

Country profile 2019 – South Africa

Part 1. General information

1. Country information

	Full name of the country	Republic of South Africa (RSA)
	Capital	South Africa has no legally defined capital city. The country's three branches of government are split over different cities. Cape Town, as the seat of Parliament, is the legislative capital; Pretoria, as the seat of the President and Cabinet, is the administrative capital; and Bloemfontein, as the seat of the Supreme Court of Appeal, is the judicial capital, while the Constitutional Court of South Africa sits in Johannesburg. Most foreign embassies are in Pretoria.
	Official language(s)	Afrikaans, English, Ndebele, Northern Sotho, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa and Zulu.
	Main ports	<ul style="list-style-type: none"> Port of Richards Bay Port of Durban Port of East London Port of Ngqura Port of Port Elizabeth Port of Mossel Bay Port of Cape Town Port of Saldanha

	Coastline (km)	3 924 km
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2. Contacts

GI WACAF Focal point

Name	1. DoT: Mr Metse Ralephenya 2. DoT: Mr Terrence Mabuela 3. SAMSA: Capt. Ravi Naicker	
Ministry/ Department / Agency	1. Department of Transport (DoT) 2. South African Maritime Safety Authority (SAMSA) 3. Department of Environmental, Forestry & Fisheries (DEFF)	
Job title	1. Acting Chief Director: Maritime Implementation, Monitoring and Evaluation 2. Acting Director, Marine Safety, Security and Environment Protection 3. Senior Manager: Navigation, Security & Environment	
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Ministry/ Department / Agency	1. Department of Transport (DoT)

	<p>2. Department of Environmental, Forestry & Fisheries 3. South African Maritime Safety Authority (SAMSA)</p>
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National representatives completing this document

Name	Job title	Organisation	Country	Email	Telephone
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Mr Terrence Mabuela	Acting Director, Marine Safety, Security and Environment Protection	Department of Transport	South Africa	mabuelat@dot.gov.za	+2712 309 3070

1. Industry

Industry presence in the country	
Which industry partners from the <i>Oil & Gas</i> sector are present and operating in your country?	PetroSA, Total
Cooperation with the industry	
Is there working group/platform that brings together government and industry to address issues related to oil spill preparedness and response? If yes, please provide the name.	Yes. It started at the Initiative B1 Working Group (WG) under Operation Phakisa in 2015. The B1 WG has now been taken over by the Interim Incident Management Organisation (IMOrg), and the Incident Management Organisation is due to be launched in 2020 as a virtual organisation.
Is there sharing of human resources and equipment between industry and government during exercises and/or training?	Yes. This is done as part of the Incident Management Structure(IMS) and Industry is also represented on the structure.
Please list any other aspects relevant to cooperation between industry and government.	(a) Industry will be included in the Joint Government Exercises, starting in March 2018 (b) In addition to the B1 WG mentioned above, Industry is also included in any related Task Teams, training, Seminars, Workshops and Awareness Sessions.

Part 2. Updating the Country Profile, identification of level of preparedness and priority actions

1. Institutional and legal context

1. Designation of responsible authority(ies)

Competent national authorities responsible for oil spill preparedness and response	
Response at sea	
Ministry/Department/Agency	<ol style="list-style-type: none"> 1. Department of Transport (DoT) 2. South African Maritime Safety Authority (SAMSA) 3. Department of Environmental, Forestry & Fisheries
Contact person responsible for oil spills at sea	<ol style="list-style-type: none"> 1. DoT: Mr Metse Ralephenya 2. DOT: Mr Terrence Mabuela 3. SAMSA: Capt. Ravi Naicker
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<i>Shoreline response</i>											
Ministry/Department/Agency	Department of Environment, Forestry & Fisheries										
Contact person responsible for shoreline oil spills	<ol style="list-style-type: none"> 1. Dr Yazeed Peterson 2. Ms Feroza Albertus 3. Mr Ulric Van Bloemestein 										
Address	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Physical:</td> <td style="width: 50%;">Postal:</td> </tr> <tr> <td>East Pier</td> <td>PO Box 52126</td> </tr> <tr> <td>V&A Waterfront</td> <td>V&A Waterfront</td> </tr> <tr> <td>Cape Town</td> <td>Cape Town</td> </tr> <tr> <td>South Africa</td> <td>8002</td> </tr> </table>	Physical:	Postal:	East Pier	PO Box 52126	V&A Waterfront	V&A Waterfront	Cape Town	Cape Town	South Africa	8002
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<i>Authority(ies) responsible for implementation of IMO conventions</i>	
Ministry/Department/Agency	<ol style="list-style-type: none"> 1. Department of Transport (DoT) 2. South African Maritime Safety Authority (SAMSA) 3. Department of Environmental, Forestry & Fisheries
Contact person	<ol style="list-style-type: none"> 1. DoT: Mr Metse Ralephenya 2. DoT: Mr Terrence Mabuela 3. SAMSA: Capt. Ravi Naicker
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1. Ratification of international conventions and national legislation

Ratification of international IMO conventions (related to oil spill prevention, preparedness and response, and to civil liability and compensation) and their transposition into national legislation				
	Status of ratification	National legislation that incorporates the Convention	Status of implementation	Observations/specific actions needed
Prevention				
MARPOL 73-78	Yes	Yes		
Preparedness and response				
OPRC 90	Yes	No, but a draft Bill is being prepared	Gazetted for Public comment in October 2019	
OPRC-HNS Protocol	No	No		
Liability and compensation				
CLC 69				
CLC 92	Yes	Yes		
Fund 92	Yes	Yes		
Fund Prot. (2003)				

Bunker Oil (BUNKER 2001)	No	No		
LLMC 76				
LLMC 96				
HNS 2010	No	No		

National legislation			
Maritime policies and regulatory framework	Do maritime policies or strategies exist? What is the responsible entity?	Comprehensive Maritime Transport Policy, 2017 outlines the Department of Transport as the lead organisation	
Ratification of IMO conventions	What are the main challenges/obstacles to ratification?	Lack of capacity	Congested Parliamentary programme
		Lengthy consultation process	Lack of qualified Maritime Lawyers
		Lack of legal expertise	
		Lack of technical expertise	
		Lack of financial resources	
Incorporation of IMO conventions	What is the procedure for incorporating IMO Conventions related to safety, marine pollution, and liability and compensation, into national legislation?	Section 231 of the Constitution of South Africa, 1996 require tabling of Conventions in Parliament and outlines further requirements.	

Incorporation of: <ul style="list-style-type: none"> • 1992 Fund Convention • Supplementary Fund Protocol 	Does the related law identify the national authority responsible for the submission of oil reports?	Yes, in terms of the Merchant Shipping [International Oil Pollution Compensation Fund] Contributions Act, 2013
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II. National Oil Spill Contingency Plan

1. Development of a National Oil Spill Contingency Plan (NOSCP)

Document	
Name of NOSCP	South Africa's National Oil Spill Contingency Plan [NOSCP]
Status of NOSCP	Complete, awaiting approval
Administrative act of initial approval – Number and date	N/A
Date of last approved update	2011
Committee/working group responsible	Started off under Operation Phakisa (a Presidential initiative) Initiative B1 Working Group that was tasked to address concerns on potential negative impact of offshore oil and gas exploration and production, with regards to all oil spills within the industry. A specific outcome of the B1 initiative is a joint industry-government emergency response drill which was to prepare the country should there be an oil spill offshore. The Initiative B1 WG has come to an end and the NOSCP is now part of the responsibilities on an Incident Management Organisation (IMOrg).
Has the NOSCP been tested? Date and main comments	Cape Town, March 2018 Algoa Bay, November 2018 Cape Town, November 2019

<p>What is the procedure for updating the NOSCP? Does the updated NOSCP have to be formalised through an administrative act (e.g. decree, law ...) for it to be applicable?</p>	<p>To be reviewed every 5 years.</p> <p>To be made a requirement in the OPRC Bill once it has been signed into law by the President of the Republic of South Africa.</p>
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2. Coordination, notification policies and organisation of response

<p style="text-align: center;">Organisation of response</p>	
<p>Does the NOSCP utilise concepts from the <i>Incident Management System (IMS)</i>?</p>	<p>Yes</p>
<p>Is each defined role assigned to a person/function?</p>	<p>Yes</p>
<p>Are the contact details of the responsible persons contained in an annex?</p>	<p>Yes</p>
<p>Does the NOSCP incorporate the different preparedness levels (Tiers 1, 2, 3)?</p>	<p>Yes</p>
<p>Organisation chart:</p> <p style="text-align: center;">SEE ATTACHED</p>	
<p style="text-align: center;">Notification and reporting procedures</p>	

Are the emergency, notification and follow-up procedures (reports, etc.) well defined? Do they include a template as well as an updated contact list?	Yes
Can the NOSCP be activated in case of an oil spill caused by a non-ship source (e.g. offshore platform, pipeline, etc.)?	Yes
Coordination with local plans and the industry	
Are the local plans (port, terminal, etc.) referenced and integrated in the NOSCP?	Yes
Are the contingency plans of oil and gas industry facilities referenced and integrated in the NOSCP?	Yes
Involving the local communities	
Is the involvement of local communities in case of oil spills and during exercises planned?	No
Follow-up and archive; compensation	
Is there a follow-up plan and archiving system that allows evidence to be stored?	Yes
Are compensation and the procedures for requesting compensation defined and integrated?	Yes

3. Components of the National Oil Spill Contingency Plan

Policy on use of dispersants	
Status of the policy on the use of dispersants	Developed (currently under revision)

The use of dispersants is considered as (first/second/last option/not an option).	An option depending on the variables and site characterisation.	
State the name of the administrative act which details the policy on use of dispersants.	Not yet in place	
Is there a list of approved dispersants? If yes, is it public?	To be updated	
Is there an approval procedure? If yes, which authority is responsible for this?	Department of Environment, Forestry & Fisheries	
Is the same authority responsible for authorising the use of dispersants in emergency situations?	Yes	
Is the policy on the use of dispersants included in the NOSCP?	Yes	
What are the geographic and bathymetric limits for use of dispersants?	Not yet specified	
Is there a stock of dispersants?	No	
Location of the storage sites	DEA stockpile in Paarden Island , Cape Town	
Name	Owner	Quantity
Sensitivity mapping and risk evaluation		
<i>Sensitivity maps</i>		
Status of sensitivity maps	Developed and approved (but need for an update)	
Responsible working group/committee	IMOrg [Incident Management Organisation]	
Are sensitivity maps included in the NOSCP?	No, but it would be available on a Dashboard and App that are currently being developed.	
Date of validation and last update	1985 (last update)	
Does the map cover the whole shoreline?	Yes	
Are the sensitivity maps public?	Yes, old version	
In what format are the sensitivity maps available? Print or digital?	Hard copy	
<i>Risk evaluation</i>		
Does the plan include drift patterns?	Yes	

Does the NOSCP consider air surveillance in case of an incident (radar, satellite, aircraft, helicopter, etc.)?	Yes
Does the plan include a risk register and spill scenarios?	Yes
Is the Net Environmental Benefit Analysis (NEBA) included in the NOSCP?	Yes
Shoreline evaluation and response plan	
Status of the shoreline response plan	Response Strategy outlined in the NOSCP
Which authority is responsible for shoreline response?	Department of Environmental, Forestry & Fisheries
Date of validation and last update	2012
Is the shoreline response plan part of the NOSCP?	Yes
Does the shoreline response plan incorporate the Shoreline Clean-up and Assessment Technique (SCAT)?	Yes, but not in detail
Can volunteers participate in shoreline response? If yes, is there a volunteer management plan in case of oil spills?	Yes, but under limited occasions
Oiled waste management plan	
Status of the waste management plan	Not fully developed
Responsible working group/committee	National task team assigned
Date of validation and last update	N/A
Is the waste management plan part of the NOSCP?	In the current version of NOSCP 2019
Does the waste management plan include transport, temporary storage and final disposal of waste?	Yes
Does the national legislation consider oiled waste as hazardous waste?	Not yet referred

What legislative framework regulates waste management at the national level?	DEFF Waste Management Act MARPOL National Legislation in place
Contingency plan for the safety of oiled wildlife	
Status of the contingency plan for the protection of oiled wildlife	A National Oiled Wildlife Response Contingency Plan (NOWPRCP) has been drafted by the Department of Environmental, Forestry & Fisheries and relevant stakeholders in October 2019.
Responsible working group/committee	Yes
Date of validation and last update	October 2019
Is the contingency plan for the protection of oiled wildlife part of the NOSCP?	Yes
Are there national bodies responsible for this? If yes, which ones?	Yes Conservation Agencies and Non-Governmental Organisation (Department of Environmental, Forestry & Fisheries, South African National Parks, CapeNature, City of Cape Town, Ezemvelo, and Registered rehabilitation centres and captive institutions)
Are there cooperation agreements with international specialised organisations?	No (there are regional agreements, but not specific for wildlife response)
<i>In-situ</i> burning policy	
Status of the <i>in-situ</i> burning policy	Not yet initiated / Under development / Finalised
Responsible working group/committee	IMOrg
Date of validation and last update	None yet
Does the <i>in-situ</i> burning policy form part of the NOSCP?	Current version of NOSCP 2019
What is the authorization procedure in case of an incident?	To be outlined by the IMOrg – responsible departments
Other technical elements	
Does the NOSCP cover preparedness and response in the case of spills of hazardous and noxious substances (HNS)?	No A separate Plan will be developed for HNS

III. Response equipment, training/exercises and international cooperation

1. Transboundary cooperation and international assistance

Regional agreements	
What bilateral and/or regional cooperation response mechanisms are included in the NOSCP?	Agreement on the Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the Western Indian Ocean) which call for countries in the Western Indian Ocean region [Tanzania, Kenya, Mozambique, South Africa, Madagascar, Mauritius, Comoros, Seychelles] to further implement the articles and principles found in the OPRC 90 Convention and Nairobi Convention and its Emergency Protocol by developing and aligning with the Regional Contingency Plan.
Are transboundary exercises organised regularly? If yes, how often?	No
Date of the last transboundary exercise	South Africa participated as Observer in the Angola/Namibia exercise in August 2019.
Transboundary transfer of expertise and equipment	
Are there specific customs and immigration procedures in place to facilitate the import of equipment and/or expertise?	No – work in progress under the IMOrg
If yes, what are the procedures?	This is being addressed as part of the revision of the NOSCP
Assistance mechanisms	
Does your country participate in cooperation with projects/institutions aimed at improving preparedness and response? If yes, which ones?	Other Government Departments, State Entities and Institutions, Private Sectors, organisations and Non-Governmental Organisations

Is there mutual support between government and industry for the exchange of response equipment?	Yes
Are mechanisms for mobilisation and access to public and private international assistance in place?	Yes

2. Training and exercises

Training	
<i>Courses</i>	
Does the country organise internal training for staff at all levels (based on the needs of the country and in accordance with international standards)?	<p>Training</p> <p>(i) Yes, mainly within Oil & Gas Organisations and Disaster Management Centres.</p> <p>(ii) Government Departments and its Technical Agencies and certain NGO personnel started with training in 2016.</p> <p>(iii) Official IMS training commenced in January 2018.</p> <p>DEFF provides one annual introduction to oil spill training workshop and exercise for local authorities and other organisations.</p>
<i>Exercises</i>	
Does the country organise national exercises (involving local and private sectors) at least once a year?	YES , in March 2018, November 2018 & November 2019
Education	
Does cooperation with universities to train future experts in environmental management and the management of industrial and environmental risks exist or is it planned?	Not yet

3. Equipment and national resources

Response equipment	
Government: Department of Environment, Forestry and Fisheries (DEFF)	Private sector:
Centre for storage and maintenance of response equipment	Yes
Planned acquisition of response equipment by the government	No
Inventories of public and private response equipment (annexed to the NOSCP)	Yes
Procedure for the temporary loan of response equipment from the industry, in case of an incident	To be refined
Crisis control centre (rooms for meetings and communication)	No
Centre for resources, training and documentation for oil spill preparedness and for response management	No
Capacity for intervention	
In case of TIER 1 ¹ oil spills, is there sufficient national oil spill response capacity to enact intervention measures?	Yes

¹ The definition of tiers 1, 2, 3 varies by country

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In case of TIER 2 oil spills, is there sufficient national oil spill response capacity to enact intervention measures?	Yes
In case of TIER 3 oil spills, is there sufficient national oil spill response capacity to enact intervention measures?	Yes

4. Communication

Communication with the media and the public	
Are standard procedures in place for communication with the media during exercises and actual incidents?	Yes
Is there a practical and strategic training programme on communicating with the media, for decision-makers and other response stakeholders?	Yes- communication plan completed by the Interim IMOrg