

SHIPPING

FISHING

MARINE MINING

MARINE ENGINEERING

SHIP SUPPLY

STEVEDORING

MARITIME



REVIEW AFRICA

MAY/JUNE 2013



SECURITY

Understanding lawlessness at sea

FISHING

Fishing Rights Allocation 2013: Can DAFF deliver?

OIL & GAS

Opportunities for economic upliftment in Africa



Ports and Places of Refuge for the winter months

The subject of ports and places of refuge around the world is still a topic of much debate between various interest groups especially after the breaking of the mt Prestige off the coast of Spain.

There is no doubt that there were several issues at stake at the time on what should be done with the vessel and what steps should have been taken by the various authorities. One school of thought was that, if the vessel had been taken into a port or place of refuge, the resultant oil spill could have been controlled. This is not the first time that such a debate has occurred and the topic remains a highly sensitive one.

South Africa has looked at its contingency plans in order to deal with ships in difficulty and what should be done in a similar scenario.

South Africa is surrounded by 2,798 km of coastline that splits the Atlantic and Pacific Oceans. This length of coastline can be one of the most dangerous stretches of coastline in the world, especially when one takes the weather, currents and rugged rocks into account.

It is therefore important to have a plan in place and to be aware of the options available to avoid a potentially ecological catastrophe.

The South African government has passed legislation and approved the appointment of the South African Maritime Safety Authority (SAMSA), together with other local marine experts, to deal with vessels that run into difficulties along the coast.

South Africa has adopted a sensible and commercial approach to the issue of ships in difficulty and the need to have ports and places of refuge available for a vessel in the case of an emergency.

Places of refuge, together with certain ports, are available in South Africa for deep draft vessels provided various requirements can be met.

There are three possible places of refuge on the South African coast.

- St Helena Bay: A deep water bay but exposed to the wind from the North West
- False Bay: Very good area and offers much protection
- Algoa Bay: Good Shelter only from

the West

There are eight commercial ports in South Africa.

- Saldanha Bay
- Cape Town
- Mossel Bay
- Port Elizabeth
- Coega
- East London
- Durban
- Richards Bay

A ship owner and Master cannot simply anchor a vessel along the South African coastline at their own will. Various pieces of legislation have been passed to combat this in the form of the:-

- The Marine Traffic Act, Act 2 of 1981,
- South African Maritime Safety Authority Act, Act 5 of 1998
- Merchant Shipping (Maritime Security) Regulations 2004, which incorporate regulation X 1-2/9 of SOLAS ("ISPS")
- Marine Pollution (Control and Civil Liability) Act, Act 6 of 1981
- Wreck and Salvage Act, Act 94 of 1996
- Merchant Shipping Act, Act 57 of

1951 (as amended)

- National Ports Authority Act, Act 12 of 2005

The Marine Traffic Act deals with vessels entering and departing from international waters and states that there are regulations regarding the immobilising, laying up, stopping or anchoring outside harbours or fishing harbours. It is an offence under the Act, for any vessel to lay-up on the South African coastline, without the necessary permission. Permission to lay-up a vessel must be given by the relevant minister through SAMSA who may demand, inter alia, that various conditions be met.

South Africa has always taken an excellent approach to the subject of vessels seeking a port or place of refuge and in this regard, SAMSA, should be commended for their role in such matters.

SAMSA have a difficult function to fulfill and it has always been our advocacy that ship owners looking to utilise South African waters as a place of refuge should act with utmost good faith when dealing with SAMSA. A failure to disclose a particular fact may lead to a vessel being barred from seeking refuge.

Where a vessel's structure has been compromised, SAMSA will want to inspect the vessel and assess the problem before granting permission for the vessel to close the coast.

Once permission has been granted, it may be subject to the fulfillment of certain conditions, for example:

- Vessel may be requested to produce a valid Hull and Machinery insurance certificate.
- Vessel may be requested to produce a valid P&I insurance certificate of entry
- All fuel bunkers and black oil (including contents of engine sumps) are to be

SAMSA have a difficult function to fulfill and it has always been our advocacy that ship owners looking to utilise South African waters as a place of refuge should act with utmost good faith when dealing with SAMSA. A failure to disclose a particular fact may lead to a vessel being barred from seeking refuge.

Tel +27 31 368 5050, Fax +27 31 332 4455

Mobile phone 24 hr number + 27 83 250 3398

Email: pidurban@pandi.co.za

<http://www.pandi.co.za>

Listed with SABS to ISO 9001:2000

OFFICES THROUGHOUT SOUTHERN AFRICA



removed from the vessel

- Vessel must be attended to by an adequately powerful salvage tug that has to be made fast
- A salvage contractor to be appointed by owners (should be an ISU member)
- An operational plan must be prepared and approved by SAMSA
- A suitable guarantee to be in place
- Valid insurance certificates

The inclusion of valid insurance certificates is a new development and an essential one.

If vessels want to make use of our coast, then owners must understand that South Africa needs to protect itself from having to bear the costs of removing vessels, which may eventually be abandoned.

The inclusion of valid insurance certificates is a new development and an essential one. If vessels want to make use of our coast, then owners must understand that South Africa needs to protect itself from having to bear the costs of removing vessels, which may eventually be abandoned. Having reputable insurance in place provides a level of comfort should an unfortunate event or risk arise during the period of refuge.

Having reputable insurance in place provides a level of comfort should an unfortunate event or risk arise during the period of refuge.

Both SAMSA and TNPA recognise and accept Club letters of undertaking from IG clubs and the format of the letter has been agreed upon and is only a slight

variation of the IMO suggested wording for ports of refuge. The variation is to incorporate local law.

Resources on hand

South Africa is fortunate to have various resources available on its coastlines to assist vessels in difficulty or which may have to lay-up. South Africa was the first country to recognise the need to have a tug solely for the above purpose and this first resulted in the rest of the world also introducing emergency towing vessels (ETV).

Two salvage companies have offices in Cape Town with fully equipped warehouses. Resources are available to provide inter alia, fenders and transfer hoses.

It is important to note that South Africa, as a coastal state, does recognise the need for vessels to seek refuge and in general will assist in this process. However, it is imperative that the requirements of the authorities are met and that the owners and the ship together with their respective insurers cooperate at all times.

As winter takes hold in South Africa, it is undoubtedly the time and season when vessels run into difficulties along our coast. We have seen an increase in the number of uninsured vessels transiting our coast and it is those vessels that impose the greatest threat to our environment.

If owners or insurers have any doubts then we would gladly assist them with any negotiations with the Authorities or advice on how to proceed.

By Alan Reid and Michael Heads

SOE's aim to procure for transformation

The South African Minister of Public Enterprises, Malusi Gigaba, is considering putting in place set-asides from the growing procurement spend of state-owned enterprises for small businesses and black industrialists to help transform the economy.

Gigaba said state-owned enterprises' procurement spend should be directed more aggressively at small and medium-sized enterprises and in particular black industrialists. Gigaba stressed that state-owned enterprises needed to take all manner of risks if the country is to transform the economy.

State-owned enterprises are expected to invest about R113 billion in the next financial year, more than double the R53 billion it spent three years ago.

Transnet

Turning to Transnet's Market Demand Strategy, Gigaba said over the last year, rail volumes had increased by five percent, and capital invested in the build programme had increased by 30 percent to just below R30 billion.

He said R700 million was disbursed in the 2012/13 financial year from the R1 billion ports rebates to the exporters of manufactured goods announced last year, and the remaining R300 million will be disbursed this year.

SOEs invest in training

State-owned enterprises will invest over R2.8 billion in training over the coming year. Over the last year, more than 16 000 learners were trained in various scarce and critical skills learning programmes within state-owned enterprises that fall under the department.

Transnet has secured an amount of R175 million from the Department of Higher Education and Training to train an additional 1000 learners, who will be recruited across provinces over the coming year.

This will increase artisan learners at Transnet training facilities to 3 000.

CANCELLED TENDERS

The Department of Agriculture, Forestry and Fisheries recently withdrew three tenders. These include the bid to appoint a service provider to develop a state owned abalone hatchery in Gansbaai as well as a sea cage farm in the Overberg region. The third cancelled tender related to the appointment of a service provider to implement anti-poaching controls in the Western and Eastern Cape.

SUNK

A support vessel capsized and sunk during a tanker loading operation at a Single Mooring Buoy 30 km offshore in the Escravos area in Nigeria. Chevron Nigeria Limited (CNL), operator of the NNPC/CNL Joint Venture, has confirmed that Jascon #4 vessel belonging to its contractor, West African Ventures Limited, capsized and sank due to heavy ocean swells.

SIGNED

Maite Nkoana-Mashabane, Minister of International Relations and Cooperation of South Africa signed the documents to ratify the Maritime Labour Convention, 2006. The South African Parliament, in accordance with the requirements of South African law approved the ratification of the Convention at the beginning of June.

VESSEL MANAGEMENT TENDER

The Department of Agriculture, Forestry and Fisheries issued a tender for the procurement of a vessel manager for the manning, management and maintenance of the Fisheries Research and Protection Vessels in June. The tender closes on 2nd August 2013.