



14 July 2025

For Attention:

SRK Consulting (South Africa) (Pty) Ltd

Attention: Sam Leyde

Per email: ctpp@srk.co.za

Re: Comments on the Environmental Impact Assessments for Trans Hex Operations (Pty) Ltd – Submission by Masifundise Development Trust and Coastal Links

Masifundise, a non-governmental organisation based in Cape Town, welcomes the opportunity to submit comments on the Environmental Impact Assessments (EIAs) for the proposed Mining Right and Prospecting Right applications by Trans Hex Operations (Pty) Ltd along the West Coast of South Africa. Masifundise has worked for over two decades toward the advancement of the rights of fishing communities at national, regional, and global levels. Our work is rooted in promoting the human, cultural, and socio-economic rights of fishing communities, and ensuring their voices are heard in decision-making processes that affect their lives and livelihoods.

This submission is made in collaboration with members of Coastal Links South Africa, namely small-scale fishers from Papendorp and Ebenhaeser, who are directly affected by the proposed activities. Together, we raise the following concerns regarding the adequacy and fairness of the environmental assessments and their implications for the marine environment, small-scale fisheries, and associated cultural heritage.

1. Lack of Meaningful Consultation with Affected Fishing Communities
2. Impacts on Fisheries, Livelihoods, and the Marine Environment
3. Cultural Heritage and the Ocean as a Biocultural Landscape
4. Inadequate Assessment of Cumulative Impacts

1. The Need for Meaningful Consultation with Local Fishing Communities

Fishing communities in and around Ebenhaeser, Papendorp, and Doringbaai were not meaningfully consulted regarding the proposed Mining Right and Prospecting Right applications in Marine Concessions 11A–13B. Many people in this area rely on the marine environment for their livelihoods, cultural practices, and food security. Yet, the consultation process failed to meet the standard of genuine, two-way engagement.

Relying solely on desktop studies and limited public meetings is insufficient, particularly in a context where small-scale fishing areas and activities are not formally mapped or documented in existing spatial datasets. Without direct consultation, there is a risk that fishing grounds, key species harvested, and the socio-cultural significance of the marine environment are overlooked or misrepresented.

The meetings that consultants held were primarily one-directional, functioning as information-sharing sessions rather than participatory consultations. It appears that many local fishers may not have been adequately informed or supported to attend, resulting in low turnout and the exclusion of key voices.

Furthermore, the EIA documents are lengthy, technical, and primarily available in English. While summaries are provided in Afrikaans, they are overly general and fail to provide fishers and community members with the specific, localised information needed to understand the potential impacts of these activities. For consultation to be meaningful, information must be made available in accessible formats and languages.

Small-scale fishers hold generations of knowledge about the sea and their environment, yet their knowledge continues to be marginalised. This reinforces historical patterns of exclusion in environmental decision-making.

More broadly, the EIA process itself reflects serious procedural and substantive shortcomings. The manner in which consultation was conducted limited meaningful participation by affected communities. As a result, many people were unable to fully engage with or influence the process, or to understand the potential impacts of the proposed activities.

We therefore urge that:

- Local knowledge and spatial use patterns of small-scale fishers be formally documented and incorporated into the impact assessment;
- All EIA documents be translated and summarised in accessible, locally appropriate formats and languages;
- The EIA process recognise small-scale fishers as key stakeholders whose rights, knowledge, and livelihoods must be protected.

2. Environmental Impact, Livelihoods, and Recognition of Fishers' Local Ecological Knowledge

The proposed mining and prospecting activities pose serious risks to both the marine environment and the livelihoods of those who depend on it. Activities such as sediment disturbance and seabed destruction threaten ecologically sensitive areas—spawning grounds, nursery habitats, and feeding areas for key species like fish, abalone, lobster, and white mussels. These species are central to small-scale fishers'

livelihoods and to local food security. When marine ecosystems are harmed, fishers are directly impacted through reduced catches, limited access, and long-term resource decline. Yet, the Environmental Impact Assessments do not appear to take the environmental and livelihood impacts seriously enough, with these effects largely downplayed as insignificant.

The planned implementation of safety (or exclusion) zones during prospecting and mining will also restrict access to traditional fishing areas. No meaningful consultation was undertaken with fishers to understand how these restrictions might affect their activities or their ability to sustain their livelihoods. There was no effort to ask fishers where they fish, what species they harvest, or which areas they consider critical to protect.

Fishers who have worked these waters for generations hold valuable, place-based knowledge of marine life. It is neither fair nor acceptable that this knowledge is sidelined. The idea that fishers should only be consulted after an assessment has already been completed—without drawing on their insights from the outset—is deeply problematic. This practice severely undermines fishers as knowledge holders of their environment and as dignified stakeholders in the governance of their local ecosystems.

We recommend the following:

- That fishers be engaged to identify key fishing areas and assess the implications of exclusion zones;
- That local and Indigenous knowledge systems be integrated into the assessment and decision-making process, not sidelined.

3. Cultural Heritage and the Ocean as a Biocultural Landscape

For many small-scale fishing communities along the West Coast, the ocean is far more than a source of income, and the coast far more than just a place where they reside—it is a source of identity, belonging, and deep historical ties to the landscape. This is a biocultural landscape, where cultural meaning and traditional practices are intimately connected to the ecological systems of the sea and coast. Generations have been shaped by a way of life rooted in seasonal rhythms, inherited knowledge, and a deep connection to the sea. Fishing is not just an economic activity; it is a cultural practice. This deep cultural connection must be recognised and protected. To proceed with activities that risk damaging the ocean is to also risk damaging the culture and living heritage that are inseparable from it—and this must be considered with the utmost care.

The ocean must be valued not only for its resources, but for the deep relationship communities have built with it—one that sustains both livelihoods and ways of life across generations. Protecting that heritage is not only about honouring the past—it is about ensuring that these relationships, practices, and knowledge systems can continue into the future. This is essential to sustainability and resilience—for both communities and coastal ecosystems.

This gap was clearly acknowledged in *Adams and Others v Minister of Mineral Resources and Energy and Others* (2022), where it was affirmed that cultural rights—particularly those of

historically marginalised communities—must be fully considered in environmental decision-making processes.

We therefore call for:

- The inclusion of a full and participatory cultural heritage impact assessment, specific to small-scale fishers;
- Direct consultation with fishers to understand the cultural dimensions of their relationship with the sea;
- Recognition that cultural heritage is living, embodied, and inseparable from the ecological health of marine systems.

4. Cumulative impacts not adequately assessed

The EIA claims that cumulative impacts are unlikely and have been sufficiently addressed. However, this is not consistent with the reality on the ground. The West Coast is already under heavy pressure from overlapping mining and prospecting activities—onshore, nearshore, and offshore—as well as other extractive operations like oil and gas exploration. Multiple companies, including Trans Hex, have active or pending applications in this same region, yet the EIA fails to consider how these activities collectively impact marine ecosystems and the livelihoods of coastal communities. The specialist studies either overlook or make only vague reference to other operations in the area, providing no clear cumulative assessment. Without this, it is impossible to understand the full scale and severity of ecological disruption, loss of access to fishing grounds, and threats to local economies and intangible cultural heritage.

We therefore recommend:

- That the cumulative effects of all current and proposed prospecting, mining, and extractive activities along this stretch of coast be assessed in a holistic and integrated manner;
- That small-scale fishers and local communities be directly consulted in this process to identify cumulative pressures on their marine environment, fishing grounds, and livelihoods.

Through this submission, we call for the protection and respect of the rights, livelihoods, and cultural heritage of small-scale fishers and their communities along the West Coast. We urge that decisions about prospecting and mining activities be grounded in meaningful consultation, ecological responsibility, and recognition of the deep relationships between coastal communities and the marine environment. We ask that the concerns raised in this submission be given serious and fair consideration, in line with the constitutional values of dignity, equality, and environmental justice, and with a view toward securing a sustainable and inclusive future for generations to come.

For further engagement or clarification, please contact:

- Jordan Volmink (Masifundise)
jordan@masifundise.org.za
079 145 5281
- Andre Cloete (Coastal Links,
Papendorp)
071 582 6871
- Sylvester Donn (Coastal Links,
Ebenhaeser)
063 542 3893