

# **P Vrancken *South Africa and the Law of the Sea* (2011)**

## **Chapter 13 Update<sup>1</sup>**

### **Page 351, footnote 1**

*Add the following:*

In its 2016 award in the *South China Sea Arbitration* [Philippines v China, PCA Case N° 2013–19], the arbitral tribunal stressed that “[t]he protection and preservation of the marine environment form a prominent component of the legal regime of the Convention” [para. 939]. See further D. Czybulka “Article 192” in A. Proelss (ed.) *United Nations Convention on the Law of the Sea – A Commentary* (2017) 1277–1287.

### **Page 352, lines 16–19**

Delete the sentence.

### **Page 352, footnote 5**

Replace “263–275.” with “263–275; T. Stephens “Article 197” in Proelss (n. 1) 1328–1333.”.

### **Page 352, footnote 9**

Delete the footnote.

### **Page 354, lines 16–18**

*The text should read as follows:*

with almost no shelters or havens”.<sup>25</sup> Like in other waters, the sources of pollution from vessels “include fuel, cargo, rubbish, abandoned fishing gear, and even the introduction of foreign species from the ballast water of ships”.<sup>26</sup> One of the

### **Page 354, footnote 18**

B. McLean & J. Glazewski “Marine environments, oceans law and governance” in N.D King, H.A. Strydom & F.P. Retief (eds) *Environmental Management in South Africa* 3<sup>rd</sup> ed (2018) 615.

### **Page 354, footnote 19**

(a) Replace “488” with “616”.

(b) Replace “287–324.” with “287–324; M.P. Simmonds et al “Marine noise pollution – Increasing recognition but need for more practical action” (2014) 9(1) *Journal of Ocean Technology* 71–90.”.

### **Page 354, footnote 26**

Replace “510” with “616”.

### **Page 355, footnote 27**

*The footnote should read as follows:*

McLean & Glazewski (n. 18) 354–355.

### **Page 355, footnote 29**

Replace “488” with “616”.

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<sup>1</sup> The research assistance of Ms Ntemesha Maseka is gratefully acknowledged.

**Page 355, footnote 30**

*The first sentence should read as follows:*

C. Bosman & M. Kidd “Water pollution” in H.A Strydom & N.D King (eds) *Environmental Management in South Africa* (2009) 692.

**Page 355, footnote 31**

(a) Replace “LOSC. With” with “LOSC. See further D. Czybulka “Article 194” in Proelss (n. 1) 1307–1308. With”.

(b) *Add the following:*

See further T. Stephens “Article 236” in Proelss (n. 1) 1591–1595.

**Page 355, footnote 34**

*Add the following:*

See further K. Bartenstein “Article 211” in Proelss (n. 1) 1429–1430.

**Page 356, line 12**

Replace “pollution.<sup>44</sup> Among those annexes, Annex” with “pollution. Annex”.

**Page 356, footnote 35**

*Add the following:*

See further K. Bartenstein “Article 217” in Proelss (n. 1) 1474–1487.

**Page 356, footnote 36**

*Add the following:*

Adopted: 2 November 1973; EIF: 10 February 1983.

**Page 356, footnote 37**

Replace “546. South” with “546. Adopted: 17 February 1978; EIF: 2 October 1983. South”.

**Page 356, footnote 44**

Delete the footnote.

**Page 361, line 11**

(a) *Insert the following:*

Annex IV contains regulations for the prevention of pollution by sewage from ships.<sup>107A</sup> It compels “[e]very ship which is required to comply with the provisions of th[e] Annex and which is engaged in voyages to ports or offshore terminals under the jurisdiction of” parties to MARPOL to be subject to an initial survey followed by periodic surveys,<sup>107B</sup> after which an International Sewage Pollution Prevention Certificate (1973) is to be issued.<sup>107C</sup> Annex IV prohibits the discharge of sewage into the sea near land.<sup>107D</sup> In terms of the Annex, the States parties undertake “to ensure the provision of facilities at ports and terminals for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them”.<sup>107E</sup> Those facilities must include discharge connections complying with the prescribed standard dimensions of flanges.<sup>107F</sup>

(b) Replace “Finally, Annex V” with “Annex V”.

**Page 361, footnote 107A**

*After footnote 107, insert the following footnote:*

South Africa accepted Annex IV in 2015. However, Annex IV is not part of South African law in terms of the PPSA because it has not been added to the Schedule to the PPSA and is

therefore not included in the definition of the term “Convention” for the purposes of the PPSA [s. 1 PPSA].

**Page 361, footnote 107B**

*After footnote 107A, insert the following footnote:*

Regulation 3 IV MARPOL. The ships to which the Annex applies are described in reg. 2 IV MARPOL.

**Page 361, footnote 107C**

*After footnote 107B, insert the following footnote:*

Regulation 4 IV MARPOL. See further reg. 5–7 IV MARPOL. The form of the certificate is set out in the appendix to the Annex.

**Page 361, footnote 107D**

*After footnote 107C, insert the following footnote:*

Regulation 8(1) IV MARPOL. Exceptions are described in reg. 8–9 IV MARPOL.

**Page 361, footnote 107E**

*After footnote 107D, insert the following footnote:*

Regulation 10(1) IV MARPOL.

**Page 361, footnote 107F**

*After footnote 107E, insert the following footnote:*

Regulation 11 IV MARPOL.

**Page 362, line 14**

*Insert the following:*

Finally, Annex VI contains regulations for the prevention of air pollution from ships.<sup>127A</sup> It compels “[e]very ship of 400 gross tonnage and above and every fixed and floating drilling rig and other platforms” to be subject to a range of surveys,<sup>127B</sup> after which an International Air Pollution Prevention (IAPP) Certificate is issued.<sup>127C</sup> Annex VI prohibits “any deliberate emissions of ozone-depleting substances”,<sup>127D</sup> any ship installations “that contain ozone-depleting substances”<sup>127E</sup> and the shipboard incineration of specific substances.<sup>127F</sup> It also places restrictions on the use of marine diesel engines<sup>127G</sup> and limits to the sulphur content of any fuel oil used on board ships.<sup>127H</sup> In addition, Annex VI governs the regulation of volatile organic compounds from tankers.<sup>127I</sup> Annex VI provides that, when a ship is “in a port or an offshore terminal under the jurisdiction of another Party” and “there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of air pollution from ships”, that ship is “subject to inspection by officers duly authorized by such Party concerning operational requirements under” the Annex.<sup>127J</sup> Annex VI also provides that, when a ship to which the Annex applies is in “any port or offshore terminal of a Party”, she may “be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has emitted any of the substances covered by th[e] Annex in violation of the provision of th[e] Annex”.<sup>127K</sup> States parties undertake to ensure the provision of adequate reception facilities in their ports and terminals<sup>127L</sup> while they must take “all reasonable steps to promote the availability of fuel oils that comply with” the Annex.<sup>127M</sup>

**Page 362, footnote 127A**

*After footnote 127, insert the following footnote:*

South Africa acceded in 2015 to the 1997 Protocol to MARPOL, art. 2 of which added Annex VI to the Convention. However, Annex VI is not part of South African law in terms of the PPSA because it has not been added to the Schedule to the PPSA and is therefore not included in the definition of the term “Convention” for the purposes of the PPSA [s. 1 PPSA].

**Page 362, footnote 127B**

*After footnote 127A, insert the following footnote:*

Regulation 5 VI MARPOL. Exceptions and exemptions are described in reg. 3 VI MARPOL.

**Page 362, footnote 127C**

*After footnote 127B, insert the following footnote:*

Regulation 6 VI MARPOL. See further reg. 7–9 VI MARPOL. The form of the certificate is set out in Appendix I to the Annex.

**Page 362, footnote 127D**

*After footnote 127C, insert the following footnote:*

Regulation 12(2) VI MARPOL.

**Page 362, footnote 127E**

*After footnote 127D, insert the following footnote:*

Regulation 12(3) VI MARPOL.

**Page 362, footnote 127F**

*After footnote 127E, insert the following footnote:*

Regulation 16(2) VI MARPOL. In terms of reg. 16(2) VI MARPOL, shipboard incineration is only allowed in a shipboard incinerator.

**Page 362, footnote 127G**

*After footnote 127F, insert the following footnote:*

Regulation 13 VI MARPOL.

**Page 362, footnote 127H**

*After footnote 127G, insert the following footnote:*

Regulation 14 VI MARPOL.

**Page 362, footnote 127I**

*After footnote 127H, insert the following footnote:*

Regulation 15 VI MARPOL.

**Page 362, footnote 127J**

*After footnote 127I, insert the following footnote:*

Regulation 10(1) VI MARPOL.

**Page 362, footnote 127K**

*After footnote 127J, insert the following footnote:*

Regulation 11(2) VI MARPOL.

**Page 362, footnote 127L**

*After footnote 127K, insert the following footnote:*

Regulation 17 VI MARPOL.

**Page 362, footnote 127M**

*After footnote 127L, insert the following footnote:*

Regulation 18 VI MARPOL.

**Page 364, line 14**

Replace “In terms of the latter,” with “In terms of the CCLA,”.

**Page 365, footnote 143**

Replace “SBSPA” with “SBSA”.

**Page 365, footnote 144**

*The footnote should read as follows:*

(2001) 40 ILM 532. Adopted: 5 October 2001; EIF: 17 September 2008.

**Page 366, footnote 150**

*The footnote should read as follows:*

IMO Doc. BWM/CONF/36. Adopted: 13 February 2004; EIF: 8 September 2017. The draft Ballast Water Management Bill, 2013, one of the objectives of which was to “[g]ive full and complete effect to the Republic’s obligations in terms of the” BWMC [clause 2(e)], was published for comments in 2013 [GN 340 of 2013 in GG 36330 of 3 April 2013]. An extension for comments was granted in 2017 [GN 111 of 2017 in GG 40614 of 10 February 2017].

**Page 366, footnote 158**

Replace “(2008).” with “(2008); M. David & S. Gollasch (eds) *Global Maritime Transport and Ballast Water Management: Issues and Solutions* (2015); S. Gollasch & M. David “Ballast Water Management Convention implementation challenges” (2018) 32 OY 456–476.”.

**Page 366, footnote 159**

(a) Replace “733. South Africa” with “733, (1991) 18 LOSB 37. Adopted: 30 November 1990; EIF: 13 May 1995. A Marine Oil Pollution (Preparedness, Response and Cooperation) Bill, which aims to give effect to the Convention, was introduced in the National Assembly in 2019 [see GG 42815 of 31 October 2019]. South Africa”.

(b) Replace “227]” with “227; adopted: 15 March 2000; EIF: 14 June 2007]”.

**Page 367, footnote 169**

*Add the following sentence:*

See further Bartenstein (n. 34) 1419–1443.

**Page 368, from line 11**

*The text should read as follows:*

to [South Africa] inclusive, which have become” parties to the AC.<sup>173</sup> As far as it is concerned, the geographical area of application of the NC includes “the riparian, marine and coastal environment including the watershed of the Contracting Parties to th[e] Convention. The extent of the watershed and of the coastal environment to be included within the Convention area [is] indicated in each protocol to th[e] Convention, taking into account the objectives of the protocol concerned”.<sup>174</sup>

**Page 368, footnote 173**

*Add the following sentence:*

Article 2 of the 2012 Additional Protocol to the Abidjan Convention Concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-Based

Sources and Activities in the Western, Central and Southern African Region [adopted: 22 June 2012; EIF: not yet; available at <[https://papersmart.unon.org/resolution/uploads/2012-abidjan\\_conventionlbsa\\_protocol-adopted.pdf](https://papersmart.unon.org/resolution/uploads/2012-abidjan_conventionlbsa_protocol-adopted.pdf)>] confirms that the area includes South Africa.

**Page 368, footnote 174**

*The footnote should read as follows:*

Article 2(b) NC read with art. 1 NC.

**Page 368, footnote 175**

Delete the footnote.

**Page 369, lines 1–3**

Delete the text.

**Page 369, footnotes 176–177**

Delete the footnotes.

**Page 370, footnote 190**

Replace “510” with “647”.

**Page 372, footnote 202**

*Add the following:*

See further K. Bartenstein “Article 221” in Proelss (n. 1) 1512–1521.

**Page 372, footnote 203**

Replace “199 LOSC” with “199 LOSC; T. Stephens “Article 198” in Proelss (n. 1) 1333–1338; T. Stephens “Article 199” in Proelss (n. 1) 1338–1341”.

**Page 373, footnote 211**

*Add the following:*

Adopted: 23 March 1981; EIF: 30 May 1996.

**Page 373, footnote 212**

*Add the following:*

Adopted: 21 June 1985; EIF: 30 May 1996.

**Page 374, footnote 221**

Replace “24. South” with “24. Adopted: 29 November 1969; EIF: 6 May 1975. South”.

**Page 375, footnote 222**

Replace “4. South” with “4, (1974) 13 ILM 605. Adopted: 2 November 1973; EIF: 30 March 1983. South”.

**Page 376, lines 10–12**

*The text should read as follows:*

for the control of incidents, ie any “unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property”.<sup>234</sup>

**Page 376, line 24**

*The text should read as follows:*

(i) the Director-General [of the Department responsible for environmental affairs];

**Page 376, footnote 235**

- (a) Delete “as well as Proc. 44 of 2009 [GG 32367 of 1 July 2009]”.
- (b) Delete the last sentence.

**Page 377, footnote 236**

Delete the third sentence.

**Page 377, footnote 237**

Delete the third sentence.

**Page 378, line 3**

*Insert the following:*

NEMA empowers the organ of State charged by the Act with evaluating the environmental impact of a listed activity or specified activity and, where appropriate, with granting or refusing an environmental authorisation in respect of that activity, on its own initiative or on written or oral request from a person, to direct a person verbally or in writing to carry out that listed or specified activity without obtaining an environmental authorisation “in order to prevent or contain an emergency situation or to prevent, contain or mitigate the effects of the emergency situation”.<sup>241A</sup> Before issuing a directive, the organ of State must, where information is available, consider at least:

- (a) the nature of the emergency situation;
- (b) the information contained in the request [if any];
- (c) whether the emergency situation was caused by or the fault of the person;
- (d) the principles in section 2 [of NEMA];
- (e) the risk of the impact on the environment as a result of the emergency and the costs of the measures considered; and
- (f) the risk of the impact on the environment of the emergency situation, prevention, control or mitigation measures and the post-event mitigation or rehabilitation measures that may be required.<sup>241B</sup>

**Page 378, footnote 241A**

*After footnote 241, insert the following footnote:*

Section 30A(1) NEMA read with s. 1(1) NEMA. The term “emergency situation” means “a situation that has arisen suddenly that poses an imminent and serious threat to the environment, human life or property” [s. 30A(7) NEMA]. It includes a “disaster” as defined in s. 1 of the Disaster Management Act, 2002 (Act 57 of 2002), ie “a progressive or sudden, widespread or localised, natural or human-caused occurrence which: (a) causes or threatens to cause: (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) significant disruption of the life of a community; and (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources”. It does not include an incident referred to in s. 30 NEMA. The environmental authorisation that does not need to be obtained is the authorisation required before being allowed to perform a listed activity in terms of s. 24(2)(a) NEMA or a specified activity in terms of s 24(2)(b) NEMA. The minimum requirements that the request must meet are listed in s 30A(2) NEMA. In terms of s. 30A(3) NEMA, the organ of State may identify specific measures and require that they be taken within a specific period of time. In the case of a verbal directive, the latter “must be confirmed in writing at the earliest opportunity, which must be within seven days” [s. 30A(4) NEMA]. Section 30A(6) NEMA confirms that, should the relevant organ decide not to issue a directive, “the activity cannot commence or continue in the absence of an environmental authorisation”.

**Page 378, footnote 241B**

*After footnote 241A, insert the following footnote:*

Section 30A(5) NEMA.

**Page 380, footnote 253**

(a) Replace “134]” with “134; adopted: 26 September 1986; EIF: 26 February 1987]”.

(b) Replace “276]” with “276; adopted: 26 September 1986; EIF: 27 October 1986]”.

(c) Replace “293]” with “293; adopted: 20 September 1994; EIF: 24 October 1996]”.

**Page 381, footnote 256**

Replace “291–313” with “291–313; D. König “Article 218” in Proelss (n. 1) 1487–1496”.

**Page 383, footnote 280**

*Add the following:*

See further R.A. Barnes “Article 21” in Proelss (n. 1) 206–208.

**Page 384, footnote 284**

*Add the following:*

See further S. Hamamoto “Article 220” in Proelss (n. 1) 1505–1512.

**Page 385, footnote 287**

*Add the following:*

See further V. Becker-Weinberg “Article 223” in Proelss (n. 1) 1527–1531.

**Page 385, footnote 288**

Replace “above.” with “above; V. Becker-Weinberg “Article 224” in Proelss (n. 1) 1531–1534.”.

**Page 385, footnote 289**

Replace “above.” with “above; V. Becker-Weinberg “Article 225” in Proelss (n. 1) 1534–1537.”.

**Page 385, footnote 290**

Replace “AFSC.” with “AFSC; V. Becker-Weinberg “Article 226” in Proelss (n. 1) 1537–1544.”.

**Page 385, footnote 291**

*Add the following:*

See further V. Becker-Weinberg “Article 227” in Proelss (n. 1) 1544–1547.

**Page 385, footnote 292**

*Add the following:*

See further V. Becker-Weinberg “Article 228” in Proelss (n. 1) 1547–1552.

**Page 385, footnote 293**

*Add the following:*

See further V. Becker-Weinberg “Article 230” in Proelss (n. 1) 1554–1557.

**Page 385, footnote 294**

Replace “MARPOL.” with “MARPOL; V. Becker-Weinberg “Article 231” in Proelss (n. 1) 1557–1560.”.



**Page 385, footnote 295**

*Add the following:*

See further V. Becker-Weinberg “Article 232” in Proelss (n. 1) 1561–1563.

**Page 385, footnote 297**

- (a) Replace “LOSC. The” with “LOSC. See further V. Becker-Weinberg “Article 229” in Proelss (n. 1) 1552–1554. The”.
- (b) Replace “235 LOSC.” with “235 LOSC; T. Stephens “Article 235” in Proelss (n. 1) 1585–1590.”.

**Page 386, footnote 298**

- (a) Replace “255]” with “255; adopted: 17 December 1971; EIF: 15 July 1975]”.
- (b) Replace “1506]” with “1506; adopted: 19 April 1991; EIF: not yet]”.

**Page 386, footnote 299**

*Add the following:*

Adopted: 29 November 1969; EIF: 19 June 1975.

**Page 386, footnote 300**

*Add the following:*

Adopted: 19 November 1976; EIF: 8 April 1981.

**Page 386, footnote 301**

Replace “255. The” with “255. Adopted: 27 November 1992; EIF: 30 May 1996. The”.

**Page 386, footnote 303**

- (a) Replace “1406]” with “1406; adopted: 3 May 1996]”.
- (b) Replace “LEG/CONF.17/10]” with “LEG/CONF.17/10; adopted: 30 April 2010]”.
- (c) Replace “1493]” with “1493; adopted: 23 March 2001; EIF: 21 November 2008]”.

**Page 386, footnote 304**

Replace “which will give effect” with “which would have given effect”.

**Page 388, line 7**

*Insert the following:*

The 1992 Protocol was enacted into South African law in terms of section 2(1) of the Merchant Shipping (Civil Liability Convention) Act, 2013 (CLCA),<sup>311A</sup> which repealed sections 13–15 of the CCLA.<sup>311B</sup> The latter requires that the owner of a ship registered in South Africa and carrying more than 2,000 tons of oil in bulk in cargo maintain “insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in [article V(1) of CLC 1992] to cover his liability for pollution damage under th[e] Convention”.<sup>311C</sup> The CLCA gives jurisdiction to the high court exercising its admiralty jurisdiction

to hear and determine claims for compensation under [CLC 1992] in respect of incidents:

- (a) that have caused pollution damage in a place to which [CLC 1992] applies; or
- (b) in relation to which preventative measures have been taken to prevent or minimise pollution damage in a place to which [CLC 1992] applies.<sup>311D</sup>

**Page 388, lines 10–12**

*The text should read as follows:*

2000<sup>315</sup> and 2003.<sup>316</sup> South Africa only acceded to the 1992 Protocol.<sup>317</sup> In terms of the IFC 1971 as amended by the 1992 Protocol (IFC 1992),

**Page 388, footnote 311A**

*After footnote 311, insert the following footnote:*

Act 25 of 2013.

**Page 388, footnote 311B**

*After footnote 311A, insert the following footnote:*

Section 17 CLCA.

**Page 388, footnote 311C**

*After footnote 311B, insert the following footnote:*

Sections 6(1) and 10(1) CLCA read with art. VII(1) CLC 1992. See also s. 10(2) CLCA. See further s. 11–14 CLCA.

**Page 388, footnote 311D**

*After footnote 311C, insert the following footnote:*

Section 7(1) CLCA. In terms of s. 7(2) CLCA, the area of jurisdiction of the court is deemed, for the purposes of the Act, “to include that portion of the exclusive economic zone and the territorial waters of the Republic adjacent to the coastline of its area of jurisdiction”. See also s. 8 CLCA regarding applications to determine a limit of liability.

**Page 388, footnote 312**

*Add the following:*

Adopted: 18 December 1971; EIF: 16 October 1978; cessation: 24 May 2002.

**Page 388, footnote 313**

*Add the following:*

Adopted: 19 November 1976; EIF: 22 November 1994.

**Page 388, footnote 314**

*Add the following:*

Adopted: 27 November 1992; EIF: 30 May 1996.

**Page 388, footnote 315**

*Insert the following at the beginning:*

Adopted: 27 September 2000; EIF: 27 June 2001.

**Page 388, footnote 316**

*Insert the following at the beginning:*

Adopted: 16 May 2003; EIF: 3 March 2005.

**Page 388, footnote 318**

Delete the footnote.

**Page 389, line 23**

*Insert the following:*

It took two decades<sup>324A</sup> for the 1992 Protocol to be given effect in South African law in terms of section 2(1) of the Merchant Shipping (International Oil Pollution Compensation Fund) Act, 2013 (IOPCFA).<sup>324B</sup> The latter recognises the Fund as a juristic person<sup>324C</sup> and

recognises the Director of the Fund as the legal representative of the Fund.<sup>324D</sup> The IOPCFA gives jurisdiction to the high court exercising its admiralty jurisdiction under the AJRA to hear and determine claims for compensation against the Fund.<sup>324E</sup> It also allows the Fund to intervene in proceedings for compensation under the CLCA.<sup>324F</sup> The IOPCFA is complemented by the Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act, 2013,<sup>324G</sup> which provides for the imposition and determination of the International Oil Pollution Compensation Fund contributions levy on persons referred to in article 10 of IFC 1992,<sup>324H</sup> and the Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act, 2013,<sup>324I</sup> which provides for administrative matters in connection with the levy.

**Page 389, footnote 324**

*The second sentence should read as follows:*

See further M. Jacobsson “The international oil pollution compensation funds and the international regime of compensation for oil pollution damage” in Basedow & Magnus (n. 4) 137–150.

**Page 389, footnote 324A**

*After footnote 324, insert the following footnote:*

See Hare (n. 301) 557–559, who was of the opinion that “[t]he delay in passing the necessary legislation [was] so profound as to amount to serious neglect and dereliction by the government. If any South African claimant who suffer[ed] oil pollution damage which [was] irrecoverable in total or in part owing to the current limits for recovery from insurance sources outside of the South African economy remaining at R170 million instead of R2,5 billion, it would definitely [have been] possible for a claim for damages against the Ministers of Transport and of Justice to succeed. Any analyst should be able to conclude that this [was] a crisis from which South Africa ha[d] thus far been protected by good fortune alone” [at 566].

**Page 389, footnote 324B**

*After footnote 324A, insert the following footnote:*

Act 24 of 2013.

**Page 389, footnote 324C**

*After footnote 324B, insert the following footnote:*

Section 5 IOPCFA.

**Page 389, footnote 324D**

*After footnote 324C, insert the following footnote:*

Section 6 IOPCFA.

**Page 389, footnote 324E**

*After footnote 324D, insert the following footnote:*

Section 8 IOPCFA.

**Page 389, footnote 324F**

*After footnote 324E, insert the following footnote:*

Section 9 IOPCFA.

**Page 389, footnote 324G**

*After footnote 324F, insert the following footnote:*  
Act 36 of 2013.

**Page 389, footnote 324H**

*After footnote 324G, insert the following footnote:*  
Sections 2–3. See the determination of the rate of levy for the 2017 tax period and payment date in terms of s. 3 of the Act published under GN 215 of 2019 [GG 42391 of 12 April 2019].

**Page 389, footnote 324I**

*After footnote 324H, insert the following footnote:*  
Act 35 of 2013.

**Page 390, footnote 335**

*Add the following:*  
See further F. Wacht “Article 210” in Proelss (n. 1) 1407–1418.

**Page 391, footnote 336**

*Add the following:*  
See further K. Bartenstein “Article 216” in Proelss (n. 1) 1467–1473.

**Page 391, footnote 339**

*The footnote should read as follows:*  
2101 UNTS 177, (1991) 30 ILM 773, (1993) 1 AYIL 269. Adopted: 30 January 1991; EIF: 22 April 1998.

**Page 391, footnote 344**

Replace “138. South” with “138. Adopted: 29 December 1972; EIF: 30 August 1975. South”.

**Page 392, footnote 344**

Replace “57, GN” with “57, (1989) 28 ILM 657, (1989) 14 LOSB 37; adopted: 22 March 1989; EIF: 5 May 1992; GN”.

**Page 392, footnote 345**

Replace “71. South” with “71. Adopted: 7 November 1996; EIF: 24 March 2006. South”.

**Page 393, line 1**

Replace “Minister of Water and Environmental Affairs” with “Minister responsible for environmental affairs”.

**Page 393, footnote 353**

- (a) Delete “as well as Proc. 44 of 2009”.
- (b) Replace “[of Water and Environmental Affairs]” with “[responsible for environmental affairs]”.
- (c) Delete “and Proc. 44 of 2009”.

**Page 394, footnote 360**

*Add the following:*  
See further D. Czybulka “Article 193” in Proelss (n. 1) 1287–1295.

**Page 395, footnote 363**

Replace “LOSC.” with “LOSC. See further F. Wacht “Article 208” in Proelss (n. 1) 1391–1400.”.

**Page 395, footnote 364**

*Add the following:*

See further D. König “Article 214” in Proelss (n. 1) 1458–1463.

**Page 395, footnote 365**

Replace “1450, not in force]” with “1450; adopted: 1 May 1977; EIF: not yet]”.

**Page 396, footnote 380**

Replace “LOSC. See further art.” with “LOSC. See further S. Vöneky & F. Beck “Article 145” in Proelss (n. 1) 1007–1028. See also art.”.

**Page 396, footnote 381**

Replace “LOSC. See Part” with “LOSC. See further F. Wacht “Article 209” in Proelss (n. 1) 1400–1407. See also Part”.

**Page 397, footnote 382**

*Add the following:*

See further K. Bartenstein “Article 215” in Proelss (n. 1) 1463–1467.

**Page 397, footnote 384**

Replace “McLean & Glazewski (n. 18)” with “B. McLean & J. Glazewski “Marine systems” in H.A. Strydom & N.D. King (eds) *Environmental Management in South Africa* (2009)”.

**Page 397, footnote 385**

*Add the following sentence:*

See also McLean & Glazewski (n.18) 616.

**Page 397, footnote 386**

*Add the following sentence:*

See further D. Osborn “Land-based pollution and the marine environment” in R. Rayfuse (ed) *Research Handbook on International Marine Environment Law* (2015) 81–104.

**Page 397, footnote 387**

Replace “312–314.” with “312–314; R. Churchill “The LOSC regime for protection of the marine environment – Fit for the twenty-first century?” in Rayfuse (n. 386) 3–30.”.

**Page 397, footnote 388**

*Insert the following at the beginning:*

Adopted: 31 March 2010; EIF: not yet.

**Page 398, footnote 394**

Replace “532, GN” with “532; adopted: 22 May 2001; EIF: 17 May 2004; GN”.

**Page 399, footnote 397**

Replace “357–379.” with “357–379; J. Glazewski and L. Plit “Towards the application of the precautionary principle in South African law” (2015) 26 *Stellenbosch Law Review* 190–219. In *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber)* [2011 ITLOS Reports 10], ITLOS expressed the view that the incorporation of the precautionary approach “into a growing number of international treaties and other instruments” constituted the initiation of “a trend towards making this approach part of customary international law” [para. 135].

**Page 400, lines 16–17**

Replace “general authorisation” with “general discharge authorisation”.

**Page 400, footnote 406**

Replace “207(3)–(5) LOSC.” with “207(3)–(5) LOSC; F. Wacht “Article 207” in Proelss (n. 1) 1378–1390.”.

**Page 400, footnote 407**

*Add the following:*

See further D. König “Article 213” in Proelss (n. 1) 1451–1458.

**Page 400, footnote 410**

*Add the following:*

See the Coastal Waters Discharge Permit Regulations, 2019 [GG 42304 of 15 March 2019].

**Page 401, footnote 413**

Replace “Minister” of Water and Environmental Affairs [s. 1(1) NWA read with Proc. 44 of 2009].” with “Minister” responsible for water affairs [s. 1(1) NWA].”.

**Page 402, footnote 425**

Replace “293. South” with “293. Adopted: 22 March 1985; EIF: 22 September 1988. South”.

**Page 402, footnote 427**

Replace “1550. South” with “1550. Adopted: 16 September 1987; EIF: 1 January 1989. South”.

**Page 403, last line**

Replace “MARPOL but to which South Africa is not a party” with “MARPOL to which South Africa acceded in 2015”.

**Page 403, footnote 427**

*Add the following:*

South Africa ratified the 2016 Kigali Amendment in 2019.

**Page 403, footnote 428**

(a) Replace “107. South” with “107, (1992) 31 ILM 849. Adopted: 9 May 1992; EIF: 21 March 1994. South”.

(b) *The third sentence should read as follows:*

In March 2018, South Africa submitted its third national communication under the FCCC [available \_\_\_\_\_ at \_\_\_\_\_ <  
[https://unfccc.int/sites/default/files/resource/South%20African%20TNC%20Report%20%20to%20the%20UNFCCC\\_31%20Aug.pdf](https://unfccc.int/sites/default/files/resource/South%20African%20TNC%20Report%20%20to%20the%20UNFCCC_31%20Aug.pdf)>].

**Page 403, footnote 429**

Replace “(1998) 37 ILM 22. South” with “2303 UNTS 51, (1998) 37 ILM 22. Adopted: 11 December 1997; EIF: 16 February 2005. South”.

**Page 404, footnote 435**

Replace “212(3) LOSC.” with “212(3) LOSC; F. Wacht “Article 212” in Proelss (n. 1) 1443–1451.”.

**Page 404, footnote 436**

*Add the following:*

See further K. Bartenstein “Article 222” in Proelss (n. 1) 1521–1526.

**Page 404, footnote 437**

*The footnote should read as follows:*

See generally O. Rumble *et al.* “Air quality” in Strydom & King (n.18) 401–457.

**Page 405, line 6**

Replace “Minister of Water and Environmental Affairs” with “Minister responsible for environmental affairs”.

**Page 405, footnote 443**

Replace “s. 36–47” with “s. 22A and 36–47”.

**Page 405, footnote 446**

Delete “and Proc. 44 of 2009”.