

Ocean & Coastal Management

The legal landscape governing South Africa's coastal marine environment – Helping with the ‘horrendogram’

S. Taljaard^{a,b}, L. van Niekerk^{ab} S.P. Weerts^{ac}

^a Council for Scientific and Industrial Research (CSIR), P O Box 320, Stellenbosch, 7599, South Africa

^b Institute for Coastal and Marine Research, Nelson Mandela University, PO Box 77000, Port Elizabeth, 6031, South Africa

^c Department of Zoology and CRUZ, University of Zululand, Private Bag X1001, Kwadlangezwa, 3886, South Africa

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Abstract

In 1994 South Africa adopted a power-sharing democracy as basis for its political system, and this pluralistic slant also is evident in post-1994 environmental legislation, including that pertaining to the coastal marine environment. Notwithstanding the legislative progress made in the facilitation of integrated environmental governance, a large proportion of the legal landscape (governing activities and developments potentially impacting on the coastal marine environment) still resides across a range of sector-based government departments. While such sector-based legislation remains critical for effective governance of the diverse range of specific issues encountered in the coastal marine environment, it does not detract from the confusion, fragmentation, and conflicts that often arise as a result of a lack of understanding of this complexity. This paper provides a consolidated picture of the South African legal landscape governing the protection and sustainable use of the coastal marine environment (situated at the land-sea interface), and aims to contextualise this complex ‘horrendogram’ by visually organising it into key sectors and the associated issues. An assessment on the status of this legal landscape shows that coverage in terms of national acts, and associated norms and standards, generally is in a good to fair condition, although cross-sectoral weaknesses exist around legislative guidance on climate change. Effective implementation, however, remains a major challenge across most sectors, primarily attributed to sectoral capacity constraints. The establishment of cross-sectoral governing mechanisms has led to progress in coordinating cross-sectoral collaboration in some coastal centres, but for the most it remains a challenge, especially at the level of local government. Lack of financial and human capacity is echoed as the primary cause for the lack of progress, together with uncertainties in roles and responsibilities, and lack of political will. Revitalisation of public interest in coastal matters, allocation of dedicated funding for the implementation of legislation, and a greater commitment to a more deliberative and collaborative governance style are proposed as solutions. Add to this greater capacity in understanding complex coastal processes underpinning evidence-based integrated coastal management, and political buy-in. Finally, we present a visual mapping technique, together with a simple qualitative assessment matrix, as a useful approach to contextualise and evaluate complex legal landscapes governing coastal marine environments – making these ‘horrendograms’ accessible and comprehensible to decision-makers, giving insights on specific sectoral responsibilities within the broader coastal marine governance system. This approach, applied here in a South African context, is potentially a useful means of contextualising and evaluating similar complex coastal legal landscapes elsewhere in the world, drawing on place-based sectoral and legislative information.