

A photograph of three people in a small boat on a river, with a large text overlay reading "at the Olifantsriver Estuary, South Africa". The boat is on a calm river, and the background shows a wide, flat landscape under a clear sky. The text is in a large, bold, yellow font with a black outline, positioned in the upper left corner of the image.

For over a century the traditional net fishing community of Olifantsriver on the West Coast of South Africa has depended on the Olifants River estuary and the surrounding coastline for their livelihoods. The Olifantsriver is regarded as one of South Africa's most valuable estuarine eco-systems and its relatively unspoilt condition bears testimony to the way in which this local community has interacted with their environment. The fishers have traditionally fished for lobster and line-fish during the summer months along the coast, in the winter months depending on the estuary for mullet, known locally as harders.

Management Act of 1998 introduced a suite of environmental legislation that aimed to protect the environment, ensure equal access to resources and facilitate full and effective participation in environmental decision-making. The new Marine Living Resources Act was also developed in the context of the Code of Conduct for Responsible Fisheries and the growing emphasis on an Ecosystems Approach to Fisheries management that was gaining ground in the late 1990's. New thinking on integrated coastal management emerged and began to influence the drafting of comprehensive policy for coastal and estuarine management which was finalised in 2009.

management makes inadequate provision for community-based governance. The stakeholder participation process at the Olifants River estuary, facilitated by consultants, failed to ensure the full and effective participation of the local fishers and land claimant community and as a result the vision that emerged from this planning process prioritised the interests of the conservation lobby. The planning process did not create space for a dynamic, community-based system that could accommodate living customary law as it is practised at the estuary.

In the 1920's racially based land and agricultural policy that privileged white farmers led to the community being re-located from their fertile lands in the upper reaches of the river valley to land further down the river. The community has endured forced removal from their lands, the imposition of a fishing permit system and strict limitations on their traditional access to fisheries resources, both in the river and along the coast. Yet, despite the imposition of a range of colonial and apartheid laws that have effectively dispossessed them of their ownership of this land and undermined their customary fishing rights, the cultural and social relations of the Olifant's fishing community continue to be an integral component of this unique ecosystem.

OILFANTS ESTUARY

Oilfants Estuary

Management Process

In 2007 the Department of Environmental Affairs and Tourism, Branch: Marine and Coastal Management (NCM), began a new process of planning for the future management of the Oilfants Estuary. This planning process, in line with the new Integrated Coastal Management Bill, aimed to bring together all stakeholders involved in the use and management of the estuary in order to plan for the future protection of this natural resource.

The Integrated Coastal Management Bill, which became an Act of Parliament shortly, sets out new guidelines on how the planning should be done. It requires that the Department develop guidelines for all estuaries and that a Management Plan should be developed for each of these estuaries. What is new about the approach in this Act is that it tries to bring together all the different departments, organizations and individuals who use the coastal area as integrated entity, and it aims to protect the coastal area for all those people involved, inland and cultured populations. It sets out new ways in which local areas can work who are in for social, livelihood and cultural purposes. It sets out new ways in which local areas can work, in partnership between communities, local government and other stakeholders.

In order to do this, NCM entered into a partnership agreement with Cape Nature's Estuary Programmers known as CAPE, a group of consultants who are experienced in the ecological aspects of estuaries, experts in studying the ecological aspects of the estuary. Another Committee was formed to manage this project. In January 2008 another task was assigned to the OI Management team. Unfortunately the OI Management team was not informed directly about this meeting, and they had to rely on information through their work with the Environmental Education Unit (EEU). The consultants worked fast

and developed a draft Management Plan, referred to as the Oilfants Estuary Management Plan (OEMP). This Plan proposed that, at first stage, the estuary should be protected by declaring a Marine Protected Area (MPA) protected by declaring a Marine Protected Area (MPA). This also proposed that a Forum should be established, comprising representatives of all stakeholders, in order to oversee the implementation of the plan. This was not feasible for community as they were not easily available to the community.

Photo credit: Dr. J. van der Merwe

commercial fisheries sector. A decision to protect the interests of the commercial line-fish sector led to adoption of a policy by the fisheries authorities that would phase out the gill-net fishery on the estuary. This decision coincided with the introduction of Integrated Coastal Management Planning processes, of which estuary management planning was an integral part. In 2007 the Department of Environmental Affairs and Tourism contracted consultants to develop a management plan for the Olifants Estuary.

In response, the local fisher community has organised and resisted this top-down planning process. They approached three civil society organisations with whom they have been working on a range of issues: a non-government organisation, Masifundise, a public interest law firm engaging in a range of human rights litigation and advocacy activities, the Legal Resources Centre, and the Environmental Evaluation Unit, a research and policy unit at a university. Together these four organisations have begun a process of supporting the community in re-memembering their community rights, documenting their histories of living-in this space, mapping how local cultural and social patterns are woven by the fabric of river and coastal resources and researching alternative arrangements that draw on their living customary law and local ecological knowledges.

The Olifants River project partners are exploring more integrated management options and undertaking advocacy initiatives to ensure that the fisher community is able to participate fully in a process that will protect their human rights. In the process of engaging with the other stakeholders on the estuary, namely the powerful white landowners, conservationists and different government departments, a new governance process is happening. Governance from below is slow but new relationships are being developed between the residents of this locality, re-connecting in time and space the relations that race and class have historically severed. In this process technically-orientated, instrumental interpretations of 'stakeholder forums' and 'participation' have had to be put aside. A new interpretation of 'good governance' is emerging and living customary law and local knowledges are shaping the contours of this socio-ecological system and illuminating lessons for other place-based communities.