

CULTURAL HERITAGE IMPACT ASSESSMENT FOR BLOCK 11b/12b

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Photograph of healer-diviner and researcher, Eastern Cape Province by Laetitia Bosch, July 2022

EXECUTIVE SUMMARY

The following document provides a Cultural Heritage Impact Assessment (CHIA) in relation to an application for production rights in Block 11b/12b. As per the Draft Scoping Report (DSR) supplied: TotalEnergies EP South Africa B.V. (TEEPSA), together with its joint venture partners, QatarEnergy, Canadian Natural Resources International South Africa Limited, and a South African consortium, MainStreet 1549 held an Exploration Right (Exploration Right Ref. No.: 12/3/067) over Block 11B/12B, located offshore from the Southern Cape coast, South Africa. To date the exploration programme for Block 11B/12B has been focused on the south-western part of the block and has resulted in gas and associated condensates discoveries in the Paddavissie fairway including the Brulpadda and Luiperd discoveries (hereafter referred to as project development area).

In 2019 and 2020, TEEPSA and its joint venture partners discovered gas and associated condensates in Block 11B/12B through the drilling of two successful wells, namely Brulpadda-1AX and Luiperd-1X respectively. After conducting technical and feasibility studies TEEPSA confirmed the commercial viability of the Brulpadda and Luiperd discoveries in the Paddavissie fairway. TEEPSA's Exploration Right for Block 11B/12B expired in September 2022. TEEPSA now seeks to convert the Exploration Right into a Production Right (PR). The PR application was submitted in terms of Sections 83 to 86 of the of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA) (as amended) through the Petroleum Agency South Africa (PASA)¹ on 05 September 2022 and was subsequently accepted by PASA on 19 September 2022. TEEPSA is planning to develop the Paddavissie fairway if a PR is granted and if commercial agreements for the sale of the gas onto the domestic market can be achieved. Within Block 11B/12B, the following development and production related activities are proposed:

- Drilling of up to six (6) development and appraisal wells on the project development area;
- Laying of deep-water subsea manifolds and flowlines connecting wells within the project development area; and
- Connection of these manifolds and flowlines to the existing PetroSA F-A Platform at Block 9 Offshore Field, via a subsea production pipeline of approximately 109 km in length.

The CHIA presented here, is informed by anthropological field research conducted from March 2022 to May 2023. The scope of the research is to investigate human cultural heritage and spiritual connections to the ocean and coasts, and how such practices and beliefs may be impacted by the normal operations and emergency events related to production in Block 11b/12b. The document provides insight into the cultural 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 Knysna in the Western Cape Province to Cintsa in the Eastern Cape Province of South Africa and from Knysna to Mossel Bay (May 2023). A multigenerational and multilingual team of South African 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 and their cultural uses of the sea and coast. A limitation of the study is that the coastal areas from Mossel Bay to Knysna are not included in this report. However, an additional report has been prepared in this regard (see Addendum to this CHIA), to ensure that selected relevant sites along this part of the coast of South Africa, are included for a cultural heritage impact assessment. The Principal Investigator (PI) prepared and presented the first set of research findings to TEEPSA (September 2022). The key finding of the cultural heritage assessment is that while the

identified receptors of tangible and intangible cultural heritage are considered highly sensitive, under normal operations and if the recommended mitigation efforts are accepted by the affected communities, the impacts will be low. 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 planned 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.

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
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 employed by TotalEnergies. 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 citing this report.

- 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 may influence 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

1.1 Heritage is now perceived to be a complex legacy and indicator of global human creativity and biological diversity. Defined as both tangible and intangible by UNESCO, heritage is said to be expressed in monuments, sites and artifacts (tangible heritage), as well as ritual, beliefs, epics, songs and cultural manifestations (intangible heritage). Since the association of culture with biodiversity and its conservation, heritage, an aspect of culture, is now perceived to be critical to sustainable development.¹ Analytically and in the past, heritage was perceived as a gift to be passed from one generation to the next. Scholars investigating heritage issues and heritage conservation, however, now agree that heritage, although deeply meaningful and representative of the highest order of human creativity and consciousness, can be manipulated for political ends. In the past, no significant distinction was made regarding the varied locations of heritage and, as scholars in this field of study know, national governments across the world emphasised the conservation of tangible heritage more than intangible cultural heritage. And yet, Africa and certainly South Africa, have a rich intangible cultural heritage. In South Africa the 60 million plus population, speak some 11 languages and hold a diversity of beliefs which inform daily and social interaction. The role of culture in South Africa remains a powerful force. Colonization and modernization have not erased cultural practices or beliefs. This report provides evidence of this, as well as the potential impacts on heritage and culture of production rights in the locations noted in the Executive Summary provided above. An important point made in the *Addendum: Cultural Heritage Impact Assessment Baseline Report Block 11b/12b*, is that culture and by implication, cultural heritage are highly dynamic and require careful consideration and conceptualisation if their present and enduring manifestations are to be understood and fully assessed.

1.2 The distinguishing feature of this report is that it considers the manifestations of tangible and intangible cultural heritage, as well as beliefs and cultural practices evident in coastal communities from Knysna to Cintsas. This region is specified as it lies adjacent to the Outeniqua Basin, where Block 11b/12b is situated. Additional field research was conducted on coastal cultural heritage from Mossel Bay to Knysna in May 2023. A quick overview of

¹ Please note that the overview presented here resembles the overviews provided for two other TEEPSA Blocks (567 and DWOB), for which CHIAs were previously requested. The resemblance does not detract from the value of what is presented, as the principles and concepts of heritage and their scholarly analysis remains the same regardless of the location in which field research is done.

coastal dynamics and the heritage concept is necessary prior to the impact assessment. It is noted 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.²

1.3 Increasing human habitation is increasing pressure on coastal resources. Offshore 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 in relation to production rights in Block 11b/1b, which may affect coastal areas from Knysna in the Western Cape Province to Cintsa in the Eastern Cape Province.³

1.4 I have noted elsewhere that,

...There is a very long history of marine intangible cultural heritage through consideration of maritime heritage⁴ and the interdependence of tangible and intangible heritage.⁵ Heritage scholars have long interrogated the uses of heritage,⁶ noting how the poor rarely have their heritages publicly signified⁷ and the importance of recognising ICH to the pluralising of pasts.⁸ In the context of global environmental conservation, the conservation of cultural heritage is deemed critical to preserving biodiversity.⁹ 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,

² 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.

³ The field research presented in this CHIA draws on field research on coastal cultural heritage conducted between March 2022 and June 2023. 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.

⁴ 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.

⁵ 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.

⁶ Smith, L. 2006. *The Uses of Heritage*. Routledge: London.

⁷ Kirshenblatt-Gimblett, B. 2004. 'Intangible Heritage and the Metacultural Production of Heritage.' *Museum International*. 561/2: 52-66.

⁸ Graham, B., Ashworth, G.J. and J.E. Tunbridge, 2007. *Pluralising Pasts: Heritage, Identity and Place in Multicultural Societies*, Pluto Press: London.

⁹ 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.

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 paleoanthropological coastal history and a recent history of coastal dispossession, it is critical to consider and include marine intangible cultural heritage.¹⁰

1.5 The CHIA report uses anthropological research methods, including fieldwork, to define the receptors, their sensitivity to specific impacts existing and 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.

1.6 Terms of Reference

1.6.1 To carefully consider the following project description supplied by WSP:

- If TEEPSA's application for a production right (PR) is successful, TEEPSA plans to develop Block 11B/12B and the following development and production related activities are proposed:
 - Drilling of up to six (6) development and four (4) appraisal wells on the project development area;
 - Laying of deep-water subsea manifolds and flowlines connecting wells within the project development area; and connection of these manifolds and flowlines to the existing PetroSA F-A Platform via a subsea production pipeline of approximately 109 km in length.

And fulfil the terms of reference are as follows:

¹⁰ Boswell, R. (Forthcoming 2023). 'Legislating Marine Intangible Cultural Heritage in South Africa'.

- 1.6.2 Describe the receiving environment and baseline conditions that exist in the study area and identify any sensitive areas that will need special consideration.
- 1.6.3 Review the Scoping Comments and Responses Register to ensure that all relevant issues and concerns relevant to fields of expertise are addressed.
- 1.6.4 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).
- 1.6.5 Describe the legal, permit, policy and planning requirements.
- 1.6.6 Identify areas where issues could combine or interact with issues likely to be covered by other specialists, resulting in aggravated or enhanced impacts.
- 1.6.7 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).
- 1.6.8 Where necessary consider the precautionary principle in the assessment of impacts.
- 1.6.9 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
- 1.6.10 Identify alternatives that could avoid or minimise impacts and determine significance thresholds for limits of acceptable change, where applicable.

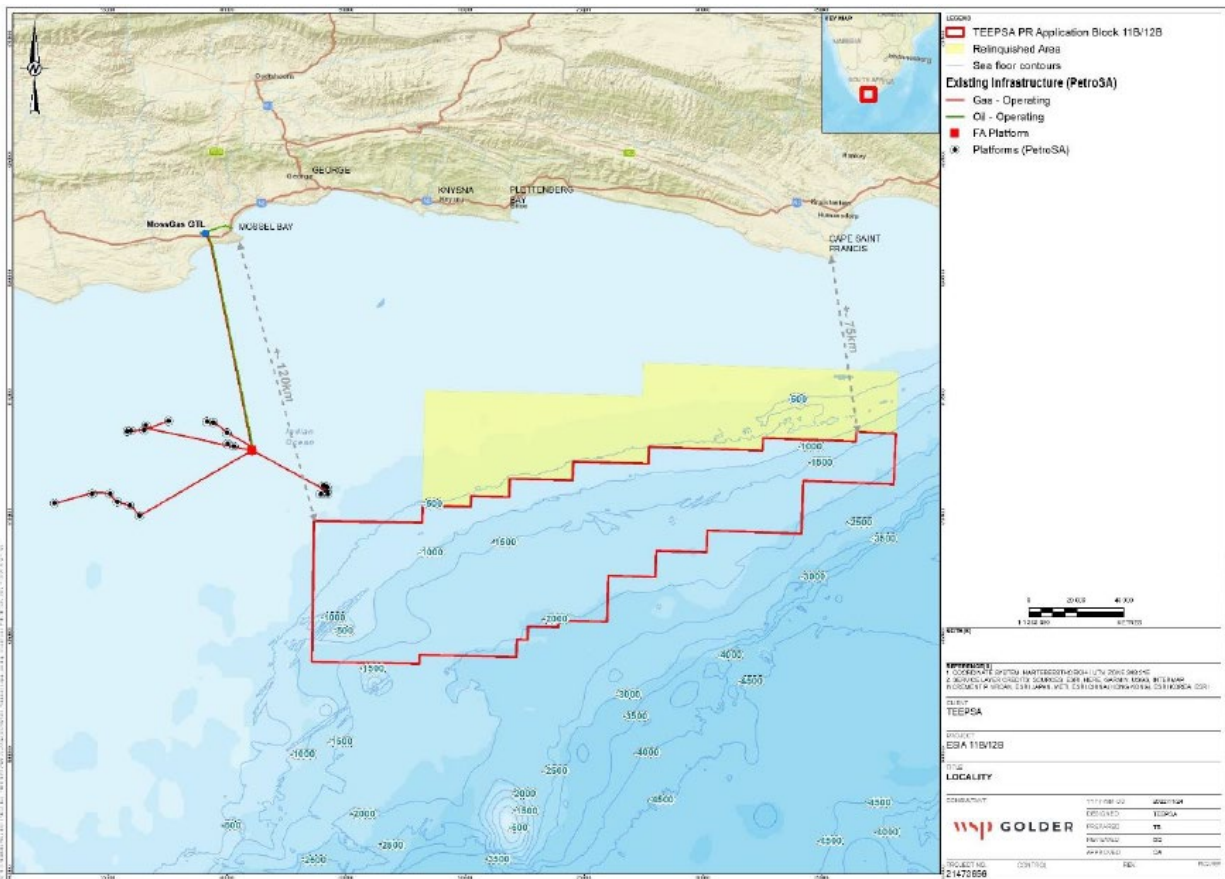


Figure 1 License Block 11b/12b and proposed production sites
Source: WSP

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.
- 2.2 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.’¹¹ The UN CBD specifically recognises the intrinsic value of biological

¹¹ OHCHR, 2001. Universal Declaration on Cultural Diversity. <https://www.ohchr.org/en/instruments-mechanisms/instruments/universal-declaration-cultural->

diversity, the role of culture in sustaining diversity and the role of state parties in sustainably managing their biological resources.

2.3 The UN Convention on Biological Diversity (CBD) ratified in 1992,¹² in its preamble notes that state parties remain:

- 2.3.1 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.
 - 2.3.2 Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,
 - 2.3.3 Affirming that the conservation of biological diversity is a common concern of humankind,
 - 2.3.4 Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner.
- 3 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 11b/12b¹³ summarises and discusses the tangible and intangible cultural heritage of sites identified.

3.1 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.

3.2 South Africa is 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 ratification of the ICH convention suggest that government has pledged to conserve both tangible and intangible heritage. In the Tables 1 and 2 offered

[diversity#:~:text=As%20a%20source%20of%20exchange,of%20present%20and%20future%20generations.](#)

Accessed 11/04/2022.

¹² United Nations Convention on Biological Diversity 1992. <https://www.cbd.int/doc/legal/cbd-en.pdf> accessed 14/04/2022

¹³ See Figure 1.

below, a summary of international treaties and applicable national legislation with regard to cultural heritage, the subject of this Impact Assessment, is provided.

INTERNATIONAL TREATIES	RELEVANT SECTION OF NOTED TREATY ETCETRA.	APPLICATION TO CULTURE AND CULTURAL HERITAGE
<p>UN Convention on Biological Diversity 1992 (CBD), amended 2022.</p> <p>At the 2022 United Nations Biodiversity Conference of the Parties to the UN Convention on Biological Diversity there was international agreement to protect 30% of land and oceans by 2030 and the adoption of the Kunming-Montreal Global Biodiversity Framework, which supersedes the Strategic Plan for Biodiversity 2011-2020, including the AICHI Targets for the protection of biodiversity.</p>	<p>The Kunming-Montreal Global Target 11</p>	<p>Target 11 applies, recognizing the services that nature (and by implication the protection of biodiversity) provides to human beings, including indigenous peoples. Target 11 enhances and calls for protection of nature for culture.</p>
	<p>National Biodiversity Strategy and Action Plan (NBSAP) necessary for contracting parties to CBD.</p> <p>Strategic Objective 2 of NBSAP 2015-2025</p>	<p>NBSAP Strategic Objective 2 calls for Investments in ecological infrastructure (to which cultural and traditional communities contribute) to enhance resilience and ensure biodiversity benefits to society.</p>
<p>High Ambition Coalition on Biodiversity beyond National Jurisdiction (BBNJ)</p>	<p>UN Convention on the Law of the Sea (UNCLOS), High Seas Treaty</p>	<p>Protection of 30 percent of the Ocean allowing for the Creation of Marine Protected Areas (MPAs) on the High Seas and regulation of mining and other activities in this domain. ABNJ (Areas Beyond National Jurisdiction) were previously beyond the reach of national EEZ. The impact on Cultural Heritage is that ABNJ/High Seas is now also part of the consideration of protected areas. Implementation of the Treaty is not clear yet.</p>
<p>United Nations Covenant on Economic, Social and Cultural Rights (ICESCR) 1976 (ratified by South Africa 2015)</p>	<p>Preamble to ICESCR which states that, 'Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.'</p> <p>Once South Africa ratified this agreement/covenant in 2015, it had 3 months in which to commence implementation.</p>	<p>The Constitution of South Africa 1996, indicates the cultural rights of South Africans, see Section 31, which states: "Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community to enjoy their culture, practice their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society". This indicates that while the rights of indigenes should be considered, these rights do not trump the cultural rights of other groupings.</p> <p>But see Article 25 of ICESCR, which states, 'Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and <i>utilize fully</i> and freely their natural wealth and resources.' This suggests that the rights of those interested in pursuing the use of natural resources for economic gain also needs to be considered.</p>

INTERNATIONAL TREATIES	RELEVANT SECTION OF NOTED TREATY ETCETRA.	APPLICATION TO CULTURE AND CULTURAL HERITAGE
Convention Concerning the Protection of the World Cultural and Natural Heritage 1972	Article 4 and Article 5 set out the obligations, as well as the means to realise the obligations to identify, protect and advance both cultural and natural heritage protection.	South Africa has ratified the World Heritage Convention Act 49 of 1999 but not the Convention for the Safeguarding of the Intangible Cultural Heritage (ICH) 2003 . This means that ICH is not provided for, except in the general context of provisions made for Living Heritage in the National Heritage Resources Act 25 of 1999.
UN Declaration on the Rights of Indigenous Peoples (UNDRIP)		The South African government has ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007). In April 2021 and at the United Nations Permanent Forum on Indigenous Issues , the state further affirmed its commitment to protecting the rights of indigenous peoples. Equally and to conserve the access of future generations to environmental benefits, South Africa has also sought, post 1994, to realise through various laws, the aims of the Convention on Biological Diversity (CBD). This means that it has also pledged to protect biodiversity for the benefit of present and future generations.
UN Convention on Elimination of all Forms of Discrimination against Women (CEDAW)	Foundational Principles which rest on non-discrimination, state obligation to pursue equality and the pursuit of substantive equality	State parties to the UN World Heritage Convention 1972, are required to pay attention to, and note gender dimensions of ICH. Relevant to this Impact Assessment Study is the fact that there are women Small Scale Fishers (SSF) for whom oceanic ICH matter.

Table 1 International Conventions and Treaties

NATIONAL LEGISLATION		
The Constitution of South Africa 1996	Sections 9(3), 15(1), 30 and 31.	<p>Section 9(3) of the Constitution prohibits the state from unfairly discriminating against anyone on one or more grounds, including, among others, <i>'religion, conscience, belief, [and] culture'</i> (my italics).</p> <p>Section 15(1) bestows everyone the right to 'freedom of conscience, <i>religion</i>, thought, belief and opinion' (my italics) but excludes culture.</p> <p>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.</p> <p>Section 31 entitles persons belonging to a cultural, religious or linguistic community –</p> <p style="padding-left: 40px;">(a) to enjoy their <i>culture</i>, practise their <i>religion</i> and use their language; and</p> <p style="padding-left: 40px;">(b) to form, join and maintain <i>cultural, religious</i> and linguistic associations and other organs of civil society' (my italics).</p> <p>Culture also enjoys special constitutional recognition and protection by virtue of ss 211 and 212 and 181(1)(c) of the Constitution.</p>
The National Heritage Resources Act 25 of 1999	General Principles 4	<p>General principle (4): "heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.</p> <p>See also the South African <i>Draft National Policy on Living Heritage</i> (2009) which states the importance of living/intangible cultural heritage to social and economic life, as well as the inseparability of tangible and intangible cultural heritage (2009, page 10).</p>
	Section 5(4), Section 5(7) a, b, c, d & e	<p>Section 5(4) which states: "heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management"</p> <p>Section 5(7) subsections (a)-(e) which provide: The identification, assessment and management of the heritage resources of South Africa must-</p> <p>(a) take account of all relevant cultural values and indigenous knowledge systems;</p> <p>(b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;</p> <p>(c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;</p>

		(d) contribute to social and economic development; (e) safeguard the options of present and future generations.
World Heritage Convention Act 49 of 1999		<p>‘The Act makes provision for: the enforcement and implementation of the World Heritage Convention in South Africa; the recognition and establishment of World Heritage Sites; the establishment of authorities and the granting of additional powers to existing organs of State, among other provisions.’ (Cheadle et al)</p> <p>South Africa has ratified the Underwater Cultural Heritage Convention 2001, but it has <u>not</u> ratified the Convention for the Safeguarding of the Intangible Cultural Heritage 2003. NAHRA (National Heritage Resources Act 25 of 1999, provides limited protection of both these forms of heritage).</p>
The National Environment Act no 107 of 1998	National Environmental Management: Protected Areas Act 57 of 2003. Chapter 4, Management of Protected Areas.	<p>42(2)(a) provides for the harmonisation and integration of the management of cultural heritage resources in the protected area by the management authority.</p> <p>This would apply to the MPAs identified in Tsitsikamma and other identified MPAs in the area of indirect influence.</p>
	National Environmental Management: Integrated Coastal Management Act of 2008. References to Coastal Resources which includes cultural heritage.	<p>Definitions. “coastal resources” means any part of (a) the cultural heritage of the Republic within the coastal zone, including shell middens and traditional fish traps; or (b) the coastal environment that is of actual or potential benefit to humans;</p> <p>Special Management Areas: (3) An area may be declared as a special management area only if environmental, cultural or socio-economic conditions in that area require the introduction of measures which are necessary in order to more effectively - (a) attain the objectives of any coastal management programme in the area; (b) facilitate the management of <i>coastal resources</i> by a local community; (c) promote sustainable livelihoods for a local community; or (d) conserve, protect or enhance coastal ecosystems and biodiversity in the area.</p>

Table 2 National Legislative Context

3.3 In South Africa, the expression of cultural diversity is however protected. Not only is South Africa a member of the UN, it has ratified UNDRIP, the World Heritage Convention 1972

and the Convention on Elimination of all Forms of Discrimination against Women (CEDAW). And, as noted in:¹⁴

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).

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

However, and as considered in this report and regarding the diversity of cultural values and 'rights', it is accepted in this report that cultural rights, as valuable as they are, do not trump other fundamental rights, including the right to development. It is noted for example, that,

'According to section 7(2) of the Constitution, the state is compelled to respect, protect, promote and fulfil the range of socio-economic rights as a matter of obligation - a rule of law that must be accomplished. These obligations suggest duties for the state, either to take positive action to implement the rights or to refrain from action that could limit full realisation. The core socio-economic rights impose more qualified positive obligations on the state as provided for by sections 26(2) and 27(2), to take reasonable

¹⁴ 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.

legislative and other measures to ensure that the entitlements promised by the rights are progressively achieved.’¹⁵

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 The Act 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

¹⁵ Ngang, C.C. 2014. ‘Judicial enforcement of socioeconomic rights in South Africa and the separation of powers objection: The obligation to take ‘other measures’, *African Human Rights Law Journal* 14: 655-80. <https://www.saflii.org/za/journals/AHRLJ/2014/32.html> accessed 05/06/2023.

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.

3.10 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.

3.11 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.

3.12 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.

3.13 And, as noted in this report, ancestral veneration is important to both First Peoples¹⁶ 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.

¹⁶ Here I refer to the Khoisan peoples of South Africa.

- 3.14 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.
- 3.15 Beyond the EEZ, the UN Convention on the Law of the Sea (UNCLOS) applies. There is currently an application in place to extend the territorial sea boundary of South Africa. 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.
- 3.16 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 within the EEZ.
- 3.17 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 emergency 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 is able to 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 influence¹⁷ 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 emergency 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.

¹⁷ 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, the research conducted assessed coastal cultural heritage value before and after this CHIA.

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.

4. SITES, RESEARCH METHODS, LIMITATIONS AND INFORMATION GAPS

4.1 Research Sites and Methods

- 4.1.2 The method and methodology used for the CHIA Block 567 and DWOB applies to this project, hence the description and discussion on the selection of research sites, research methods and methodology used remain the same. The limitations and potential gaps are unique, as the areas and communities potentially affected by normal operations or emergency events near Block 11b/12b, differ.
- 4.1.3 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 March 2022 to September 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.
- 4.1.4 The field research sites (including chronology of research, number of people interviewed, gender and race statistics of interviewees), sites of archaeological, marine protection significance are presented in Figure 2. The sites of archaeological and marine protection significance are listed in Table 3. A detailed list of field sites, participants, gender and ‘race’ information of interviewees is provided in Table 4.

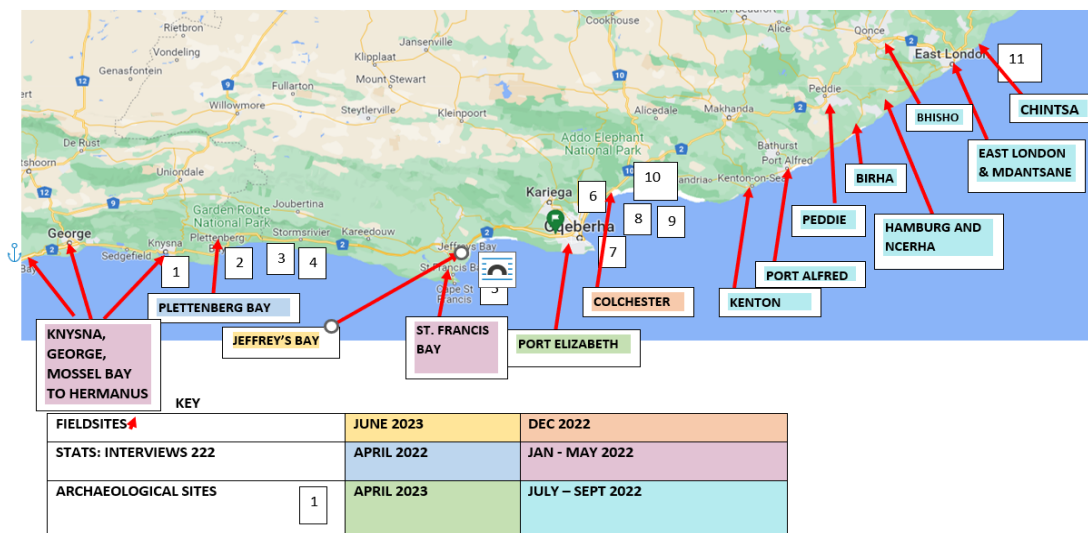


Figure 2 Map of Fieldsites for 11b/12b including Chronology of field research, Basic Statistics and Sites of Archaeological or Marine Protection Interest and/or Importance.

1.	Goukamma Nature Reserve MPA, Knysna estuary (focal point for human activity at least since the mid-Pleistocene), New Stone Age Localities Near the Knysna Heads
2.	Robberg Nature Reserve MPA, Nelson Bay Cave, Robberg Caves
3.	Tsitsikamma MPA & National Park (shell middens and rock art)
4.	Klassies River archaeological sites
5.	Coastal Shell Middens and Fish Traps (Seal Point, Oyster Bay, Slang River)
6.	Albany, Wilton and Howiesons Poort Caves, Bavianskloof heritage site
7.	Cape Recife shell middens
8.	Bird Island MPA, Port Elizabeth Corals MPA
9.	Whale Heritage Sites
10.	Colchester Dunes (6000 and 10 000 years' old and rest upon even older, compacted dunes that could date back as many as 100 000 years)
11.	Amathole Marine Protected Area

Table 3 List of Archaeological Sites and Marine Protected Sites of Interest and/or Importance

Date	Site	Ethnicity	Gender	No. of interviews
Jan 2022 April 2022	Knysna	4 coloured 5 white	4 males 5 females	9
May 2022	St Francis	6 black 13 coloured 5 white	16 males 8 females	24
July 2022 September 2022	Kenton-on-Sea	2 black 8 coloured 4 white	6 males 10 females	16
July 2022 September 2022	Port Alfred	2 black 3 white 6 coloured	10 males 1 female	11
July 2022 September 2022	Hamburg/Peddie/Birha/Ncerha	12 black	8 males 4 females	12
July 2022 September 2022	East London	6 black 4 coloured 1 Indian 4 white	12 males 3 females	15
July 2022	Mdantsane	3 black	1 male 2 females	3
July 2022 September 2022	Cinsta	4 white	1 male 3 females	4
September 2022	Bhisho	1 black 2 white	0 male 3 females	3

Table 4 Detailed Listing of Field Sites and Interviewees up to September 2022

- 4.1 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. No minors were interviewed during research.
- 4.2 The research team interviewed a wide cross-section of South Africans, including 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).
- 4.3 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).¹⁸ 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. During the 2022 research process for this CHIA, there were still some individuals recognized as chiefs and bona fide leaders in their community, that had yet to be recognized by COGTA. It is noted that the legitimacy of COGTA's request for registration of Khoi-San communities and leaders was contested in 2022 (i.e., by some Khoisan people who recognize that cultural heritage and identity are political, rather than genetic or biologically determined). In June 2023, it is noted that the TKLA has, for various reasons, been declared unconstitutional. Consultation with the aforementioned groups, were implemented considering the contentiousness of TKLA and the fact that it has recently been declared unconstitutional.

4.4 The UNDRIP principle of Free, Prior, Informed Consent (FPIC), as well as the Ethics Clearance requirements for human related research at Nelson Mandela University are key to the research conducted for this CHIA. The latter specifically and expressly requires written informed consent for each participant involved in the research investigation, the protection of participants from undue stress during the research process and the protection of participant privacy by not divulging personal information about their precise residential/work locations or any other information which may compromise participant safety and anonymity. Furthermore, and beyond the university ethics requirements, the practice of contemporary anthropology 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 process adhered to both the Nelson Mandela University and disciplinary approach. The latter is also self-reflexive, meaning that researchers must reflect and debrief with research partners,

¹⁸ It is acknowledged that the TKLA has, in February 2023, been declared unconstitutional on the grounds that it affords too much power to the Traditional Councils and risks eroding the land rights of rural and other communities. The response to the TKLA also indicates concerns regarding the authority, authenticity and reliability of traditional leaders in meeting the needs of their constituencies. See: Duda, T. February 2023, 'Traditional and Khoi-San Leadership Act that 'recreates the Bantustans' heads to ConCourt', <https://landportal.org/node/113554> accessed 07/06/23.

their impact on the research process and how they might improve their research praxis in the future.

- 4.5 Regarding the national and legal status of leaders of the Khoi-San communities, it is noted that due to COGTA efforts to register/publicly recognize locally elected traditional leaders, more communities and traditional leaders may come forth to request consultation once they are registered with the Commission and their national status is established. Engagement with communities and leaders has therefore (and during this time of traditional leadership recognition) been done in good faith. Uppermost in the minds and approach of the research team, has been the importance of consultation and inclusion in the research process. But as noted in this report, set time frames for the completion of the CHIA has meant that only some traditional leaders were reached and that subsequently COGTA registered leaders are not consulted. Failure to consult all COGTA registered leaders does not constitute a failure of the CHIA *tout court*, since reasonable effort has been made to reach as many traditional and Khoisan leaders as possible.
- 4.6 Furthermore, the report presented here considers and accepts that there may be Biocultural Community Protocol (BCP) emerging from indigenous communities at this time, or during TEEPSA's operations at 11b/12b. The CHIA presented here considered all materials that the specialist deemed relevant and was offered by TEEPSA to support the assessment. The BCP for the Guriqua Peoples in the Western Cape Province for example, which denotes the emic connections of these people in cultural, ritual and spiritual ways to coastal resources is acknowledged and included in the CHIAs done for Blocks 567 and DWOB.
- 4.7 The historical (Nineteenth Century/precolonial) distribution of Khoisan peoples is noted in Figure 9. This provides a sense of early and general settlement patterns of First Nation peoples in South Africa.
- 4.8 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.
- 4.9 Interviewers were multilingual (i.e., they spoke Afrikaans or Xhosa for the Eastern Cape research) and, 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.

- 4.10 The research team itself was generationally and ethnically diverse. The team comprised of a Khoisan descendant, Sotho, Xhosa, Afrikaans as well as European descendants.
- 4.11 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.
- 4.12 The duration of the field research that informs the CHIA for Block 11b/12b commenced in March 2022 and has been implemented intermittently from that time to the end of September 2022. For the 2022 stints of research in the Eastern Cape province, adjacent to the area of indirect influence, 122 interviews of approximately 40 minutes to 1.5 hours were conducted.
- 4.13 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. Community consultation involved selecting, accessing and confirming interviewees, the written formal consent communication, the interview and social engagement accompanying each interview.
- 4.14 The 2022 field research covered selected field sites where there are line fishermen, crab hunters, chokka fishermen as well as secondary users of these catches: ordinary community members, restaurants and hotels. The time spent in the sites enabled the team to perceive how SSF work with established fishing companies, how SSF and their families support subsistence in local communities and how the coastal context contributes to varied cultural and leisure uses of the coast and sea. 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. The PI read reports regarding national government issuance of fishing quotas and licences, customary law and ocean governance (Sunde 2014), 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. Finally and as noted in this section of the report, it is acknowledged that the Northern Cape Coast and the Western Cape coast contain not only sites of ICH value, but also sites of natural and underwater cultural heritage value.

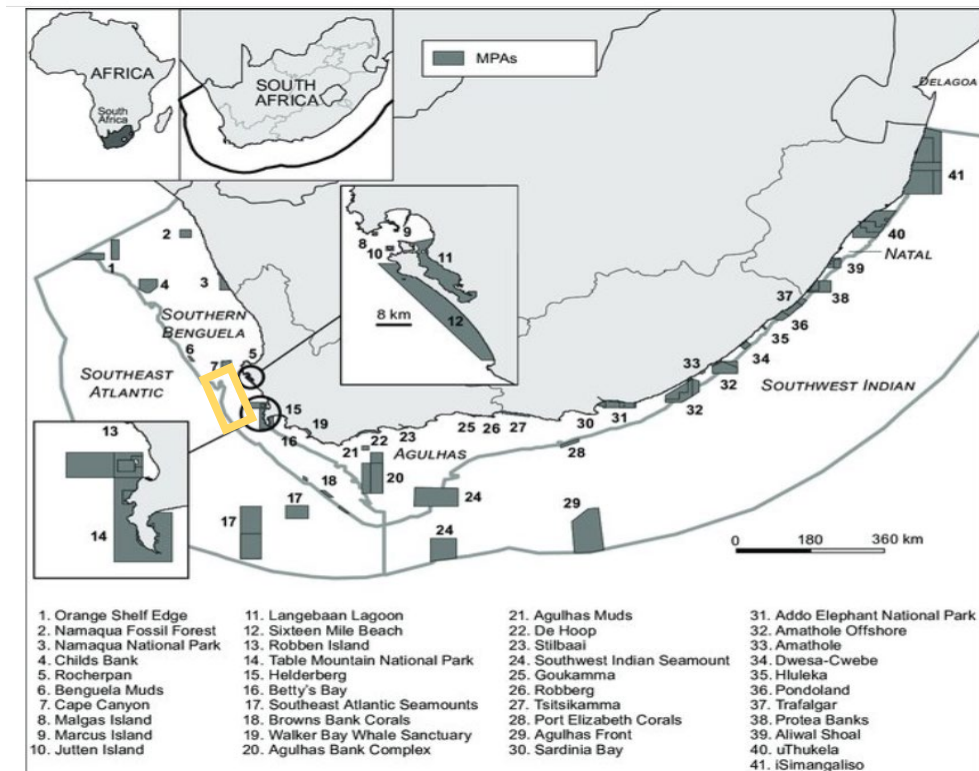


Figure 3 Map of Marine Protected Areas and Sites of Biodiversity/Natural Heritage in South Africa, Including the West Coast of South Africa. The location of 3b/4b is approximately where the yellow block is indicated.

Source of Map: Map of South Africa's mainland marine protected areas (MPAs). MPAs are numbered from west to east. Map by Stephan Kirkman in Mann-Lang, J., Branch, G., Mann, B.Q., Sink, K., Kirkman, S., and Adams, R. 2021. 'Social and economic effects of marine protected areas in South Africa, with recommendations for future assessments', *African J. of Marine Science* 43(3), 367-87.

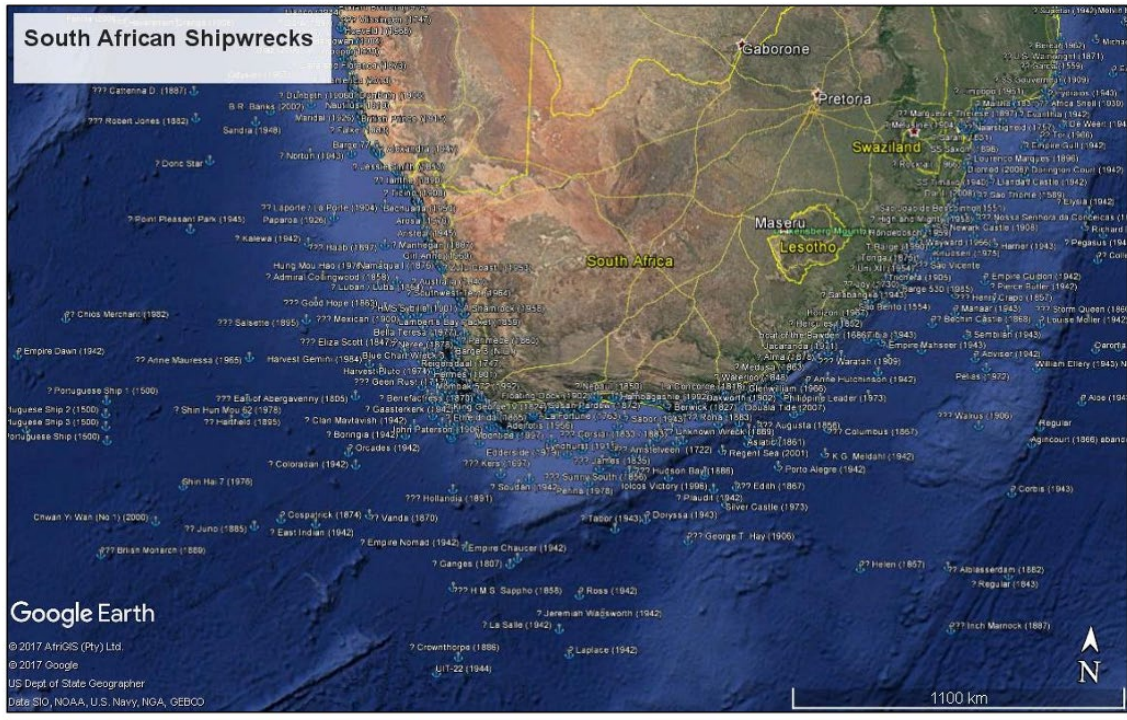


Figure 4 Map of South African Shipwrecks

Source: Maitland, V. 2017. ‘Underwater Heritage Impact Assessment for Marine Prospecting Areas off the West Coast of South Africa’

https://sahris.sahra.org.za/sites/default/files/additionaldocs/DB07_AppD3_Heritage_0.pdf accessed 07/06/2023

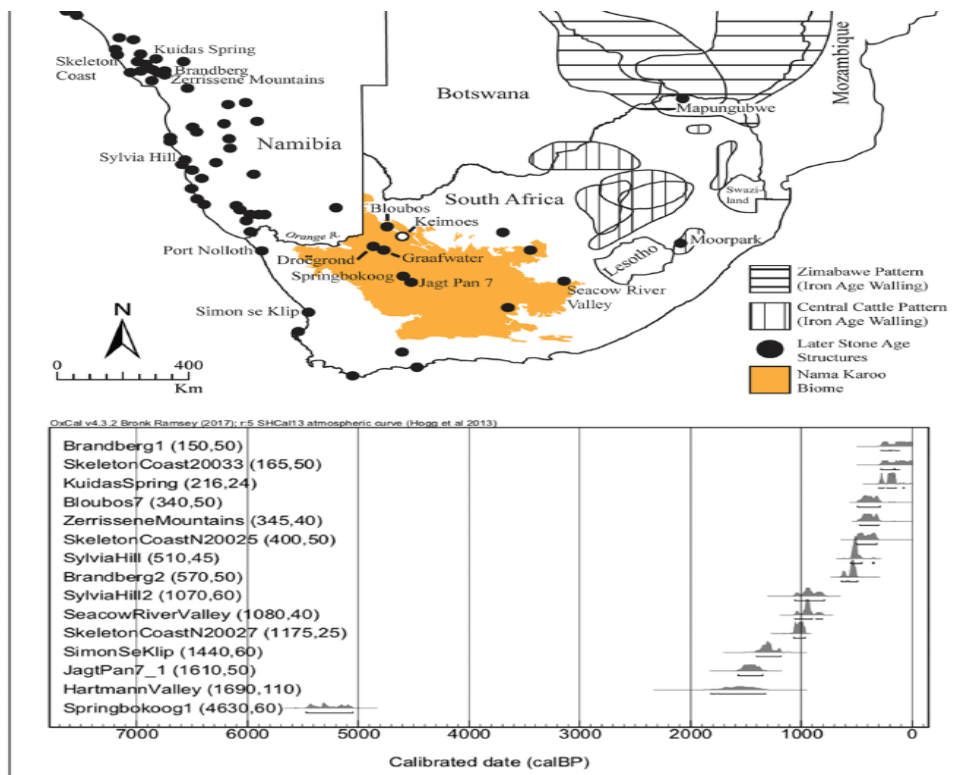


Figure 5 Map showing Later Stone Age Structures in South Africa and Namibia

Source: Lombard et al (2019) ‘The Keimoes 3 desert kite site, South Africa: an aerial lidar and micro-topographic exploration’ *Antiquity*, 1-15



Figure 6 'Cradle of Humankind' identified by the Western Cape Government

Limitations

4.15 More time could have been given to interviews with emerging and currently accepted traditional and Khoi leaders in the Northern and Western Cape. Greater access to fisher cooperatives and commercial fisher companies would also have enriched the study further. However, and as acknowledged, it was challenging to reach SSF cooperative leaders in the Western Cape, as initial effort to communicate with researchers working on issues of SSF culture and the networks of which they are part, did not proceed. Contact was established and interviews conducted with individual fishers in the various locations indicated in the maps and interviews were also conducted with stakeholders beyond the SSF groupings/individuals – i.e., Khoi descendants and leaders, other traditional leaders, business owners, coastal dwellers, environmentalists, civil servants and healer-diviners.

Information Gaps

4.16 Knowledge gaps in the research are of low to negligible 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.

- 4.17 The significance of the representation gap is considered to be low, given the wide consultation effected during fieldwork.
- 4.18 The significance of the time for research is medium to 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.
- 4.19 The data collected in 2022 presented in this report includes some of the findings of cultural valuation of the oceans and coast, from Mossel Bay to Knysna. However, further research was conducted by May 2023 to consolidate these findings.
- 4.20 Desktop studies are undertaken to provide reasonable coverage of heritage considerations beyond ICH, such as Tangible heritages in the form of sites offshore that may be affected by the consequences of drilling, sites such as UCH in the form of shipwrecks (see Maitland 2017) and TH in the form of archaeological sites including shell middens (See Binnemann 2018).
- 4.21 The methodology and method for the CHIA for Block 11b/12b 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); the DSR indicating planned activities at Block 11b/12b; 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.¹⁹ 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. The aim is to anticipate future conditions arising from normal operations and emergency events, as well the sociocultural results arising from such conditions.
- 4.22 Regarding indigenous coastal cultural heritage, there is complex and holistic consideration and valuation of the sea and coast. For the Khoisan (First Nations)

¹⁹ 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.

descendants, there is a deep connection with the coast and sea.²⁰ 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.

4.23 Regarding TH, especially archaeological sites such as shell middens and other tangible remains of prehistoric peoples, it is noted in the Addendum to the baseline report for 11b/12b that,

4.23.1 There is indeed substantive literature on the TH, especially the archaeological heritage of the south and eastern cape coasts, sites of indirect influence to block 11b/12b. As noted in the reference list of this report, the work of Johan Binneman stands out in this regard (Binneman 1985, 1996, 1999, 2001, 2005, 2018). Binneman provides a comprehensive study of various archaeological sites along the south and eastern cape coasts. Maitland offers a study on shipwrecks and other sites of maritime significance, including fish traps. Considering the cultural sensitivity of the area, Binneman (2018, 6) states that,

Archaeological research conducted and observations made in the region between Kabeljous River Mouth and Cape St Francis indicates that this part of the coast and adjacent inland are extremely rich in archaeological heritage sites and material. For example, research at rock shelters and caves, such as Klasies River Mouth yielded some of the oldest remains of anatomically modern humans in the world. At Kabeljous River Mouth the oldest sheep remains in the Eastern Cape were recovered from shell middens. These remains, associated with Khoi pastoralists, the first food producers in South Africa, were radiocarbon dated to 1 560 years old - the oldest recorded date for the presence of sheep along the Eastern Cape coast.

²⁰ Boswell, R. and Thornton, J.L. (2021). 'Including the Khoisan for a more Inclusive Blue Economy', *Journal of the Indian Ocean Region* 17 (2) 141-60.

5. DESCRIPTION OF THE BASELINE: CULTURAL HERITAGE ENVIRONMENT

5.1 Definition of Cultural Heritage

- 5.1.1 The definition of the heritage concept does not change substantially across sites, since heritage is globally agreed to consist of tangible heritage (TH), which are monuments, sites, artifacts, and places of archaeological or historical significance. UNESCO is the global organization that has publicly defined and sought to conserve heritage worldwide. The UNESCO Convention on the Protection of the World Cultural and Natural Heritage (1972) or, as it is commonly referred to, The World Heritage Convention is ratified by 194 countries worldwide, including South Africa. The World Heritage Convention makes provision for the recognition, nomination and inscription of World Heritages on the World Heritage List (WHL) and for sites of universal significance to be named World Heritage Sites (WHS).
- 5.1.2 UNESCO defines and distinguishes ICH (Intangible Cultural Heritage) as the folklore, ritual practice, beliefs, symbolism, social attachment, as well as associated human sensory engagement with the coast and sea. The definition of ICH is derived from the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003).
- 5.1.3 UNESCO indicates that heritage is also found underwater. Such heritage is discussed as Underwater Cultural Heritage (UCH). UCH consists of tangible cultural heritage. It is associated with maritime artefacts that remain on the sea floor after a shipwreck for example. The definition of the UCH is derived from and defined by the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001).
- 5.1.4 In this regard and for any site that is coastal or where people make use of the sea, there is need to consider cultural tangible and intangible heritages as described as above, since these are in my professional opinion, terraqueous (territorial and watery) territories which refer to and includes inshore archaeological sites and sites of spiritual significance. The waters noted in this cultural heritage impact assessment are discussed by community members encountered in the research sites, as ‘living’ waters. These territories are also

said to be multiply influential, as they contain marine species of subsistence and ecological value, and the waters are incorporated in ritual activities.

- 5.1.5 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 ICH in its reference to living heritage in the National Heritage Resources Act 25 of 1999.
- 5.1.6 South Africa has also nominated the
- 5.1.7 The recognition of ICH is also evident in the SA Constitution.
- 5.1.8 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.
- 5.1.9 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 (henceforth referred to as the ‘research’) revealed that there are shared and often converging values regarding the conservation of the ocean and coasts.
- 5.1.10 ICH is recognized by the First Peoples of South Africa, the various groups defined within the Khoisan collective. This includes 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.
- 5.1.11 While there are cultural landscapes identified by SAHRA, the South African Heritage Resources Agency in South Africa, it is important that these are recognized as such by being inscribed on a national register and thereby be publicly recognized as a national cultural landscape. In the SAHRA mandate, it is stated that, ‘SAHRA is mandated to *coordinate the identification and management of the national estate. The aims are to introduce an integrated system* [my emphasis] for the identification, assessment and management of heritage resources...’²¹ In this regard, it is understood that SAHRA is mandated to set up processes for the identification of heritage worthy of national

²¹ The South African Heritage Resources Agency (n.d.). ‘SAHRA Who we Are’, <https://www.sahra.org.za/> accessed 05/06/2023.

recognition, it is not, on its own, mandated to identify such heritages as worthy of national recognition. Doing so, would amount to overreaching.

5.2 Location of Coastal Tangible and Intangible Cultural Heritages

- 5.2.1 The research found that ICH related to the coast and sea in the applicable section of the Western Cape (Mossel Bay to Knysna) and the Eastern Cape (as discussed in this report), is especially rich and detailed, indicating a diverse and coherent set of beliefs and human relations with the sea and coast.
- 5.2.2 An additional baseline report (Addendum to the baseline report for block 11b/12b) is provided to attend to findings and locations of coastal tangible and intangible cultural heritages from False Bay in the Western Cape Province to Jeffreys Bay in the Eastern Cape Province.
- 5.2.3 The research 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 Nations and Nguni) groups specifically.
- 5.2.4 The specific beliefs concerning these ‘living’ waters can be summarized as follows:
- 5.2.4.1 That the waters contain the ancestral spirits of the cultural communities
 - 5.2.4.2 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.
 - 5.2.4.3 That the waters can be portals to a *parallel universe*, or *mirror universe* and that humans in our dimension cultivate relations with beings from this mirror universe.
 - 5.2.4.4 That while the lesser waterways such as streams, rivers and pools may contain a community’s specific ancestral spirits,
 - 5.2.4.5 That some indigenous groups believe that the ocean itself contains the ancestral spirits of the African continent and arguably the ancestral spirits of all humanity.
 - 5.2.4.6 That the ancestral spirits in the ocean reside on the seabed or seafloor
 - 5.2.4.7 That are markers such as reeds, whirlpools or disturbances in the water that indicate the place and presence of ancestral or water spirits.

5.2.4.8 That indigenous peoples (both Nguni descendants and Khoisan peoples [now also described as First Nations] 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.

5.2.4.9 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.

5.2.4.10 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.

5.2.4.11 UNESCO²² also identifies cultural landscapes and describes them thus: ‘The most easily identifiable is the **clearly defined landscape designed and created intentionally by man**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

The second category is the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features.

They fall into two sub-categories:

- a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
- continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress.

²² UNESCO World Heritage Centre (n.d.) ‘Cultural Landscapes’, <https://whc.unesco.org/en/culturallandscape/> accessed 05/06/2023.

At the same time, it exhibits significant material evidence of its evolution over time.

- The final category is the **associative cultural landscape**. The inclusion of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.’

5.2.4.12 Regarding tangible coastal heritages, secondary data is instructive. It is noted that from Mossel Bay to Gqeberha/Port Elizabeth, there are, as noted in the archaeological assessment of Binneman

5.3 Summary of Research Findings

- 5.3.1 To meet the CHIA requirements for Block 11b/12b, the PI drew on anthropological field research conducted from Knysna and Plettenberg Bay (noted in the previous section as well), St Francis Bay, Port Elizabeth, Colchester, Port Alfred, Kenton on Sea, Hamburg Village, Gonubie, the broader East London area including Duncan Village and Cintsa. An additional section (Addendum to the baseline report on block 11b/12b) is provided for relevant sites (Mossel Bay to Jeffreys Bay) for the CHIA.
- 5.3.2 Figure 2 indicates the research sites where data on the cultural valuation of the ocean and coast was obtained. 153 interviews were conducted for the area from Knysna to Chintsa. A further 102 interviews were conducted from Mossel Bay to Jeffreys Bay. Six researchers assisted and they spoke English, Afrikaans and Xhosa. Each interview was between 40 minutes to 1.5 hours, and a semi-structured interview schedule was used to engage interviewees. As noted for the Western Cape, the research conducted was approved by the Nelson Mandela University Ethics Committee and as noted here, the sole purpose was to collect data on cultural heritage connections with the sea.
- 5.3.3 The towns encountered, encompass a variety of ecological landscapes. These include mountainous fynbos areas, cultivated forests for commercial use, estuaries (Knysna estuary for example and Swartkops estuary in Port Elizabeth/Gqeberha), riverine landscapes, game farming and pineapple and dairy farming areas.

- 5.3.4 The stories of the Eastern Cape are extraordinarily complex. The land has deep history of First Nations] occupation, specifically those who today describe themselves as Khoisan and believe that their ancestors formed part of the Griqua, Hessequa, Gonaqua, Gamtkwa and Outeniqua peoples, and there are many Xhosa clans and chiefs, who retain responsibility for their cultural subjects/villagers.
- 5.3.5 From Knysna to Plettenberg Bay and beyond, up to Cintsa, the team found significant coastal land dispossession. The long history of colonisation and land dispossession and reallocation in the Eastern Cape Province (EC), dates to the early 1800s. Figure 8 in this CHIA notes the historical locations of these communities. Beginning with the First Nations people in the region (as holders of significant cultural heritage knowledge), especially those known as Griqua, it was found that they experienced significant dispossession. The name Griqua (Griekwa in Afrikaans) is of Khoe origin, “*grie beteken mense and kwa beteken ook mense*” (Grie means people and Kwa also means people) hence, they are the ‘people’ among the peoples (Schweitzer 2015: 18). ‘A few Griqua are able to converse in the Khoe language Xiri and are considered to be part of the larger group of indigenous KhoiSan which comprises of the !Xun, Khwe and Khomani as well as the Khoekhoe groups Griqua, Nama, Koranna, and Cape Khoekhoe’ (Schweitzer 2015: 19). Besten (2006, 20) also states that,

Those who came to identify themselves as Griqua in the early 1800s were of heterogeneous origin, that is, Khoekhoe, San, slave, southern Bantu-speaking African, with mixtures of Khoekhoe-European, and Khoekhoe-slave. As the 19th century revived term of Griqua was an adaptation of ‘Chariguriqua’ /‘Grigriqua’ , or a re-signification of the old Griqua term in these names, people who came to identify themselves as Griqua from the early 1800s onwards would associate, to some extent, with the indigenous Cape Khoekhoe, even though they might not themselves have stemmed from the Khoekhoe cluster from whom the new Griqua name was derived. Although implied in the name, the association with the Khoekhoe would be varyingly articulated under different socio-political circumstances and become especially emphasized after the 1994 democratic change in South Africa (ibid).

A number of those who identified themselves as Griqua in the early 1800s had a direct link with the ‘Chariguriqua’ /‘Grigriqua’ and many neo-Griqua descendants would, through a process of intra-Griqua mixing over generations, come to have actual ancestral links with the ‘Chariguriqua’ /‘Grigriqua’.

5.3.6 By 1995, the Griqua were increasingly claiming that they were Khoe with a “view that they were of mixed descent was now de-emphasised” (Louw 2018). It is cited in our research data that in the case of Plettenberg Bay, the first EC town from the Western part of the country, that are still many Griqua living in this part of the EC.

5.3.7 From at least 1820, the people known as Griqua in the Eastern Cape province has experienced dispossession and increasing impoverishment, first by the process of colonization and the founding of the Union of South Africa (1910) and then via various laws (i.e., 1913 Land Act), which stripped black South Africans of rights to land, independence and identity. The First Nations peoples (including those beyond the Griqua and the Xhosa peoples of the EC) have, since colonization experienced a diversity of dispossessions and they have fought and developed extraordinary resilience in the face of many hardships. Since this history and story is very long, complex and has been discussed by many, the discussion presented here starts briefly considering the multiple impacts of colonization (such as the creation of Bantu (African) Homelands) and apartheid (1948-1994) and the concentration of Africans in what is today the Eastern Cape Province.

5.3.8 Field research in the Western Cape Province in May 2023, revealed the increasing identification of peoples (previously defined as Coloured) as Khoisan. The research also revealed that those self-defining as Khoisan emphasise the difference between indigenous Nguni peoples and aboriginal Khoisan peoples. The distinction is cultural and political, because miscegenation has led to the blending of various groupings in South Africa, as well as the sharing of beliefs and cultural practices.

5.3.9 In the Addendum to this report and in relation to the intertwining of cultural and natural heritage, it is stated that,

A key finding of the field research among aboriginal KhoiSan peoples from Mossel Bay and George, is that nature is considered to be symbiotic whole and humans are part of this whole. The equality of all living things is emphasised, as well as the agency of even that which is not considered sentient in modern

(Western) human consideration. To clarify, the belief is that plants, trees, water and various other inanimate ‘things’ have a will and role in the universe, and these are active, producing their own subjectivity or specificity, according to the logics which govern them, logics which may be beyond the purview and understanding of humans. Unlike the indigenous (Nguni influenced) perception of nature, which acknowledges a partial separation between humans and natural elements, as well as a distinct realm for the spiritual, in the KhoiSan belief ‘system’, the transmaterial nature of, and exchange between all things is acknowledged and welcomed. Similar ideas of nature are apparent in other globalized contexts (Posey 1999 and Vivieros de Castro 1998).

The life-giving force of nature is part of the exchange that takes place between humans and other living and non-living things. The logic and philosophy suggest that there are other purposes to nature other than its life-giving force and its everyday integration into human lives. These ‘other’ purposes ought to be respected as well, even though there is no national legal provision for the recognition of the sentience/rights of things considered non-human and inanimate (see also Kohn 2013, who writes of indigenous views regarding sentient forests).

- 5.3.10 Considering the complex issue of First Nation peoples’ identity post-apartheid, including the identity of Gamkwa peoples in the Oyster Bay/Thyspunt area, several social scientists who have conducted detailed ethnographic research in a diversity of sites across South Africa have, between 1994-2022, indicated the negotiation, construction, performance, reclamation and representation of identity, sometimes for political and/or economic gain after centuries of oppression and at other times for the reclamation of dignity (Sharp and Boonzaier 1994; White 1995; Robins 1997; Stevens 2000; Oevernes 2002; Erasmus 2005; Lee 1998, 2003, 2006; Besten 2006; Waldman 2007; Rassool 2009; Francis 2009 and 2010; Gqola 2010; Erasmus 2013; Bam 2014; Sylvain 2014; Ellis 2015; de Jongh 2016; Schramm 2016). In summary, this is contested ground, meaning that First Nations identities have been and still are in the process of being established in South Africa. Furthermore, leadership in the First Nations group, although recognized through customary means is also revealed to be contested in some instances, raising questions about the authority of certain leaders to speak on behalf of the others. This fact was revealed to the team during field research in May to June 2023, when the team interviewed First Nations chiefs in Mossel Bay

and in Jeffreys Bay. The chiefs and headmen in the latter town, indicate that they are also leaders for the broader area up to St Francis and Thyspunt. From the interviews it was discerned that while unity of interest and development goals is deeply desired among the First Nations, it is not always achieved, since there are chiefs who proclaim to express the interests of the group but in fact, do not. Those chiefs and headmen interviewed in Mossel Bay and in Jeffreys Bay indicated a desire for development, including offshore oil and gas development, as long as these would benefit the people economically.

- 5.3.11 The map in the research methods section (see Figure 8) provides a view of this concentration of Africans into what constitutes 13 percent of South Africa's total land surface area. Today, most people living in the Eastern Cape are black African. The province is also one of the poorest provinces in the country and it has the lowest rate of literacy (Hamman and Tuinder 2012).²³
- 5.3.12 Considering economy and economic sustenance in a province that is also one of the poorest, one finds that compared to other provinces, there, government services dominate in the province, constituting 23 percent of the composition of the provincial economy (see Figure 7 below).
- 5.3.13 The result of many centuries of colonization has produced not only poverty in the Eastern Cape Province, but it has also shaped the urban landscape, in terms of tangible cultural heritage and access to sites of cultural significance for local inhabitants. Thus, and as noted in this report, TEEPSA needs to consider these facts too – these facts cannot be separated out from the task of exploration or drilling offshore. As noted later in the report, the *World Bank Environmental and Social Standards* (ESS) notes three standards critical to sustainable development and good business practice. These three are ESS 6, 7, 8 which refer to attention to the conservation of biodiversity, inclusion of indigenes and recognition of cultural heritage.

²³ Hamann, M. and Tuinder, V. 2012. 'Introducing the Eastern Cape: A quick guide to its history, diversity and future challenges.' <http://www.sapecs.org/wp-content/uploads/2013/11/Eastern-Cape-Background-Report.pdf> accessed 28/08/2022.

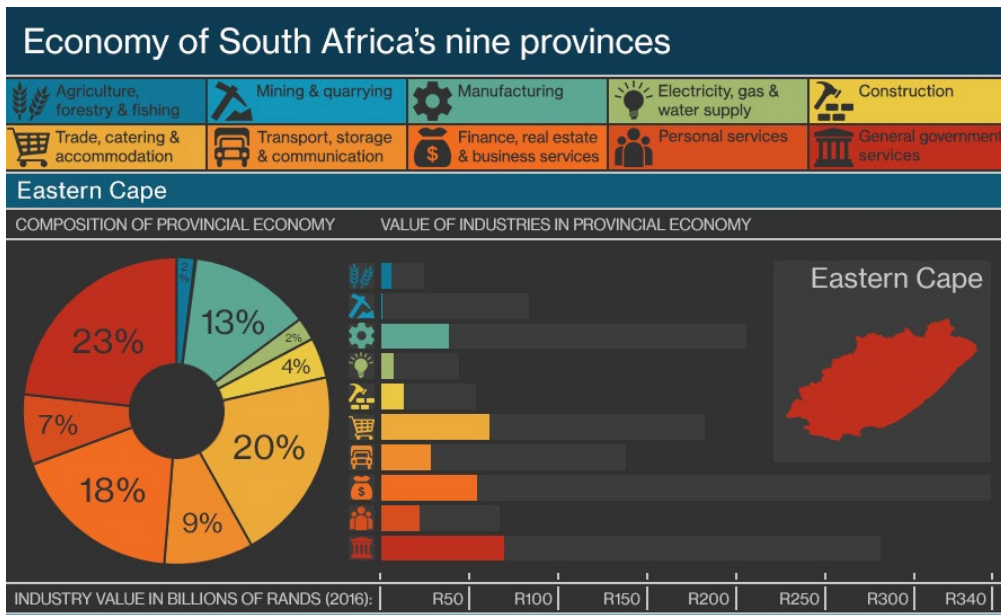


Figure 7 Economy in the Eastern Cape. Data from Census 2011 <https://southafrica-info.com/land/nine-provinces-south-africa/> accessed 28/09/2022

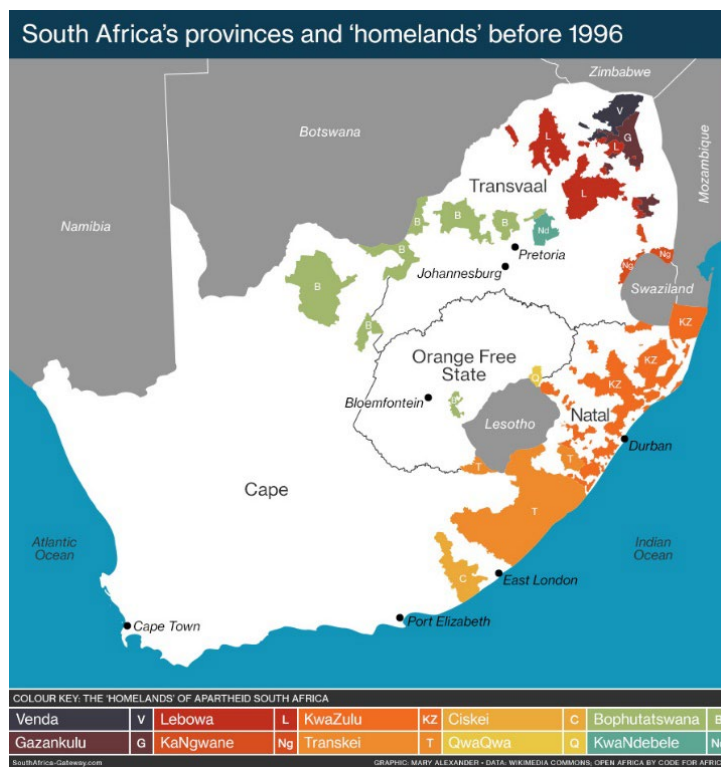


Figure 8 Map of South Africa indicating Apartheid created Homelands prior to 1996.

In terms of its natural landscape, a fact relevant to cultural heritage, one finds that there is a diversity of factors that have shaped the original natural landscape of the Eastern Cape in the last few decades. The Eastern Cape has significant biodiversity. Hamann and Tuinder (2012, 3-7), note the varying natural landscapes of the region, as well as endemic and biodiverse species in each identified locale. In a published output on the biocultural diversity (Boswell 2022),²⁴ there is discussion on the intimate interrelationship between cultural and biodiversity at the coast. Shackleton and Luckert (2015, 1061)²⁵ add however, that the province has also experience significant changes to its landscape, in the shift from agrarian livelihoods due to apartheid, climate change, the scourge of HIV-AIDS and violence:

A case in point is the agrarian change in the Eastern Cape, South Africa that has been taking place over several decades. The present-day landscape has been largely shaped by discriminatory apartheid policies that placed most of the land in the hands of white commercial farmers and systematically undermined peasant production amongst black farmers in the Bantustans [5]. However, despite this history, and up until relatively recently, farming continued to provide an important source of livelihood and food security for black rural families. Many people in the rural communal areas of the country identified themselves as “farmers”, undertaking both arable and livestock farming. However, more recent work, especially in the Eastern Cape, has suggested that farming, particularly extensive arable production is declining and either shifting to more intensive cultivation of home gardens or being abandoned altogether [5–14]. The trends also suggest a reduction in livestock ownership and numbers, although this change is not as striking [13–15]. Such adjustments in agricultural production are influenced by, and interact with, many other trends at a variety of scales. For instance, under global climate change, the region is projected to become hotter and drier, facing more droughts and, ironically, more severe and

²⁴ Boswell, R. 2022. Salted Identities: Biocultural Heritage for a Rehumanized Ocean Management in South Africa. *Anthropology and Humanism*. <https://doi.org/10.1111/anhu.12402> accessed 04/10/22

²⁵ Shackleton, S., Luckert, M. 2015. ‘Changing Livelihoods and Landscapes in the Rural Eastern Cape, South Africa: Past Influences and Future Trajectories’, *Land* 4, 1060-1089; <https://www.mdpi.com/2073-445X/4/4/1060/pdf> accessed 28/09/2022.

frequent floods [16]. These climatic changes are superimposed on a suite of other stresses impacting local livelihoods and human well-being [17,18]. Short-term shocks, such as death and illness in the household, job loss, hunger, violence and crime, often arise as a consequence of longer-term “background” shifts, which, we argue, are fundamentally altering local social–ecological systems. Examples of these “slow variable” background changes include the systemic effects of HIV/AIDS on household structure and assets [19–21], urbanization and changes in demographics, household structure and relations, and values.

- 5.3.14 Gentrification, arising from the concentration of resources in the hands of a European descended minority has also affected the natural landscape, leading to urbanization and exclusion at the coast. In the field research, the team found that there many African/black South Africans that no longer had easy access to the coastline, whether for fishing or for cultural pursuits/leisure, because the coastal areas were marked off by booms/barriers or by imposing housing and tourism structures. Thus, gentrification affects not only natural heritage and access to it, it also impacts cultural heritage and South Africans’ access to natural resources for ritual purposes.
- 5.3.15 The research showed that local communities needed to make significant effort to access the coast. Thus, changes onshore have also dramatically impacted local communities and these impacts, especially on cultural heritage, remain to be fully assessed. Since the mid-2000s, the EC landscape has for example and because of declining agriculture, drought and economic decline, shifted to private game farming and tourism.
- 5.3.16 A significant first finding of the research in the E.C is that the apartheid regime compelled many people of color to accept jobs that they were either not interested in, or passionate about. The data shows significant occupational changes during individual lifetimes and the gravitation of many coastal peoples back to a livelihood with the sea. This is critical information because the current general, community perception is that only those who demonstrate continuous use of the sea for livelihood purposes can be perceived and registered as SSF.
- 5.3.17 As the research team that conducted fieldwork in the EC found however, there were people who had been domestic workers, policemen, teachers and laborers, that either after completing their contract, being made redundant or choosing otherwise, became small-scale fishers.

- 5.3.18 This was the case of Andre (not his real name), an ex- policeman, a Coloured man, who explained to us that the sea means everything to him. Although he had been a policeman for 29 years and had been forced to go into that career because that is what was set out for Coloured men under apartheid, he preferred the sea and was happiest there. Andre described in great detail, his experiences at sea and how he had eventually obtained a license for squid fishing and would join the squid or chokka boats for 21 days at a time, fishing and contributing to the boat's quota allocated catch.
- 5.3.19 While most of those interviewed in the Eastern Cape spoke about the importance of the river, there were still a good number of people who indicated their close, unwavering connection to the sea, for example, one man said,

*The sea is my second home. I was 13 years old then... my father had been a builder, but when I saw my father fishing, he always took me with him or I followed him, to the river, to the sea. One day I heard my father goes out with the boats too, if the building work is not good then he goes out with the boat. It just upset me, like it was a shock in my life, yes, I want to see what the sea looks like. I want to go to the sea with my father into the deep sea. The river was nothing to me. The river is just a common thing, you know, but I want to get out into the deep sea and into the... that was my heart's desire. Then my father didn't want me to go because at that time they did not allow children on board. You may not have children on the boat that goes to the deep sea. But one day my father hid me in the boat's cabin, then he covered me with the life jackets. When the boat is deep in the sea and he took me out, he said Joseph you can come out, here I see, I am in the deep sea. *I was overwhelmed, gentlemen I couldn't believe I was at sea. It was crazy, I was born and bred there, at sea and then I also caught fish there in the sea with my father that day* and after that, as I grew up, when I got older 18/19 years then I went to the sea myself. Without my father, [as] an adolescent.*

- 5.3.20 Andre also explained how it is that oil and gas exploration had been explained to him by activists in the area, in his interview, he said,

J: Dan bly ons daar vir twee dae, 'n week vir sometimes, baie goeie treatment by hulle gekty en hulle help ons baie (Andre interrupts – Laat ek net klaar praat

Andre. Jy gaan jou chance kry my chommie). Met die mense van ...neh, toe het hulle ook tot onse attention gebring laat ... daar is mense van ... Shell sé mense wil die coast op blaas van Walvisbaai af right around tot in Kwa-Zulu Natal. Toe explain hulle vir ons die exploitation van die gas and that and that, toe is ons baie unhappy jong. Want ons weet, as daai mense jong ... die way hulle explain het aan ons, daai mense gaan die see destroy

Then we stay there for two days, sometimes a week [workshops including information on seismic blasting], we get very good treatment from them, and they help us a lot (Andre interrupts - Let me just finish talking Andre. You're going to get your chance my *chommie*/friend). With the people from ..., they also brought it to our attention late... they are people from... They said Shell want to blow up the coast from Walvis Bay right around to Kwa-Zulu Natal. Then they explained to us the exploitation of the gas and that and that, then we were very unhappy. Because we know, if those people are blasting... the way they explained to us, those people are going to destroy the sea

W: Vir die olie

For the oil

J: Hulle gaan boor en lelike goete doen daar in die see. Toe dink ons jirre die ding is mos nie goed vir ons nie, hulle gaan onse visse dood maak. *Wat gaan ons van lewe môre (slaan op sy maag) jy sien ons is, ons ken net fishing (slaan weer sy maag toe hy sê ons ken net fishing)*. Hoe gaan ons nou maak. Maar toe sien ek op my foon laas week, hey daar by die Supreme Court in Grahamstown daar is 'n judge [Mbenenge] or something, en onse mense was daar, nie Port Alfred nie maar die ander co-ops

They are going to drill and do ugly things in the sea. Then we thought the thing is not good for us, they are going to kill our fish. *How are we going to live tomorrow (hits his stomach) you see we are, we only know fishing (hits his stomach again* when he says we only know fishing). What are we going to do? But then I saw on my phone last week, hey there at the Supreme Court in Grahamstown there is a judge [Mbenenge] or something, and our people were there, not Port Alfred but the other co-ops

Yeahs

Ja, die ander co-ops van Port Elizabeth, die Khoe-San co-ops, en 'n Moeg Gesukkel en daai mense was daar, toe sien ons hey lyk my ons het die saak gewen. Ons het die saak gewen, Shell gaan nie meer *onse coast* (**People's ownership of Coast**) blaas en goeters nie, gas en oil soek en so aan nie jy weet. Toe is ons baie bly oor dit. Baie baie bly oor dit rerig. Terug gekom na die fishing right toe neh, ons moet hom utilise, want ons is geworried government gaan eendag hier kom by ons en sê kyk hierso, is nou soveel jaar, julle het nog niks nie, nie een vis gevang nie, ons vat daai fishing right by julle vat. Ons sien die chokka right, julle gebruik hom, julle maak geld, maar die fishing rights lê doodstil, julle gebruik hom nie. Toe het daar mense gekom ook van East London af nou weer, Department of Economic Development, wat is daai auntie sê naam nou weer, daai chommie van jou, Sarah

Yes, the other co-ops from Port Elizabeth, the Khoe-San co-ops, and Moeg Gesukkel and those people were there, then we saw hey I think we won the case. We won the case, Shell is no longer going to blow *our coast* and stuff, to look for gas and oil and so on you don't know. Then we were very happy about it. Very very happy about it. Coming back to the fishing right then, we have to utilise it, because we are worried government is going to come here one day and say look, it's been so many years, you still haven't caught any fish, not a single fish, we'll take that fishing right from you. We see the chokka permit works, you use it, you make money, but the fishing rights lie dead still, you don't use it. Then there were people coming from East London again, Department of Economic Development, what's that auntie's name again, that *chommie* [friend] of yours, Sarah

W: Ja, ja

Yes, yes

J: Ja, toe het daai mense gekom van East London, toe roep hulle ons hier na die dorp toe, hier by die Town Hall, drie mense van die co-op, is ek Andre en ou Grant, die ander ou, hy is nie hier nie, hy is in die see. Toe het die mense ook 'n workshop daar met ons. Hulle het ons getrain in hoe werk 'n small-scale besigheid

Yes, those people came from East London, they called us to the town, at the Town Hall, three people from the co-op, me, Andre, and old Grant, the other

guy, who is out in the sea. Then the people also had a workshop there with us. They trained us in how a small-scale business works.

5.3.21 Interviewing a group of Khoisan Chiefs and Elders, the PI learned a great deal about the closeness of Khoisan peoples to the sea and coast. The following extract, relates this closeness:

!Ai//aob.Tire ge a Goakx'oab Doup. What I just said is good morning. I am Chief Opperman. My cultural name is Doup and that's what why you hear me calling Doup. Goakx'oab means Chief in the culture, and I just introduced myself as Chief. Thank you very much for giving me the opportunity to introduce myself. I am born and bred in... . Actually, [I] grew up along the ocean. I grew up, my grandmother raised me, even my mother raised us using the sea. My grandmother traded from the sea to feed us, and that's how I grew up. To trade, she left the house at 3 o'clock in the morning, she went to collect shells, sold shells, she went to collect oysters, sell oysters to the hotels, and that's how she managed to put food on the table.

Another Khoisan chief related:

As we just heard, what the Chief said and the elder, we grew up near the sea. We are fisherman *men*. We lived out of the sea and our forefathers, they just put their houses close to the sea and that is where they found love in the sea, and we also adapted as children to that. The whole ocean, from that side we walk past and what are we doing now. *It's in our blood now. It cannot go away from us.* You always feel the thing... like fishing too, I said to my elder the other day and to the Chief, Chief said we must go fishing. I say Chief I have a cold I won't be able to go. But my heart is *burning*, I want to go because it is my interest that I am interested in being there. So, we grew up at the sea and don't want to stay away from that place.

And thinking about what happened after racially motivated forced removals under apartheid:

The cultural activities were withheld from us to be honest with you. It was withheld from us because we grew up in an era, I don't really want to put it this way, but in the Apartheid era. But we, when we opened our eyes in the area we stayed in, we understood from our forefathers that when they grew up, they

actually lived by the sea, but they were displaced from the sea in the Apartheid time, and they were moved were moved from that point to another.

5.3.22 Another set of interviewees, a group of about 10 women, all related how they sometimes escaped from their respective jobs as domestic workers and shop assistants to join their fellow women to line fish at the beach. They told of how they have secret places to fish, how they had witnessed poaching (of abalone) and been unable to do anything about it, because they are women and how they knew of special remedies for illness and infection, using marine life in various forms to produce medicine for those who are ill.

5.3.23 A significant finding of the research related to areas of indirect influence to Block 11b/12b, are the many rivers in the Eastern Cape. It is estimated that there are 27 rivers in Eastern Cape, many of them located along this stretch of coast. These rivers open up via wide river mouths, into the Indian Ocean. These are sites rich in marine and riverine fauna and flora, sensitive ecosystems potentially affected by changes to the riverbank and nearby coastland.

5.3.24 In conducting research in these riverine territories of the Eastern Cape Province, the PI and research team found that rivers (and waterways in general), feature significantly in the natural and cultural heritage of the local inhabitants. The following extracts reveal exactly how important, in ritual terms, riverine sites and river mouths are to Eastern Cape inhabitants.

5.3.24.1.1 From Walmer Township, Gqeberha, Eastern Cape Province:

“Kukho ukudityaniswa kwezihlelwe” [*the bringing together of ancestors*].
 “Kukho abantu abasengetheni” [*there are ancestors who reside deep down all water bodies such as rivers, the sea etc.*]. “Kukho abantu abaselwandle” [*there are ancestors who reside in the sea*]. “kukho abantu abasehlathini” [*there are ancestors who reside in the forest and other terrestrial areas*]. “ukudityaniswa kwezihlelwe” is to acknowledge and bring all these ancestors together and this is done via “umcimbi” [a traditional ceremony]. Our ancestors are everywhere, and we celebrate them through our traditional ceremonies, and this includes celebrating the ancestors who are residing in the sea.

5.3.25 From the Eastern Cape villages around Ncera:

Thokoza makhehla afikela apha ekhaya (Greetings to the ancestors that come to visit us).

I was born on the 24th of December ages ago.

My journey started when I was twelve, I was twelve years of age. I was staying at my grandma's grandma.

And then I still go to school every day but something happened. I think for two weeks I'd never go to school, I bunk school and go to the river every day. And one of my uncles, oh, my mother is from Pondoland, she is a Pondo from the Ndamase clan. And my clan is Tshawe, *ndingum* (I am) Ndange, uTshiwo uPhalo and my uncle in Pondoland got a dream that I was sick.

And then he came down to East London and then when he got to my home to see us where I am. And they told him that I was at school and then they went to school to check because the dream kept on, the dream came about three times, then they went to school to check up on me. And then at school they said, Ah, it's, it's been two weeks not attending school.

And then he said to my mother and to my grandmother, no, he knows where I am, then they went to the river, they got me, they, my grandmother, my mother's, my mother's clan is uBhayi, uMkhetshe, uMsotho, Inkoka emnyama ecandiziba (clan praises). And then by the time I was not going to school I was staying at the river, not getting hungry.

And I know the time of *isikolo siphuma nini* (when the school day ends) and got home. And at the river I was playing with a snake they call it *Izilendzi* that's when we calling my grandmother's clan. We call it *Inyoka emnyama ecandiziba*. And then they got called me. They my uncle took me, and I went to *intwaso* (spiritual training) at Flagstaff. ...my *ugobela* (mentor), which is uMkhulu Khumalo, uMtungwa took me to Nyembane in Mozambique by the time Mkhulu said to me I've got the white ancestor, and if you see my name, my name is Mariba.

It's a *Greek* name, my great great grandmother. She was a fortune teller.

5.3.26 From Walmer Township, Gqeberha, Eastern Cape, a researcher on the team reported on an interview with a local inhabitant:

One participant shared a story whereby he and his elders went to the New Brighton Beach, according to the participant as they approached the sea with "inkomo emfutshane" [a goat]. A massive wave broke out right in front of them

and this came out of nowhere, as the sea was calm. He had to hold on to his elder, however, nothing happened to them.

The participant also shared that his relative (aunt), *has the ability to just walk into the river and stay down there for long periods and come out again*. He has seen this with his own eyes. In the participants words “*when something is not in your experience it is very difficult to believe it*”. There are individuals who don't not believe these things, however, it does not mean that they do not exist.

5.3.27 The research also found that while there are users of rivers that have both a natural and cultural heritage connection with this natural landscape. This is especially the case for those who live close to the river or river mouth, have a historical (i.e., childhood) remembrance of it, that cultural relations with rivers and other landscapes are embedded in childhood years and become more noticeable in adulthood, as people take on the cultural practices for themselves, one interviewer from East London told us:

Being an Indian, being Gujarati yes, we normally do not do a lot of fishing in India, well I should not say that in a sense of when it comes to being educated about the ocean one will pick up much more by reading, questioning and doing research. But yes, we are closely linked to the ocean, we are in the Indian Ocean, and it fascinates me.

Regarding his interest in sea fishing and river crab hunting, he explained:

...it takes years of experience ...I always thought it was just a tale but after looking into it and experiencing it, only to find out it is more a habitat and that crab feeds throughout the year, *in the months without the r*, the crab bulks itself up and goes into hibernation for the months with the 'r' in it. It softens its shell, disposes of it while in hibernation and re grows a bigger shell and come out in those months without the r. That is where and how it allows itself to get bigger and bigger, it takes seven years for a crab to be fully grown and therefore one must respect not to take small crabs but to only take a fully grown crab. *Ja*, that is the one lesson. The other lesson is to follow a river until you get reeds up to your waist and mud over your ankles and that is where they will be sitting. They

are mud crabs, they have got to be hunted in the right area, one would not get it at the river mouth, you would not get it in salt water. They would be further back on rivers, and the art is to look for the reeds, look for the black mud they will be over there *ja*. It is just a matter of patience with either a handline or a rod and as for the crab nets, they used to be legal but are no more legal now, so it leaves one with the handline or a rod and obviously you must have your post office license with you.

Those who have made the transition back to Khoisan personhood for example tell that their ‘task is to help people re-member [i.e., to recall and become members once more of the group of Khoisan peoples from whom they have been dis-membered under apartheid], to remind them that they are part of a community, long before they were identified as part of a religion [Christianity]’. Those interviewed in the Western and Eastern Cape on the issue of dispossession and the loss of personhood and identity, stated with much conviction that the ancestors (like the ancestors of the Nguni peoples) are still with those of Coloured descent too, they specifically said, ‘They are carrying us, they are with us.’

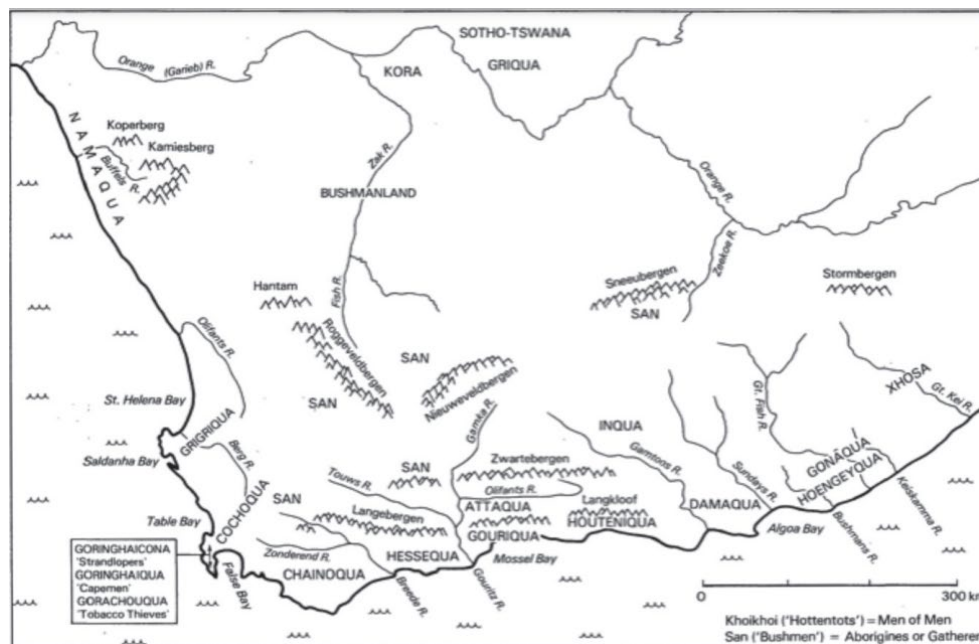


Figure 9 Historical Map (17th- 18th Centuries) of the Cape indicating distribution of Khoi and San descended groups, such as the Namaqua, Chochoqua, Gouriqwa, Gonaqua and Damaqua peoples²⁶

²⁶ The Houteniqua/Outeniqua, Damaqua and Gonaqua are associated with the broader Eastern Cape. It is noted that mobility, colonialism and apartheid legislation would have led to the displacement of indigenes from the



Figure 10 Fish Traps off Still Bay, April 2022

Source: Francois du Plessis

6. ASSESSMENT FOR BLOCK 11b/12b

The following section provides an overview of the potential impact of normal operations, emergency events and the potential cumulative impacts for proposed exploration well drilling in Block 11b/12b. Areas of indirect influence for this block stretches from False Bay in the Western Cape Province to Chintsa in the Eastern Cape Province. The sections below provide the Guiding Principles for mitigation, an overview of the receptors, a disaggregated assessment of normal operations, emergency events, and cumulative impacts on intangible cultural heritage.

6.1 Guiding Principles

6.1.1 The CHIA identifies that there should be requisite mitigation measures noted under the sections: normal operations and emergency events to reduce negative impacts on receptors associated with intangible and tangible cultural heritage.

6.1.2 That measures should be implemented that are of best practice in the industry, to avoid reduce and minimize adverse outcomes for cultural heritage in the areas of indirect influence.

areas noted above. Source of the map is: H.C. Bredekamp and O. van den Berg (eds), A New History Atlas for South Africa Edward Arnold Publishers 1986.

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.

6.2 Overview of Impacts

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.

6.2.1 South Cape Coast and Eastern Cape (from Garden Route in the Western Cape Province to Chintsa in the Eastern Cape Province). It is assessed that for these sensitive cultural sites potential upset conditions, especially emergency conditions (i.e., large blow-out) 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, the area is home to 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 Nations 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. It can be added that the area from Knysna to Mossel Bay is equally sensitive to the areas noted above, as the area from Knysna to Mossel Bay contains sites of natural and cultural significance, as well as historical fish traps of archaeological and spiritual value to the First Nations people. These traps are believed to have been created by the Khoisan and have high archaeological and tangible heritage value. see Figure 7 for a view of the fish traps. Furthermore and bearing in mind the addendum to this report, which includes an assessment of sites from Mossel Bay to Jeffreys Bay, there are equally, culturally sensitive sites and meaningful tangible and intangible cultural heritage that may be impacted by the proposed operations.

6.2.2 Unplanned, emergency 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, leisureed 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. The sites also house the tangible and intangible cultural heritage of the First Peoples of South Africa and ultimately, the human heritage of the world. Within South Africa, the tangible sites, tell the story of First Nations and Nguni values, beliefs, practices. What is not inscribed at these sites but is shared in ethnographic/anthropological data, are the rich, intangible cultural heritages of local inhabitants: indigenous, autochthonous, as well as settler and immigrant.

7.3 NORMAL OPERATIONS IMPACTS

7.3.1 Source of Impact

The project activities that could result in an indirect impact on intangible cultural heritage are described in the Project Phases envisioned for Block 11b/12b. There are three main phases to the production process: 1) Preparation, Construction, and Installation; 2) Production; and 3) Decommissioning. The Draft Scoping Report for Block 11b/12b notes that:

Exploration and appraisal drilling phases include: Final site selection, drilling, plug and abandonment. The activities related to the exploration and appraisal drilling phases will be conducted in parallel to the development and production related activities. The exploratory drilling phases, along with the development and production phases, will be detailed in the ESIA report.

Major activities of the development and production, and exploration related activities project steps are:

PRODUCTION

Preparation, construction, and installation

This first phase will include:

- The drilling and completion of up to 6 development and appraisal wells;

- The installation of infrastructure for the subsea structures including FLET and a production manifold at the end of the pipeline to allow the connection of the wells;
- The laying of the production 18” rigid pipeline to be connected from the subsea manifold to the F-A Platform;
- Commissioning activities; and
- The use of supply and support vessels, specialised vessels and helicopters to support preparation, construction, and installation activities.

Production phase

The second phase will include:

- The flowing of gas and condensate from the wells up to the F-A Platform through the 18” production pipeline for further processing;
- The export of gas and condensate via the existing PetroSA-operated gas and condensate pipelines to the shore (this does not form part of this ESIA scope);
- The operation and maintenance of the Subsea Production System and the F-A Platform;
- The use of supply and support vessels as well as tugboats to support Operations at the F-A Platform;
- Flowlines pigging and inspection.

Decommissioning activities

Production wells will be decommissioned, capped and sealed at the end of the life of the field, and similarly pipelines and other infrastructure will be retrieved where feasible, or otherwise decommissioned in-situ and left on the seabed. Furthermore, the project infrastructure may also be utilised during further production phases of the project and may therefore only be decommissioned at the end of the production lifecycle of the entire project.

- In principle, the decommissioning, rehabilitation and closure of the respective project components will be developed based on the relevant requirements as set out in the TEEPSA Offshore Structures Decommissioning Procedure as well as the outcomes of the closure plan that will be compiled as part of this ESIA. The

decommissioning, rehabilitation and closure of the respective project components will occur as follows:

- The production wells (deep water) will be decommissioned and plugged in-situ.
- Production manifolds in-line tees (deep water) will be left on the seabed following visual inspection.
- Flowline end termination units (shallow water) will be retrieved.
- Production flowline including subsea tie-ins will be pigged to remove potential contaminants which will be collected and safely disposed of, after which the open-ended pipeline will be left on the seabed to naturally corrode from the inside (as the outer surface is corrosion-protected).
- Subsea trenching to bury pipe components in shallow water will be profiled where required, deep-sea concrete pipe supports/anchors will remain in-situ.
- Production risers (shallow water) will be retrieved
- Subsea distribution unit (connector with the subsea umbilical through the Umbilical Termination Assembly (UTA), distributing hydraulic supplies, electrical power supplies, signals, and injection chemicals to the subsea facilities) (deep water) will be left on seabed
- Limited new connection infrastructure and equipment to be installed on the F-A Platform will be decommissioned as part of PetroSA's decommissioning plan of the platform at the end of the overall project lifespan.
- The use of supply and support vessels and specialised vessels to support decommissioning activities. The above aspects will be further expanded upon during the development of the detailed closure plan for the project.

APPRAISAL

Appraisal activities will include:

- Undertaking marine surveys (metocean surveys, sonar surveys, seafloor sampling); and
- Well drilling:
 - The drilling of up to 4 exploration and appraisal wells, including well logging, VSP and well(flow) testing;
 - Plugging and abandonment of wells; and

- Well monitoring.
- The use of supply and support vessels, specialised vessels and helicopters to support marine surveys and well drilling activities.

These activities may lead to various emissions which may interact with the seabed and the ocean waters itself, thereby affecting what local cultural communities perceive as part of their intangible cultural heritage. For example, well drilling will result in the disturbance to the seafloor (including spudding and wellhead placement) and various discharges (including cuttings and drilling fluids). However, the transiting of vessels during mobilization and demobilization is unlikely to have impact on cultural heritage – as there are several vessels transiting through these waters daily with no perceived effects on heritage. These vessels are either commercial or SSF vessels.

7.3.2 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 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 analyzing the significance of cultural heritage in a coastal context.

Receptors/Heritages at the coast

- **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. While the above is relevant for coastline of South Africa and where Nguni descendants reside and use the ocean and waterways for ritual communication with the ancestors; in the Eastern Cape Province and in direct reference to this CHIA for Block 11b/12b, it must be noted that the specific waterways that are especially sensitive are the river mouths, rivers and estuaries which form part of the cultural and natural heritage landscape.

- **Archaeology/Tangible Heritage:** The sea is part of the South African coastline, a coastline shaped by human cultural relations and beliefs. The area of indirect influence in relation to Block 11b/12b, the southern Cape Coast (i.e, Klasies river mouth and the Blombos caves), are sensitive indeed but as the project description and the map contained in this CHIA shows, the drill sites are far from these sensitive tangible cultural heritage sites.
- **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. All the sites engaged for field research along the South Cape Coast, Eastern Cape have a unique sense of place. These sites’ unique sense of place is what attracts both domestic and international tourists to these areas, as well as wealthy private property investors.
- **Livelihoods:** Areas of indirect influence to Block 11b/12b have SSF using the sea, 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. The Garden Route from Knysna to Tsitsikamma and the surfing and tourism bays of Jeffrey’s Bay, St Francis Bay and Gqeberha, are sites of leisure and tourism businesses, as well as sites of value in real estate terms. 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 (such as in St Francis Bay, East London and in Gqeberha) 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, squid/chokka fishing). Any impact that negatively 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 Knysna to Chintsa.
- Interviews with SSF communities also revealed that fishing is not just a livelihoods issue, fishing and crab fishing in the EC for example advances *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. What is also notable for the EC Province, is that people combine livelihoods to survive, and if there is a major negative impact on fishing, chokka fishing (a major source of income in the Province) then, the overall livelihoods of communities may suffer.
- **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.
- **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. In the Eastern Cape specifically, the impact is likely to be psychological if there is a negative impact on ocean health, because many of the interviews revealed the role of the sea in both physical and specifically psychological wellbeing. People talked about the sea being in their blood, the sea making them feel ‘light’, that they enjoyed walking by the sea and harvesting from river mouths.

7.3.4 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 is not affected by seasonal factors, as ritual processes take place all year round. Rituals are performed according to community or individual needs.
- **Archaeology/Tangible heritage** receptor sensitivity is **medium** (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. The proposed sites for operations are far from the coast, approximately 75km away and in specific drill sites, according to the project description.
- **Livelihoods** receptor sensitivity is **high** because coastal communities in all the sites indicate the integral link between heritage and livelihoods. Fishing is not merely for food it is part of culture. Normal operations in Block 11b/12b *may* affect SSF access to fishing livelihood and thereby, access to culture. The livelihood receptor (and thereby the culture receptor) is also affected by seasons, as SSF use of the sea may decrease in winter. Other livelihood uses of the sea (i.e., seaside restaurants, sporting use of the sea, tourism) also advance cultural heritage. Sporting and tourism uses, also linked to cultural heritage and cultural valuation of the sea may be reduced during winter.
- **Natural heritage** receptor sensitivity is **high**, since natural and cultural heritages are interdependent, and people use nature in their cultural and ritual practices. 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 or for ritual use. 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 measures	Classification
1.	<ul style="list-style-type: none"> • Continuous stakeholder engagement, especially with fisheries and coastal communities • Develop and implement a project-specific grievance mechanism and ensure effective functioning. • Consultation with local business organisations and interested stakeholders regarding procurement policies and specific needs, services and products that TEEPSA will require. 	Abate
2	Based on the outcome of the consultation process, implement where necessary, a ritual event/s that supports communities' 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 that recognizes gendered coastal cultural heritage to permit all genders to articulate their cultural relation with the sea and coast	Abate
4	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
5	Adjust the well location to avoid any shipwrecks or underwater cultural heritage (such as ancient fish traps) identified in pre-drilling ROV surveys	Abate

Table 5 Mitigation Measures

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 and living communities), 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.

	CULTURAL HERITAGE IMPACTS NORMAL OPERATION 11b/12b	
Project Phase:	(Exploration Drilling etc.)	
Type of Impact	Induced	
Nature of Impact	Negative	
	Pre-Mitigation Impact	Residual Impact
Sensitivity of Receptor	HIGH	LOW
Magnitude	MEDIUM	MEDIUM
Intensity	HIGH	LOW
Extent	REGIONAL	REGIONAL
Duration	SHORT TERM	SHORT TERM
Significance	MEDIUM	LOW
Probability	UNLIKELY	UNLIKELY
Confidence	HIGH	MEDIUM
Reversibility	PARTIALLY REVERSIBLE	PARTIALLY REVERSIBLE
Loss of Resources	MEDIUM	MEDIUM
Mitigation Potential	MEDIUM	MEDIUM
Cumulative Potential	POSSIBLE	POSSIBLE

Table 6 Normal Operations Impacts on Cultural Heritage

*These asterisked impacts indicate the situation of categorical opposition to normal operations at Block 11b/12b.

7.3 EMERGENCY 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:

- **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.

- **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). There will not be a very high impact because these receptors are mainly onshore and the drill site appears to be far from the shore. Secondly, even if one considers rivers to be tangible, cultural heritage, the national government has yet to define these as such and it cannot be presumed that national government will do so. If it were the case that rivers in the EC were considered part of tangible cultural heritage, then, it could be argued that the sensitivity of these receptors is **very high** indeed, since there more than 25 rivers in the EC, as well as extremely sensitive ecologically rich estuaries.
- **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.
- **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. The towns in which these activities take place also *accrue* heritage value.

- **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.
- **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 Plettenberg Bay, the Knysna seahorse, dolphins in Algoa Bay and penguins in Gqeberha) and people take their children to the sea and beach. In an unplanned event, the sea would, in the short-term (and possibly medium term depending on the extent of the spillage), be unusable for the health and cultural health practices noted above.

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 need to commence swiftly to limit ocean pollution.
- Extent: National, as an oil spill could affect large stretches inshore of 11b/12b along the 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 **very high intensity, medium duration and national extent**.

7.4.7 Impact Significance

Based on the **very high sensitivity** of receptors and the **high magnitude**, the potential impact of emergency 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
2	Emergency plans in place to save a proportion of fish species likely to be impacted by approaching spill	Abate
3	Ensure that there is sufficient insurance cover to financially manage the consequences of any unplanned event pollution on environmental and social aspects	Abate

Table 7 Mitigation Measures

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 regular consultation is sustained 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. It will also give due recognition to the human rights of South Africans and their worldviews, as South Africa has experienced many centuries of colonization and dispossession and people have been stripped of their rights to participate in decisions that affect their wellbeing and future.

	UNPLANNED EVENT CULTURAL HERITAGE AND SSF IMPACT BLOCK 11b/12b	
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

Table 8 Unplanned Events/Emergency Conditions Impact

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 noted that Algoa Bay and Buffalo Bay have commercial ports, thereby there are already visual and daily impacts of the normal operations of commercial vessels in these bays. It does not appear that these vessels are impacting tangible or intangible cultural heritage in these bays. Similarly, there are vessels operating in St Francis Bay too but perhaps only SSF vessels presently (or from what was observed during research). While future impacts of the exploration drilling project are difficult to discern, in my professional opinion, the potential impacts of exploration drilling in Block 11b/12b may impact on cultural heritage uses,

especially ritual uses of rivers and river mouths, since culturally it is believed that riverine systems are ritually and religiously connected to the sea. It is therefore possible but unlikely that normal, cumulative operations at Block 11b/12b could contribute to the overall cumulative impact. Under normal operations therefore, cumulative impacts at Block 11b/12b would in my view pose a low to medium risk for cultural heritage receptors in the Eastern Cape, mainly because the full nature of spiritual-cultural interactions between the cultural world of (Nguni, First Nations' and increasingly, Settler) ancestral worlds and the present universe of tangible natural phenomena are not yet fully known.

Comparing the potential impacts of normal operations of the project 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 project.

7.3 DETERMINATION OF SIGNIFICANCE THRESHOLDS FOR LIMITS OF ACCEPTABLE CHANGE

7.3.3 There are specific 'tipping points' or thresholds for impacts on tangible and/or intangible cultural heritage. The tipping points would be: (1) complete disregard for the human cultural attachments to the ocean and coast, (2) insufficient financial provisioning and/or other relevant forms of rehabilitation to coastal sites negatively impacted by offshore activities, (3) disregard for sociocultural rights and benefits such as access to blue flag beaches and the possibility of developing a cultural relation with the ocean and coast, which many South Africans were denied under apartheid (4) the destruction of sites of combined cultural and natural value. 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. Threshold limits insofar as

tangible and/or intangible cultural heritage is concerned may be defined as any blowouts or large spills that impact the seabed and the ocean water as noted above in the list of potential tipping points. Threshold limits are also applicable to minor spills (abnormal conditions) that are not attended to as per the approved clean-up protocols and non-consultation/engagement of indigenous communities, as well as coastal communities prior to and during operations. Thus, blowouts 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, emergency 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. However, under normal and possibly abnormal operating conditions, threshold limit exceedance is unlikely.

7.4 RECOMMENDATIONS

7.4.1 It is recommended that investors in the offshore project, commit to and undertake frequent, regular and sustained communication and information sharing sessions with affected local communities across all the identified stakeholder groups. This is a long-term endeavour to continually improve the investors' social and cultural performance in the stated country and for the discernment of financial provisioning as noted in Regulation 8 of NEMA. 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, or even merely SSF groups. The goal is to be as inclusive as possible.

7.4.2 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 that are valuable to indigenous groups as well as more recent human settlements in South Africa.

7.4.3 That specific request be made to the cross-sectoral and traditional leadership group for discernment of financial provisioning for cultural services affected by abnormal conditions offshore or emergency events. The forms of provisioning may include

funding support for rituals/event/s to showcase respect ancestral spirits and other forms of cultural valuation of the oceans/coasts.

- 7.4.4 That such activities be implemented to publicly showcase respect for local cultural rights as referred to in the South African Constitution, NHRA and the Indigenous Knowledge Act.
- 7.4.5 That in the production phase, TEEPSA implement Social Labour Plans to improve employment security, local socioeconomic development and cultural heritage conservation in the areas that may be affected by operations.
- 7.4.6 That strict safeguards be introduced and safety protocols be adhered to, as per provisions in MARPOL 73/78²⁷ Annexes I, V and VI,²⁸ to ensure significant minimisation of pollution caused by either ships or floating platforms, since the field research revealed that the greatest concerns centred on abnormal events (minor leaks) to emergency events (oil spills) and the impacts of these on both the sea and cultural uses of the sea.
- 7.4.7 Adjust the well location to avoid any shipwrecks identified in pre-drilling ROV surveys, as shipwrecks may form part of South Africa's UCH and tangible heritage.

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 on the West coast of South Africa. 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 and are accepted. As noted in the report however, there may those individuals and communities categorically opposed to exploration drilling in the specified block. In this regard, the impact significance of normal operations would remain **medium** and not drop to low.

Regarding emergency events, negative impacts can be reduced from **very high** to **high**, if swift mitigation plans are implemented as per the report. The areas of indirect influence to the block have archaeological sites, underwater cultural heritage (tangible shipwrecks and also intangible heritages such as ancestors and other spiritual beings), and active SSF families and communities. Vigilance should be maintained regarding the sensitivity of cultural heritage receptors and potential for induced negative impacts in coastal areas where field research was conducted. All the recommended protocols regarding the management of emissions and spills also apply.

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 still 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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