher communities have long established cultural relations with the ocean and coast in South Africa, that this heritage is expressed in food cultures, memories of sea, patterns of sociality and seasonal livelihoods.

5.3.22 The abovenoted comments and the comment regarding SSF cultures of the sea relate the holistic and rhythmic/cyclical nature of cultural heritage expression and experience at the coast, as well as the *physics of water*, which was indicated to offer balance and wellbeing to humans.

5.3.23 The research also found that ICH was gendered and that it had a generational dimension. Women had their own ICH with the sea and coast. For women the sea was a provider of health and healing, both physical and emotional. Women routinely and ritually took to the sea for both physical and psychological healing, engaging for example, in moon-baths at high tide. Secondly, the oceans and coasts formed part of the early socialisation of boys and young men, drawing them into the coastal ecological niche as part of a locally embedded, masculine socialisation. There are gendered cultural heritage with the oceans and coast.

5.3.24 Finally, the research found that coastal cultural heritages are similarly considered by indigenous South Africans and some southern African immigrant groups. An interview with a Zimbabwean woman, as well as secondary data on southern African water rituals, revealed that southern Africans share in their veneration of the ancestors and in belief regarding ancestral worlds. They also share in belief regarding living water ‘housing’ ancestral spirits and realms. Specifically, the secondary data analysis tells of Mami Wata – a feminine goddess, who resides in rivers and at the bottom of the ocean. Belief in Mami Wata is apparent across many African countries, not just southern Africa.²³ An incarnation of Mami Wata is also said to be apparent in Yemanjá/Lemanjá, the goddess of the sea, who is revered in the African-American diaspora of Brazil, the Caribbean and the United States. Thus, heritages are not merely national or global, they are also continental and regional. Conservation of heritage therefore, may have positive implications for the restoration of African and diaspora human dignity, history and indigenous knowledge forms.

Photographs noted in Figures below, show the relationship of South Africa’s coastal peoples with the sea. The images also visually represent a brief selection of the consultation and interviews conducted.



Figure 3 Historical Map (17th- 18th Centuries) of the Cape indicating distribution of Khoi and San descended groups, such as the Namaqua, Chochoqua, Gouriqwa, Gonaqua and Damaqua peoples. The Gorinhaiqua are associated with the broader Western Cape. It is noted that mobility, colonialism and apartheid legislation would have led to the displacement of indigenes from the areas noted above.

Source: H.C. Bredekamp and O. van den Berg (eds), *A New History Atlas for South Africa* Edward Arnold Publishers 1986.

²³ Drewal, H.J., 'Mami Wata: Arts for Water Spirits in Africa and its Diasporas', https://static1.squarespace.com/static/5afcd6675f9ee58a6be4a2c/t/5b08813d0e2e72c75242443b/1527284037283/28_Mama+Wata_Selected.pdf accessed 12/04/2022.



Figure 4 Healer Diviner in Tsitsikamma tells us about the role of the sea in Xhosa belief and ritual practice, 2021.

Source: Francois du Plessis.



Figure 5 A woman from Paternoster tells us about the cultural and health contributions of the sea, the role of the sea in her physical wellbeing

Source: Laetitia Bosch.



Figure 6 Interviewing Small-scale fishers in Paternoster, April 2022

Source: Laetitia Bosch

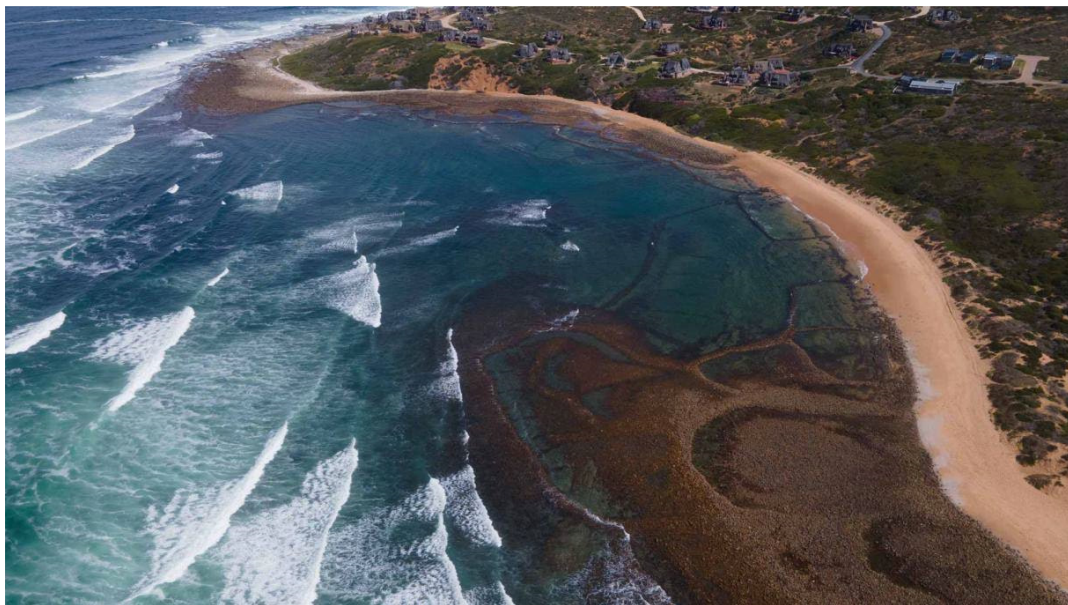


Figure 7 Fish Traps off Still Bay, April 2022. These are believed to have been created by the Khoisan and have high archaeological and tangible heritage value.



Figure 8 Interview with Cape Malay woman, Cape Town. She explains the role of the sea in Malay culture and in the food of the community

Source: Francois du Plessis



Figure 9 A Woman from Kalk Bay explains the role of the sea in holistic wellbeing and in gendered ritual practice in South Africa. April 2022.

Source: Francois du Plessis.



Figure 10 Fish cleaner woman Kalk Bay. She explained that the sea is her 'life' and she would not want to see it destroyed by oil

Source: Francois du Plessis



Figure 11 Explaining the Khoisan ritual and cultural connection with the ocean and coasts and the role of the re-membering the indigenous past

Source: Laetitia Bosch

6. ASSESSMENT FOR BLOCK 5/6/7

The following section provides an overview of the potential impact of normal operations, unplanned events and the potential cumulative impacts for proposed exploration well drilling in Block 5/6/7. Areas of indirect influence for this block stretches from Port Nolloth in the Northern Cape Province to St Francis Bay in the Eastern Cape Province. The sections below provide an overview of the receptors, a disaggregated assessment of normal operations, unplanned events and cumulative impacts on intangible cultural heritage.

7.1 Overview of Impacts

The area stretching from Port Nolloth in the Northern Cape Province to Gqeberha (formerly named Port Elizabeth) in the Eastern Cape Province of South Africa is an enormously varied landscape of more than a 1000km of coastline. Two years (2020-2022) of anthropological fieldwork along this coast reveals a rich and diverse intangible and tangible cultural heritage, as well as rich human cultural relations with the sea. The varied socioeconomic situation of coastal towns and cities along this coast, as well as the varied populations inhabiting this vast swathe of the South African coastline, require a disaggregation of impacts for normal operations.

- 7.1.1 Northern Belt Coast (NBC) (Alexander Bay to Hondeklipbaai). It is assessed that there will be impacts of operations for these areas, for example, normal operations may affect marine life on which the small-scale fishers depend for their livelihood and normal operations may affect tourism receipts in the area since normal operations may pollute beaches and sea. Furthermore, since the coastal towns in this area have existing impacts in commercial port activity and offshore operations in the form of diamond mining and commercial fishing. In this regard, communities are already experiencing potentially adverse effects on the ocean and sea. However, awareness and experience of the potential impacts of pollution in the sea (i.e., via observation of dwindling fish stocks and poorer quality of fish stocks) and awareness of its impacts on spiritual relations with nature, now mean that communities are less accepting of these impacts on the ocean.
- 7.1.2 Western Cape Coast (i.e., Doringbay to Langebaan and including False Bay). These coastal towns are used for leisure, tourism, subsistence fishing and spiritual/ancestral rituals. The residents encountered expressed a rich intangible cultural heritage, including ancestral veneration rites that include the sea, as well as deep beliefs

regarding the ocean as a living thing, with whom humans must develop a symbiotic and sustainable relationship.

- 7.1.3 South Cape Coast and Eastern Cape (from Struisbay to Algoa Bay). It is assessed that potential impacts may be high to very high for these sites because there are multiple uses and users of the coastline and there are many sites of archaeological and cultural significance, sites of value not only to South Africa but the world. For example, it is noted that regarding users of South Africa's coastline, that there are socio-culturally, the descendants of First Peoples (i.e., Khoisan), the descendants of various Nguni groups, as well as the descendants of more recent settlers such as European and Asian descendants who cultivate a cultural relation with the sea. Within such groups, there are individuals and sub-groups who develop specific relations with the ocean and coast. The report presented here provides a view of the range of cultural heritages, specifically intangible cultural heritages that these diverse stakeholder groups express. The report therefore includes SSF and fisher cultures. It is acknowledged that research on the nature of fisher cultural relations with the ocean and coast is now an area of growing interest, that there is secondary data on the subject of fisher cultures and more importantly, that it is critical to engage with fisher communities for any impact assessment. In this regard, this CHIA did engage with individual fishers and small groups of fishers. However, and as noted in the limitations, it was difficult to reach all the fisher groups of value in the field research area.

Similarly, and regarding uses of the coast and specifically, the archaeological sites of significance. It is noted that field research areas contain sites of archaeological value which may be impacted by the proposed offshore operations. It is not possible or feasible in editorial terms to enumerate, describe and discuss all these sites in this report. It is for this reason that the CHIA mentions only some sites, such as the coastal sites noted along the West Coast, as well as the Baviaanskloof, which is part of the UNESCO World Heritage Site of the Cape Floristic Region. The area is also home to sensitive archaeological sites located at Pinnacle Point and the Klasies River mouth, sites that are also culturally valuable and are of religious importance to Khoisan and Nguni descendants. There were also richer, deeper expressions of coastal ICH and larger numbers of Nguni descendants and First Peoples descendants living in these areas and they are most attached to fundamental human cultural connections to the sea. As noted in this report, local people ingest the seawater for ritual purposes and if the water is polluted with oil and other pollutants this may affect human health.

7.1.4 Unplanned events are likely to have the highest impact on cultural heritage along this coastline, as there are multiple, sensitive receptors (i.e., sites) in these areas, as well as regular use of the sea and coast for cultural heritage use – ancestral veneration, spiritual uses of the sea, leisured use of the sea and gendered cultural use of the sea. The higher the cultural value of the receptors, the higher the sensitivity of the receptor. Thus, there are highly valuable archaeological sites in St Helena Bay, Langebaan, Plettenberg Bay, Knysna and in Tsitsikamma. In this regard, these receptors are highly sensitive. These are sites that house the tangible cultural heritage of the First Peoples of South Africa and ultimately, the human heritage of the world. Within South Africa, the sites tell the story of both tangible and intangible heritage, the values, beliefs, practices of the First Peoples and how they were engaging the sea and coast. According to PASA there have been more than 300 wells drilled in recent years without any adverse incidents. I accept this information as being correct but cannot verify same, as it falls outside my specific area of expertise.

7.2 NORMAL OPERATIONS IMPACTS

7.2.1 Source of Impact

The project activities that could result in an indirect impact on intangible cultural heritage are:

Table 2 Project Phase and Activity

Project phase	Activity
Mobilisation	Transit of drilling unit and support vessels to drill site
Operation	Operation of drilling unit at the drill site and transit of support /supply vessels between the drilling unit and port
	Pre-drilling ROV seabed survey
	Spud and start of drilling - Installation of the conductor pipe, wellhead and BOP
	Discharge of drill cuttings and WBM at the well bore during the initial riserless drilling Stages
	Placement of wellhead on the seabed
	Discharge of drill cuttings and WBM below sea surface during the riserless drilling phase
	Discharge of residual cement during casing installation at the end of the riserless drilling
	Discharge of excess WBM and residual cement during plugging of the wells
	Vertical seismic profiling (VSP) of the well
	Flaring of hydrocarbons
	Possible discharge of treated produced water
	Plug well with cement
	Removal of BOP and installation of wellhead capping
Demobilisation	Placement of an over trawlable cap over wellhead
	Transit of drilling unit and support vessels from drill site

These activities can lead to various emissions in the form of exhaust gas emissions produced by the combustion of fuel, as well as from well testing (flaring). The normal operation of vessels will also result in various discharge to sea, including galley waste, grey water, sewage, deck drainage, etc. However, the transiting of vessels during mobilization and demobilization is unlikely to have impact on cultural heritage – as there are a number of vessels transiting through these waters on a daily basis with no perceived effects on heritage. These vessels are either commercial or SSF vessels. Well drilling will result in the disturbance to the seafloor (including spudding and wellhead placement) and various discharges (including cuttings and drilling fluids).

7.2.2 Potential Impact Description

Any impact on the integrity of the coastal and marine ecosystem through disturbance, pollution, noise, etc. could in turn impact various aspects which makes up people's intangible cultural heritage (**indirect negative** impact). Groups may contest the specific importance of particular cultural heritages, but these still articulate the deep beliefs and religious symbolism of South Africa's peoples. The right to culture and to cultural expression is also enshrined in the South African Constitution. Therefore, TH and ICH should be jointly considered when analysing the significance of cultural heritage in a coastal context. The CHIA uses SLR's impact assessment methodology and metrics, as well as qualitative assessment.

7.2.3 Receptors/Heritages at the coast

7.2.3.1 Ancestry / spirituality: The sea is described as 'living' waters and is believed to play a critical role in spiritual and health management in indigenous groups specifically (First Peoples and Nguni). The sea is also believed to be sentient/conscious. That is, it is living organism that forms part of and sustains a balanced ecosystem. Any impact on these 'living' waters may therefore impact communication with the ancestors, who are consulted for a diversity of reasons, e.g., explanation of ill health, a venture to be undertaken, for significant life cycle rituals (birth, marriage and circumcision for instance). Impact on the 'living' waters is also considered to be a violation of the ocean (since the ocean is alive), requiring specific mitigation, i.e., cultural measures to lessen future negative consequences both in the natural and cultural world. In addition, activities will disturb the seabed where ancestral spirits are believed to reside. In addition, polluted water may impact its use for use as an emetic or in other ritual practice.

In South Africa, cultural heritage and spiritual uses of the sea is also gendered and women and men have different engagements with the sea. Men are more likely to use the sea for subsistence and leisure purposes (such as fishing, sailing, surfing, kite surfing, swimming, canoeing and paddling), whereas women are more likely to use the sea for cultural and for health purposes, such as ritual emetics, body healing, rituals involving seawater ingestion to obtain the blessing of ancestors or banish reproductive illness. In St James, Cape Town there were women bathing in the tidal pool and sea at specific times of the month to reconstitute physical and reproductive health.

7.2.3.2 Archaeology/Tangible Heritage: The sea is part of the South African coastline, a coastline shaped by human cultural relations and beliefs. The Northern Belt Coast (NBC), West Coast, South Cape Coast and Eastern Cape coast have archaeologically and culturally significant coastal sites. These sites form part of the belief and ritual complex of the First Peoples and Nguni. Impacts on the sea may affect the coastal caves and archaeological heritage in these sites, as oil spills may reach such sites or make it difficult for researchers and/or visitors to access the sites either for scientific or for cultural ritual purposes. These sites are not only relevant to South Africa, the Government of South Africa recently (i.e., February 2022) declared such sites to ‘collectively contribute to the understanding of the evolution of humankind’.

7.2.3.3 Sense of Place: The sea also provides and enhances unique ‘senses of place’. This is the unique, social, aesthetic and cultural value of the place in the sea or next to the sea which may include intangible cultural heritage practices and beliefs. One must acknowledge and note that fisher communities cultivate particular senses of place by fishing off the coast, in particular lagoons and waters – developing memories of such areas and formulating cultural practices and forms of sociality as a result in being in such culturally meaningful locales. The Klasies River Mouth, Blombos caves, and the rich shell middens along the West Coast of South Africa are examples of sites that also shed light on ancient senses of place, on the origins of early humankind. There are also naturally valuable sites, such as Tsitsikamma, the Knysna Estuary, the Orange River mouth, the Langebaan Lagoon, Kalk Bay and St James villages, as well as Pringle Bay that all have a unique sense of place. The unique sense of place is determined by specific cultural groups in South Africa, such as the Nguni peoples, the First Peoples and those defined as Coloured under apartheid, as well as those defined as European descendants.

7.2.3.4 Livelihoods: Areas of indirect influence to Block 5/6/7 have SSF using the sea for livelihood and cultural purposes. However, there are also leisure, tourism and sporting businesses that provide a source of intangible cultural heritage and local/foreign direct investment. The towns in which these activities take place also accrue heritage value. There is two decades' worth of property price increases in Langebaan, False Bay towns such St James, Kalk Bay, Fish Hoek and Muizenberg, which are perceived to be heritage towns and are therefore valuable, not only in terms of the tangible artifacts in the form of heritage buildings and sites of historical interest, but also for fisher tangible and intangible cultural heritage, as expressed in the vibrant fisher community apparent in places such as Kalk Bay and Paternoster. Furthermore impacts on the sea may affect property valuations, heritage valuations, tourism receipts in these towns and thereby income for the local economy. South Africa's oceans and coasts are of varying and diverse cultural significance to the population. Certain stakeholder groups are directly reliant on the ocean and coast for their livelihood and have cultivated a range of culturally significant practices with the sea and coast (e.g. use of the sea-based activities of fishing and shell- fish harvesting for the positive socialization of impoverished boys and men in Paternoster and Steenberg Cove in the Western Cape; teaching surfing and kite-surfing while being part of a culturally defined surfing group and spending up to 8 hours in the sea per day in Langebaan and Jeffreys Bay; women swimming in tidal pools during the full moon to harness the spiritual power of the water and planet in the Western Cape). Any impact that alters the marine ecosystem and marine life could negatively impact the livelihood of a diversity of stakeholders including small-scale fishers, who rely on the integrity of the marine ecosystem to sustain their families. There are also potential impacts on those who rely on the fish/seafood supply chain such as restaurants in the coastal setting. The latter is apparent in seafood restaurants from the West Coast to the Eastern Cape (i.e., in St Helena Bay, Langebaan, the CBD of Cape Town, Plettenberg Bay, Knysna and Algoa Bay). Interviews with SSF communities also revealed that fishing is not just a livelihoods issue, fishing and crayfish harvesting for example advance sociality and a particular 'way' of life, meaning, it is key to cultural life and practice. The activities of fishing involve working in a socially meaningful site (having access to specific sites at sea), being part of a social group of fishers, having social boundaries and cultural processes of adaptation within this group (i.e., going from collecting bait to eventually being trusted with a boat), bringing fish home for culturally and socially meaningful meals. Thus for SSF, fishing is also ICH.

7.2.3.5 Natural heritage: People have a cultural relationship with the ocean and coast (i.e., nature) and this results in high cultural valuation of nature. Coastal sporting / leisure / tourism activities have become intangible cultural heritage for these communities, since the activities contain strong cultural elements (i.e., social grouping, ritual practices, commensality, unique identity, shared histories, etc.). Any impact on the integrity of the coastal and marine ecosystem could in turn impact people's natural heritage.

7.2.3.6 Health: People use the sea in cultural ways to improve, sustain and restore physical and mental health. Access to a healthy ocean is critical in this regard. Any impact on the ocean, such as pollution or increased use of helicopters and operational vessels in the area of indirect influence, may affect the health of coastal communities who regularly access the sea to sustain physical and psychological health. For example, people at the coast walk by the sea, they admire marine life in the sea (i.e., whale season in Hermanus, dolphins in Algoa Bay, fur seals in Kalk Bay, yellowfin tuna run in Struis Bay), they take their children to the sea and beach, elderly people swim in the tidal pools of St James or the shallow waters of Algoa Bay to improve blood circulation.

Women in the Western Cape in particular, have also developed strong cultural values of the ocean and see it as critical to their physical and psychological health.

7.2.4 Project Controls

The drilling contractor will ensure that the proposed project is undertaken in a manner consistent with good international industry practice and Best Available Techniques (BAT). In addition, contractors will ensure that the proposed exploration drilling is undertaken in compliance with the applicable requirements in MARPOL 73/78.

7.2.5 Sensitivity of Receptors

The sensitivity of a receptor is defined on a scale of **Very Low, Low, Medium, High** or **Very High** guided by the definitions in the Scoping Report. These are derived from the baseline information. Receptors are also differentially affected by seasonal factors. Under normal operations the:

- **Ancestry / spirituality** receptor sensitivity is **medium to high** (as it can be mitigated with timely, sustained and relevant healer-diviner and First Peoples' Chief interventions). This receptor may be affected by seasons as access to certain plants for example may only become available at certain times of the year.

- **Archaeology/Tangible heritage** receptor sensitivity is **medium to low** (as many sites are onshore and can be mitigated via avoidance of these areas where there are vulnerable archaeological sites). This receptor is not affected by seasons.
- **Sense of Place** receptor sensitivity is **medium** because normal operations, well managed activities will not affect the sense of place. This receptor is not affected by seasons.
- **Livelihoods** receptor sensitivity is **high** because coastal communities in all the sites potentially affected by normal operations in Block 5/6/7 directly depend on fish and crayfish for subsistence. This receptor is also affected by seasons, as winter brings particular weather conditions which affect SSF use of the sea. Relatedly, socioeconomic uses of the sea (i.e., seaside restaurants, sporting use of the sea, swimming) may be reduced during winter.
- **Natural heritage** receptor sensitivity is **high**, since natural and cultural heritages are interdependent. Any pollution or other form of negative impact on the sea, arising during normal operations may impact on natural phenomena (i.e., fish, shellfish, fynbos, mangroves, penguins, beach), these in turn may form part of cultural heritage practices. This receptor is not affected by seasons.
- **Health** receptor sensitivity is **medium** under normal operations, as operations take place far from shore. However, it is not low sensitivity because the project vessels might affect health uses of the sea. i.e., the water is no longer perceived as pristine enough for bathing etcetera. This receptor is not affected by seasons.
- **To summarize:** combined and prior to pre-mitigation efforts, the overall sensitivity of receptors to normal exploration drilling operations is assessed to be **medium**.

7.2.5 Impact Magnitude (or Consequence)

Magnitude (or Consequence) is determined based on a combination of the “intensity”, “duration” and “extent” of the impact. In normal operations, the following is evident:

- **Duration:** The duration of the impact is assessed to be Short-term (3-4 months) as this is an exploration drilling project.
- **Extent:** The extent is assessed to be regional
- **Intensity:** the intensity is assessed to be **high**, due to perceived impact with limited consultation in the pre-mitigation phase.

To summarize: The potential impact of normal operations on receptors noted above and prior to mitigation is considered to be of **high intensity, short-term duration** (3-4 months per well) and **regional extent**. Thus, the **magnitude** (or consequence) is considered to be **medium**. Appropriate and substantive public participation efforts in the pre-mitigation phase can reduce the intensity of impact.

To contextualize the impacts on tangible and intangible cultural heritage, it is assessed that the magnitude of the impact will be **medium** because intensity of impact, while **high** will be of short-term duration and regionally specific. The magnitude cannot be assessed **lower** than **medium** because (1) constitutionally South Africans have the right to culture and cultural expression (2) There is recent legal precedence, of national attention being given to the importance of coastal cultural heritage and (3) South Africa is globally known for its safeguarding of indigenous rights via both ratified international agreements and domestic law. These facts make cultural heritage visible and make it a sensitive issue for the public. Consistent and substantive effort to include indigenous people and their input in the processes associated with normal operations will lessen the magnitude of impact.

7.2.6 Impact Significance

Based on the **medium sensitivity** of receptors (under normal operations and prior to mitigation), and the **medium magnitude**, the potential impact of offshore well drilling activities on intangible cultural heritage is considered to be **medium significance** without mitigation. To reduce the impact of significance, mitigation measures need to be implemented.

7.2.7 Identification of Mitigation Measures

The following measures should be implemented to mitigate impact on intangible cultural heritage:

No.	Mitigation measure	Classification
1	Implement a comprehensive, consistent and regular consultation with indigenous groupings, fisher communities, indigenous leadership, as well as those who fall outside this category. The aim of such engagement should ensure open communication, direct communication and consistent communication with stakeholders that may be affected by operations.	Avoid / abate offsite
2	Based on the outcome of the consultation process, implement where necessary, a ritual event/s that permits engagement with ancestral spirits and with living communities to alleviate potential and future negative impacts of non-consultation and poor cultural/nature respect. Acknowledge that participation and consultation may not be sufficient to meet community needs regarding mitigation and that other initiatives that offer the possibility of sustainable development may need to be initiated.	Avoid / abate on site
3	Implement a gender sensitive ritual event in each region that recognizes gendered coastal cultural heritage to permit all genders to articulate their cultural relation with the sea and coast	Abate
5	Establish a functional grievance mechanism that allows stakeholders to register specific grievances related to operations, by ensuring they are informed about the process and that resources are mobilised to manage the resolution of all grievances, in accordance with the Grievance Management procedure.	Abate on site
6	Adjust the well location to avoid any shipwrecks identified in pre-drilling ROV surveys	Abate

7.2.8 Residual Impact Assessment

Sustained consultation with relevant stakeholders and the possible implementation of ritual events that permit engagement with ancestral spirits may alleviate the potential and future negative impacts of non-consultation and poor cultural respect. The proposed mitigation would reduce the intensity to low for those community members who accept the mitigation measures (i.e., specified ritual events to engage the will of the ancestors), leading to a residual impact of low significance. The intensity of the impact could remain high and the magnitude **medium**

for those people who are categorically opposed to the exploration drilling. In the summary table below, I provide the scenario of categorical opposition to normal operations, of the sensitivity of the receptors remaining medium, the intensity of impact remaining medium and the residual impact significance remaining medium.

Table 3 Normal Operations Impacts on Cultural Heritage and SSF

	CULTURAL HERITAGE AND SSF IMPACT NORMAL OPERATIONS BLOCK 5/6/7	
Project Phase:	(Exploration Drilling etc.)	
Type of Impact	Indirect	
Nature of Impact	Negative	
	Pre-Mitigation Impact	Residual Impact
Sensitivity of Receptor	HIGH	HIGH*
Magnitude	MEDIUM	MEDIUM
Intensity	HIGH	HIGH*
Extent	REGIONAL	REGIONAL
Duration	SHORT TERM	SHORT TERM
Significance	MEDIUM	MEDIUM*
Probability	LIKELY	LIKELY
Confidence	HIGH	MEDIUM
Reversibility	PARTIALLY REVERSIBLE	PARTIALLY REVERSIBLE
Loss of Resources	LOW	LOW
Mitigation Potential	MEDIUM	MEDIUM*
Cumulative Potential	LIKELY	LIKELY

*These asterisked impacts indicate the situation of categorical opposition to normal operations at Block 5/6/7.

7.3 UNPLANNED EVENTS IMPACTS

7.3.1 Source of Impact

Events that could result in a large oil and/or natural gas spill:

Seismic Phase	Project phase	Activity
Marine surveys	Operation	N/A
Drilling	Mobilisation	N/A
	Operation	Loss of well control during drilling
	Demobilisation	N/A

The greatest environmental threat from offshore drilling operations is the risk of a major spill of crude oil and/or natural gas occurring either from a blow-out or loss of well control. A blow-out is the uncontrolled release of crude oil and/or natural gas from a well after pressure control systems have failed. Such an environmental threat will have serious consequences for tangible and intangible cultural heritage in the area of indirect influence.

7.3.2 Potential Impact Description

Any impact on the integrity of the coastal and marine ecosystem through a large oil spill could in turn impact various aspects which make up people's intangible cultural heritage (**indirect negative** impact).

7.3.3 Sensitivity of Receptors

The sensitivity of a receptor is defined on a scale of **Very Low, Low, Medium, High** or **Very High** guided by the definitions in the Scoping Report. These are derived from the baseline information. Thus, the following receptor sensitivities are noted:

7.3.3.1 Ancestry / spirituality: Should an unplanned event or spill happen, the sensitivity of this receptor will increase from **high** (under normal operations) to **very high**, as ritual practice and spiritual engagement with the sea requires a healthy ocean, or at the very least, a not visibly polluted ocean. People drink seawater as an emetic in ritual purposes and swim in it for leisure and spiritual or health renewal. They may be unaware of the water quality as they are not able to see the pollution. With an oil spill they will not be able to use the sea at all.

- 7.3.4.1 **Archaeology/Tangible Heritage:** The sensitivity of this receptor will increase to **high** if an unplanned event occurs. This is because coastal tangible heritage sites are often vulnerable sites, containing vulnerable material culture (i.e., in shell middens there are potential human artifacts that can be destroyed by oil residues).
- 7.3.4.2 **Sense of Place:** The sensitivity of this receptor will increase from medium to **very high** if an unplanned event occurs. This is because valuable heritage towns and locations depend on the sense of place to attract visitors, researchers and investors. If the place is negatively impacted by an oil spill, these patrons and researchers will not come to the place, thereby destroying the ‘sense’ of place.
- 7.3.4.3 **Livelihoods:** The sensitivity of this receptor, assessed to be **high** under normal operations will increase to very high in an unplanned event. SSF depend directly on fish species they catch at sea. Their livelihoods will be negatively affected. Going out to sea for SSF and use of the sea for recreational fishing is also a ritual and gendered (male) cultural heritage in the areas of indirect influence. For example, in the West Coast of the Western Cape and in southern Cape coast (i.e., Paternoster, St Helena Bay, Steenberg Cove, Struis bay, Still Bay) SSF boys learn from older SSF men how to collect bait, catch smaller/less vulnerable fish species, how to manage a boat and to navigate at sea. The experience builds masculine solidarity, camaraderie and possibility for both livelihood and leisure. This keeps young boys and men away from the scourges of drug abuse and crime. Furthermore, anglers and deep-sea fishers organize fishing trips from which they may earn an income but via which they are promoting recreational fishing and masculine leisure. These fishers go to the ‘deep’ sea and their fishing will be affected if there is an oil spill. Regarding other livelihoods: the sensitivity of this receptor, assessed to be **medium** under normal operations will increase to **high** in an unplanned event Areas of indirect influence to Block 5/6/7 have leisure, tourism and sporting businesses that provide a source of intangible cultural heritage and local/foreign direct investment. The towns in which these activities take place also accrue heritage value. There is two decades’ worth of property price increases in Langebaan, False Bay towns such St James, Kalk Bay, Fish Hoek and Muizenberg, which are perceived to be heritage towns. An oil spill at sea will affect property valuations, heritage valuations, tourism receipts in these towns and thereby income for the local economy.
- 7.3.4.4 **Natural heritage:** The sensitivity of this receptor assessed to be **high** under normal operations will increase to **very high** in an unplanned event. Since natural and cultural

heritage are interdependent, any impact on the sea, as natural heritage, is going to negatively impact natural heritage (i.e., fynbos) that are used in cultural heritage practices. First Peoples and Nguni descendants are likely to be most affected, given the wide range of life cycle and healing rituals that involve use of nature (i.e., medicines from the sea and fynbos) for cultural practices.

7.3.4.5 Health: The sensitivity of this receptor, assessed to be **high** under normal operations will increase to **very high** in an unplanned event. People use the sea in cultural ways to improve, sustain and restore physical and mental health. Access to a healthy ocean is critical in this regard. Any impact on the ocean, such as pollution or increased use of helicopters and operational vessels in the area of indirect influence, may affect the health of coastal communities who regularly access the sea to sustain physical and psychological health. For example, people at the coast walk by the sea, they admire marine life in the sea (i.e. whale season in Hermanus, dolphins in Algoa Bay, fur seals in Kalk Bay, yellowfin tuna run in Struis Bay), they take their children to the sea and beach, elderly people swim in the tidal pools of St James or the shallow waters of Algoa Bay to improve blood circulation. Women in the Western Cape in particular, have also developed strong cultural values of the ocean and see it as critical to their physical and psychological health. This receptor is assessed to be of very high sensitivity, as the sea will be unusable for the health and cultural health practices noted above.

7.3.4.6 To summarize: the overall sensitivity of these receptors would be **very high** should an unplanned event occur. The sensitivity can be reduced if swift and efficient action is taken to reduce the spread of the oil spill, thereby reducing the extent and duration of the unplanned event.

7.3.4 Project Controls

Project controls include the preparation and implementation of a Shipboard Oil Pollution Emergency Plan (SOPEP), an Oil Spill Response Plan, an Oil Spill Contingency Plan and a Well Control Contingency Plan (WCCP).

7.3.5 Impact Magnitude (or Consequence)

Magnitude (or Consequence) is determined based on a combination of the “intensity”, “duration” and “extent” of the impact.

- Duration: Medium, as clean-up operations will commence swiftly to limit ocean pollution.
- Extent: National, as an oil spill could affect large stretches inshore of Block 567 along the West and south Cape Coasts in particular.
- Intensity: High due to impacts on tangible (coastal archaeological sites affected by oil spill) and intangible cultural heritage (use of the sea for cultural purposes).

The magnitude of an unplanned event on intangible and tangible coastal cultural heritage is assessed to be **very high**. This is because an unplanned event will be of **high intensity**, **medium duration** and **national extent**.

7.4.7 Impact Significance

Based on the **very high sensitivity** of receptors and the **very high magnitude**, the potential impact of unplanned events on intangible cultural heritage is considered to be **very high significance** even with mitigation.

7.4.8 Identification of Mitigation Measures

The following measures should be implemented to mitigate impact on intangible cultural heritage:

No.	Mitigation measure	Classification
1	Implement Emergency Plans for very efficient and quick resolution of oil spills	Avoid
3	Emergency plans in place to save a proportion of fish species likely to be impacted by approaching spill	Abate
5	Ensure that there is sufficient insurance cover to financially manage the consequences of any unplanned event pollution on environmental and social aspects	Abate

7.4.9 Residual Impact Assessment

The proposed mitigation would reduce the intensity and thereby the overall magnitude of the impact. This in turn would reduce the residual impact to **high significance**. It is recommended that TEEPSA sustain regular consultation with relevant stakeholders during the operation period, and that ritual event/s of regional and national significance are implemented to permit engagement with ancestral spirits and the spirit of the sea itself – as there are many communities

that believe in the agency of the sea and in its existence as a living organism. These actions may alleviate the potential and future negative impacts of non-consultation and poor cultural respect.

Table 4 Unplanned Events Impact

2	UNPLANNED EVENT CULTURAL HERITAGE AND SSF IMPACT BLOCK 567	
Project Phase:	(Exploration Drilling etc.)	
Type of Impact	Direct	
Nature of Impact	Negative	
	Pre-Mitigation Impact	Residual Impact
Sensitivity of Receptor	VERY HIGH	HIGH
Magnitude	VERY HIGH	HIGH
Intensity	HIGH	MEDIUM
Extent	NATIONAL	NATIONAL
Duration	MEDIUM TERM	MEDIUM TERM
Significance	VERY HIGH	HIGH
Probability	UNLIKELY	UNLIKELY
Confidence	HIGH	HIGH
Reversibility	PARTIALLY REVERSIBLE	PARTIALLY REVERSIBLE
Loss of Resources	MEDIUM	MEDIUM
Mitigation Potential	MEDIUM	MEDIUM
Cumulative Potential	POSSIBLE	POSSIBLE

7.4 CUMULATIVE IMPACTS

Cumulative impacts include those impacts already present in the areas researched, as well the impacts of the proposed project, as well as those in the future. Regarding existing (non-project) impacts, it is found that in the Northern Belt Coast (i.e., Alexander Bay to Saldanha Bay) and Western Cape Coast there were areas with medium to high cumulative impacts from diamond mining, commercial fishing, port operations and recreational tourism impacts. These activities are already affecting the natural environment including the seawater and seabed. Commercial fishing, canning factories and other industry is also impacting on pollution and noise in coastal waters. While future impacts of the exploration drilling project are difficult to discern, in my professional opinion, the potential impacts of exploration drilling in Block 567 may exacerbate existing ocean health (i.e., increased turbidity, noise pollution, negative impact on marine biodiversity and, directly referring to this report – negative impact on cultural heritage), thereby

contributing to the overall cumulative impact. Cumulative impacts pose a medium to high risk for the receptors of NBC, Western Cape Coast, southern Cape Coast and Eastern Cape coast up to Tsitsikamma.

Comparing the potential impacts of normal operations of the project (exploration drilling by TEEPSA in Block 567), to existing, often unmitigated impacts of commercial trawling, it can be argued that drilling is likely to have less of an impact on the seabed and therefore on cultural heritage practices involving the sea than commercial fishers are presently doing. The proposed exploration drilling is of short duration, even if it is of **high intensity**. By contrast, commercial trawling is long-duration, high intensity and is unmitigated.

To summarize: the magnitude of cumulative impacts, *unmitigated* and as noted above (of both project impacts and existing impacts) are assessed to be **medium**, given the prior existence of various impacts on cultural heritage, prior to the operations of this (Block 567) project.

7.6 DETERMINATION OF SIGNIFICANCE THRESHOLDS FOR LIMITS OF ACCEPTABLE CHANGE

7.6.1 There are specific ‘tipping points’ or thresholds for impacts on tangible and/or intangible cultural heritage. The determination of the significance thresholds for limits of acceptable change will involve assessment of: (1) the sensitivity of receptors (2) impact magnitude (intensity of impact, the duration and the extent of the impact) and (3) impact significance. Unplanned events that are poorly managed and remain regional or become national in extent and of long-term duration will irreversibly and negatively impact cultural use of the sea in South Africa and thereby affect South Africans’ Constitutional right to culture and cultural expression. Unmanaged, unplanned events may lead to the violation of South Africans’ constitutional right to a healthy environment and lead to a deterioration of the health of the population, thereby possibly triggering international human rights violations.

7.7 PRECAUTIONARY PRINCIPLES

7.7.1 That TEEPSA should undertake the requisite mitigation measures noted under the sections: normal operations and unplanned events to reduce negative impacts on receptors associated with intangible and tangible cultural heritage.

- 7.7.2 That TEEPSA should implement measures of best practice in the industry, to avoid reduce and minimize adverse outcomes for cultural heritage in the areas of indirect influence. This may include, managing existing/surrounding impacts in the area of drilling, to reduce risk of damage to drilling equipment and properly informing local communities of when drilling is to take place so that they can plan accordingly for SSF work for example.

7.8 RECOMMENDATIONS

- 7.8.1 It is recommended that TEEPSA should commit to and undertake frequent, regular and sustained public participation, communication and information sharing sessions with affected local communities across all the identified stakeholder groups. This is a long-term endeavour, rather than a task to be implemented at the commencement of operations. The communication cannot merely take place with identifiable NGO and their leadership. The communication should ideally involve ordinary citizens who may not be affiliated to an NGO or local representative group. The goal is to be as inclusive as possible.
- 7.8.2 It is recommended that the nature of consultation be primarily face-to-face but also include virtual/social media engagement since the fieldwork revealed that there was little understanding of oil and gas exploration and development, or the potential it holds for socioeconomic development and employment, either at the primary site (i.e., on the ship or the floating rig) or in secondary spaces (i.e., inshore).
- 7.8.3 That the nature of consultation includes key, cross-sectoral (i.e., that in SA all ‘racial’ groups and economic groups be consulted/communicated with) and traditional leaders, since the ocean and coast are not merely natural heritages, they are also cultural heritages.
- 7.8.4 That specific request be made to the cross-sectoral and traditional leadership group for rituals/event/s that might showcase respect for cultural communities, their cultural valuation of the oceans/coasts for the natural/cultural value of the ocean and coasts.
- 7.8.5 That dedicated resources be set aside for such consultation, since the ritual/event/s may not be once-off ritual processes.
- 7.8.6 That such activities be implemented to publicly showcase respect for local cultural worldviews and effort to realize local rights to human dignity as emphasised both the South African Constitution, NHRA and the Indigenous Knowledge Act.

7.8.7 That strict safeguards be introduced and safety protocols be adhered to, as per provisions in MARPOL 73/78²⁴ Annexes I, V and VI,²⁵ to ensure significant minimisation of pollution caused by either ships or floating platforms, since the field research revealed that the greatest concerns centred on unplanned events (minor spillages to blow outs) and the impacts of these on both the sea and cultural uses of the sea.

7.8.8 Adjust the well location to avoid any shipwrecks identified in pre-drilling ROV surveys.

8 CONCLUSIONS

Considering the Cultural Heritage Impact Assessment offered, the conclusion is that the intangible cultural heritage receptors are sensitive and that they are already affected by existing/cumulative impacts such as commercial fishing, offshore diamond mining, canning factories at the coast. Cultural heritage receptors may be negatively affected by normal operations but the impact is likely to be of **low significance**, if mitigation plans are implemented as recommended. As noted in the report however, there may those individuals and communities categorically opposed to exploration drilling in Block 5/6/7. In this regard, the impact significance of normal operations would remain **medium** and not drop to low.

Regarding unplanned events, negative impacts can be reduced from **very high** to **high**, if swift mitigation plans are implemented as per the report. The coast from the Northern Cape through to the Eastern Cape are multiple use areas, with numerous archaeological sites, potential underwater cultural heritage, and active SSF families and communities. In my professional opinion, it is recommended that TEEPSA remain vigilant regarding the sensitivity of cultural heritage receptors and potential for induced negative impacts on Paternoster, Langebaan, St Helena Bay on the West Coast, as well as the False Bay area, which is closest to Block 5/6/7. All the recommended protocols regarding the management of emissions and spills also apply.

Equally, the area from Stillbaai to Tsitsikamma is also of high cultural and ecological value. The cultural heritage receptors are also very sensitive in these areas. Thus it is recommended that Tsitsikamma, Plettenberg Bay, Knysna should be considered as a buffer zones due to the

²⁴Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

<https://maddenmaritime.files.wordpress.com/2015/08/marpol-practical-guide.pdf> accessed 12/04/2022

²⁵ C.F., UK Government. 'Explanatory memorandum to the merchant shipping (prevention of pollution) (drilling rigs and other platforms) order 2005 2005 no.74', https://www.legislation.gov.uk/uksi/2005/74/pdfs/uksiem_20050074_en.pdf accessed 12/04/2022.

combination of highly valuable and vulnerable natural heritages (estuaries, unique marine life and wetland life) which form an integral part of First Peoples and Nguni descendant's intangible cultural heritage.

Having considered secondary data that tells of marine lifecycles in the waters of the south cape coast, it is recommended that any planned drilling take place beyond the identified fish spawning areas to safeguard ICH uses of the ocean and coasts, as well as tangible cultural heritage evident in shell middens, prehistorical caves and also ritual uses of the coastline by the First Peoples (i.e. Griqua peoples) that live along the south Cape Coast.

For all the sites, it is highly recommended that TEEPSA institute a comprehensive, consistent and regular consultation with indigenous groupings and leadership, as well as those who fall outside this category. The aim of such engagement is to ensure open communication, direct communication and consistent communication with stakeholders that may be affected by operations.

Coastal cultural heritage is both a tangible and intangible asset for South Africa. It constitutes an important element in the restorative justice process of the country, and it is key to both psychological and physical wellbeing in a country where there is major inequality and violence. It is important that companies seeking to develop the assets of South Africa engage with local communities and seek to advance consultative, inclusive and democratic processes for socioeconomic development.

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