

CHAPTER SIX

CHAPTER 6

PRINCIPLES OF COASTAL MANAGEMENT

1. COASTAL MANAGEMENT PRINCIPLES

The following principles have been copied from the draft National Coastal Zone Bill. These principles must guide planning, management and decision making in the coastal zone.

2. PURPOSE OF PRINCIPLES

- (1) The coastal management principles set out in Section 8 and the national environmental management principles set out in Section 2 of NEMA must be applied to guide:
 - (a) The formulation and passing of all provincial legislation, municipal by-laws and subordinate national legislation intended to regulate, or that is likely to impact on, the coastal environment;
 - (b) The implementation of all legislation regulating, or that impacts on, any aspect of the coastal environment, including this Act;
 - (c) The formulation and implementation of any public policy or programme that is likely to impact on any aspect of the coastal environment; and
 - (d) Any assessments of the environmental impact of a matter on the coastal environment and the implementation of such assessments.

3. COASTAL MANAGEMENT PRINCIPLES

- (1) The coastal zone must be managed and regulated in an integrated and coordinated manner that:
 - (a) Treats the coastal environment as a distinct and indivisible system;
 - (b) Encourages the participation of persons that have a material interest pertaining to decision-making that will affect or is likely to affect that particular part of the coastal zone;
 - (c) Fosters cooperation between all organs of state and other bodies or persons involved in the management of coastal resources; and
 - (d) Increases administrative efficiency.
- (2) Coastal public property is the common heritage of the people of South Africa who are:
 - (a) Subject to any reasonable restrictions prescribed by the state, entitled to have reasonable access to it and to the opportunities provided by coastal resources; and
 - (b) Individually and collectively responsible for protecting, conserving and enhancing it in the interests of everyone.
- (3) Those responsible for managing coastal public property must ensure that coastal public property, including the organisms inhabiting it, is managed, protected and conserved in the interests of everyone.
- (4) Decision-making concerning the use of the coastal zone must take account of:
 - (a) The special legal status of coastal public property;
 - (b) The high ecological, cultural and economic value of the coastal zone;
 - (c) The need to adopt a risk averse and cautious approach, especially when the consequences of such decision-making are not entirely known or agreed upon; and
 - (d) The need to adopt a long-term perspective in making decisions affecting it.

- (5) The diversity, health and productivity of coastal ecosystems must be maintained and, where they have been degraded, must be rehabilitated and restored to a level that existed prior to the degradation by the person responsible for degradation and at its cost.
- (6) Coastal economic development opportunities must, subject to Paragraph (4), be undertaken in a manner that also promotes the well-being of those persons resident in the coastal communities in which such economic development opportunities exist.
- (7) When allocating access to coastal resources, preference must be given to local communities and those persons dependent on the use of such resources for their livelihood. This applies particularly to those persons who are marginalised or were previously disadvantaged by unfair discrimination.
- (8) All persons must act with due care and caution to avoid causing adverse effects on the coastal environment.
- (9) Those who cause adverse effects to the coastal environment must be held liable for the consequences of their actions, including bearing the cost of remedying any degradation of the coastal environment.
- (10) When allocating access to coastal resources, coast-dependent activities must be prioritised over those which may be situated elsewhere.

4. APPLICATION OF PRINCIPLES

- (1) The principles in Section 8 must be applied as far as possible in a manner that complements the application of the principles in Section 2 of NEMA. If the application of a principle in Section 8 conflicts with the application of Section 2 of NEMA read as a whole, then the provisions of NEMA shall prevail.
- (2) When applying Sections 7 and 8:
 - (a) Only those principles relevant to the decision or action contemplated must be applied;
 - (b) The principles must be applied in a balanced way that best promotes the conservation and protection of the coastal environment; and
 - (c) A high priority to conserving and protecting the coastal environment for the benefit of present and future generations, must be given when balancing this consideration against other socio-economic considerations.
- (3) When determining the interests of everyone, the following considerations must be relevant:
 - (a) Future generations must inherit coastal public property and a coastal environment that are healthy and productive ecosystems; and
 - (b) The well-being and future sustainability of other living organisms that are dependent on the coastal environment.