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2 May 2013

Dear Sir / Madam

SOUTH AFRICA'S GREEN PAPER REFLECTIONS ON APPROACH TOWARD AN INTEGRATED OCEAN MANAGEMENT POLICY PROCESS

We direct these representations and comments to you on behalf of the Home Owners Association of the Nautilus Bay Coastal Reserve.

The formulation of a national policy on ocean management is long overdue and we wish to convey to you the appreciation of our clients for the work and effort that had gone into the preparation of the draft policy.

1. SPATIAL PLANNING AND LAND USE

- 1.1. Spatial planning, use and management of coastal land and the adjacent ocean area cannot take place in isolation from each other as they directly influence and impact on each other.
- 1.2. It is accordingly of great importance that a distance from the coast must be determined wherein all use should align with and complement coastal land use by means of a co-ordinated planning and management strategy. Such a distance (or radius) should be determined in accordance with international treaties and best international practice. The Contiguous Zone of 24 nautical miles could therefor serve as a minimum distance.

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- 1.3. The Johannesburg Plan of Implementation (JPOI) included several goals relating particularly to the ecosystem approach and integrated management, including the promotion of integrated coastal and ocean management at the national level and to develop policies and mechanisms on integrated coastal management. The policy on National Environmental Management of the Ocean however fails to provide adequately for such a co-ordinated planning and management strategy, although it is of vital importance to maintain the functional integrity of the coastal resource systems and the ocean systems.
- 1.4. The Policy should be supplemented to provide specifically for:
 - 1.4.1. the alignment of ocean management within the distance to be determined with onshore environmental spatial mapping and land use mapping.
 - 1.4.2. adequate consideration of the socioeconomic dimensions of the coastal communities and their active participation throughout the management process.

2. PRECAUTIONARY PRINCIPLE

- 2.1. The policy does not provide sufficiently for the application of the precautionary principle.
- 2.2. The policy must be amended to provide for the identification of knowledge gaps pertaining to all activities that may impact on the ocean environment; to identify, investigate and assess such impacts, and to prescribe norms which must as a minimum be complied with in respect of such activities. Consistent with the above, the list of activities under the National Environmental Management Act, 108 of 1997 ("NEMA") should be supplemented with all such activities that had been identified.
- 2.3. In order to give effect to the precautionary principle applicable to environmental law and particularly sustainability, no ocean based activities of which the full scope and impacts have not been determined and assessed, should be allowed to commence and a moratorium should be mandatory until such time that independent experts have submitted reports regarding the aforesaid, and appropriate spatial mapping of the ocean had been completed.



3. OFFSHORE OFFLOADING AND REGASSIFICATION OF LNG


- 3.1. The offshore offloading and regasification of Liquefied Natural Gas ('LNG') does not constitute a mining activity or the conveyance of a hazardous substance.
 - 3.2. It is in fact an industrial activity with extremely hazardous and not yet fully investigated consequences and impacts and by reason of its unique and specific nature and the impacts should be individually addressed and provided for in the Policy.
4. It is known that the offloading and regasification of LNG is an activity:
- 4.1. that poses potentially grave and irreversible harm to the coastline and to the integrity of the maritime environment;
 - 4.2. that potentially impacts directly and devastatingly on livelihoods dependent on local and regional tourism and on the fishing industry;
 - 4.3. that stands in direct contradiction with efforts to combat climate change in that it increases the carbon footprint with a prolonged dependency on fossil fuel;
 - 4.4. that contributes to the change of ocean temperature by a process of seawater abstraction and release at different temperatures;
 - 4.5. that constitutes not accidental, but deliberate pollution and degradation of the ocean.
 - 4.6. that potentially affects the adjacent coastal areas with consequences that relate to safety and security, socio economic impacts, and environmental integrity.
5. The importation of LNG with its offshore offloading and regasification activities does not constitute the development and economic utilisation of local ocean resources, but whilst it takes potentially a high toll from the environmental integrity of the local ocean extend the resultant economic and developmental benefits mainly to the country from where it is exported.
6. It is also recommended that SAMSA should assess whether existing legislation provides sufficiently for the regulation of LNG activity.



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7. It is requested that the policy should provide for:
- 7.1. the restructuring of a research agenda on LNG activity, and the development of a policy, norms and standards specific to LNG activity;
 - 7.2. the development of an integrated coastal zone management policy, standards and framework dealing with offloading and regasification of LNG;
 - 7.3. the inclusion of LNG offloading and/or regasification as a listed activity under NEMA;
 - 7.4. a moratorium on the consideration of all activities in connection with LNG offloading and/or regasification until the aforesaid had been achieved.
8. We shall appreciate to receive your feedback.

Yours faithfully



Elmien le Roux
KNOWLES HUSAIN LINDSAY INC