



**DEPARTMENT OF TRANSPORT**  
REPUBLIC OF SOUTH AFRICA  
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**THE PROPOSED MARITIME TRANSPORT POLICY**  
**FOR SOUTH AFRICA**

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**Introduction:**

Greetings, Apology and Acknowledgements.

The two main highlights of the presentation:

**Firstly**, the process that has been followed thus far by the National Department of Transport for the period September 2002 to January 2003, in drawing up the proposed policy;

**Secondly**, to give a status quo report on the Ship Registration Act of 1998.

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**1. With regards to the proposed policy,**

In September last year, the National Department of Transport initiated the process of policy drafting towards a comprehensive maritime transport policy for South Africa, a policy that is long awaited.

Developing a maritime transport policy was based on the need for a **COMPREHENSIVE** maritime transport policy. In being more comprehensive,

it is aimed at incorporating policy directives as contained in the White Paper on National Transport Policy, the Moving South Africa Strategic document, and other excellent pieces of work such as the Floor Report and the Hare Report.

All of the above-mentioned documents were taken into consideration before embarking upon the drafting of the present discussion document towards a comprehensive maritime transport policy for South Africa.

### **The White Paper on National Transport Policy**

The broad goal of transportation, as laid down in the White Paper on National Transport Policy, was given cognisance, which is the smooth and efficient interaction that allows society and the economy to assume their preferred form. To play this role, policies in the transport sector must be outward looking, shaped by the needs of society in general, of the users or customers of transport, and of the economy that transport has to support. It follows from these needs that, providing and using the transport system should be consistent with those policies set for the country as a whole.

These priorities are summed up in the elements of the RDP, namely:

- Meeting basic needs
- Growing the economy
- Developing the economy
- Developing human resources
- Democratising the state and society

The mission of the maritime transport policy is to encourage and support the South African maritime transport industry in a manner which underpin the fundamental objectives of the RDP, gives effect to the overall vision of transport and in so doing:

- Develops maritime awareness in South Africa
- Assists in the creation and fostering of an economic environment for maritime transport
- Ensures safety of life and property at sea and the prevention of pollution by ships
- Ensures fair labour practices such as, employee rights, job creation and security with acceptable standards of employee health, welfare and safety

- Contributes to release the full potential of the maritime industry in South Africa and to the modernising of shipping administration
- To facilitate and enhance the expansion of international trade and tourism in general and exports in particular
- To ensure that economic decisions are, as far as possible, left to market forces, subject to general competitive principles applicable to all industries
- To promote the development of an efficient and productive South African maritime industry capable of competing on international markets
- To maintain control over maritime services within a well defined regulatory framework that is flexible enough to cater for changing needs and circumstances and to ensure orderly, safe and reliable maritime transport services
- To promote international relations with other countries and international organisations involved in maritime activities
- To ensure cost effective and efficient shipping operation

The NDOT's Business Plan 2002 to 2003 directed the department to kick-start the process of maritime policy drafting.

The project plan was drawn up into four different phases:

**Phase One:                    Research & Literature Review Phase**

This involved the study of existing reports, as already mentioned, as well as the Moving South Africa Strategic Document and the White Paper on National Transport Policy. This study, therefore, amounted to a point of departure for the drafting of a discussion document, also referred to as the Consolidated Maritime Issues Document or COMIDO.

**Phase Two:                    Consolidated Maritime Issues Document (COMIDO)**

This phase involved the identification of possible contributors towards the proposed policy. This was by no means going to be the only stakeholders or contributors to the policy. The criteria for the selection of contributors were based on their expertise, on the respective topics, to contribute towards the

creation of COMIDO. It is also appropriate to mention that these contributors have done so without receiving any financial reward.

Once possible contributors were identified, invitations were sent out, inviting them to make a contribution towards COMIDO, which would be used for the drafting of the Maritime Transport Policy for South Africa.

Once the contributions were received, COMIDO was drawn up.

Topics received have been included into the following key principles:

### **1. Maritime Transport Economics**

This principle deals with issues such as the present value and opportunities for coastal shipping in South Africa; government's expenditure in exercising its role and responsibilities in the governance at sea; industry and natural resources of the South African ocean territory; the making of friendlier ships register for South Africa; maritime infrastructure; the role of maritime transport in trade and tourism promotion; ship building and ship repair; the value and opportunities of coastal shipping; opportunities that exist for small and medium enterprises, the other relevant issues.

### **2. Safety and Security**

Topics under this principle include, amongst others, South Africa's responsibility towards safety of life and property at sea; the carriage of goods by sea; maritime policing and law enforcement, and other relevant issues.

### **3. Labour**

Black Employment Equity; employment and structure of the maritime industry; the protection that South African seafarers enjoy under the current labour legislation; the formalization of a Dock Labour Scheme; labour standards, health and safety of fishermen and seafarers alike, and other labour related issues form part of this key principle.

### **4. Maritime Awareness Promotion**

Marketing the maritime industry; National Maritime Day; World Maritime Day the theme set for this year being Committed People working for Safe, Secure and Clean Seas; and Industry Information

## 5. Environmental Sustainability

Under this key principle would lay issues such as the challenges faced by South Africa in pollution prevention

## 6. Maritime Multilateral Strategy

This will entail our strategic relationships with SADC, the whole of Africa in the spirit of the New Partnership for Africa's Development (NEPAD), the International Maritime Organisation (IMO), International Association of Ports & Harbours (IAPH), the Indian Ocean Memorandum of Understanding (IOMOU), and other strategic relationships. This principle will also address issues such as the rights and obligations that exist under a littoral state's jurisdiction and the rights of landlocked states in the SADC region.

Without attempting to undermine anyone of the above-mentioned key principles, it can be seen how integral a role maritime transport can play in a country's economy.

It must be emphasised that the contents of the issues are still subject to further discussion, and they do not necessarily reflect the policy standpoint of the NDOT. Ownership of this policy, at this stage, must rest with the industry. Government's role in this process must be seen as a **CO-ORDINATOR**, and not as the owner of the policy. Therefore, at this stage it is a work in progress. Only once the White Paper has been finalised can government be seen as one of the owners of this policy.

Outstanding issues in COMIDO, which have been identified, but to which no contribution has yet been made, include:

1. HIV/Aids in the maritime industry, more especially the threat that this pandemic poses to the sustainability of the industry.
2. Black Economic Empowerment. It must be emphasized that empowerment must be interpreted, not only in terms of ownership but also in terms of management, employment equity, skills development and procurement, corporate social responsibility, investment and enterprise formation.
3. Training and Development. Here, it is hoped to achieve a unified approach across the country on training and development initiatives.  
As well other issues that will be brought up by stakeholders once comment is invited to COMIDO.

All that has been discussed thus far is where the policy process is, at this moment in time.

So then, what is the way forward from here? The next phase, as contained in the approved project plans is the Green Paper Stage.

### **Phase 3: Green Paper Stage**

This phase would involve the establishment of a Working Group and Sub-working groups, consisting of **stakeholders, government and other parties with an interest in the maritime transport policy.**

The green Paper stage will see the fine-tuning of COMIDO, taking into account comment from the public and resolutions of working groups towards the same. This will then lead to the gazetting of the Green Paper for further comment from the public.

### **Phase Four: The White Paper Stage**

During this Phase, the necessary legislative procedure will need to be followed in enabling the White Paper to come to existence. Finally, the White Paper will be launched at a national conference.

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**Honourable delegates, having briefed you on the issues and processes involved in developing the comprehensive maritime transport policy, let me now spend a few minutes to give you a quick update on the status of the Ships Registration Act 58 of 1998.**

## **2. STATUS REPORT ON THE SHIP REGISTRATION ACT**

The Ship Registration Act and its commencement Proclamation are at the Presidency and are presently awaiting the President's signature. It is expected to come into force on 1 April 2003. Prior to the Act coming into force, the Minister of Transport approved the following regulations:

## **Ship Registration Regulations**

The Ship Registration Regulations have been made and published and will come into effect on the day the Ship Registration Act comes into force.

## **Merchant Shipping Tonnage Regulations**

These regulations make several housekeeping amendments to the Tonnage Regulations of 1986. The purpose of these amendments is to ensure consistency with the broader changes introduced by the Ship Registration Act of 1998.

## **Merchant Shipping: Notification of Building Vessels Regulations**

These regs repeal the Registration of Ships Regulations of 1989, and re-implement section 10 of the Merchant Shipping Act of 1951 (Act No.57 of 1951), as contained in Schedule 2 to the Ship Registration Act, 1998.

The implementation of these regulations will be coordinated to coincide with the implementation of the latter Act.

## **Licensing of Vessels Regulations**

These regulations are enabled by section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951). They supplement sections 68, 69 and 70 of the Merchant Shipping Act of 1951, and are necessary in consequence of:

- The amendments contained in Schedule 2 of the Ship Registration, 1998 (Act No. 58 of 1998).
- The changes introduced by the Merchant Shipping Act ( that is, Small Vessel Safety Regulation of 2002), together with several other measures published recently under the Merchant Shipping Act, which will, again commence on the day that the Ship Registration Act of 1998 comes into effect.

## **In conclusion,**

I would like to thank you for your kind attention and I hope that this briefing has been able to shed some light on the status of the proposed comprehensive maritime transport policy for South Africa, as well as the Ships Registration Act of 1998.

At this point I would also like to take this opportunity of encouraging all of you to get involved in the policy process once COMIDO is put out for public comment. After all, the success of a policy lies mainly on the acceptance it receives from those who are directly affected by it. Public participation and acceptance legitimises policy, and in so doing we help towards democratising the state.

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