

Amendments to the National Estuarine Management Protocol published

The final amendments to the National Estuarine Management Protocol have been published for implementation.



Source: Photo by Kelly Lacy from [Pexels](#)

These amendments address implementation issues and the impact of the 2016 Supreme Court of Appeal judgment in *Abbott v Overstrand Municipality*.

“The judgment found that the assignment of functions to municipalities in the existing Protocol presented constitutional challenges, as the assignment should have been done in terms of Integrated Coastal Management Act, and not the Protocol,” the Department of Forestry, Fisheries and the Environment said on Tuesday.

To address the unconstitutionality of the Protocol, the department went through an extensive stakeholder consultation that culminated in an agreement to amend the following paragraphs of the Protocol:

- Paragraph 5: to assign the provincial environmental departments as responsible management authorities to develop estuarine management plans and coordinate the implementation of the Estuarine management Protocols (EMPs) in consultation with the affected local and district municipalities. Provinces may enter into agreements with municipalities willing to take the function of developing the EMPs in terms of the 156 (4) of the Constitution and continue with the estuarine management function.
- Paragraph 9.1: the approval of the EMP developed by the provincial lead agencies shall be approved by the MEC and where the EMP is developed by the national conservation agency or the Department, it must be approved by the Minister.
- Paragraph 9.2 considers the effective implementation of the EMP by ensuring that once it is approved, it must be integrated to the CMPs, IDP, SDF and Protected Areas Management Plans.

The Minister of Forestry, Fisheries and the Environment, Barbara Creecy, published a notice in the Government Gazette, Vol 672 (Notice No. 44724) for the implementation of the amended National Estuarine Management Protocol on 18 June 2021.

A copy of the amended Protocol can be downloaded from the department’s website: www.environment.gov.za or can be

obtained electronically upon request by email to Ruwen Pillay on rupillay@environment.gov.za.

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