

commonly agreed goals. Data and information accumulated from research efforts will be maintained in the planned central repository of marine environmental information.

Policy Statement 1.2.2: The unique complexity and global importance of ocean ecosystems adjacent to South Africa attracts national and international research interest. South Africa has permanent research bases at Marion Island and Antarctica and has a track record of research excellence in specialised areas. These nodes of excellence will be supported by investment in further capacity and infrastructure. Towards enhancing this capacity, South Africa has in 2012 taken delivery of a technologically advanced polar research and supply vessel. The DEA will increase the number of South African science and engineering graduates in ocean related studies and provide opportunities for them to contribute to ocean knowledge, management and beneficial use. Particular attention will be paid to promoting more science and engineering graduates who reflect broadly the racial and gender composition of South Africa.

Policy Statement 1.2.3: South Africa's ocean jurisdiction and the territory under the Extended Continental Shelf Claim remain largely unexplored and the ability to monitor its ocean environment is resource constrained. DEA will consider and implement innovative methods of monitoring South Africa's extensive marine area including the use of ship based systems, satellite observation, monitoring buoys and other emerging technologies. In addition to gathering information on ocean systems, innovative use of such technologies can also enhance compliance efforts in the EEZ.

Objective 2: Ocean environmental knowledge for sustainable development decision making

Sustainable development decision making is constrained by the present limited knowledge of the ocean environment. This frustrates efforts both to develop and conserve the marine environment. The DEA will undertake the collation, analysis and interpretation of the increasing amount of marine environmental information obtained under Objective 1. In consolidating environmental information the DEA positions itself to promote rehabilitation, conservation and sustainable development by providing better services to role playing departments. The provision of improved knowledge to enhance decision making by sectoral role players is an important component in fostering better understanding of the roles and responsibilities of the relevant departments. Improving communication and cooperation in this manner is a necessary precursor for the active pursuit of a common set of marine conservation and development goals.

Policy Statement 2.1: Produce information tools to facilitate knowledge and understanding of the natural functioning of ecosystems and of human impact on the ocean environment.

Policy Statement 2.1.1: The DEA has identified that the production of a detailed spatial mapping of biodiversity and natural physical processes of South Africa's marine area is a priority. This process will include mapping the distribution of biodiversity and ocean current dynamics within South Africa's EEZ. The information obtained during the spatial mapping process will be complemented by additional internal and external data sources to produce a South African Ocean Information System. The South African Ocean Information System will enhance South Africa's ability to archive information, summarise data, generate scenarios and support informed decision making. Identified gaps in marine knowledge and data will be fed back into the ongoing marine research agenda pursued in Objective 1.

Policy Statement 2.1.2: The spatial mapping process will inform the division of South Africa's marine environment into Large Marine Ecosystems ("LMEs") or bioregions to be used for management planning purposes. Such regions are capable of further division into spatial zones reserved for specific or mixed use such as development, control and protection, nature preservation and reserved zones, in consultation with roleplayers.

Policy Statement 2.1.3: The scientific effort used while developing the spatial map and analysing existing ocean environmental data will be supplemented with the collection of other information in order to produce knowledge such as scenarios, predictions and trends. The DEA will provide role playing departments with ongoing analyses of the aggregated environmental information. This information will be of great value in improving sustainable sectoral planning initiatives and environmental reporting both domestically and internationally.

Policy Statement 2.2: Establish, in consultation with role-players, ocean ecosystem thresholds for human health and biodiversity conservation.

Policy Statement 2.2.1: The knowledge products generated through spatial mapping, improved environmental data analysis and other research and monitoring will assist the generation of a baseline assessment of the current environmental status of South Africa's marine environment. The establishment of this baseline assessment will provide a comprehensive inventory of living and non living aspects of South Africa's ocean environment. It will provide the basis for dialogue with sectoral role players in establishing a common set of marine ecosystem impact thresholds for the reporting indicators described in Objective 1 above. Impact thresholds may be defined per LME, bioregion or spatial zone. These agreed impact threshold indicators will provide the foundation for proactive and adaptive environmental planning. This planning approach facilitates sectoral alignment in the pursuit of functioning ecosystems for current and future generations.

Policy Statement 2.3: Provide knowledge to promote sustainable development whilst maintaining the resilience of the ocean.

Policy Statement 2.3.1: The inertia around developing the economic potential of the ocean exists in the lack of publically accessible information and knowledge regarding most of the ocean space under South African jurisdiction. Spatial maps, inventories and knowledge tools represent a considerable government investment in unlocking the economic and development potential of the South Africa's extensive EEZ. Increased scientific knowledge of South Africa's EEZ will make more apparent economic opportunities which are currently unknown and increased understanding of ecosystem functioning will directly contribute to sustainable development and job creation opportunities

Policy Statement 2.3.2: The establishment of commonly agreed LME, bioregion or spatial zone indicators and threshold limits will simplify and focus impact assessments. This will have the benefit of providing direction and reducing the cost and time of environmental assessments, facilitating economic investment in the ocean area.

Policy Statement 2.3.3: Technological innovation is required to efficiently research, monitor, explore and use the large ocean surface, water column and depths. The DEA will partner with the Department of Science and Technology and specialist tertiary educational institutes to stimulate innovation in technology that supports ocean based science and industry.

Objective 3: Environmental management of South Africa's ocean

This objective seeks to identify the DEA's management responses to acting on the information and knowledge produced under Objectives 1 and 2. Increased knowledge of South Africa's ocean environment is likely to highlight existing and emerging challenges faced by ocean ecosystems and the earth system itself. The DEA will engage with role playing departments to determine appropriate management responses to these environmental challenges and trends. The DEA also has at its disposal various existing environmental management tools including the establishment of protected areas and environments. This objective explains how the DEA will pursue its environmental mandate and seek to influence role players in their ocean environmental management planning.

Policy Statement 3.1: Provide timeous information on trends and extremes in ecosystem and earth system functioning.

Policy Statement 3.1.1: The ocean monitoring and mapping efforts together with the other knowledge products developed in Objective 2 will allow the DEA to undertake forecasting, prediction and trend analysis within the marine environment as required by South Africa's Climate Change Policy.

Policy Statement 3.1.2: Long term monitoring programmes will be enhanced to generate time series data that can be used to identify and track shifts in ecosystems functioning that contribute to or result from climate change. Climate change will likely alter the availability and delivery of ecosystem services including rainfall and its seasonal patterns. Changes in rainfall and its seasonal patterns will challenge the sustainability of existing agricultural crop selection and geographic locations. The areas of operation of fisheries may also be influenced. Without the necessary adaptation strategies being set in place South Africa's food security may be challenged. Climate change may also result in exaggerated weather phenomena along South Africa's coastline such as coastal storms and storm surges and impacts on biodiversity.

Policy Statement 3.1.3: The DEA will provide better trend and scenario planning services and reports to aid climate change mitigation and adaptation decision making by role players. This will allow the DEA to inform national planning on how ocean human livelihood services will vary or change in the short, medium and long term at local, national, regional and global scales. Such services and reports will include variability of the ocean as a rainfall source; the magnitude of sea level rise and implications for coastal communities and improved predictability of exaggerated weather phenomena such coastal storms and storm surges. Recent extreme weather events have demonstrated that poor communities are disproportionately affected by such phenomena. Understanding trends in ocean temperature and ocean atmosphere interactions will allow the DEA to provide timeous reporting to role players and contribute to early warning.

Policy Statement 3.2: Ensure the conservation, protection and rehabilitation of ocean habitat and species.

Policy Statement 3.2.1: The DEA will seek to partner with role playing departments to improve the implementation of conservation measures and increase the availability of ocean environmental data. This will be done by ensuring that the relevant management authorities of ocean use include targeted conservation and data collection responsibilities into the relevant permitting and licencing frameworks.

Policy Statement 3.2.2: The DEA will assume responsibility as the environmental regulatory authority for all unregulated and new human activity in the ocean environment. International trends suggest that these activities are likely to include carbon sequestration, ocean fertilisation, geo engineering and deep sea exploration.

Policy Statement 3.2.3: The DEA will establish a representative network of marine conservation areas under South Africa's jurisdiction to promote conservation and thereby also contribute to the long term sustainable use of living resources. The DEA recognises the significant contribution of islands to ocean ecosystem functioning. Islands will receive prioritised conservation status. Maximum conservation status will be afforded to the sub Antarctic Prince Edward Island Group additional to the provisions of the Convention for the Conservation of Antarctic Marine Living Resources. There is also currently an international movement towards the establishment of a representative network of marine conservation areas beyond state jurisdiction. The DEA will support this initiative.

Policy Statement 3.2.4: The DEA will undertake and support actions aimed at the rehabilitation of degraded habitats, where necessary, and the protection of threatened species.

Policy Statement 3.2.5: The DEA will adopt internationally agreed conservation targets and practices, where appropriate, as the minimum necessary requirements for conservation.

Policy statement 3.2.6: The DEA will support international efforts aimed at the protection and conservation of habitats and species in the High Seas and in Antarctica.

Policy Statement 3.3: Establish ecosystem and biodiversity management plans in consultation with role-players.

Policy Statement 3.3.1: The DEA will, together with role playing departments, develop and pursue uniformity of high level ocean environmental norms and standards to inform sectoral planning efforts. These norms and standards are aimed at guiding environmental best practice in ocean sectoral use.

Policy Statement 3.3.2: The DEA will develop ecosystem and biodiversity management plans for the ocean environment to protect species and habitats. These management plans will offer maximum protection to key species, such as top predators, and habitats, such as unique benthic fauna and flora and endangered coral reefs and estuaries. The plans will provide guidance with respect to the setting of common objectives for the conservation and management of the ocean environment in collaboration with role players.

Policy Statement 3.3.3: The DEA recognises the importance of ocean heritage relating to both geographic areas and species. The DEA will prioritise the protection and conservation of South African ocean heritage resources, such as coelacanths.

Policy Statement 3.3.4: The DEA will establish best practice guidelines governing the transport of harmful and noxious substances in the marine environment. The DEA will seek to influence planning aimed at

minimising the risk of environmental exposure to harmful and noxious substances including hydrocarbons, persistent organic pollutants and industrial waste.

Policy Statement 3.3.5: The introduction of untreated sewage and industrial waste into the ocean environment will remain prohibited and effort will be placed on encouraging coastal role players to pursue efficient and affordable approaches to treatment.

Policy statement 3.3.6: The DEA will establish and enforce regulations controlling the introduction and beneficial use of alien marine species and minimise the threat of invasive species.

Objective 4: Ocean environmental integrity

Promoting ocean environmental integrity is reliant on coherent and rational approaches to the conservation, protection and sustainable use of South Africa's rich marine resources. It further supports South Africa's contribution to regional and global ocean management responsibilities. The importance of maintaining ocean environmental integrity lies in the preservation of ocean environmental goods and services for current and future generations of South Africans. This objective can only be achieved through effective partnerships and efficient cooperation. The EEZ represents a geographic space larger than the size of South Africa's land area. The State is the custodian of this large ocean space on behalf of the people of South Africa. The management of such a vast space is a complex undertaking involving various role players at a national, regional and international level. The realisation of this custodianship responsibility demands cooperation in effort and investment by all State role players to preserve ocean environmental integrity. The improvement of environmental information, knowledge and the management of South Africa's ocean environment provide the necessary platform for the achievement of this objective.

Policy Statement 4.1: Cooperate at a national, regional and international level to advance sustainable ecosystem-based management of the EEZ, High Seas and Antarctica.

Policy Statement 4.1.1: At a national level the DEA will drive the movement from a sectoral to an ecosystem based bioregional ocean management planning approach. The ecosystem based approach implies coordinated sectoral planning that pursues common ocean environmental objectives. It further underpins the eventual migration to integrated ocean management.

Policy Statement 4.1.2: The DEA will use the existing cluster cooperative governance mechanism to facilitate the improved coordination of ocean environmental management.

Policy Statement 4.1.3: At a regional level the DEA will seek to participate in programmes based in the LME management framework. Initially attention will be paid to the five African and the Antarctic LMEs. The DEA will promote cooperation and strengthen information exchange and management principles across these LMEs. The implementation of national ocean management objectives will be strengthened by aligning them with the regional LME structures, in particular the adjacent Benguela and Agulhas Current LMEs. This allows for the development of integrated regional ocean governance at the Southern African Development Community level, as well as active participation in and support for the Nairobi and Abidjan Convention structures.

Policy Statement 4.1.4: The DEA will continue to play a leadership role with respect to regional ocean governance underpinned by its ocean research and management capacity. Through leadership roles the DEA will secure alignment between national environmental management objectives and regional and international programmes.

Policy Statement 4.1.5: At an international level, attention will also be paid to improving channels of communication between South Africa's various central authorities established by international agreements. Currently central authorities, who bear international reporting responsibilities, are located within a variety of role playing structures. The ability of central authorities to interact and communicate with one another is not optimum. Improved communication will allow South Africa to undertake its international responsibilities and reporting in a more harmonised manner.

Policy Statement 4.1.6: The DEA will support continuing engagement at international ocean governance fora to promote equitable access and benefit sharing of resources in the High Seas and Antarctica.

Policy Statement 4.1.7: The DEA will promote global ocean environmental protection in South Africa's national interests. South Africa is an original signatory of the Antarctic Treaty and exercises sovereignty over two sub Antarctic islands. As such South Africa is well positioned to influence planning and management strategies in the Southern Ocean. The DEA exercises many of South Africa's international ocean responsibilities and intends to strengthen its interactions on global environmental management initiatives in an attempt to appropriately influence global strategies. The DEA will assist in furthering South Africa's ability to actively partner with Southern Hemisphere marine nations in particular and developing nations generally, such as the India Brazil South Africa partnership. Such partnerships are aimed at enhancing the economic and scientific resources available for the undertaking of large scale research projects with the objective to increase knowledge of shared ocean dynamic processes. This knowledge will enable regional ocean environmental management planning and improved national adaptation decision making. The DEA will also support ongoing cooperation and collaboration with developed countries in the pursuit of global ocean environmental integrity.

The successful implementation of the policy objectives listed above will allow South Africa, in the next five years, to complete the move from sectoral ocean management planning towards coordinated sectoral environmental management. This shift is made possible by building better understanding amongst role players of the benefits of improved environmental information and knowledge to inform environmental planning. Environmental spatial planning relies on improved scientific knowledge of the South African ocean environment and is underpinned by the comprehensive spatial map of the South African marine environment. It allows for a more informed strategic planning process to be undertaken, which seeks to advance sustainable development and conservation and protection of the ocean through an ecosystem based management approach.

In the longer term it will be possible to undertake the move from coordinated sectoral environmental management to integrated environmental ocean management. International experience has shown that the undertaking of integrated ocean management planning cannot rely purely on principles of cooperative governance. It will be necessary to undertake the drafting of specific legislation such as an Ocean Act. The Ocean Act will need to establish clear political, reporting and administrative structures, set out an ecosystem based ocean management approach, define the jurisdiction of the Act including linkages to existing legislation and provide for mechanisms to be followed during integrated spatial planning. The achievement of the policy objectives will give effect to the ocean environmental management responsibilities articulated in s24 of the Constitution and DEA's responsibilities as contained in the National Environmental Management Act. It will further directly contribute to fulfilling South Africa's commitment to Chapter 17 of Agenda 21 (the Rio Declaration) and the Johannesburg Declaration on Sustainable Development, produced during the World Summit on Sustainable Development in 2002.

Summary Box: South Africa's Ocean Management Policy Statements

South Africa's ocean policy is comprised of four policy objectives and nine policy statements. These are:

Objective 1: Ocean environmental information

Policy Statement 1.1: Ensure improved adherence with the ocean environmental reporting requirements contained in domestic legislation.

Policy Statement 1.2: Enhance existing research and monitoring of ocean ecosystems.

Objective 2: Ocean environmental knowledge for sustainable development decision making

Policy Statement 2.1: Produce information tools to facilitate knowledge and understanding of the natural functioning of ecosystems and of human impact on the ocean environment.

Policy Statement 2.2: Establish, in consultation with role players, ocean ecosystem thresholds for human health and biodiversity conservation.

Policy Statement 2.3: Provide knowledge to promote sustainable development whilst maintaining the resilience of the ocean.

Objective 3: Environmental management of South Africa's ocean

Policy Statement 3.1: Provide timeous information on trends and extremes in ecosystem and earth system functioning.

Policy Statement 3.2: Ensure the conservation, protection and rehabilitation of ocean habitat and species.

Policy Statement 3.3: Establish ecosystem and biodiversity management plans in consultation with role players.

Objective 4: Ocean environmental integrity

Policy Statement 4.1: Cooperate at a national, regional and international level to advance sustainable ecosystem based management of the EEZ, High Seas and Antarctica.



SOURCE: ELZETTE HENSHILWOOD

9. CONCLUSION

The successful implementation of the policy objectives listed above will allow South Africa, in the next five years, to complete the move from sectoral ocean management planning towards coordinated sectoral environmental management. This shift is made possible by building better understanding amongst role players of the benefits of improved environmental information and knowledge to inform environmental planning. Environmental spatial planning relies on improved scientific knowledge of the South African ocean environment and is underpinned by the comprehensive spatial map of the South African marine environment. It allows for a more informed strategic planning process to be undertaken, which seeks to advance sustainable development and conservation and protection of the ocean through an ecosystem based management approach.

In the longer term it will be possible to undertake the move from coordinated sectoral environmental management to integrated environmental ocean management. International experience has shown that the undertaking of integrated ocean management planning cannot rely purely on principles of cooperative governance. It will be necessary to undertake the drafting of specific legislation such as an Ocean Act. The Ocean Act will need to establish clear political, reporting and administrative structures, set out an ecosystem based ocean management approach and provide for mechanisms to be followed during integrated spatial planning.

The achievement of the policy objectives will give effect to the ocean stewardship responsibilities articulated in s24 of the Constitution and DEA's environmental responsibilities as contained in the National Environmental Management Act. It will further directly contribute to fulfilling South Africa's commitment to Chapter 17 of Agenda 21 (the Rio Declaration) and the Johannesburg Declaration on Sustainable Development.



SOURCE: IAIN TEDBURY

ANNEXURE A: TABLE OF INTERNATIONAL INSTRUMENTS

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
International Convention on the Regulation of Whaling	Domesticated International Obligation	02-Dec-46	05-May-48	n/a	10-Nov-48	Protocol to the International Convention for the Regulation of Whaling – ratification 25 April 1957, entry into force 4 May 1959.
The Antarctic Treaty	Domesticated International Obligation	01-Dec-59	21-Jun-60	n/a	23-Jun-61	Agreed Measures for the Conservation of Antarctic Fauna and Flora - 02 June 1964
						Protocol to the Antarctic Treaty on Environmental Protection - 04 October 1991
Agreed Measures for the Conservation of Antarctic Fauna and Flora	Domesticated International Obligation	02-Jun-64	n/a	05-Oct-64	01-Nov-82	n/a
International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties	Domesticated International Obligation	29-Nov-69	n/a	01-Jul-86	29-Sep-86	Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil acceded to on 25 September 1997 and entered into force on 24 December 1997
Convention on Wetlands of International Importance especially as Waterfowl Habitat	Domesticated International Obligation	02-Feb-71	12-Mar-75	n/a	21-Dec-72	n/a

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	Domesticated International Obligation	29-Dec-72	17-Aug-78	n/a	06-Sep-78	Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter acceded to on 23 December 1998 and entered into force on 24 March 2006
Convention on International Trade in Endangered Species of Wild Fauna and Flora	Domesticated International Obligation	03-Mar-73	15-Jul-75	n/a	13-Oct-75	n/a
International Convention for the Prevention of Pollution from Ships	Domesticated International Obligation	02-Nov-73 17-Feb-78	n/a	28-Nov-84	28-Feb-85	n/a
Convention on the Conservation of Migratory Species of Wild Animals	Domesticated International Obligation	23-Jun-79	n/a	27-Sep-91	01-Dec-91	Agreement on the Conservation of African-Eurasian Migratory Water birds – date of document 16 June 1995, SA simple signature 29 October 1999. Interpretative value s39(1)(b) of the Constitution
						Agreement on the Conservation of Albatrosses and Petrels – date of document 19 June 2001, SA simple signature 6 November 2003, ratification 6 November 2003, entry into force 1 February 2004. “Binding Domestic International Obligation” s231(2) of Interim Constitution

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
Convention on the Conservation of Migratory Species of Wild Animals	Domesticated International Obligation	23-Jun-79	n/a	27-Sep-91	01-Dec-91	Memorandum of Understanding Concerning Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South East Asia – date of document 1 September 2001, SA simple signature 22 February 2005. Interpretative value s39(1)(b) of the Constitution
Convention on the Conservation of Antarctic Marine Living Resources	Domesticated International Obligation	20-May-80	23-Jul-81	n/a	07-Apr-82	n/a
Convention for the Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region	Domesticated International Obligation	23-Mar-81	16-May-02	n/a	15-Jul-02	Protocol Concerning Co-operation in Combatting Pollution in Cases of Emergency - date of document 23 March 1981, ratification 16 May 2002 and entry into force 15 July 2002.
United Nations Convention on the Law of the Sea	Customary International Law & Domesticated International Obligation	10-Dec-82	23-Dec-97	n/a	23-Jan-98	Agreement for Implementation of Part XI of UNCLOS of 10 December 1982, ratification 23 December 1997 and entered into force 22 January 1998.
						Agreement for the Implementation of the Provisions of UNCLOS of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks – Accession 14 August 2003 and entered into force 13 September 2003.

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
Vienna Convention for the Protection of the Ozone Layer	Domesticated International Obligation	22-Mar-85	n/a	18-Jan-90	15-Apr-90	Montreal Protocol on Substances that Deplete the Ozone Layer - 16 September 1987 as amended on 10 August 1992, 14 June 1994, 1 January 1999, and 1 July 2002. SA has ratified all of these amendments.
Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region	Domesticated International Obligation	21-Jun-85	16-May-03	n/a	14-Aug-03	Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region - 21 June 1985 – SA not a party.
	Domesticated International Obligation					Protocol concerning Cooperation in Combating Marine Pollution in cases of Emergency in the Eastern African Region - 21 June 1985 – SA not a party.
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Domesticated International Obligation	22-Mar-89	05-May-94	n/a	03-Aug-94	Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal – SA not a party to this protocol.
International Convention on Oil Pollution Preparedness, Response and Co-operation	Domesticated International Obligation	30-Nov-90	04-Jul-08	n/a	14-Oct-08	Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances which has interpretative value.
Protocol to the Antarctic Treaty on Environmental Protection	Domesticated International Obligation	04-Oct-91	03-Aug-95	n/a	14-Jan-98	n/a

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
United Nations Framework Convention on Climate Change	Domesticated International Obligation	09-May-92	29-Aug-97	n/a	27-Nov-97	Kyoto Protocol to the United Nations Framework Convention on Climate Change - date of document 11 December 1997, accession 31 July 2002 and entry into force 16 February 2005.
Agenda 21	Interpretative Value	Jun-92	n/a	n/a	n/a	n/a
Convention on Biological Diversity	Domesticated International Obligation	05-Jun-92	02-Nov-95	n/a	31-Jan-96	Cartagena Protocol on Biosafety to the Convention on Biological Diversity – Date of document 29 January 2000, SA accession 14 August 2003, entered into force 11 September 2003 “Binding Domestic International Obligation” s231(2) of Constitution.
						Nagoya Protocol on Access to Genetic Resources and their Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity – Date of document 29 October 2010. SA signed this protocol on 11 May 2011, no ratification as yet. If ratified will be a “Binding Domestic International Obligation” s231(2) of Constitution - presently interpretative value s39(1)(b) of the Constitution.
International Convention on the Control of Harmful Anti-Fouling Systems On Ships	Domesticated International Obligation	05-Oct-01	n/a	02-Jul-08	02-Oct-08	n/a

Instrument	Status in SA Law	Date of document	Ratification	Accession	Entered into force	Enables
International Convention for the Control and Management of Ships' Ballast Water and Sediments	Interpretative Value	13-Feb-04	n/a	15-Apr-08	n/a	n/a
Johannesburg Declaration on Sustainable Development	Interpretative Value	Sep-02	n/a	n/a	n/a	n/a
Benguela Current Convention	Under negotiation	n/a	n/a	n/a	n/a	n/a

ANNEXURE B: TABLE OF DOMESTIC LEGISLATION

Legislation	Lead Department
Marine Living Resources Act 18 of 1998	Department of Agriculture, Forestry and Fisheries
National Heritage Resources Act 25 of 1999	Department of Arts and Culture
Electricity Regulation Act 4 of 2006	Department of Energy
Antarctic Treaties Act 60 of 1996	Department of Environmental Affairs
Dumping at Sea Control Act 73 of 1980	Department of Environmental Affairs
National Environmental Management Act 107 of 1998	Department of Environmental Affairs
National Environmental Management: Air Quality Act 39 OF 2004	Department of Environmental Affairs
National Environmental Management: Biodiversity Act 10 of 2004	Department of Environmental Affairs
National Environmental Management: Integrated Coastal Management Act 24 of 2008	Department of Environmental Affairs
National Environmental Management: Protected Areas Act 107 of 1998	Department of Environmental Affairs
National Environmental Management: Waste Act 59 of 2008	Department of Environmental Affairs
South African Weather Service Act 8 of 2001	Department of Environmental Affairs
World Heritage Convention Act 49 of 1999	Department of Environmental Affairs
The Hazardous Substances Act 15 of 1973	Department of Health & Department of Finance
Mineral and Petroleum Resources Development Act 28 of 2002	Department of Mineral Resources
Geoscience Act 100 of 1993	Department of Science and Technology: Schedule 3A Public Entity in terms of Public Finance Management Act 1 of 1999
Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986	Department of Transport
South African Maritime Safety Authority Act 5 of 1998	Department of Transport
The Marine Pollution (Control and Civil Liability) Act 6 of 1981	Department of Transport
The Marine Pollution (Intervention) Act 64 of 1987	Department of Transport
Marine Traffic Act 2 of 1981	Department of Transport
National Ports Act 12 of 2005	Department of Transport
National Water Act 36 of 1998	Department of Water Affairs
Maritime Zones Act 15 of 1994	not applicable

END NOTES

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- ^{xi} Department of Environmental Affairs Strategic Plan 1 April 2011 to 31 March 2016 at p9
- ^{xii} BP Southern Africa (Pty) Limited v MEC for Agriculture, Conservation, Environment and Land Affairs 2004 (5) SA 124 (W) at p143
- ^{xiii} National Environmental Management: Integrated Coastal Management Act 24 of 2008
- ^{xiv} Op Cit BP Southern Africa at p144
- ^{xv} United Nations Conference on Human Environment held in Stockholm June 1972: UN doc A/Conf.48/14.rev, Chapter 1 (New York 1972)
- ^{xvi} Woolman et al, Chapter 50 van der Linde, M. and Basson, E. (2009), *Constitutional Law of South Africa* 2nd edition, revision service 1 at pp50-4
- ^{xvii} UNEP(DPDL)/GJS/1/3: UNEP's Environmental Law Activities: a 30-year Review (From Stockholm to Johannesburg) (2002) at p2
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^{xxxv} Atkinson and Clark on behalf of the Department of Environmental Affairs and Tourism, (2005), *National State of the Environment Project: Marine and Coastal Ecosystems*: Background Research Paper produced for the South Africa Outlook Report at p3

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^{xl} South Africa Year Book 2010/11 Chapter 23: Transport at pp530-535

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