

# Assessments needed in the marine sector

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THE South African government's state of policy contradictions as exhibited between its international climate change commitments and its need to rejuvenate an ailing economy is worrying. The same government that has spent millions in positioning itself as a champion of climate change on the continent has for the past three years embarked on an ambitious offshore oil and gas industry expansion pathway which it touts as a panacea for its ailing economy. It's called operation Phakisa and it's being spearheaded by the Department of Environmental Affairs (DEA).

In Essence Phakisa's Oceans Economy focuses on unlocking the economic potential of South Africa's oceans and includes four strategic streams: Marine Transport and Manufacturing; The Aquaculture; Marine Protection Services and Ocean Governance; and Offshore Oil and Gas Exploration.

According to government projections it is expected to contribute R177 billion a year to South Africa's gross domestic product (GDP) by 2033 – and create about a million jobs. Under the offshore oil and gas stream, the DEA boasts that South Africa has “possible [offshore] resources of approximately nine billion barrels of oil... equivalent to 40 years of South African oil consumption... [and] eleven billion barrels oil equivalent of natural gas.”

There may, of course, be nothing there at all but the Oceans Economy team has

set “an ambitious target” for drilling 30 exploration wells and hopes this will lead to production of 370000 barrels a day. The DEA does not mention that this makes around 117500 tons a day of CO<sup>2</sup> or 43 million tons a year. Nor does it mention its own climate policy in this context; in fact the department has given Phakisa equal prominence as the Nationally Determined Contributions (NDCs) to the Paris Agreements in its work plans.

The following is a statement from one of the labs or working groups under Phakisa: “In order to realise the potential of the gas reserves in the country and to contribute to the transition to a low carbon economy, the Operation Phakisa Offshore Oil and Gas Lab (August 2014) has set a target of achieving 30 exploration wells in the next 10 years.”

This statement is schizophrenic in that the government believes it can contribute to the reduction of GHG emission by sinking 30 wells. It will be oil or gas that gets extracted from them. For the sake of meeting our international climate obligations and possible risks of oil spills we suggest we leave the oil and gas under the oceans.

The hurried rate of implementation of Phakisa – as its name spells out – has raised concerns among experts who have highlighted the need for due diligence in its roll-out to ensure the sustainability of marine resources. As part of the pre-Phakisa measures, the government would need to put into place checks and balances to safeguard against over-exploitation

and degradation of the already fragile marine ecosystems due to anthropogenic activities. To the contrary, however, government has allowed for prospecting activities such as seismic surveys on the east coast of South Africa without putting into place appropriate mechanisms to manage the impact of seismic surveys on marine life.

Meanwhile, international research shows that the noise pollution from the seismic survey air guns causes severe internal injuries and badly damaged ears in marine animals and that large animals such as whales are not the only marine fauna to be adversely affected by these surveys; turtles, giant squid, some fish species and zooplankton such as larval krill can be added to the list.

Given the current absence of acceptable “mechanisms”, surely it should be appropriate to suspend such activities until appropriate and acceptable mechanisms are defined and outlined, based on a precautionary principle or risk averse principle.

Furthermore, under the auspices of Phakisa, sound environmental management and justice are increasingly under threat as they are gradually being pushed to the back to pave way for oil and gas extraction.

This government's economic agenda, in its current frame, trumps environmental justice promised in the National Environmental Management Act (Nema) and sustainability: it elevates economics above science and logic in policy and

legislative decision-making processes. This is being achieved by watering down applicable legislation; increased tokenism in public participation processes; and weakening or co-option of environmental management institutions.

One conspicuous example of erosion of legislation is the repeal of Sections 38 and 39 in the Mineral and Petroleum Resources Development Act (MPRDA), in conjunction with the exclusion of “re-connaissance” and mineral exploration activities from the listed activities in the schedules to the Environmental Impact Assessment (EIA) regulations promulgated in terms of the National Environment Management Act.

The removed sections required exploration companies to conduct EIAs for reconnaissance activities such as seismic surveys. The removal of Sections 38 and 39 from the MPRDA paved the way for accelerated seismic surveys activities that have been completed and those that are soon to commence along the eastern coasts of the country. These surveys have gone ahead despite the cries of both government and civil society environmental organisations citing the internationally acknowledged environmental dangers of seismic surveys for marine flora and fauna.

In the same vein, the draft Marine Spatial Planning (MSP) bill, currently under parliamentary review, has also been watered down by the removal of Clause 11 entitled: “Compliance with the marine spatial plan”; a critical omission in that

this clause sought to bind organs of state to marine spatial plans and the decisions of MSP institutional structures and provided guidance and certainty on “the status of permit, permission, licence or other authorisation” issued contrary to the marine spatial plans.

Our primary assertion is that this was done to minimise red tape in the issuance of permit, permission, licence or other authorisation under Phakisa. In light of the fragility of our oceans and lack of adequate information on the state of our oceans it's prudent for us to strengthen our legislative and institutional framework; to elevate the establishment of marine protected areas, restoration of degraded ecosystems and tightening of punitive clauses for offenders who infringe the provisions of marine law. There is also a need to increase investment in marine research as there is urgent need for good science to inform environmental policy decisions.

We therefore recommend that an independent Strategic Environmental Assessment (SEA) be conducted for this entire sector, in order to inform the formulation and implementation of all government policies and programmes (especially Phakisa), taking into consideration the regional ocean systems.

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