

# **Local Perspective on the Framework for Creating a Competitive and Job Creating Maritime Economy**

Address to SAMIC 2012

4 July 2012

Cape Town ICC

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## **1. Introduction**

The Preamble of the Constitution reminds us that the Constitutional Assembly adopted the supreme law of South Africa, on the one hand, to “[i]mprove the quality of life of all citizens and free the potential of each person” and, on the other hand, to “[b]uild a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations”. In order to meet those two objectives, there can be little doubt that this nation requires a competitive and job creating maritime economy. The complexity of such an economy is reflected in the wide range of stakeholders represented at this Conference as well as the unavoidably very limited time available to those expected to make a contribution to its proceedings.

Taking this into account, I will refrain from pre-empting the input of colleagues much better placed than I am in their specific areas of expertise, to contribute to the discussions which will follow. Instead, I intend adding to what has already been stated by the previous speakers in two ways. I will first highlight the significance of the paradigm shift which this Conference illustrates by setting these proceedings in their historical and comparative context. I will then focus on elements of the maritime economic framework other than those which will be the object of tomorrow’s sub-conferences and Friday’s symposium. Those other elements will

have to feature in the discussions later today and will most probably again raise their heads during the next two days.

## **2. Paradigm shift**

### **2.1. The past**

We are very fortunate to live at a time when archaeologists are bringing to light more and more hard evidence of the richness of Africa's past. For instance, it is now abundantly clear that the commercial power of Great Zimbabwe, and perhaps also its progenitor, Mapungubwe, was not limited to the highlands. Indeed, there is now incontrovertible evidence that the sometimes astonishing prosperity of numerous settlements along the Swahili coast, for instance Kilwa Kisiwani, 200 km south of Dar es Salaam, depended to a great extent on Great Zimbabwe's international trade links with countries across the Indian Ocean and vice versa.

As far as South Africa is concerned, one often underestimates the degree to which our history has been shaped by the seas that surround us to the east, south and west. On the one hand, for the continent's inhabitants who, in successive waves and over centuries, made their way from the north across hills and plains, the Cape was the end of the road. On the other hand, for peoples outside, the Cape was the long eluding door to the alluring world of the exotic ocean that lies around its forbidding shores.

What is often overlooked is the centrality of the sea in the colonial enterprise or, in other words, the extent to which colonial power rested more on the control of the seas than on the control of the colonies themselves. Two examples illustrate this point. The first example is the speed with which Great Britain reacted to the Voortrekkers' interest in what quickly became the Natal Colony. The second example is the apartheid policy of keeping the great majority of the South African population away from the coast and the sea.

The nations who first made use of the Cape route to the East (Portugal and later France, the Netherlands and the United Kingdom), were nations which had all experienced a sea change in their maritime consciousness. Such a change involved three steps. First of all, it involved making the sea part of the national consciousness (for example by including part of it into the national territory). Secondly, it involved becoming aware of the extent to which the sea can act as a catalyst for national development. And, finally, it involved taking the steps required to allow that catalyst to propel the nation into an era of prosperity never dreamed of before.

As far as the Dutch were concerned, one of those steps was the establishment of a refreshment station at the Cape in 1652, at a time when the nascent European maritime powers were still finding their sea legs. The ability of France and the UK to project themselves at sea soon increased to such an extent that they were the only two superpowers in existence when Great Britain took over the Cape in 1795 in order to prevent France from doing so itself. As I just mentioned, similar strategic concerns led the UK to take control of the KwaZulu-Natal coast half a century later.

By the time South Africa came into being as a legal entity in 1910, its colonial profile had, during the previous 40 years, risen beyond the Cape as a result of the discovery of minerals lying in the depths of the highlands hundreds of kilometres from the coast. South Africa's relationship to the sea did not however essentially change beyond the country being promoted from the status of a poor and largely ignored spectator along one of the main international trade routes to that of a much wealthier one. The position remained the same for the rest of the 20<sup>th</sup> century, as South Africa continued, in an essentially colonial mindset, to focus on the wealth of its land while its political life was poisoned by racial discrimination that alienated its government and legal system from its own people, the rest of the continent and the rest of the world.

## **2.2. The present**

This historical background explains to a very large extent where South Africa finds itself today in its relationship with its maritime environment. The majority of us in this venue are involved in, or aware of, numerous areas of maritime excellence in the academic, industry, professional and public sectors. Indeed, South Africa can be extremely proud of the high esteem it enjoys in the maritime world in areas such as search and rescue, marine biology, maritime law as well as Southern Ocean and Antarctic studies.

However, until very recently, there was little sign that South Africa would experience the kind of transformation of its collective maritime consciousness which propelled a number of western nations into prosperity. Indeed, the worldview of the vast majority of South Africans does not include the sea and there is too little awareness of the extent to which the sea can act as a catalyst for national development. Moreover, the holding of this very Conference is evidence of the fact that many of the steps required to allow South Africa to reach its full maritime potential still need to be taken.

This is, in my humble opinion, indicative of the fact that South Africa is still in the process of liberating itself from the position and worldview which, over a period of almost four centuries, the West was instrumental in making this nation internalise namely, the mineral-rich tip of far too vast a continent compelling maritime interchange between the East and the West to make much too long a detour.

### **2.3. The paradigm shift**

I will venture to argue that, in order for South Africa to take its rightful place as a sovereign state in the family of nations, as the Constitution expects us to strive towards, South Africa must unashamedly turn this essentially western worldview upside down and boldly place itself at the middle of its own hemisphere. In case we are uncomfortable doing so, let us remind ourselves that there is no objective argument compelling us to draw maps showing the north at the top. In fact, until five centuries ago, that is to say the beginning of the so-called Age of Discovery, it was common for maps to show the south or the east on top.

Turning conventional maps upside down would make abundantly clear that, at the beginning of the 21<sup>st</sup> century, South Africa is not at the bottom end of a vast continent, condemned to be a maritime spectator very far away from the main seats of wealth and power, especially as climate change opens up new maritime routes in the Arctic. It would also address the unsustainability of seeing this country's rightful place in the family of nations as the gateway to the African continent. Without any doubt, this country is a regional leader in many fields including power generation and maritime affairs, and the African continent will always need a strong South Africa as one of its powerhouses. But South Africa will always remain in the geographical periphery of the African landmass and, as the economies of the other African states develop and trade between African countries increases, that position is bound to put increasing pressure on the comparative strength of this country's land economy.

By contrast, placing this country at the middle of its own hemisphere highlights the fact that South Africa is almost an island at the confluence of three oceans and at the crossroad of maritime trade routes between many of the new seats of wealth and power, including the maritime routes along the east and west coasts of Africa. In that paradigm, South Africa's rightful place in the family of nations is that of a nation astonishingly blessed with direct access to an extravagant share of the expanses and opportunities of the maritime world. In that paradigm, this country's shores and ports are not windows to a foreign world at the

margin of our national consciousness, but rather dynamic and pivotal interfaces between the two interrelated and vital geographical components of the national worldview.

From such a perspective, it is not difficult to imagine a South Africa which does not see its ambitions limited to the confines of its own land territory and those of its northern neighbours. It is easy to envision a South Africa which also sees its land territory as the launching pad for the expression of its youth, self-belief and genius in a galvanizing venture which would make organising the 2010 FIFA World Cup and implementing the SKA project look like mere warm-up exercises. I mean: to fully and responsibly explore, master and exploit this nation's coastal and maritime environment, while contributing to the efforts of the international community to protect and manage the surrounding high seas as well as Antarctica.

#### **2.4. Comparative perspectives**

As I indicated earlier, South Africa would not be the first nation to embark on a similar venture. Most countries which became major world powers in the past did so at one stage or another of their national development. The prevailing cultural, economic, legal and political environment at the time was quite different from what it is today. One should therefore exercise a degree of caution when making comparisons.

In one respect however, there is a fascinating similarity between South Africa and the first modern European maritime powers: Portugal and Spain. Indeed, until a little more than 500 years ago, both nations were essentially backwaters at the western end of the Mediterranean Sea in a world where, for more than 2 000 years, wealth had accumulated at the eastern end of that body of water. What changed the destiny of those two countries was the realisation that their geographical position was indeed a serious liability in a world looking east but, at the same time, a tremendous competitive advantage in a world looking west. This paradigm shift was too bold for private capital to embrace. Instead, the spark that ignited that Copernican revolution was provided by monarchs who were prepared to take the necessary risks.

To a large extent, a century later, England, France and the Netherlands had little choice but to enter the maritime fray in order to resist Spain's hegemonic ambitions in a world which was now decidedly looking west. By then, it was abundantly clear that return on maritime investment could be exceedingly high. As a result, those nations had little difficulty relying on

private capital and initiative to a much greater extent than Portugal and Spain, thereby building a maritime economy whose benefits would be enjoyed on a broader and more long lasting basis, as some parts of the festivities to celebrate Queen Elizabeth II's jubilee recently illustrated.

When the United States gained independence at the end of the 18<sup>th</sup> century, its economy was intertwined with that of the UK through what was already one of the most important maritime routes. As a result, there were, from the outset, vast business opportunities flowing from a national consensus around the fact that the country required a maritime industry of such a size and nature that it could support the nation's economic, military and political ambitions.

A century before the US became independent, Russia had begun building a regular navy which had grown into one of the world's most powerful ones at the outbreak of the Russo-Japanese War in 1904. The Russian maritime industry developed at lightning speed after the 1917 Revolution (there are today almost 2000 commercial ships flagged under the Russian registry), for very similar considerations to the US, but obviously driven by the State instead of private initiative.

Today, the emerging world powers within BRICS are at different places in their relationships with the maritime world.

For millennia, Chinese rulers consistently and deliberately shunned the maritime world beyond China's immediately adjoining seas. In fact, it is only in the last two decades that maritime issues have come to the fore. The reasons are similar to those behind the process that South Africa is undergoing at present. They include the need for the nation to control its international trade as well as its coastal and marine resources. Thankfully, however, South Africa is not located in an area where other coastal States make competing maritime claims, with the associated diplomatic and military tensions.

In contrast to China, India has one of the world's longest and fascinating maritime histories. During the last 500 years, that tradition was interfered with by European powers, until India started the process of regaining control of its maritime destiny after the First World War. Today, India is once again one of the world's leading maritime nations, with more than 500 commercial ships, a powerful navy and an effective coast guard. It is nevertheless also faced

with the need to redefine its maritime policy in a world where the focus of attention has to some extent shifted to the Indian Ocean, with the associated opportunities and threats.

At the opposite edge of the South African hemisphere, Brazil inherited a substantial part of the Portuguese navy and human resources when it gained independence. Two centuries later, it is the greatest maritime power in South America, with an expanding maritime economy including almost 200 commercial ships, a fast-growing offshore oil industry as well as a powerful navy.

In the light of the above, the main maritime benefits for South Africa from its partnership with the BRIC countries are obvious: an older and developed maritime economy across the South Atlantic Ocean in Brazil, another one across the Indian Ocean in India, a substantial and highly sophisticated polar maritime industry in Russia, and a relatively new but fast-growing and public-sector driven maritime economy in China.

The above focus on past, present and emerging world powers is obviously not meant to suggest that those countries are the only players in the maritime world. The number and range of the other nations, which include Japan, Nigeria, the Philippines and South Korea, are simply too great to allow specific attention within the confines of this address. I intend however to refer to what this country can learn from their experiences as I now briefly discuss some of the elements of the framework within which, I believe, South Africa will have to operate in order to fulfil its maritime destiny.

### **3. Elements of the framework of a competitive and job creating maritime economy**

#### **3.1. Collective consciousness**

Arguably, the first step to be taken by this nation is to change its collective maritime consciousness, until now numbed by a range of powerful influences and interests, some of which I alluded to a few minutes ago. South Africa is by no means alone in this position. For instance, Wang Zhuwen, the president of Dalian Ocean University and a member of China's National People's Congress, pointed out recently that a lack of general awareness was constraining China's ability to pursue its maritime interests. In order to address this issue, he

proposed that maritime education should be included in primary and secondary school curricula.

SAMSA has already taken innovative and very successful steps in this regard. It can however not be expected, on its own, to turn around the maritime consciousness of a whole nation. As an expert body, the role of SAMSA should not be akin to offering samples of a new product struggling to enter the market. It should rather be to quench a widespread thirst generated by deliberate and systematic actions throughout the education system and the media. This is clearly not the place to spell out how to go about doing this but, at the very least, South African learners should be taught from the very beginning of their school career that this country's national world or "territory" has a maritime component, and a very sizeable one. A useful way to do so could be to treat the waters which wash our shores as if they were South Africa's tenth province, a province which, if one adds to our internal and territorial waters the areas which are not technically part of our territory but where we have exclusive resource rights, covers an area by far greater than the areas of all the other nine provinces combined. It is not difficult to imagine the impact that standard maps of South Africa which include the Prince Edward Islands and all the country's maritime zones would have on the horizons of young South African minds.

### **3.2. Human resources development and innovation**

This leads me to perhaps the most important element of a competitive and job creating maritime economy: human resources development and innovation. Let us not be mistaken. The marine environment is a demanding one. The human lives, environmental impacts and financial interests at stake leave very little room for incompetence at any level.

SAMSA and the Department of Higher Education and Training have embarked on a process to ensure that the HET sector is able to produce the whole range of human resources required, from certificate holders to PhD graduates. Our needs undoubtedly include the technical skills required in specific sub-sectors as well as bachelor, honours, masters and doctoral graduates in specific fields of maritime knowledge. Indeed, it goes without saying that understanding and managing optimally our marine environment is imperative if South Africa is to build and sustain a competitive and job creating maritime economy. This nation has already built capacity in this respect. It can also pride itself, in specific fields, of a track record which is held in high regard around the world. There are indeed world-class centres

of excellence along this nation's coast and the government must be congratulated for investing substantial funds in ocean-related research chairs, for instance the Chair on Shallow Water Ecosystems and the Chair on the Law of the Sea and Development in Africa, which were awarded to the Nelson Mandela Metropolitan University earlier this year.

However, it is important to stress here that what is also required is the necessary intellectual capacity to tackle the multidisciplinary challenges to which we are, and will continue to be confronted in our interaction with a world both extremely complex and still too little understood. For instance, the DST Ten Year Global Change Research Plan identified as one of the many features that make South Africa both an attractive and a priority area for research on global change, its "position at the tip of the African continent, adjacent to the Indian, South Atlantic and Southern Oceans, which influence global weather patterns and atmospheric greenhouse gas concentrations in unique ways". This is why the Plan identified the themes of "Dynamics of the oceans around southern Africa" and "Linking the land, the air and the sea" under the knowledge challenge of "Understanding a Changing Planet". The Plan also identified specific issues such as how changes in sea surface temperature and ocean currents will affect rainfall patterns, and the extent to which oceans south of southern Africa shape the greenhouse-gas feedbacks that influence global warming.

Human resources development is not only a national, but also a regional priority and there is undoubtedly here what the National Development Plan identified as an opportunity "to establish South Africa as a hub for higher education and training in the region capable of attracting a significant share of the international student population" (NDP 279). In this regard, it is important to keep in mind that greater regional academic cooperation in maritime studies will demand a much greater capacity to communicate in the foreign languages of our maritime neighbours, that is not only Portuguese but also French since we have a common continental shelf boundary with France half way between the Prince Edward Islands and the Crozet Islands.

Furthermore, it may also be asked whether a maritime university for our "tenth province" should not be added to the new universities which are planned for Mpumalanga and the Northern Cape. Such a step would be consistent with the paradigm shift advocated above and would certainly answer the NDP call for "[a] wider system of innovation that links ... universities and science councils ... with areas of the economy consistent with our economic priorities" (NDP 17). It would certainly not be at odds with international trends. Indeed,

dedicated maritime HET institutions already exist, in one form or another, in Brazil, China, Egypt, France, Ghana, Great Britain, India, Japan, the Netherlands, Nigeria, the Philippines, Russia, South Korea and the US, for instance. The matter will hopefully be on the agenda of the forthcoming Skills Development Summit.

### **3.3. State planning and policy**

The paradigm shift I described above also implies that the maritime economy must feature as a matter of course in all macroeconomic national plans. For instance, although not expressly mentioned in the New Growth Path document, the maritime economy is clearly one of the new economies whose potential the South African government intends to seize in order to meet its job creation targets, since it actually overlaps both the green economy and the knowledge economy (p 12-13). Moreover, the NGP includes “a strategy for improving logistics, with clear priorities and timeframes, including a ‘smart ports’ network that integrates a common systems, people and technology platform across a number of [African] countries to improve port efficiencies and costs” (p 14). Another example is the National Development Plan which aims at charting a new path for this country. I am sure we all agree that the country the NDP is envisioning must include our maritime zones and the path the NDP is charting must lead South Africans to wet their feet. This would undoubtedly and considerably broaden this nation’s development path, thereby creating new opportunities for black South Africans, especially women and youth (NDP 4). The NDP stresses the importance of raising exports (NDP 12) and points out that this requires, among others, adequate port and shipping infrastructure, including “the development of a new dug-out port on the site of the old Durban airport” (NDP 14 and 32), as well as “improving the performance of the ports” (NDP 166-167). Yet, in the light of what was stated a few minutes ago, is it surprising that the sea does not feature in the NDP Vision Statement and that it is not given any further specific attention in the main part of the document, with the exception of a couple of paragraphs with regard to fisheries (NDP 208-209) and maritime security (NDP 222-223)?

In fact, there is a compelling argument for adopting a separate national ocean policy (with possibly regional plans for the west, south and east coasts) to which the sub-sector policies will have to be aligned in due course. The main reason for adopting such a policy is that, as Parliament already acknowledged when it passed in 2008 the National Environmental Management: Integrated Coastal Management Act, an optimal and sustainable use of the South African coast and maritime zones requires an integrated management regime. Many countries all over the world either already have reviewed, or are in the process of reviewing,

the way they manage their maritime environment. In every instance, this is in order to address the same problem: uncoordinated policies in maritime sectors which “tend to define the problems they face as internal, and seek solutions exclusively from within the sector when many of the factors affecting the sectors lie outside” those sectors (UNESCO *National Ocean Policy* 2007). Despite the matter having already been raised twenty years ago, “it is only recently, with the increased use of the ocean and its resources, that many of the shortcomings of the sector approach have become apparent, and remedial action have begun to be adopted. This is not the result of an intellectual exercise. It is driven by the exponential growth in the use and exploitation of the coast and its resources, the increasing occupation of the continental shelf and the expansion of some activities such as oil and gas exploration, both offshore and deep-sea. Motivations are several: better use of available resources and knowledge, increased economic efficiency, avoidance of conflicts of use, better priority-setting for public and private sector action, increased accountability to the public” (UNESCO *National Ocean Policy* 2007).

In this light, when we attempt to solve the problems with which we are faced within each of the sub-sectors on which we will focus during these three days, we ought to refrain from approaching our task from a narrow sectoral perspective, but rather focus on what each sub-sector can contribute to the broader maritime interests of the nation.

### **3.4. Institutional arrangements**

Probably the main reason why coastal States struggle to coordinate their maritime sector policies is that it is an extremely complicated task, which we cannot possibly hope to complete before the end of this week. On the contrary, the task demands setting up permanent institutional arrangements at national, provincial and local levels, which should probably differ from those provided at present by the Integrated Coastal Management Act. It stands to reason that, in the same way that organising the 2010 FIFA World Cup required innovative and effective coordination mechanisms, it is necessary to identify and put into place appropriate structures to drive the nation’s maritime agenda. Possible options include, for instance, the Australian National Oceans Ministerial Board; the Brazilian Inter-Ministerial Commission for Marine Resources; the Canadian Ministry of Fisheries and Oceans; the Colombian Ocean Commission and its National Inter-Agency Committee for the National Ocean and Coastal Regions Policy; the Japanese Cabinet’s Headquarters for Ocean Policy; the Portuguese Interministerial Commission for Maritime Affairs; as well as the United States National Ocean Council and National Oceanic and Atmospheric Administration.

### **3.5. Maritime integrity and security**

One of the most important tasks of the institutional arrangements to be put in place would be to guarantee that our maritime economy functions in a secure and sustainable environment. I have little doubt that we would all be very disappointed if, from now on, a violation of South Africa's maritime sovereignty, the unlawful exploitation of its marine resources and threats to this nation's coastal and marine environment were not to be seen by all organs of State in the same light, and acted upon with the same degree of urgency and determination, as a violation of South Africa's territorial sovereignty, the unlawful exploitation of its land resources and threats to this nation's land environment.

Please allow me to give just one example. As one of the individuals privileged to live in Nelson Mandela Bay, I regularly shudder at the thought of one of the oil tankers which sail around our coast every day, loosing hundreds of thousands of tonnes of oil which would then be washed onto the South-eastern Cape coast. The social, ecological and economic consequences of such a disaster would be appalling and extremely costly. Let me be more specific: one is not talking here of a couple of million rand. The clean-up costs and other pollution losses could easily total at least R10 billion, and I deliberately refrain from succumbing to sensationalism. An International Oil Pollution Compensation Fund is in place, the purpose of which is to meet the costs of oil pollution catastrophes. Yet, as our law stands, all but R180 million would have to be picked up by the South African taxpayers. Surely, the long overdue legislative amendments required to address this issue ought to enjoy the highest priority.

This example is not meant to deflect our attention from the main sources of marine pollution, which are located on land. It is also not meant to suggest that the natural environment is the only one the integrity of which we should protect. Most thriving maritime economies also rely on an underwater cultural heritage and ours is both significant and under threat. For instance, you might be interested to know that crime syndicates in Nelson Mandela Bay, after shamelessly looting abalone stocks are now resorting to wreck metal stripping ... .

We all salute the sterling job done by the South African Navy in protecting the SADC waters against pirate attacks. As I indicated earlier, the risk of South Africa being involved in a conventional military confrontation at sea is much smaller than in the case of some coastal States in other parts of the world. Unfortunately, however, a growing maritime economy will

require greater surveillance and enforcement resources to protect not only our own maritime zones, environment, resources and assets, but also to make our contribution to the policing and protection of the vast expanses of high seas in the South Atlantic Ocean, the South Indian Ocean and the Southern Ocean. This is why the Navy's Project Biro should receive the strongest support possible.

### **3.6. International cooperation and leadership**

The Navy intervention beyond our borders illustrates the necessity of international cooperation in an inherently fluid environment which ignores political borders. Over the years, South Africa has built a very comprehensive and complex network of cooperative arrangements with its immediate maritime neighbours and a number of other nations further away from our shores. One example of instruments flowing from such arrangements is the African Maritime Transport Charter, the objectives of which must continue to guide our efforts. Another example is the Benguela Current Commission. One may also mention the trilateral security agreement with Mozambique and Tanzania as well as the IBSA Agreement concerning Merchant Shipping and Other Maritime Transport Related Matters, in terms of which the States Parties have a duty to "cooperate with each other to develop a mutually beneficial relationship in the field of Merchant Shipping and other related maritime matters on the basis of sovereign equality and reciprocity" (article III). South Africa is certainly not presumptuous when it exercises international leadership in advancing regional and global interests in the adjoining high seas.

### **3.7. Community participation**

International best practice, in the form of national policy documents and international instruments such as the outcome document of the RIO+20 Conference, is at pains to stress that community participation is also an important element of a competitive and job creating maritime economy. Such participation must take place at all levels. At grass root level, many indigenous coastal communities are among the poorest in the country. Developing our maritime economy will create exciting new opportunities for their development. In the process, however, their needs, customs, knowledge and aspirations must be valued and protected. At the strategic level, government should seriously consider constituting, as Australia has done, a National Oceans Advisory Group consisting predominantly of members with non-government interests such as conservation, education, industry and science, who are selected on the basis of their expertise in ocean issues. Alternatively, the

initiative should be taken by civil society as in the case, for instance, of the National Maritime Foundation in India.

### **3.8. Legal environment**

Finally, one of the most challenging, but also crucial elements of a competitive and job creating maritime economy is the domestic and international legal environment within which it operates. The challenges faced by South Africa in this regard are certainly not unique and, thankfully, the number of tools available to find one's way through what is often an unforgiving technical maze is slowly increasing.

For illustrative purposes, over and above the UN Convention on the Law of the Sea and the scores of other treaties to which South Africa is a party, one may mention at the global level the Johannesburg Plan of Implementation which called upon States to promote the implementation of chapter 17 of Agenda 21 devoted specifically to the marine environment. Two weeks ago, the Rio+20 UN Conference on Sustainable Development reiterated that the "oceans, seas and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical to sustaining it" (par 158 of *The Future We Want* document). The issues identified in this regard include: the transfer of marine technology; the importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction; marine pollution; alien invasive species; sea-level rise and coastal erosion; ocean acidification; ocean fertilization; illegal, unreported and unregulated fishing; fisheries management by regional fisheries management organizations; the importance of area-based conservation measures, including marine protected areas; the elimination of fisheries subsidies; as well as the need to ensure access to fisheries and the importance of access to markets, by subsistence, small-scale and artisanal fishers together with indigenous peoples and their communities (par 160-177). The Conference's outcome document incorporates to a large extent the proposals made in the *Blueprint for Ocean and Coastal Sustainability* submitted as a UN interagency report towards the preparation of the Conference, which lamented the fact that "overall progress in implementation of most of the international agreements in place ha[d] been slow. Much of this [had been] due to alternative political priorities, insufficient institutional capacity or inappropriate institutions, market distortions, incomplete science, lack of financing, and/ or [lack of] willingness of participants" (p 27). No decision was however taken on an eagerly awaited governance structure for the high seas.

At the continental level, I have already referred to the African Maritime Transport Charter. One may also mention the NEPAD Action Plan for the Development of African Fisheries and Aquaculture, whose overall technical objectives are, on the one hand, “[t]o support, and where possible increase, the long-term productivity of African fisheries and aquaculture through sustainable use of aquatic resources and application of environmentally sound technologies” and, on the other hand, “[t]o strengthen food security and trade benefits for Africa’s socioeconomic development through improved access of African fish products to domestic, regional and international markets” (p 10).

At the regional level, one may mention the SADC Protocol on Fisheries which, among others, requires South Africa to “take measures required to harmonise legislation with particular reference to the management of shared resources” (article 8(1)). One may also mention the SADC Protocol on Transport in terms of which, among others, Member States must “promote the economic and social development of the Region by developing and implementing harmonised international and regional transport policies in respect of the high seas and inland waterways” (article 8(1)).

At the domestic level, I have already mentioned that Parliament has provided us with an extremely valuable tool to manage our maritime environment in the form of the National Environmental Management: Integrated Coastal Management Act. Because it is a statute so central to what brings us together today, greater urgency and resources must surely be directed to its implementation and enforcement. What is also required is an exhaustive review, consolidation and updating of the legislation impacting on our marine environment and activities. Such a task should be undertaken in the light of our international legal obligations and having regard to legislative steps taken by other maritime nations such as, for example, the Canadian Ocean Act, the Japanese Basic Act on Ocean Policy and the US Ocean Act.

#### **4. Conclusion**

To conclude, many nations have in the past, and continue today to see, on the one hand, the waters that wash their shores as an integral and inalienable part of their national endowment and, on the other hand, a strong maritime economy as a vital tool for national security and development. There is no reason to believe that a competitive and job creating maritime economy is not also an essential requirement to sustain a virtuous cycle of growth and development in South Africa.

But what is at stake during these three days is arguably more than growth and development. It is about freeing this nation from the borders of a land territory to which it was confined by foreign powers and racial policies. It is about healing the scars left by centuries of colonialism and apartheid by mastering a complex and challenging environment where only the bravest, most determined and best organised nations do thrive. South Africa has a place in this relatively small group of nations. Indeed, geography has blessed us with an almost ideal setting for us to develop one of the leading maritime economies in a world the political and economic poles of which are increasingly shifting southwards.

As a university educator, I look forward to what this Conference will achieve for thousands of young South Africans who yearn for the pride flowing from being prepared for, and successfully meeting, a collective challenge worthy of their abilities and ambitions.