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CONTESTED COASTAL PROTECTION ZONE BY WILD COAST COMMUNITIES



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Wild Coast Environmental Management
Group

DRANKENSBURG

KZN

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LAGISLATIVE FRAMEWORK

- ▶ The Constitution of the Republic of South Africa, 1996 provides in Chapter 2 Bill of Rights.
- ▶ Puts emphasis in sec.7 (1) Bill of Rights is the cornerstone of democracy in South Africa. It enshrines the right of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- ▶ Sec.8 (1) The Bill of Right applies to all laws and bides the legislature, the executive, the judiciary and all organs of state.
- ▶ Section 24 deals with Environment, (a) Everyone has a right to an environment that is not harmful to their health or wellbeing. (b) To have the environment protected for the benefit of the present and the future generations, through reasonable legislative and other measures that (i) prevent pollution and ecological degradation, (ii) promote conservation and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

LAGISLATIVE FRAMEWORK

- ▶ Transkei Environmental Decree No. 9 of 1992
(Coastal conservation area defined as 1km from high water mark including tidal estuaries.
- ▶ National Environmental Management: Integrated Coastal Management Act, 2008 No. 24 especially Chapter 2, Part 2 deals with coastal protection zone
- ▶ Marine living resources act No 18 of 1998

Challenges confronting Environmental Law Enforcement Agencies

- ▶ Perceptions that these laws are meant to save status core, protect rights and benefits of certain group of people(provisions of permit conditions are designed in such way that local people will not afford the cost implications involved)
- ▶ Application of these laws are not in favour of local economic development of poor previously disadvantaged local communities inline with triple challenges that, the country is facing (unemployment, poverty and inequality)
- ▶ Beneficiation in natural resources is not well defined especially in rural local communities
- ▶ Environmental Management Inspectors are rejected by some communities especially those bordering the coast
- ▶ Lack of collaboration/co-operative governance approach within state institutions and civil society including traditional leaders and traditional communities as a requirement entrenched in chapter 3 section 40 and 41 of the Constitution.

Role of Environmental Management Inspectors

- ▶ Champion relationships with local structures by doing education and awareness campaigns on environmental legislations and environmental science
- ▶ Introduce EMIs in traditional leaders by visiting traditional councils and present the intention of being there(remember traditional councils are arms of the state and established in terms of Traditional and Khoisan Leadership Act no 3 of 2019)
- ▶ Encourage local community members to become honorary environmental management inspectors or establish environment forums in schools
- ▶ Visit district magistrate offices and request for a dedicated prosecutor to deal with all environment crime cases
- ▶ Visit local National Prosecution Authority and ask for dedicated Advocate to deal with your environmental crimes cases.
- ▶ Visit station commander of local police station for backup purposes when conducting operations.

Policies that need urgent review

1. Illegal development
2. Sand mining
3. Fishing rights

Way forward

- ▶ Improve on collaboration/ co-operative governance as required by the constitution of RSA chapter 3 section 40 and 41
- ▶ Make sure that the program is well resourced and funded to carry its mandate
- ▶ Lobby for donor funding for these environmental misfortunes as environmental problems knows no boundaries.
- ▶ Provide skills development programs for inspectors to improved their effectiveness
- ▶ Establish a dedicated unit that will deal with environmental education at schools and conduct awareness campaigns on traditional leaders, traditional communities and civil society structures.

Thank you very much, Ndiyabulela

