



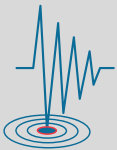
## Legal Challenge **FACTSHEET**

# TGS Geophysical Company West Coast Seismic Survey

**Aukotowa Fisheries Primary Co-operative, The Green Connection and Natural Justice** (the Applicants) vs. the State and TGS (as the Respondents).

On 1 and 2 June 2026, the Western Cape High Court will hear arguments about proposed massive three-dimensional (3D) seismic survey off the West Coast of South Africa, to map the seabed for potential oil and gas reserves. The organisations (the Applicants) argue that the challenge is fundamentally a matter of good governance and ensuring that decision makers to have all relevant information before them.

## Impacts:



- The proposed survey area is located offshore of St Helena Bay to Hondeklip Bay, where small-scale fishers have lived and worked for generations.
- This process involves using airguns to blast loud pulses of sound into the ocean to map the seabed for potential oil and gas reserves.
- The ocean is an acoustic world where animals rely on sound for survival. The sound from these blasts can travel hundreds of kilometres through the water, much further than what was suggested in the reports, which creates a significant risk to whales, dolphins, and fish populations that are vital to the local ecosystem and economy.
- This noise can cause physical injury to marine mammals such as whales and dolphins, behavioural changes, prevents animals from communicating, finding mates, or locating food, resulting in population and ecosystem impacts.

## Breakdown of the Applicants' key arguments:

### Lack of lawful authority

- The Director-General of the Department of Mineral and Petroleum Resources did not have the lawful authority to grant the environmental authorisation.
- In terms of the law, decision-making powers must be properly delegated from a Minister to an official. This delegation did not happen correctly, meaning the original decision was made by someone who did not have the authority to do so, and therefore making the entire process unlawful.

### Failure to protect the coastline

- The state ignored the National Environmental Management: Integrated Coastal Management Act. This law was created to ensure that our coastline is managed as a shared resource for the benefit of all citizens and the marine environment, rather than just for industrial interests.
- The law requires officials to consider the interests of the whole community and to protect coastal public property.
- When the government made its decision, it failed to apply the requirements of this Act. By overlooking this duty, the state failed in its role as the public trustee of our coastline.

### Impacts on small-scale fishers and coastal communities

- The state did not properly investigate how the loud noise and the exclusion zones created by the survey vessels would harm the livelihoods of these fishers and coastal communities.
- Evidence from marine biologists indicates that the science used by the company to predict noise impact was flawed.
- The survey would create vast exclusion zones where fishing vessels may not be allowed to enter for months at a time.
- This could effectively cut off small-scale fishers from their entrenched way of life and their primary means of creating a livelihood and supporting their families.

## The science of sound and marine life

- The noise from seismic blasting is far more damaging than the state or the company has suggested.
- The noise impact assessment did not account for the cumulative effect of blasting occurring every few seconds for months on end.
- If fish or other species are significantly impacted by the blasting, small-scale fishers who rely on a healthy ecosystem will also suffer. The small-scale fishers who rely on a healthy ecosystem will suffer the most.

## Climate change and omitted policy information

- Government made its decision without properly considering the climate change implications of the proposed survey.
- The search for new oil and gas resources, climate change implications of the survey and intended production and other downstream activities, are fundamentally inconsistent with the global goal of limiting temperature increases to 1.5 degrees Celsius as set out in the Paris Agreement.
- The government has a legal duty to consider how such projects align with South Africa's international and domestic climate commitments.
- The information regarding the conflict between this survey and our national carbon budget was never adequately placed before the Director-General. By failing to account for this critical policy evidence, the decision maker could not have made a fully informed or rational decision about the need for and desirability of the project.

## Economic risks and the threat of stranded assets

- The economic assessment provided to the government was incomplete and one sided. The reports used to justify the survey failed to include any analysis of transition risks or the risk of stranded assets (investments that loses its value prematurely because of changes in the global market, such as the worldwide shift away from fossil fuels toward renewable energy).
- The environmental impact assessment for the TGS Geophysical Company project did not warn the decision-maker about the high probability that these oil and gas explorations might never become profitable or sustainable in a decarbonising world. Government was presented with potentially overstated economic benefits without being shown the risks of long-term economic failure.
- For a decision to be lawful, the official must weigh both the benefits and the burdens, and by ignoring these significant economic risks, the government failed in its duty of careful and transparent administration.

# Important dates:

**2023**

Director-General of the Department of Mineral and Petroleum Resources granted an environmental authorisation to TGS Geophysical Company United Kingdom Limited. This authorisation allowed the company to conduct a massive three-dimensional (3D) seismic survey permitted off the West Coast of South Africa.

The Aukotowa Fisheries Primary Co-operative, The Green Connection and Natural Justice, as well as four other parties, appealed against this decision to the Minister of Forestry, Fisheries and the Environment.

**April  
2024**

The Minister of Forestry, Fisheries and the Environment dismissed these internal appeals. Consequently, the applicants have approached the Western Cape High Court to review and set aside these decisions.



**1 and 2 June 2026: Western Cape High Court hearing**

