South Africa has embarked on an ambitious course to align the implementation of domestic and foreign policy goals regarding maritime security, development and governance. To successfully grow this oceans economy will also require the country to undertake maritime security operations and engage in chairing and reviving important international organisations.
Key findings

The development of a South African oceans economy lies at the heart of its maritime security and ocean governance policies and practices at national, regional and international levels – Yet maritime has only recently risen to become an important political priority.

South Africa’s geographic ‘gateway’ location places unique demands upon it to provide maritime safety, security and governance for itself and others – this ‘gateway’ role requires the design and implementation of well-crafted domestic and foreign policy frameworks and plans.

The inclusion of the Operation Phakisa oceans economy as one of the nine-point plans for implementing the National Development Plan was crucial, but the initiative has so far only achieved modest results.

South Africa’s ocean resources, trade routes and economy imply a bi-ocean focus, but policy focus and activities have to date focused on the Indian Ocean.

South Africa considers piracy to be a major threat and conducts a naval patrol in the Mozambique Channel despite a drastic decline in piracy incidents since 2012.

South Africa’s chairship of the Indian Ocean Rim Association (IORA) from 2017–19 is expected to have significant domestic benefits and help elevate the African maritime agenda.

South Africa intends to strengthen the implementation of African Union maritime initiatives and strategies during its IORA chairship.

Recommendations

South Africa must continue to reappraise the value of the oceans economy and produce a comprehensive national maritime policy and strategy.

Operation Phakisa initiatives focusing on integrated and coordinated enforcement mechanisms need to be fully explored to ensure optimal coastal and ocean protection in service of South African maritime interests.

South Africa can use its chairing of the Indian Ocean Rim Association (IORA) to firmly establish African interests as a part of this important international organisation, particularly through assisting with the establishment of key working groups of Tourism, Blue Economy and Maritime Safety and Security.

South Africa needs to increase its support towards the African Union (AU) in the implementation of its maritime strategies and charters to ensure alignment between them, Operation Phakisa and IORA.

The SADC maritime strategy needs to be expanded into an integrated strategy covering the whole SADC region, mirroring those of other RECs such as ECOWAS.
Introduction

The development of a South African oceans economy lies at the heart of its maritime security and ocean governance policies and practices at national, regional and international levels. Aligning the implementation of domestic and foreign policy goals on maritime security, development and governance is also expected to achieve positive security and developmental outcomes in the region and beyond.

This report contributes to the growing interest in South Africa’s maritime domestic and foreign policies by critically discussing recent developments. South Africa should be considered, at least by virtue of its geographic location, a unique maritime country. Yet its maritime interests have only recently risen to become important political priorities. Global interest in developing oceans economies, protecting ocean ecosystems and enhancing maritime security has coincided with South Africa’s turn to the oceans as a site for achieving national development objectives.

Against this background the report examines South Africa’s approach towards the provision of maritime security and the important international role it plays as a provider. It goes on to look at how it is poised to shape and steer important long-term international ocean governance institutions and mechanisms as a leading member state of important organisations such as the Indian Ocean Rim Association (IORA).

The report concludes by considering how South Africa can play a greater role in the revival of the maritime strategies of the African Union (AU) to ensure the necessary alignment between its national oceans economy, regional and Indian Ocean policies and African and international policies. The report will therefore suggest ways in which future policymaking can benefit from this more integrated and practical approach.

The gateway between an island economy and a ‘10th province’

South Africa is a unique maritime country. It has the third longest coastline of any African state and its location at the most southerly point of Africa means it is bordered by three oceans – the Atlantic Ocean lies to the west and the Indian Ocean to the east. This places South Africa at a strategic point astride one of the world’s major shipping routes. The Southern Ocean surrounds South Africa’s Marion and Prince Edward islands in the Antarctic Convergence.¹

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¹ Marion and Prince Edward islands in the Antarctic Convergence.
This geographic location places unique demands upon it to provide maritime safety, security and governance for itself and others. This requires the design and implementation of well-crafted domestic and foreign policy frameworks and plans, all of which depend on coordination between multiple government departments and agencies, international organisations, the private maritime sector and major maritime countries worldwide.

South Africa also has jurisdiction over a vast sea area totalling approximately 1.5 million km². This exceeds its total land territory of 1.2 million km² and is the site of considerable traffic and activity. An estimated 30,000 vessels sail through South African waters annually. This exclusive economic zone (EEZ) grants it the rights to develop marine resources contained therein. An application made to the United Nations Commission on the Limits of the Continental Shelf (CLCS) in 2009 for an extension of South Africa’s continental shelf could result in a significant expansion of this total sea area if successful. The concept of a ‘10th province’ was coined to encourage interest in perceiving this huge sea area as an integral part of South Africa.

South Africa has jurisdiction over a vast sea area of approximately 1.5 million km² exceeding its total land territory.

South Africa relies on eight major seaports spread along its coastline for trade: Saldanha Bay, Cape Town and Mossel Bay are found in the Western Cape; Port Elizabeth, Ngqura and East London in the Eastern Cape; and Durban and Richards Bay in KwaZulu-Natal. South African ports are some of the largest in Africa. Durban is Africa’s busiest, handling over 87 million tonnes of cargo per year. Dotted along the coastline are hundreds of smaller ports and harbours, of which some, such as Port Nolloth in the Northern Cape, Port St Johns in the Eastern Cape and Port Edward in KwaZulu-Natal are now being expanded and developed. Other important maritime sites include those of the South African Navy (SAN), which is headquartered in Simonstown and also operates naval stations in Port Elizabeth and Durban. The Durban naval station is currently being converted back into a naval base for future South African patrol vessels.

South Africa’s ports and harbours are also important as neighbouring states – especially landlocked Southern African Development Community (SADC) countries – depend on its extensive and sophisticated maritime infrastructure to facilitate almost all their trade with the rest of the world. South Africa’s ability to offer ports and infrastructure for linking the Atlantic and Indian oceans, such as the Port of Ngqura, make it an important potential site for transshipment to other African countries and markets.

An estimated 80 to 95% of all South African trade has a maritime element. This high level of dependency means it is often labelled an island economy. This concept was coined with the objective of increasing awareness and
interest in secure and efficient seaborne trade and shipping. This concept has found much currency in South Africa and is also applicable to the entire southern African region, as any interruption to trade would have catastrophic effects for all, especially landlocked states.

South Africa therefore plays an important gateway role into, of and between the region and trading partners around the world. Recent developments do however suggest it cannot take this beneficial role, nor the continued dependency of neighbours, for granted. It has been argued that ‘at regional level, new and rehabilitated ports and the development of new transport corridors are starting to erode the importance of South Africa as a logistics hub for southern and central Africa’.9 South Africa’s oceanic location at the extreme south of the continent and the long times and distances that require traversing to ship goods between north and south might become a disadvantage once countries to the north develop new ports offering cheaper and efficient routes for accessing key inland markets and linking them to global markets.10

South Africa’s Transnet National Ports Authority (TNPA) launched a Market Demand Strategy (MDS) in 2013 with plans to invest almost R60 billion in ports infrastructure from 2013–23 to prevent this from happening. This investment is crucial if South African ports are to maintain the country’s role as a gateway into the future.11

South African maritime policy frameworks

Despite the overwhelmingly maritime nature of its geography and its dependence on efficient and secure maritime infrastructure, South Africa has been slow to strategically prioritise maritime security, development and governance. Recent policy salience can be attributed to growing awareness among decision makers of the economic opportunities provided by South Africa’s ocean space, as is shown in the next section.12

For now this elevation remains prominent, yet inchoate. Notably, South Africa has not published a comprehensive oceans economy development plan, or an integrated maritime strategy.13 This lacuna, partly a result of the great number of departments to coordinate and partly given the low past policy importance attached to maritime matters, needs to be rectified.

In the absence of these documents, South African maritime policies must instead be discerned through critically reviewing an assortment of policy frameworks. Firstly, multi-departmental government documents such as the National Planning Commission’s (NPC) National Development Plan 2030: Our Future – Make it Work and the reports of the Operation Phakisa Oceans Economy initiative. Secondly, departmental performance appraisals and work plans of key stakeholders.14 Thirdly, key strategic documents such as the South African Navy’s 2006 Doctrine, the Department of International Relations and Cooperation’s (DIRCO) White Paper on South African Foreign Policy, the Department of Defence’s (DOD) 2015 South African Defence Review and the Department of Transport’s (DOT) 2017 Comprehensive Maritime Transport Policy (CMTP).

South Africa plays an important gateway role into, of and between the region and trading partners around the world

Another important source, with multiple governmental and parastatal stakeholders, is the Research, Innovation and Knowledge Management Road Map for the South African Maritime Sector: Charting a Course to Maritime Excellence by 2030. This was authored by the Council for Scientific and Industrial Research (CSIR) and produced together with the South African Maritime Safety Authority (SAMSA), the Department of Transport (DoT) and the recently formed South African International Maritime Institute (SAIMI).15

This methodological approach is further supported by the growing academic body of research and frequent media reports on maritime security and ocean development in South Africa.

South Africa’s oceans or blue economy in a global context

While our seas and oceans have provided crucial resources throughout human existence, they are now globally framed as a ‘new frontier’ containing great quantities of untapped resources, estimated to be trillions of US dollars in value.16 Countries such as South Africa in possession of large EEZs therefore
stand to benefit if they create enabling frameworks for sustainable development.

The concept of an ‘oceans economy’ refers to ‘that portion of the economy which relies on the ocean as an input to the production process or which, by virtue of geographic location, takes place on or under the ocean’. South Africa frequently refers to the need or objective of establishing and benefiting from an oceans economy.

Far more importantly however, the world stands to lose much more if ocean development is badly planned and carried out, causing irreparable harm to ocean ecosystems. Numerous and well-established studies conclusively demonstrate the perilous and unhealthy environmental state of the seas and oceans, which suffer from reduced biodiversity and increasing warming, acidity and pollution.

The world stands to lose much more if ocean development is badly planned and carried out

In this context, ocean development needs to be carried out in ways that prioritise the protection of vulnerable ocean ecosystems against harmful, unprincipled and illegal extractive practices. This thinking has coalesced around the concept of the ‘blue economy’. The concept of a blue economy is defined as ‘economic and trade activities that integrate the conservation and sustainable use and management of biodiversity, including maritime ecosystems, and genetic resources’. If oceans are to be the site of extractive industries and practices, then these should only occur in sustainable ways, without sacrificing environmental security in the quest to achieve accelerated economic growth.

Attempts to reconcile the growing interest in exploiting ocean resources (oceans economies) with the worldwide need to ensure the protection of oceans and their sustainable development (blue economies) led to the welcome inclusion of an oceanic Sustainable Development Goal (SDG) as part of the United Nations 2030 Agenda. SDG 14 commits all states to ‘conserve and sustainably use the oceans, seas and marine resources for sustainable development’. Targets include significant reductions in pollution and harmful fishing practices alongside improvements in protective conservation measures by 2030.

Protecting South Africa’s oceans

South Africa’s ocean ecosystems face irreparable damage unless human activities are better regulated and marine life is protected through better governance. Yet South Africa is also in urgent need of sustainable development and it has chosen the oceans as a site for major investments and activities designed to make this happen. This has not been a simple process.

In 2009 former president Jacob Zuma established the National Planning Commission, led by Trevor Manuel, a former finance minister, to draft a National Development Plan (NDP). The NDP was delivered in 2012 with the aim of signposting ways of increasing development to tackle South Africa’s ‘triple threat’ of high levels of inequality, poverty and unemployment by 2030. These challenges are huge, structural and not easily overcome. Unemployment in 2017 stood at 27.7% and South Africa achieved sluggish economic growth over the past decade and dipped into recession in 2017. Youth unemployment stood at an estimated 67.4% in 2017.

Prospects for enhancing economic growth increasingly rest on exploring new sectors or re-examining previously overlooked ones. The NDP had overlooked the contribution of an expanded oceans economy as one of the ways of achieving development goals. While it acknowledged that South Africa’s maritime industries enabled the rest of the economy to function and were an important contribution in their own right, it did not provide much more information at the time.

The NDP did, however, include an important recommendation that ‘South Africa needs to reappraise the maritime sector in light of its geopolitical positioning and ask what contribution it could make to employment and regional trade’. Against the background of growing interest in maritime or ocean development, and partly prompted by growing concerns over piracy and rising maritime insecurity, South Africa looked afresh at the potential of its seas, oceans, maritime location and capacity.
**Operation Phakisa**

This turn was partially a response to criticisms of slow NDP implementation, for which the government adopted a new approach to delivering speedier economic growth – Operation Phakisa. Operation Phakisa is a South African version of the Malaysian Big Fast Results Methodology. This approach to planning delivery saw the government, supported by consultants from McKinsey and the Malaysian government, gather 656 South African maritime professionals and experts from 68 institutions together for six weeks in 2014 at ‘laboratories’ to comprehensively reappraise the South African maritime sector and identify areas with the greatest economic growth and employment potential.

Four sectors or ‘critical development areas’ were initially selected – Marine Transport and Manufacturing (MTM), Oil and Gas (O&G), Aquaculture, and Marine Protection and Governance (MPG). This was later expanded to six with the inclusion of Small Harbours Development and Coastal and Marine Tourism. Two cross-cutting and enabling areas were also identified to highlight the education and vocational skills and capacity gaps that hinder efforts to grow an oceans economy in the other labs.

Reappraising and reframing the oceans economy meant it finally became a national priority

Participants measured the total contribution of ocean-related economic activity to South Africa’s gross domestic product (GDP) in 2010 as R56 billion. These activities employed approximately 316 000 people, which included sectors such as fisheries and renewable energy that were not selected as critical growth areas. Long-term forecasts were of an additional GDP contribution of between R129 billion and R177bn by 2033 and the creation of up to a million jobs.

By reappraising and delivering quantified figures, stakeholders reframed the maritime or ocean sector as possessing great and overlooked development potential. Reappraisal and reframing the oceans economy (also occurring as the threat of piracy remained high and maritime security was a priority policy topic) meant it finally became a national priority and interest. The government thereafter included the creation of an oceans economy as one of its nine-point plans for implementing the NDP. It has featured in State of the Nation Addresses (SONAs) and subsequent parliamentary debates.

Overall coordination is provided by the Department of Planning, Monitoring and Evaluation (DPME) in the Presidency. This is no easy task given that the Operation Phakisa Oceans Economy Report of 2017 alone lists 24 relevant departments, excluding the South African Revenue Service (SARS) and the future Border Management Agency (BMA). Results are then transmitted to the public in annual progress reports delivered by the president.

A key part of the methodology is regular monitoring and reporting of results to popularise the project and retain a high level of public interest. The laboratories developed detailed plans for expanding each sector. An exhaustive analysis of each of the plans lies beyond the scope of this report, given there are 47 detailed initiatives, over 2 900 specific activities and over 400 key performance indicators (KPIs) in total too.

**Modest results**

Medium-term forecasts made at the launch of the Oceans Economy initiative in Durban in October 2014 were that the oceans economy could contribute an additional R20 billion to the GDP and create 22 000 direct new jobs by 2019. Former president Zuma also suggested that the fast-tracking of various maritime initiatives under Phakisa could see South Africa attaining a 5% growth target by 2019.

The initiative has so far achieved modest results. The 2017 progress report highlighted that R24.6bn (R15bn by the government) had been invested in the oceans economy in port infrastructure, marine manufacturing, aquaculture and oil and gas surveys. This has resulted in the combined creation of 6 517 jobs. About 15 000 additional and permanent jobs would have to be created by 2019 to meet targets. Investments in maritime infrastructure are described as ‘unlocked’, which is not the same figure as the contribution to GDP; this remains uncalculated and is not so far included in reports.
Significant challenges to achieving Operation Phakisa targets

Numerous obstacles encountered since 2014 have slowed the speed of delivery and generated increasing scrutiny. Delays in finalising and adopting important legislation, such as the Mineral and Petroleum Resources Development Act (MPRDA) and the Marine Spatial Planning (MSP) Bill, contribute to delays in achievements in other laboratory initiatives. An MSP framework provides a mechanism for equitably and fairly designating the uses of space in the maritime domain. This is a way of reducing conflict or tension, as well as ensuring that future activities are sustainable. These spaces are often used to maximum capacity, and competing uses means there are limited available areas that can be used for aquaculture.

The development of an oil and gas sector was significantly hindered by the drop in the price that occurred in 2014, as well as the failures of PetroSA’s Project Ikhwezi to locate sufficient resources in South African fields. While O&G progress reports include a caveat that any estimates of South Africa’s oil and gas reserves cannot be stated with confidence and remains uncertain, long-term O&G sector development depends on the discovery of commercially viable deposits.29

The 2014 oil price drop also resulted in fewer rigs exploring and operating in African fields and blocs and coincided with the focus on South Africa as an important hub for future exploration. Unless changes occur in demand or price, or large, viable South African fields are discovered, the MTM facilities risk being under-utilised.30 This concentration on the importance of the non-renewable ocean resource extraction sector is also difficult to reconcile with blue economy principles and the sustainable development agenda.

A key target was increasing the number of ships owned and operated by South African companies and flying the South African flag. The Merchant Shipping Act was amended to provide more incentives to ship owners to put their ships on the South Africa registry, operated by SAMSA. In 2015 the MV Cape Orchid was registered, the first since 1985.31 Three ships are now registered according to SAMSA, but progress in growing the registry is slow.32

South Africa has also sought to establish a marine protected areas (MPA) representative network, increasing the amount of EEZ protected from 0.4% to 5% by 2019.33 These will have major tourism potential and a range of environmental and economic benefits.34 Short-term MPA targets established by the MPG lab are, however, unlikely to be reached. The original proposal for a network of 22 MPAs was reduced to 18, which reduced coverage to 4.4% of the EEZ. This represents a shortfall of 0.6% on the 2019 protection
target. South Africa is still aiming to expand MPA coverage to 20% of the EEZ by 2028 under its National Protected Areas Expansion Strategy (NPAES).

South African approaches to maritime security

Establishing a sustainable oceans blue economy is widely perceived to be impossible without adequate maritime security. Put differently, the central assumption underpinning this thinking is that ‘a secure maritime environment provides the preconditions for managing resources’. This section analyses how concepts of maritime security and ocean development are approached or integrated into South African policy. By looking at how they are being framed and aligned, we can signpost and explore some of the possible implications resulting from the reconciliation of these concepts for future South African policy and practice concerning maritime security, development and governance at national, regional and international levels.

Traditionally the concept of maritime security, and the related one of good order at sea, meant that states acquired and deployed sea power in the service of national interests. This focused mostly on the primary one of sovereign defence against threats, protecting shipping, denying rivals space to exploit and winning wars at sea. There is consensus that the concept of maritime security is slippery, undefined, and a buzzword. What is not in doubt though is that for most people maritime security as a concept is synonymous with the fight against piracy.

South Africa’s maritime domain has mostly been characterised by the absence of traditional threats. The authors of the 2006 SA naval doctrine observed that ‘no conventional military maritime threat against the RSA currently exists’. South African frameworks instead framed maritime security as encompassing a much broader set of non-military tasks, many of them involving what can be termed constabulary or law-enforcement roles. The 2015 Defence Review for instance suggests that ‘the most significant threat in the maritime domain remains the illegal movement of people and goods’. The navy doctrine also foregrounded its analysis with the observation that ‘most of the tasks that the SA Navy conducts are within the Diplomatic and Policing roles’.

Following the doctrine, if traditional or conventional military maritime threats are assumed to be other navies or states with whom South Africa is in conflict, then the threat posed by the sea power of others is indeed limited. This is because the South African Navy is a very visible and successful foreign policy instrument.

South Africa has established good diplomatic relationships and partnerships with nearly all traditional and emerging maritime powers, facilitated and consolidated by numerous exercises and missions to ‘fly the flag’. It takes part in exercises with countries such as Germany (Good Hope), France (Oxide) and the US (Shared Accord) and has hosted vessels from the UK, China and Iran (for repairs).

This extends across the South Atlantic to Latin America with Exercise Atlasur, involving South Africa, Argentina, Brazil and Uruguay. This has not taken place since 2012, when it was a semi-regular undertaking.

Joint India-Brazil-South Africa (IBSA) maritime exercises (IBSAMAR) are also prominent examples of cooperation between these countries. The fifth IBSAMAR took place in India in 2016 after the previous four had been held in South Africa. Maintaining these strong naval diplomatic linkages and partnerships must remain a priority for South Africa, as they enable it to fully engage, and share experiences, with the major navies of the world.

South African policymakers are emphasising the contributory role the state’s maritime security capability plays in the achievement of national development objectives. The Department of Defence (DoD) for instance recognises that one of its main tasks is providing ‘support to government’s Operation Phakisa, through the protection of the national oceans economy from acts, including the illegal depletion of ocean resources’.

The Defence Review anchors its analysis with the assumption that ‘the continued and increased illegal development of South Africa’s natural maritime resources will lead to increased crime and instability’, although
this link is not well explicated. It is likely this refers to the problems of abalone and crayfish poaching along the South African coastline, rather than suggesting the potential for piracy.

The DoD Annual Performance Plan for 2017 further suggests that the revitalisation of this capability is not simply beneficial for enhancing its ability to respond to maritime security against pirates or crimes, but will also have major development benefits. Specifically, the ‘rejuvenation and capacity building of the Naval Dockyard in Simon’s Town, as well as the envisaged local building of patrol and survey vessels for the South African Navy, will rejuvenate the entire shipbuilding industry within South Africa and set a baseline for future shipbuilding projects, that will provide a major impetus to the continuing roll-out of Operation Phakisa’.

However, continuing confusion over the conversion of the dockyard into a ‘government garage’, and the overall management of the dockyard, might limit the number of ships calling for refurbishment or maintenance if left unresolved or delayed.

Creating crucial maritime security partnerships

This approach to securing South Africa’s ocean resources, trade routes and economy importantly implies a bi-ocean focus, but South Africa’s policy focus and activities have to date focused largely on the Indian Ocean.

For instance, the 2011 South African foreign policy White Paper neglected to mention the Atlantic Ocean. It observed that ‘South Africa regularly interacts with the major maritime powers in the Indian Ocean’, It suggested that South Africa prioritise Indian Ocean international relations owing to concerns over growing the militarism seen in major global power policy towards the region, and the geostrategic rivalry this prompted over control of a globally important Sea Line of Communication (SLOC) upon which many are economically dependent for the safe shipping of energy resources and trade.

South African interest in the Atlantic Ocean is mentioned in the context of fighting West African piracy. The DoD envisages that ‘naval operations as part of anti-piracy operations may expand to the western coastline of Africa in the future’. A greater role in the Atlantic Ocean and fighting piracy would take it up to West Africa and the Gulf of Guinea, although it is unlikely that South Africa could play this role, given its lack of further naval assets and funding.

Any extension north beyond the SADC member states of Angola and the Democratic Republic of the Congo must be carefully considered. The deployment of South African military capacity must be carefully explained, as it might not be trusted in light of the ambiguous deployment of the SAS Drakensberg in Cote d’Ivoire in 2011. The Drakensberg, regardless of its actual capabilities and the reasons provided by the South African government for its presence, was interpreted as a threatening sign of South African bullying and willingness to deploy blunt, brute force outside of ‘its region’. Most incidents are clustered around Nigeria, Togo and Benin, where there is an existing regional counter-piracy architecture. Few incidents have reached down to or past Angola at present too.

South Africa’s policy focus and activities have focused largely on the Indian Ocean

Enhanced maritime security cooperation for confidence-building between African navies and coastguards therefore is in South Africa’s interest.

One problem has been that African-led or -majority exercises, particularly those in SADC, have frequently been deferred, often due to cost and the lack of capacity to convene and organise such events. These exercises, on both the west and east coasts, enabled greater cooperation and interoperability and their absence is a setback for confidence-building efforts.

South Africa had been planning to host the long-overdue fourth iteration of the Sea Power for Africa Symposium (SPAS), which was due to be hosted by Senegal in 2013 but was cancelled at the last minute. South Africa organised and hosted two of the three iterations of the SPAS in 2005 and 2009. At the 2009 SPAS, the then SAN chief, Vice Admiral Refiloe Mudimu, suggested that ‘the focus of these symposia has been the establishment of a collective approach to collaboration and cooperation to address the maritime challenges that (Africa faces)’.55
After unsuccessfully approaching potential hosts such as Equatorial Guinea, South Africa decided it would host the SPAS, but it later decided to cancel the event. It was then removed from the agenda of the SADC Standing Maritime Committee (SMC) at its 2017 meeting. While hosting the symposium was ambitious given the navy’s current budget shortfalls and serviceability issues, without it there continues to be a distinctive lack of African-led naval interaction and cooperation, deconfliction and confidence-building.

Why piracy was considered such a major threat

Piracy features prevalently in South African maritime policy discussions. The Defence Review lists piracy first, alongside terrorism, armed crimes and illegal activity at sea – such as illegal, unregulated and unreported fishing – as the most direct threats to South African security. In addition to protection, the DoD regards a primary task as ‘ensuring the countering of piracy activities along the maritime borders of South Africa’. If left unchallenged, piracy threatened the effective functioning of many other vulnerable economies that lacked resilience to shocks – for example to the hijacking of an oil tanker, or its destruction either by accident of design.

The phenomenon of displacement, where pirates travelled further in the hunt for victims owing to heightened risk of capture closer to Somalia, was observed between 2009 and 2011. This reached down into Mozambiquan waters in 2010 and 2011 and it seemed South African waters were next. While the maximum extent of international counter-piracy patrol areas in the Indian Ocean did include some SADC members such as Seychelles, they did not encompass the SLOC running through the Mozambique Channel. Pirates who headed south and managed to evade capture would enter waters abundant in vulnerable shipping.

Regional states, barring South Africa, also lacked the capability to respond. Establishing a South African patrol in the north entrance to the Mozambique Channel was therefore deemed prudent – what had been considered a potential, albeit remote or distant problem now directly threatened South African interests. The patrols would also provide a deterrent to the entrenchment of piracy in the region, as well as be involved in counter-smuggling and -trafficking into the region.

Despite being Africa’s strongest relative maritime power, South Africa did not contribute to international piracy patrols. These arguably would have overwhelmed South African resources and meant that the displacement of piracy southwards into undefended areas could not be countered. Additional reasons for this initial reluctance were that it was not in South Africa’s interest to get involved in patrols to protect shipping using the Suez Canal, and that some shipping would be diverted to the Cape sea route. South Africa also argued at the United Nations Security Council in 2008 that the focus should be on the root causes of piracy, rather than countering the symptoms.

South African shock and concern over the brazen hijackings in 2010 and 2011 off the Mozambique coast drove the development of a SADC maritime military strategy in 2011. While the SADC strategy remains confidential, much of what underpins it has been widely discussed. The strategy focuses on creating and improving the ways and means for member states to combat piracy threatening the southern African region of the Indian Ocean.

Piracy features prevalently in South African maritime policy discussions

This narrow focus needs to change if future implementation is to be aligned with the maritime strategies of the AU and other Regional Economic Communities (RECs). In future, it could be expanded into an integrated strategy covering the whole SADC region mirroring other RECs such as the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD). Its chairing of SADC in 2018 and its membership of the SADC troika provide it with just such an opportunity.

NDP maritime security recommendations not implemented

The NDP did not consider how South Africa’s economy should be protected or secured beyond recommending counter-piracy patrols. The NDP stated that ‘South Africa places particular emphasis on combating maritime piracy along the east coast of Africa’. While this is
a narrow perspective on what would be required for South Africa’s overall maritime security, the two recommendations the NDP did make were not fully implemented. Indeed, at times the reverse could be observed.

Firstly, the NDP recommended that ‘South Africa should extend the current agreement that allows the South African Navy to undertake operations in Mozambican and Tanzanian waters, to include Kenya’. This agreement, called Operation Copper, has run from 2011 to the time of writing. The extension to include Kenya did not occur, which would have expanded the mission beyond the SADC region.

In addition, Mozambique and Tanzania have not contributed as much to Copper as South Africa. Tanzania withdrew from the agreement in 2014,
leaving South Africa to shoulder almost all the burden. It has signalled an interest in rejoining. Other important countries such as Madagascar and the Comoros, also vulnerable to a southward spread of piracy, did not participate. If a strengthening of regional cooperation is to occur, to deter and counter maritime crimes such as illegal fishing, they need to be encouraged to join.

The NDP’s second recommendation to strengthen Copper could not be maintained, as the withdrawal of continuous South African Air Force (SAAF) capacity weakened the operation. While the SAAF has occasionally provided support, there have been times when there has been no South African maritime or air patrol capability on station at all.63

**Extension of Operation Copper**

The operation has helped deter piracy in the region, and the uptake in other maritime crimes, for several years. The lack of interest by Tanzania and Mozambique, the absence of evidence from pirates that they were deterred, and the few tangible reported results of successful counter-piracy encounters (one by the Drakensberg in 2012) require research.

South Africa has also not arrested any pirates, and there are concerns that if it did encounter pirates it would be unwilling to prosecute them.64 The decision-making process for continuing the patrols also requires clarification. Members of the Parliamentary Portfolio Committee for Defence and Military Veterans disclosed that they were forced to rely on news appearing in the media in lieu of an official report.65

Decisions to extend Copper are made by the Presidency. President Cyril Ramaphosa extended Operation Copper for a further year in a letter sent on 28 March 2018 to the chairperson of the National Council of Provinces.66

These letters are seldom accompanied by much in the way of explanation. For instance in a letter to Parliament dated 31 March 2017, former president Jacob Zuma stated that Copper would be extended until the end of March 2018 at an expected cost of over R71 million.67 A subsequent media statement to explain this decision used the justification of ‘increasing levels of piracy along the Mozambican Channel’.68 Mozambique ports such as Beira are often noted as the sites of incidents of armed robbery of ships in harbours. But the justification contradicts available piracy research showing no reported acts of piracy in the high seas of the area since 2012, according to the records of the International Maritime Organisation (IMO) and the International Maritime Bureau (IMB).69

While the South African government sees a continuous counter-piracy role on both coasts for the foreseeable future, further explanation – such as the potential interest of South Africa in the protection and development of Mozambique natural gas fields – is required to support the argument that the patrols as currently mandated and structured continue to be necessary.

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**The South African Navy has been a small part of South Africa’s defence establishment**

This section has outlined the context within which South Africa’s maritime security policy is made and carried out. It showed there is an acknowledged absence of traditional or conventional maritime or naval threats to South Africa. It also showed that South Africa enjoys good partnerships with all traditional and emerging maritime powers (if not Africa itself). The direct threat of piracy to southern Africa has also been reduced. The focus needs to be increasingly upon the kind of institutions and capabilities South Africa will create to maintain this context. This is not easy though, given admissions of eroding capability.

**South Africa’s eroding capabilities**

The Defence Review offered a pessimistically candid assessment of South African capability. The authors of the review suggested that SA’s navy could no longer provide combat-ready vessels and it would struggle to undertake primary tasks.

This is unfortunate, as South Africa’s naval capacity was improved in the 1990s in a way that went against its historical experience.

Since its inception the South African Navy has been a small and marginal part of South Africa’s defence establishment (it is commonly referred to as a ‘Cinderella’ for being expected to make do with the meanest of budgetary allocations).70
It was unclear in the immediate post-apartheid period whether the South African Navy would continue at all. A number of conferences and a public relations exercise by the navy appeared to successfully demonstrate its significance. This appeared certain after former president Nelson Mandela declared South Africa had a ‘responsibility for ensuring that our country has an adequate and appropriate naval force. The need to modernise our fleet is not a matter of debate’. The fleet was subsequently modernised and possessed new frigates, submarines and helicopters, in addition to supporting technology of combat suites, missiles and other vessels.

These problems of capability have proven difficult to tackle and resolve, as was noted during a presentation by the Department of Defence and Department of Military Veterans that the navy was challenged by major serviceability issues that were to blame for shortfalls in the fleet achieving its hours at sea targets. South Africa now needs to carefully consider how to ensure its navy possesses the necessary funding and capacity to undertake its conventional, diplomatic and policing tasks, as well as support other departments involved in policing and protecting the ocean spaces.

Future naval augmentation depends on two projects – Biro and Hotel. Biro is a plan for the navy to acquire six new patrol vessels and Hotel will see it acquire a new hydrographic survey vessel, to replace the antiquated Protea. Hotel will cost R1.8 billion. The OPV (offshore patrol vessel) component of Biro has, at the time of writing, been postponed, but an order for three IPVs (inshore patrol vessels) has been confirmed.

They are also to have oceans economy or development outcomes, as they are to be constructed with a minimum threshold for local content of 60%, in line with South Africa’s National Industrial Participation Programme (NIPP). Biro and Hotel are therefore major components and are impactful of future shipbuilding plans associated with the success of Operation Phakisa’s MTM lab. Some South African companies associated with the MTM lab are struggling to remain afloat and depend upon the awarding of these contracts. The economic impact of the projects is therefore significant, not simply for the boost they could give to the local sector, but also the impact of delays in the sustainability of local capacity.

The number of vessels being acquired might prove inadequate and unsuitable for the type of tasks expected. Biro vessels are supposed to take over some of the strenuous patrol duties (piracy and other) from the navy’s overburdened frigates and the antiquated strike craft. They would also support the Department of Agriculture, Forestry and Fisheries (DAFF) in fisheries management tasks. However, in the South African context the long shadow of the arms deal means...
any military purchases, such as Biro, need to be well justified. The IPVs are also limited in range, and will not be able to take on the ocean-going tasks and duties that South Africa will need to undertake in its territorial waters, EEZ and beyond.

The Defence Review lamented the virtual absence of maritime domain awareness (MDA) in South Africa. Given the size of South Africa’s ocean space, and the huge number of users and ships present at any one time, there is huge scope for criminal activities to occur. MDA gives agencies the ability to identify suspicious activities and deploy limited resources and assets in response. Augmenting existing patrol capability would be necessary because MDA ‘only turns into a distinct advantage when there are sufficient assets to take advantage of it’. South Africa is challenged by the sheer size, the tyranny of distance and the rough conditions that characterise its ocean space and will struggle otherwise to respond to, patrol and police its huge EEZ area and cooperate with neighbours in the defence of theirs. New maritime surveillance aircraft would also be essential. The urgent commencement and completion of the naval projects discussed above would help provide some of the solutions at a national level, but South Africa also needs to take a broader and more integrated approach and focus.

**Beyond security – pooling and integrating enforcement capacity**

Buried within the Operation Phakisa Marine Protection and Governance (MPG) report was a proposal to create a different way of enforcing South African law at sea and optimising available capacity. The fifth key initiative of the MPG lab is supposed to result in an enhanced and coordinated enforcement programme for ocean protection. The MPG lab saw this programme as both a quick win (by March 2016) and a critical priority that would cost R12.6 million. This initiative needs to be urgently considered, but obstacles to overcome include a lack of collaboration in information sharing and a ‘silo mentality’. An integrated approach needs to be explored in order to see how it could make optimal use of available resources and capacity.

The fact that threats and challenges discussed fall under the mandate of multiple departments, and that the navy does not have a monopoly on patrol capacity, necessitates that all South African maritime security agencies focus on enhancing collective capacity to effectively ensure compliance with South African law and to respond to criminal acts. The navy shares this ability to patrol and interdict with the Department of Environmental Affairs (DEA) and DAFF. The South African Police Service (SAPS), and the expected BMA, are also expected to possess vessels capable of patrolling South Africa’s territorial waters (up to 12 nautical miles away from the coast) and ports of entry.
and out onto the high seas (although not simultaneously), inadequate coordination and poor maintenance has plagued past efforts and even resulted in occasional periods when South Africa’s waters were left unpatrolled. There was a major gap in South Africa’s patrol capability of 18 months until August 2013 amid a major scandal concerning the servicing of the DAFF vessels.88

The record of inadequate patrolling is often attributed to the diffusion of patrol capability between departments. Most recently in its 2017 Annual Performance Plan, the DoD stated it ‘will investigate the establishment of a coastguard’.89 The creation of a maritime department still needs to be investigated, although it is unlikely this will enhance coordination and implementation by itself and will prove too costly to operate.90

While most would agree that South Africa has already migrated into being a coastguard or a constabulary navy which primarily focuses on blue economy protection and law enforcement, it needs to continue exploring ways of integrating this capability, as outlined in the fifth initiative of the MPG lab report.

### National and regional fisheries management

As South Africa increasingly focuses on the protection of living and non-living ocean resources for economic use, South Africa’s capability for greater integrated and constabulary roles at regional and international levels will also come under the spotlight.91 It has undertaken regional level constabulary operations in the past – such as in 2008 when DAFF’s Directorate: Fisheries Protection Vessels (FPVs) undertook successful joint operations with SADC member states.92

Others occur with Namibia and Angola, who cooperate together within the Benguela Current Commission (BCC). This is an initiative that will enhance the knowledge and research each country needs to better manage the ecosystems of the Benguela Current, upon which South Africa’s west coast and the entire seaboards of Namibia and Angola depend.

All stakeholders, from the police to the DAFF, are required to cooperate in the investigation and arrest of suspects or perpetrators of maritime crimes that break South African and international law.93 Naval vessels can be used in the arrest and detention of suspected fisheries criminals provided there is a DAFF Fisheries Control Officer onboard.

Two high-profile and notorious arrests of foreign fishing vessels in 2016 offer a case study (albeit only one of a few) of collaboration across departments in practice at a national level. They do also point to a need to revitalise integration efforts and reconsider tasks if the goals of being able to prevent piracy attacks in SADC waters and protect ocean resources are to be achieved.

In the first case the Lu Huang Yuan Yu 186 was the only vessel captured out of a fleet of nine vessels which dispersed and evaded capture when interdicted by South African vessels.94 It’s capture and investigation was the result of impressive collaboration between the Navy, DAFF, the South African Police Service (SAPS), the South African Revenue Services (SARS) and the Department of Home Affairs (DHA). Investigations revealed that the Lu Huang Yuan Yu 186 did not, however, have any fish onboard and the inability to prevent the dispersal or to interdict other vessels was unfortunate.

### The growth and protection of an oceans economy is also an interest of many Indian Ocean states

The second case involved three suspect vessels impounded and brought to East London.95 Investigations revealed their cargo could not have been fished from within the South African EEZ.96

In both cases the authorities charged them with contravening some of the stipulations of the Marine Living Resources Act (MLRA). They issued fines for lacking permits and for non-compliance with a fishery officer’s instructions. South Africa does allow for severe punishments of transgressors and this needs to be seen in future for effective deterrence.

### South Africa and IORA

As can be seen in the 2011 White Paper – the only published guide to South African foreign policy interests at the time of writing – South Africa’s interest in the international relations of the Indian Ocean is greater than that of the Atlantic. The growth and protection of an oceans economy is also an interest of many Indian Ocean states.
Foremost has been the creation of institutions for enhanced ocean governance. Former president Mandela famously advocated for the creation of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC). Its formation in 1997 is often partly attributed to remarks made in 1995 that “the natural urge of the facts of history and geography should broaden itself to include the concept of an Indian Ocean Rim for socio-economic cooperation and other peaceful endeavours. Recent changes in the international system demand that the countries of the Indian Ocean shall become a single platform”.97 Despite this auspicious start and backing, IOR-ARC declined in importance in the years following as key states such as South Africa, Indonesia, India and Australia lost interest.

South Africa’s interest in the international relations of the Indian Ocean is greater than that of the Atlantic

IOR-ARC was revitalised in 2011 under the chairing of India and adopted six priority areas for members to work on enhancing together: Maritime Safety and Security; Trade and Investment Facilitation; Fisheries Management; Disaster and Risk Management; Academic, Science & Technology
Cooperation; and Tourism and Cultural Exchanges. Important milestones were the identification and adoption of blue economies in 2013 and women’s economic empowerment in 2014 as cross-cutting areas for IORA. It adopted its present name of the Indian Ocean Rim Association in 2013. These priority areas, as well as the cross-cutting themes, are also the key areas for South Africa’s own policies, and the opportunities afforded by closer alignment are great.

South Africa assumed the IORA chair for the period 2017–19 at the 17th Council of Ministers meeting in Durban in October 2017. Ambassador Dr Nomvuyo Nokwe was appointed as the new IORA secretary-general. Chairing is expected to have significant benefits for domestic policy. South Africa’s International Cooperation, Trade and Security (ICTS) cluster further promised that ‘as part of our priorities as chair, South Africa will promote aligning Operation Phakisa: Oceans Economy with the Indian Ocean Rim Association’s core objectives of the blue economy’.

Establishing cooperation with the AU as an important regional body is one of IORA’s short-term flagship initiatives in its Jakarta Action Plan

South Africa’s major task here will be to reconcile its pursuit of an oceans economy with the cross-cutting concept of blue economies as is being pursued by most other IORA countries.

In order to ensure it delivers on the past results of previous chairs and continues to grow the organisation, South Africa helped draft the Jakarta Action Plan 2017–2021. Among other goals, this makes the establishment of working groups and the strengthening of core groups a key short-term target. South Africa intends to strengthen the IORA Academic Group (IORAG) and the blue economy groups, as these are the sites in which key recommendations can be discussed and recommended to senior officials.

Expediting the implementation of new mechanisms and platforms for member states and stakeholders for tourism and cultural exchanges also offers an important area that will help achieve some of Operation Phakisa’s growth and employment targets. A better institutionalised and integrated regulatory environment for tourism is expected to boost numbers of tourists staying throughout the region.

Another South African target is strengthening engagement with dialogue partners. The increasing interest and perception of the credibility and potential of IORA as a site of multilateral cooperation can be seen by the increasing number of partners such as China. Chairing IORA requires South Africa to map out the best ways to proceed with collaboration with IORA dialogue partners such as France, the UK, the US and China, who all have national interests in the Indian Ocean and are vigorously pursuing them. The failure
to encourage and institutionalise multilateralism might arguably lead to tensions through the creation of a (maritime) security dilemma – a key concern of the 2011 White Paper.

**South Africa and the AU**

Establishing cooperation with the AU as an important regional body is also one of IORA’s short-term flagship initiatives in its Jakarta Action Plan – especially the creation of an IORA-AU memorandum of understanding. South Africa has stated that it intends to strengthen African continental maritime initiatives, notably 2050 Africa’s Integrated Maritime Strategy (2050 AIMS) by aligning it with its IORA activities. South Africa has also earmarked US$50 000 to be used in the implementation of the AU’s maritime strategies.99 According to former DIRCO deputy minister Nomandla Mfeketo, this would be in areas of ‘maritime security, capacity building, skills development, and technology transfer in the oceans economy’.100

This IORA-AU alignment will require it to firstly gather and consolidate an African position and perspective (especially the eight African countries on the Indian Ocean) on common interests in the six priority areas and the two cross-cutting areas. Secondly, it needs to strengthen support to the AU to help it address growing concerns over the implementation of continental maritime strategies and charters.

The AU also struggles to keep maritime at the forefront of debates on security and development. The period 2015–2025 is the decade of Africa’s seas and oceans, and 25 July is the day of the seas and oceans. But the AU did not organise a day to mark the theme in 2017, and organised the 2018 day for May 30.101 The continued delays in holding AU-REC coordination meetings and a blue economy conference first proposed in 2015 further hold back implementation.

The drive since 2015 to create a legally binding African Charter on Maritime Security and Safety and Development, commonly referred to as the Lomé Charter, also overshadowed efforts to establish maritime institutions within the AU. While the charter has now been signed by 35 of 55 eligible states, it remains unfinished.102 Annexes are being validated in anticipation of their adoption at the AU summit in January 2019. South Africa has already played an important role in the creation of African maritime instruments. The 2011 White Paper responded to the changing circumstances in the Indian Ocean, in particular its militarisation, with the recommendation that ‘a maritime security policy for Africa becomes essential’. It had already hosted meetings that led to the adoption of a Revised African Maritime Transport Charter (RAMTC) in 2009. It contributed to the development and implementation of the 2050 AIM Strategy, adopted in 2014. The chairing of IORA means it is well positioned to continue doing so.

The continued failure of AU member states and signatories to sign and/or ratify the RAMTC, many of whose provisions are to be found in similar shape and spirit to those of the Lomé Charter, should therefore be cause for concern. Only 20 African countries have signed the RAMTC since 2011 and there have been nine deposits of ratification, the most recent being South Africa itself in 2016.103 Without a major increase in support from states such as South Africa for dedicated maritime officials in the AU itself, it is likely that the Lomé Charter may take as long, if not longer, than the RAMTC to come into force.

The Lomé Charter has been signed by 35 of 55 eligible states but remains unfinished

Aligning IORA with the AU therefore will only succeed once the AU is better empowered to revive the implementation of the 2050 AIM Strategy and Agenda 2063, complete the Lomé Charter and encourage its ratification alongside the RAMTC.104 One way South Africa could support this is to become more of a champion by nominating prominent South Africans to serve on a proposed High-Level College of Champions (HLC2). The lack of visible maritime champions at present is a major hindrance to enhancing the AU’s ability to implement.105

For instance, former finance minister Trevor Manuel is an ideal candidate, given his past roles as chair of the NPC and co-chair of the Global Ocean Commission. Former AU Commission chairperson Nkosazana Dlamini Zuma was also a vocal champion of the cross-cutting blue economies and women’s empowerment themes.106
The goal must also be the transformation of the maritime industry, where women occupy positions of authority, as well as in the entrepreneurial, educational and training, and safety and security sectors. Having prominent South Africans lend their support to continuing this message would be the best way of aligning the 2050 AIMS and IORA, as these were the two cross-cutting themes of both IORA and South African policy at home.

Conclusion

The development of a South African oceans economy that leads to substantial economic growth and job creation lies at the heart of its maritime and ocean governance policies and practices at national, regional and international levels. In order to achieve this, it is attempting to successfully align and implement numerous domestic and foreign policies and strategies. These are also expected to achieve positive security and developmental outcomes in the region and beyond.

The path to an oceans economy runs through the Mozambique Channel, but now requires South Africa to play a greater role in the seas of western and eastern Africa.

South Africa has only recently and strategically reappraised its ocean and maritime interests. Despite elevating the maritime sector to an unprecedented level of national importance, South Africa has yet to pursue the creation of an integrated maritime strategy, or create a governance cluster or agency responsible for the overall coordination and implementation of its various plans.

For domestic development to occur in a conducive context, South Africa is undertaking security patrols, operations and projects meant not only to reduce the threat from piracy and maritime crime to South African interests, but also to play a part in development through shipbuilding and the creation of supporting infrastructure.

Two major foreign policy engagements are with IORA and the AU. Its chairing is expected to unite domestic, regional, continental and international maritime security and blue economy implementation, but it needs to do more to make this a success and reality. The path to an oceans economy runs through the Mozambique Channel, but now requires South Africa to play a greater role in the seas of western and eastern Africa, in Addis Ababa in the corridors of the AU, and finally supporting the effort to expand and enhance IORA.
Notes

1. In 2006 the International Hydrographic Organisation (IHO) declared the waters surrounding Antarctica and which are situated south of 60° S to be the Southern Ocean.


3. An EEZ is the 200 nautical mile (370km) zone that projects out from a state's coastline into the oceans, as permitted under the United Nations Convention for the Law of the Sea (UNCLOS).

4. J van Wyk, Defining the blue economy as a South African strategic priority: toward a sustainable 10th province?, Journal of the Indian Ocean Region, 11:2, 2015, 153–169. Given the fact that international law over the seas and oceans is vastly different to that of land territory, the value of this “land-centric” concept is to create interest and awareness, rather than form the basis for a deeper consideration of how appropriate it is as a basis for governance.


7. Goods onboard large cargo vessels are offloaded in South African ports, where they are then loaded onto smaller vessels able to dock in the harbours of neighbours that could not otherwise handle the size of the original ship.

8. See Department of Defence, South African Defence Review 2015, 2–10, www.dod.mil.za/documents/defencereview/defence%20review%202015.pdf, accessed 15 April 2018. This is not unique to South Africa, as many inland countries such as Ethiopia rely on regional ports, as opposed to land infrastructure for the majority of export-import trade.


12. Funke et al.


14. IOL Business Report


25. A Delivery Unit for each laboratory was appointed in each lead department to implement the plans, achieve these results and report. MTM is led by the Department of Transport (DoT), O&G by the Department of Mineral Resources (DMR), Aquaculture by the Department of Agriculture, Forestry and Fisheries (DAFF) and MPG by the Department of Environmental Affairs (DEA), which also established a Prakisa secretariat. Small Harbour Development by the Department of Public Works (DPW) and Coastal and Marine Tourism by the National Department of Tourism (NDT).

26. Ibid.


32. South African Maritime Safety Authority (SAMSA), South Africa ship registry bags one more vessel – a further boost to seafarers training, Department of Tourism (NDT).


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The SAN was able to adjust to the cancellation of the fourth SPAS in 2013. It had already dispatched the Valour-class frigate SAS Spioenkop to attend SPAS IV and ordered it to undertake a multinational and month-long diplomatic mission to “fly the flag” by visiting Namibia, Angola, Nigeria, Ghana and Equatorial Guinea on its way to Senegal, with the aim of strengthening relations on a Military Diplomatic Mission (MDM).

Nigeria hosted the second Sea Power for Africa Symposium in 2006.


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DoD Performance Appraisal, Introduction by Secretary of Defence.


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NDP 2030, p 249.


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