

# IOTC Agreement – Article X

## Report of Implementation for the year 2023 (CoC21)

**Deadline for submission: 14/3/2024**

### READING NOTES:

- This report is composed of 5 sections reporting on the implementation of IOTC Resolutions.
- Answers provided by CPCs are presented in **blue text**.
- A red dash ("-") indicates that no answer was provided.
- Sections in **light grey** are for requirements that do not apply to your CPC

**Reporting CPC: South Africa**

**Date of submission: 18 March 2024 - 14:59**

You can consult your previous Implementation Report by [clicking here](#).

### Notes:

- All dates in the Implementation report must be in the following format => dd/mm/yyyy
- All laws, regulations and administrative instructions in force must be uploaded in the requirement 1.5 named "Transposition of IOTC Conservation and Management Measures into national legislation".

# PART A – LEGAL OBLIGATION

## Articles X & XI.2 of the IOTC Agreement - Legal obligation – Transposition of IOTC CMMs into national legislation

### Transposition of IOTC CMMs into national legislation

#### Reporting obligation CR N°1.5, IR

**Legal obligation:** Provide information on the status of the transposition of all the CMM obligations/reporting requirements into the national legislation.

#### 1. A system or procedures exist to implement this binding obligation to transpose IOTC Resolutions in national legislation:

YES - South Africa has system / procedure to implement this binding obligation: transpose IOTC Resolutions

a. System or procedures to implement this binding obligation - transposition of CMM :

Transposition of IOTC CMMs by legal office of government fisheries administration • Transposition of IOTC CMMs in national law • Transposition of IOTC CMMs in national regulation • Transposition of IOTC CMMs in administrative orders/circulars  
South Africa's Marine living resources are managed by the Marine Living Resources Act, Act 18 of 1998, which is a comprehensive, over-arching piece of legislation. Section 42 of the MLRA deals with the Implementation of international conservation and management measures. Subsection 42 (4) stipulates that "(4) The Minister may from time to time publish by notice in the Gazette particulars of any international conservation and management measures or international agreement concerning marine living resources."

In addition to the above, Permit Conditions for large pelagic longline and tuna pole-line fishing sectors have a dedicated section that specifically deals with all the CMMs .

b. System or procedures to respond to non-compliance with this binding obligation - non transposition of CMMs :

YES - System / procedures to implement this binding measure are specified/described in the below section

Section 28 of the MLRA deals with Cancellation and suspension of rights, licences and permits and specifically stipulates measures and/or systems or procedures to implement this binding measure.

In addition, permit conditions for large pelagic longline and tuna pole-line fishing sectors have dedicated sections on "Violations" which clearly indicates measures and/or systems or procedures implement this binding measure as well.

c. Action taken in relation to non-compliance with this binding obligation - non transposition of a CMM :

YES - Actions are described below

Subsection 18(3) of the MLRA stipulates that "(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit."

#### 2. All obligations of IOTC Conservation and Management Measures (CMMs) are fully transposed in the national legislation:

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YES – All Resolutions are fully transposed into South Africa legislation –

If NO, specify which Resolutions have not yet been transposed in your legislation:

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## Attach National Legislation

a. Attach the laws, regulations and administrative instructions in force and ATF T&C with force of law, related to the IOTC Conservation and Management Measures:

[ZAF - Law - 1994 - PUBLIC SERVICE ACT, 1994\\_EN.pdf](#) [ZAF - Law - 1997 - RegGazette Code Conduct 5947 No. R. 825, June 10 1997.pdf](#) [ZAF - Law ATF - 2023 24 - LargePelagics LL PermitConditions\\_EN.pdf](#) [ZAF - Law ATF - 2023 24 - Tuna Pole Line PermitConditions\\_EN.pdf](#) [ZAF - Code - 1994 - Code of Conduct for Public Servants.pdf](#) [ZAF - Law - 1998 - Regulation MarineLivingResourcesAct \(No. 18 of 1998\) V2\\_EN.pdf](#) [ZAF - Law - 1998 - MarineLivingResourcesAct \(No. 18 of 1998\)\\_EN.pdf](#) [ZAF - Policy 2015 - Large Pelagic LL policy\\_2015\\_EN.pdf](#) [ZAF - Policy - 2021 - General policy.pdf](#) [ZAF - Policy - 2021 - Tuna pole line policy.pdf](#) [ZAF - Law ATF - 2023 24 - Tuna Pole Line PermitConditions\\_EN.pdf](#) [ZAF - Law ATF - 2023 24 - LargePelagics LL PermitConditions\\_EN.pdf](#)

b. Comments/remarks about your submission and the implementation of IOTC Conservation and Management Measures:

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Provide additional information on the implementation of this obligation:

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# PART B – Actions taken, under national legislation, in the previous year to implement CMMs adopted by the Commission

## Actions taken to implement Resolution 23/01

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "Resolution On Management of Anchored Fish Aggregating Devices (AFADs)"

CPC has transposed the CMM 23/01 into domestic legislation ?

NO - In South Africa context, the CMM 23/01 is and will not be applicable.

## 2023 Anchored FADs management plan

### 1. A system or procedures exist to monitor and to ensure compliance with the obligation for vessels implementation of the DFADs management plan:

NO – NIL Report / Not Applicable - South Africa has NO AFADs fishery in the EEZ, fishing for tuna and tuna like species under the IOTC mandate.

a. System or procedures to monitor compliance with this binding measure are :

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South Africa does not have any purse seine and/or FAD related fishing

b. System or procedures to respond to instances of non-compliance are :

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c. Actions in relation to potential infringements are :

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### 2. DFADs management plans reported for following year(s):

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### 3. Reporting/Updating the 2024 DFADs management plan:

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AFAD management plan:

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### 4. The 2024 DFADs management plan is prepared in accordance with the Guideline (Annex I or II):

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## Actions taken to implement Resolution 23/03

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):

South Africa's pelagic longline fishery is a mixed target fishery, catching a variety of tropical and temperate tunas by the same vessel. South Africa's pelagic longline catches of yellowfin, bigeye or skipjack have not exceeded 400MT each since the fisheries were commercialised in 2005. The Tuna Pole fleet is rarely active in the Indian Ocean.

South Africa has transposed the CMM 23/03 into domestic legislation ?

NO - In South Africa current context, the CMM 23/03 is and will not be applicable.

## Actions taken to implement Resolution 23/04

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):

Resolution 23-04 has been included in the Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery. Paragraph 7 and 8 of Resolution 23-04 are applicable to South Africa: 7. CPCs that are not specifically referred to in the table of paragraph 2 are encouraged to maintain catch and effort at their recent 5-years average levels (2017-2021), without prejudice to the development aspirations of those CPCs. 8. If a CPC subject to paragraph 7 catches more than 2,000 t, either in 2024 or 2025, the Commission shall consider establishing a binding catch limit applicable to that CPC from the management period commencing in 2026, if an allocation scheme has not yet been agreed and implemented by the Commission.

### South Africa has transposed the CMM 23/04 into domestic legislation ?

YES - The CMM 23/04 has force of law in domestic legislation.

## Actions taken to implement Resolution 23/05

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):

Resolution 23-05 has been included in the Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery

### South Africa has transposed the CMM 23/05 into domestic legislation ?

YES - The CMM 23/05 has force of law in domestic legislation.

## At sea transshipments – CPCs reports participating in the ROP

### 1. A system or procedures exist to monitor and to ensure compliance of Large Scale Tuna Longline Fishing Vessels (LSTLVs), that are 24 metres length overall and above, with the obligations of the IOTC regional observer programme (ROP) to monitor transshipment at sea:

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

#### a. System or procedures to monitor compliance with this binding measure are:

Transshipment at sea obligations of Flag LSTLVs, monitored and controlled by government fisheries administration with institutional procedures implemented

Large Pelagic Longline permit conditions, p50 - At sea transshipment is prohibited. 1

#### b. System or procedures to respond to non-compliance with this binding measure are:

Established in national law implemented by Government • Established in administrative orders implemented by Government

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#### c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board

In line with the section 28 of the MLRA and Violations section of the Large Pelagic Longline permit conditions

### 2. I have participated in the IOTC regional observer programme (ROP) to monitor transshipment at sea in 2022:

NO - NIL report - Flag LSTVs did not tranship at sea in 2022

### 3. The report on the list of LSTLVs & the quantities transhipped in 2022, and the report on the assessment of observer reports in 2022, is reported to the IOTC Secretariat:

NO - Reports not provided – – –

### 4. If YES, provide information on:

Number of LSTLVs having transhipped at sea in 2022: –

Quantities transhipped at sea (kg) in 2022: –

## Report on transshipments in foreign ports

### 1. FOR ALL CPCs:

**1.1. A system or procedures exist to monitor and to ensure compliance of Tuna Fishing Vessels (LSTVs) with the obligations of the IOTC regional observer programme - transshipments in foreign ports :**

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

System / procedures to monitor compliance with this binding measure are not listed below, we specify/describe them in the below section

Not applicable.

South Africa prohibits their flagged vessel(s) from transshipping in foreign ports or for that matter at sea. South Africa vessels are only permitted to only transship in South African ports.

b. System or procedures to respond to non-compliance with this binding measure are:

Established in national law implemented by Government • Established in administrative orders implemented by Government

Not applicable.

South Africa prohibits their flagged vessel(s) from transshipping in foreign ports or for that matter at sea. South Africa vessels are only permitted to only transship in South African ports.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitive actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitive actions - Fine imposed by administration on beneficial owner/owner/operator

**1. 2. Flag LSTVs have transhipped in foreign ports in 2023:**

NO - NIL report - Flag LSTVs did not tranship in foreign ports in 2023

**1.3. The report on the list of LSTVs & the quantities transhipped in foreign ports in 2023, provided to the IOTC Secretariat:**

NO - Reports not provided - -

Any comments/remarks about your submission and the implementation of this requirement:

Not applicable.

South Africa prohibits their flagged vessel(s) from transshipping in foreign ports or for that matter at sea. South Africa vessels are only permitted to only transship in South African ports.

Comments/remarks about your submission and the implementation of this requirement:

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**2. FOR MALDIVES ONLY:**

**2.1. A system or procedures exist to monitor and to ensure compliance of Flag Pole and line fishing vessel(s) and collector vessel(s) with the obligations of the IOTC regional observer programme - transshipments in port for Maldives:**

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a. System or procedures to monitor compliance with this binding measure are:

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b. System or procedures to respond to non-compliance with this binding measure are:

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c. Actions in relation to potential infringements are:

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**2. 2. Flag Pole and line fishing vessel(s) and collector vessel(s) have transhipped in 2023:**

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**2.3. The reports on the list of Pole and line fishing vessel(s) and collector vessel(s) & the quantities transhipped in 2023, reported to the IOTC Secretariat:**

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## Actions taken to implement Resolution 23/06

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

Purse seine and FADs not permitted in South Africa. Resolution 23/06 included in the permit conditions of the longline and tuna pole fleets to report all interactions with cetaceans. Logbooks in the tuna pole sector have a table to aid in reporting cetacean interactions

South Africa has transposed the CMM 23/06 into domestic legislation?

YES - The CMM 23/06 has force of law in domestic legislation.

## Report on Instances of cetaceans encircled, entangled in 2023

### 1. A system or procedures exist to implement this binding reporting obligation (Report on Instances of Cetaceans encircled):

NO – NIL Report / Not Applicable - In 2023 no South Africa flag fishing vessel operating in the IOTC Area of Competence. • YES - South Africa has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 50), Procedures on a Fish Aggregating Devices (FADs) Management Plan, including a Limitation on the Number of FADs, More Detailed Specifications of Catch Reporting from FAD Sets, and the Development of Improved FAD Designs to Reduce the Incidence of Entanglement of Non-Target Species. FADs related fishing is prohibited. Purse seine and/or gillnet fishing is not permitted.

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector (pg 50), Procedures on a Fish Aggregating Devices (FADs) Management Plan, including a Limitation on the Number of FADs, More Detailed Specifications of Catch Reporting from FAD Sets, and the Development of Improved FAD Designs to Reduce the Incidence of Entanglement of Non-Target Species. FADs related fishing is prohibited. Purse seine and/or gillnet fishing is not permitted.

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

### REPORT ON INSTANCES FOR THE 3 CATEGORIES OF VESSEL

#### 2. Cetaceans have been encircled by the purse seine nets as reported by South Africa flag vessels in 2023:

a. Purse seine vessels:

NO - NIL Report - No encirclement instance of cetaceans caught by purse seine net reported by South Africa flag purse seine vessels in 2023

b. Reporting instance by purse seine vessel:

For purse seine vessel, report the total number of instance in 2023:

0

Cetaceans species encircled:

None

c. Not applicable:

In 2023 , no South Africa fishing vessel fishing on FAD operating in the IOTC Area of Competence

**3. Cetaceans have been entangled by gillnetters as reported by flag vessels in 2023:**

a. Gillnetters vessel:

NO - NIL Report - No entanglement instance of cetaceans caught by gillnet reported by South Africa flag gillnet vessels in 2023

b. Reporting instance by gillnet vessel

For gillnet vessel, report the total number of instance in 2023:

0

Cetaceans species entangled:

None

c. Not applicable:

In 2023 , no South Africa fishing vessel fishing on FAD operating in the IOTC Area of Competence

**4. Cetaceans have been entangled in Fish Aggregating Devices, DFAD/AFAD, as reported by flag vessels in 2023:**

a. Vessel fishing on DFAD or AFAD:

NO - NIL Report - No entanglement instance of cetaceans caught in Fish Aggregating Devices as reported by South Africa flag fishing vessels in 2023

b. Reporting instance by vessel fishing on DFAD

For DFAD, report the total number of instances in 2023:

0

Cetaceans species entangled:

None

c. Reporting instance by vessel fishing on AFAD

For AFAD, report the total number of instances in 2023:

0

Cetaceans species entangled:

None

d. Not applicable: In 2023 , no South Africa fishing vessel fishing on FAD operating in the IOTC Area of Competence

**5. Reporting of cases:**

South Africa has national legislation for protecting cetaceans, the data on instances of cetaceans encircled/entangled have been provided to the IOTC Scientific Committee, Compliance Committee and Working Party on the Implementation of Conservation and Management Measures consideration • Nil Report - No encirclement / entanglement reported by South Africa flag fishing vessels: purse seine, gillnetters, fishing on FAD, in 2023

Comments/remarks about your submission and the implementation of this requirement:

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## Actions taken to implement Resolution 23/07

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

Resolution 23/07 included in the permit conditions of the longline fleet to implement bycatch mitigation measures and report all interactions with seabirds.

South Africa has transposed the CMM 23/07 into domestic legislation?

YES - The CMM 23/07 has force of law in domestic legislation.

## Longline vessels to use mitigation measures south of 25°S

**1. A system or procedures exist to monitor and to ensure compliance with the obligation, for all South Africa longline vessels, to use at least two of the three mitigation measures:**

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Obligation longliner use Seabird mitigation measures, monitored and controlled by government fisheries administration with institutional procedures implemented

Marine Living Resources Act (MLRA) 1998 and the Regulations promulgated thereunder, the Permit Conditions for the Large Pelagic Longline Sector Annexure 3. Specifications of Seabird Mitigation procedures. For the items selected above, the monitoring of flag vessels compliance is conducted by system/tool/personnel used by Monitoring Control and Surveillance (MCS) section of Department of Forestry, Fisheries and the Environment (DFFE), they are: Inspection, fishing logbook, observer, VMS. These allow the Department, MCS section to conduct continuous monitoring of the fleets to ensure compliance with the seabird prohibition. Implementation of those tools are governed by the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Uploaded in section legal obligation below).



**b. System or procedures to respond to non-compliance with this binding measure are:**

Established in national law implemented by Government

Response to non-compliance with the following prohibition by DFFE MCS section by enforcing: A) The Marine Living Resources Act 1998: CHAPTER 6 - LAW ENFORCEMENT 53. Seizure of vessels, 54. Seizure of vehicles or aircraft, 55. Immobilisation of vessels, vehicles or aircraft, 58. Offences and penalties, 64. Treatment of things detained or seized, 68. Forfeiture orders by court, 71. Documentary evidence, 73. Certificate as to location of vessel, 75. Photographic evidence); and B) The Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024 (Section 14. On Violations). Response to non-compliance may lead to the action(s) mentioned in 1c below.

**c. Actions in relation to potential infringements are:**

Forfeiture, to Government, of any fish caught/on board

Actions in relation to potential infringements, when proven, can be taken by the Department of Forestry, Fisheries and the Environment under the provisions in the Marine Living Resources Act 1998 and the Permit Conditions Large Pelagic Longline Fishery Fishing Season 2023-2024. Large Pelagic Longline Fishery Fishing Season 2023-2024 - 14. Violations 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings which may include section 28 of the MLRA proceedings and/or criminal proceedings). 14.2 A breach referred in paragraph 14.1 includes, but is not limited to: (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or (b) failure to effectively utilise the permit. (c) being convicted of an offence in terms of this MLRA. (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA. (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

MLRA - PART 4: GENERAL LOCAL MATTERS - 28. Cancellation and suspension of rights, licences and permits 28. (1) If a holder of any right, licence or permit in terms of this Act— (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete; (b) contravenes or fails to comply with a condition imposed in the right, licence or permit; (c) contravenes or fails to comply with a provision of this Act; (d) is convicted of an offence in terms of this Act; or (e) fails to effectively utilise that right, licence or permit, the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be. (2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may— (a) revoke the right, licence or permit; (b) suspend the right, licence or permit for a period determined by the Minister; (c) cancel the right, licence or permit from a date determined by the Minister; (d) alter the terms or conditions of the right, licence or permit; or (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit. (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister may, whenever he or she is of the opinion that it is in the interests of the promotion, protection or utilisation on a sustainable basis of a particular marine living resource, at any time by written notice to the holder of a right, licence or permit, revoke, suspend, cancel or reduce that right, licence or permit. MLRA - CHAPTER 6 LAW ENFORCEMENT Seizure of vessels - Articles 53 53. (1) Where any vessel is seized in terms of section 51, the master and crew thereof shall take the vessel to such place, port or harbour in the territory of the Republic as the fishery control officer shall require and the vessel may be detained pending the outcome of any proceedings in terms of this Act until it is released on payment or lodging of security in terms of section 62. (2) If a master fails or refuses to take a vessel contemplated in subsection (1) to the designated place, port or harbour, a fishery control officer may take charge of the vessel for the purpose of taking it to the designated place, port or harbour.

MLRA - CHAPTER 7 JUDICIAL MATTERS - Articles 58, 68

Offences and penalties

58. (1) Any person who, subject to the provisions of subsections (2) or (3)—(a) undertakes fishing or related activities in contravention of— (i) a provision of section 13; (ii) the conditions of any right of access, other right, licence or permit granted or issued in terms of Part 1, 2 or 3 of Chapter 3; or (iii) an authorisation to undertake fishing or related activities in terms of Part 6 or 7 of Chapter 3, but excluding section 39(5); or (b) contravenes any other provision of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand, or to imprisonment for a period not exceeding five years. (2) Any person who contravenes— (a) a provision of an international conservation and management measure inside or outside South African waters, or otherwise fails to comply with any provision of Part 7 of Chapter 3, by means of a vessel registered in the Republic; or (b) the conditions imposed in a high seas fishing permit or high seas fishing vessel licence, shall be guilty of an offence and liable on conviction to a fine not exceeding three million rand. (3) Any person who contravenes a provision of section 39(5), 45, 47, 48 or 49 shall be guilty of an offence and liable on conviction to a fine not exceeding five million rand. (4) A regulation made under this Act may provide that a person who contravenes or fails to comply with a provision thereof, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. Forfeiture orders by court 68. (1) If any person is convicted of an offence in terms of this Act, the court may, in addition to any other penalty, order that any fishing vessel, together with its gear, equipment, any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence be forfeited to the State. (2) If any vessel, vehicle, aircraft or other thing seized in terms of this Act, or any security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed in terms of this Act, it shall be made available to the registered owner or his or her nominee or, in the absence of such persons, a person who appears to be entitled to it. (3) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the security. (4) If any vessel, vehicle, aircraft or other thing has been released upon the lodging of security, the court may order any person convicted of an offence in connection therewith and the owner of the

vessel, vehicle, aircraft or other thing concerned, whether or not he or she is an accused, to pay the difference between the amount lodged in respect of security and the aggregate value of the forfeited property.

**2. The obligation for all South Africa longline vessels to use at least two of the three mitigation measures:**

Is required/implemented by national legislation 01/02/2018

Is required/implemented by terms & conditions of authorisation to fish (ATF) with force of law 01/02/2018

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## Actions taken to implement Resolution 23/08

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

Resolution 23/08 included in the permit conditions of the longline and tuna pole fleets

South Africa has transposed the CMM 23/08 into domestic legislation?

YES - The CMM 23/08 has force of law in domestic legislation.

## Actions taken to implement Resolution 23/09

**1. Describe the actions taken in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

South Africa does not allow FAD fishing, as such the establishment of a working group is not applicable.

## Actions taken to implement Resolution 23/10

**1. Describe the actions taken in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

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South Africa has transposed the CMM 23/10 into domestic legislation?

NO - The CMM 23/10 has not been transposed in domestic legislation.

# Part C – Actions taken, under national legislation, to implement CMMs adopted by the Commission in previous Sessions which have not been reported previously

1. Actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously:

[The CMMs that are applicable to South Africa have been included in the permit conditions of the Pelagic Longline and Tuna Pole fisheries that target tunas.](#)

2. We have taken actions, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions:

Yes

# Part D – Data and information reporting requirements for CPCs to be included in this report

## Resolution 01/03 Establishing a scheme to promote compliance by non-contracting party vessels with resolutions established by IOTC – Observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMMs

### Information required: Observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMM

1. A system or procedures exist to implement this binding reporting obligation: "Report on observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMM"

NO – NIL Report / Not Applicable for 2023 – South Africa has no observation of vessel fishing contrary to IOTC Conservation or Management Measures in the IOTC Area of Competence

a. System or procedures to implement this binding reporting obligation :

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b. System or procedures to respond to non-compliance with this binding reporting obligation:

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c. Action to be taken in relation to non-compliance with this binding reporting obligation:

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2. Observation/Sightings report of Non-Contracting Party, Entity or fishing Entity vessels, indicating that there are grounds for believing that these vessels are fishing contrary to IOTC Conservation or Management Measures

NO - NIL report for 2023 – South Africa has no observation of vessel fishing contrary to IOTC Conservation or Management Measures in the IOTC Area of Competence

Actions taken & additional information to report?

–

### Information required: information on the results of inspections of vessels of NCPs

1. A system or procedures exist to implement this binding reporting obligation: "Prepare and report on information on the results of inspections of vessels of NCPs"

YES - South Africa has system / procedure to implement this binding reporting reporting measure • YES - South Africa Inspection of NCP vessel conducted in 2023 • YES - Inspection report already submitted in e-PSM in 2023

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

South Africa utilizes the IOTC ePSM system to implement this resolution

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Criminal proceedings (arrests, fines, denial of entry to EEZ, Denial of port services, seizing of fish catch and vessel)

2. Reporting on inspections in ports of vessels of Non-Contracting Parties, Entities or fishing Entities:

NO - NIL report 2023 - no inspection conducted on NCP vessel by South Africa

## Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme

### Information required: Annual report on the IOTC bigeye tuna statistical document programme in 2022

1. A system or procedures to monitor and to ensure compliance with export of frozen bigeye tuna exists:

No – NIL Report / Not Applicable - South Africa did not export frozen bigeye tuna in 2022

a. System or procedures to monitor compliance with this binding measure are:

–

b. System or procedures to respond to instances of non-compliance are:

-  
-

c. Actions in relation to potential infringements are:

-  
-

#### **EXPORT:**

2. Frozen bigeye tunas were exported in 2022:

-

Total quantity of frozen bigeye tunas exported in 2022 (kg):

-

Country' vessels from which the bigeye tunas were exported:

-

3. If you have exported bigeye tuna in 2022, report the result(s) of the examination between YOUR EXPORT South Africa data and the IMPORT data declared by IMPORTING CPC(s):

NO - NIL report - No frozen bigeye tuna were exported in 2022 - NO result of examination to report -

NO - We have NOT examined the 2022 data ( OUR EXPORT data and the IMPORTING DATA from CPCs) -

- -  
- - -

When significant difference(s) were identified between South Africa EXPORT data and the IMPORTING DATA from other CPCs, report the results of the examinations below:

-

## **Resolution 07/01 To promote compliance by nationals of CPCs with IOTC conservation and management measures**

### **Information required: reports on actions and measures taken to investigate allegations and/or reports on IUU fishing involving nationals**

1 - Reporting on actions and measures taken to investigate allegations and/or reports on IUU fishing involving nationals:

NO - NIL report for 2023 – No South Africa nationals engage in IUU fishing in the IOTC Area of Competence

## **Resolution 11/02 Prohibition of fishing on data buoys**

### **Information required: Report on observations of damaged data buoys in 2023**

1. A system or procedures exist to monitor and to ensure compliance with the reporting any data buoys observed to be damaged/ inoperable:

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Reporting data buoys observed to be damaged/ inoperable monitored and controlled by government fisheries administration with institutional procedures implemented

Large Pelagic Longline and Tuna Pole-line permit conditions -  
Violations

9.1 Any contravention of the provisions of the MLRA shall immediately be reported telephonically to the Customer Service Centre at **086 000 3474** and thereafter shall be faxed to **(021) 402 3663**, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

b. System or procedures to respond to non-compliance with this binding reporting obligation:

Established in national law implemented by Government • Established by national regulation implemented by Government

Large Pelagic Longline and Tuna Pole-line permit conditions -  
Violations

9.1 Any contravention of the provisions of the MLRA shall immediately be reported telephonically to the Customer Service Centre at **086 000 3474** and thereafter shall be faxed to **(021) 402 3663**, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator

2. Reporting observations of damaged data buoys in 2023:

Not applicable - there was no observation of damaged data buoys.

## Resolution 22/04 On a Regional observer scheme

**Information required: description of protocols supporting observer programs (all vessels at sea) and sampling schemes (artisanal vessels landings), the number of fishing vessels & of fishing effort sampled, the coverage achieved by gear type**

1. A system or procedures exist to implement this binding reporting obligation:

i) description of protocols supporting observer programs (all vessels at sea), and

ii) sampling schemes (artisanal vessels landings), number of fishing vessels & of fishing effort sampled, coverage achieved by gear type.

For observer programs at sea:

YES - South Africa has system / procedure to implement this binding reporting measure

For sampling schemes (Artisanal / coastal fisheries):

NO – NIL Report / Not Applicable - No artisanal/coastal fisheries/vessels active in 2022

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below, only for ROS at sea

Large Pelagic Longline permit conditions, p23 (Observer Programme):

The Department shall require each Permit Holder to carry one or more Scientific Observers on board its vessel on request (72 hours), a minimum of one per quarter so as to ensure that 20% of all fishing days per quarter are monitored

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below, only for ROS at sea

Large Pelagic Longline permit conditions:

16.Observer Programme

16.1.The Department shall require each Permit Holder to carry one or more Scientific Observers on board its vessel on request (72 hours), a minimum of one per quarter so as to ensure that 20% of all fishing days per quarter are monitored... Annual observer coverage per vessel is required to be spatially representative of annual fishing effort and needs to fulfill RFMO specific requirements. If coverage of observed trips is not temporally and spatially representative of effort,

the Department shall require vessels to carry Scientific Observers on board additional trips

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below, for both ROS at sea & coastal

Large Pelagic Longline permit conditions:

16.Observer Programme

16.1 "...Failure to comply with this request shall result in the vessel being ordered to remain in port and may result in the initiation of proceedings under section 28 of the MLRA..."

2. South Africa is implementing the regional observer scheme (ROS) at national level for:

All fishing vessels of 24 meters length overall and above • All fishing vessels under 24 meters operating outside the EEZ

3. The description of the protocols supporting observer programs (at sea) and sampling schemes (artisanal vessel landings), reported to the IOTC Scientific Committee:

4. Describe the protocols supporting observer programs (at sea) and the sampling schemes (artisanal vessel landings):

a. Protocols - Observer programmes at sea:

Observer companies need to be accredited and provide the Observer service in line with the Departmental requirements. In order to be listed as an accredited Scientific Observer company, the company must employ on its register of available observers individuals who have been recognised by Regional Fisheries Management Organisations (RFMOs) and subsequently been allocated a

unique RFMO observer ID number. Those Observers will have received RFMO-accredited training with respect to the roles and responsibilities of Scientific Observers on-board commercial fishing vessels

RFMO observer IDs need to be provided to the department in order for the trip to be recognised as an observed trip. Rights holders are responsible to ensure that the department receives all relevant data and information pertaining to observed trips no later than 15 days after the trip has ended.

All foreign vessels fishing under joint venture (charter agreement) shall have a Scientific Observer on board for 100% of all fishing days and the cost shall be at the expense of the Permit Holder.

The Scientific Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.

The Scientific Observer shall be responsible to verify fisheries data or as otherwise directed by the Department. The information collected by the Scientific Observer shall be standardised to the departments' requirements. The Scientific Observer shall monitor all fishing operations and shall record any transgressions of the MLRA.

Should the Department reasonably believe that a Scientific Observer is being prevented from carrying out his/her obligations in any way or threatened in any way while on board, the Department may implement proceedings under section 28 of the MLRA.

The Permit Holder shall, when requested, allow for land-based sampling of catches for scientific purposes by persons authorized by the Department.

Scientific Observers on board shall bring back whole specimens of all seabirds and turtles killed during longline fishing operations and communicate

b. Protocols- Sampling schemes for artisanal vessel landings:

–

5. Complete the below table or upload your report on the coverage achieved by gear type, in the UPLOAD section:

a. At sea - all fishing vessels of 24 meters length overall and above, and fishing vessels under 24 meters operating outside the EEZ:

Type of fishing gear	No of vessels and fishing effort monitored in 2022:	Coverage in 2022 (%)
Purse seine	–	–
Longline	12 vessels, 30 trips, 279 862 hooks observed	21.6%
Gillnet	–	–
Baitboats	–	–
Handline	–	–

Comments/remarks about your submission and the implementation of this requirement:

[Section 6.3 of the Scientific Report \(pg20\)](#)

## b. Sampling schemes (artisanal vessel landings):

Type of fishing gear	Total number of vessel trips or total number of active vessels in 2022:	Coverage in 2022 (%)
Coastal Purse seine	-	-
Longline	-	-
Gillnet	-	-
Baitboats	-	-
Handline	-	-
Line Trolling	-	-

## Other type of fishing gear (Ringnet; Trawl; Beach Seine, etc...):

Type of fishing gear	Total number in 2022:	Coverage in 2022 (%)
-	-	-
-	-	-

Comments/remarks about your submission and the implementation of this requirement:

None

## Resolution 12/04 On the conservation of marine turtles

### Reporting obligation: Report on progress of implementation of Resolution 12/04

1. A system or procedures exist to implement this binding reporting obligation:

YES - South Africa has system / procedure to implement this binding reporting measure



**a. System or procedures to implement this binding reporting obligation:**

YES - System / procedure are described below

Resolution 12/04 included in the permit conditions of the longline and tuna pole fleets to implement bycatch mitigation measures and safe release measures and report all interactions with turtles. Logbooks in the tuna pole sector have a table to aid in reporting turtle interactions.

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

1.1 This permit is issued subject to the provisions and regulations of the following laws but not limited to: (p) The Conservation Measures and Resolutions (ANNEXURE 9/6) adopted by the:

- i. Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
- ii. Indian Ocean Tuna Commission (IOTC); and
- iii. International Commission for the Conservation of Atlantic Tunas (ICCAT)

Annexure 9/6: APPLICABLE CONSERVATION MANAGEMENT MEASURES AS ADOPTED BY VARIOUS TUNA REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

12/04: On the conservation of Marine Turtles: As per permit conditions:

5.4 Longline vessels that fish in a shallow-set fisheries are at depths shallower than 100 meters, employ or implement at least one of the following methods to reduce turtle bycatch:

- i. Use of only large circle hooks (refer to Annexure 6 below for images of hooks); or
- ii. Use of only whole finfish bait.

22.3 Bycatch of Sea Turtles Caught in Association with ICCAT Fisheries

a) To reduce bycatch and increase post-release survival of threatened and endangered sea turtle populations, refer to Annexure 4 on turtle release procedure..

22.4.(b) All turtle, seabird, mammal (whales, dolphins, seals) and shark by-catch need to be monitored and reported in the catch statistics logbook. Encounters with these species must be mitigated according to international best practice and in line with the CCMs of the relevant regional fisheries management organizations.

**b. System or procedures to respond to non-compliance with this binding reporting obligation:**

YES - System / procedure are described below

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

14 VIOLATIONS

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

**c. Action to be taken in relation to non-compliance with this binding reporting obligation:**

YES - Actions are described below

MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998):

28. Cancellation and suspension of rights, licences and permits

(1) If a holder of any right, licence or permit in terms of this Act -

- (a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete;
- (b) contravenes or fails to comply with a condition imposed in the right, licence or permit;
- (c) contravenes or fails to comply with a provision of this Act;
- (d) is convicted of an offence in terms of this Act; or
- (e) fails to effectively utilise that right, licence or permit,

the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(2) The Director-General shall after expiry of the period referred to in subsection (1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may -

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

2. Reporting the progress of implementation of Resolution 12/04:

YES - Reporting progress in section 3 below

3. Report on the requirements of the Resolution 12/04:

a. Collect (through logbooks and observer programs) and provide to the Scientific Committee all data on their vessels interactions with marine turtles,

Furnish information to the Scientific Committee on successful mitigation measures and other impacts on marine turtles (such as the deterioration of nesting sites & swallowing of marine debris):

Yes Logbook and Observer programme data collected.

b. Require fishermen to bring aboard, if practicable, any captured hard shelled turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.

Ensure that fishermen are aware of and use proper mitigation and handling techniques and keep on board all necessary equipment for the release of turtles:

Yes Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery: Annexure 4 and 7, respectively: Release Procedures of by-catch (seabirds, turtles and sharks )

c. For gillnet vessels: Require vessel to record all incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC:

No N/A

d. For longline vessels

(a) Ensure that longline vessels carry line cutters & de-hookers to facilitate the handling and release of marine turtles caught or entangled

(b) Encourage use of whole finfish bait;

(c) Require vessel to record all incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC.

Yes

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery: Annexure 4 and 7, respectively: Release Procedures of by-catch (seabirds, turtles and sharks )

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

1.1 This permit is issued subject to the provisions and regulations of the following laws but not limited to: (p) The Conservation Measures and Resolutions (ANNEXURE 9/6) adopted by the:

i. Commission for the Conservation of Southern Bluefin Tuna (CCSBT);

ii. Indian Ocean Tuna Commission (IOTC); and

iii. International Commission for the Conservation of Atlantic Tunas (ICCAT)

Annexure 9/6: APPLICABLE CONSERVATION MANAGEMENT MEASURES AS ADOPTED BY VARIOUS TUNA REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

12/04: On the conservation of Marine Turtles: As per permit conditions:

5.4 Longline vessels that fish in a shallow-set fisheries are at depths shallower than 100 meters, employ or implement at least one of the following methods to reduce turtle bycatch:

i. Use of only large circle hooks (refer to Annexure 6 below for images of hooks); or

ii. Use of only whole finfish bait.

22.3 Bycatch of Sea Turtles

a) To reduce bycatch and increase post-release survival of threatened and endangered sea turtle populations, refer to Annexure 4/7 on turtle release procedure..

22.4.(b) All turtle, seabird, mammal (whales, dolphins, seals) and shark by-catch need to be monitored and reported in the catch statistics logbook. Encounters with these species must be mitigated according to international best practice and in line with the CCMs of the relevant regional fisheries management organizations.

e. For purse seine vessels:

(a) Ensure that vessels:

- (i) Avoid encirclement of marine turtles, if a marine turtle is encircled/ entangled, take measures to safely release the turtle.
- (ii) Release all marine turtles observed entangled in fish aggregating devices (FADs) or fishing gear.
- (iii) If a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and assist the recovery of the turtle before returning it to the water.
- (iv) Carry and employ dip nets to handle turtles.

(b) Encourage vessel to adopt FAD designs which reduce the incidence of entanglement of turtles;

(c) Require vessel to record incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC.

No No purse seine

f. CPCs to undertake research trials of circle hooks, use of whole finfish for bait, alternative FAD designs, alternative handling techniques, gillnet design and fishing practices and other mitigation methods which may improve the mitigation of adverse effects on turtles.

No Research is conducted on by-catch mitigation through various collaboration (WWF: Birdlife etc).

g. CPCs continue to undertake research and development to improve the mitigation of adverse affects on marine turtles & provide research outcomes to the Scientific Committee.

Yes Multi-national collaborations underway to investigate impacts of various fisheries on turtles in the IOTC/ICCAT region. To be reported on when completed.

h. Collaborate with the IOSEA and take into account the IOSEA MoU

Yes Data submitted to IOSEA.

## Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)

### Information required: Report on Instances of whale sharks encircled in 2023

1. A system or procedures exist to implement this binding reporting obligation (Report on Instances of whale sharks encircled):

YES - South Africa has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

Large Pelagic Longline permit conditions, p49 - Purse Seine fishing is strictly prohibited in the Large Pelagic Longline sector

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below Large Pelagic Longline permit conditions, p49 - Purse Seine fishing is strictly prohibited in the Large Pelagic Longline sector

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below Large Pelagic Longline permit conditions, p49- Purse Seine fishing is strictly prohibited in the Large Pelagic Longline sector

2. Whale sharks have been encircled by the purse seine nets as reported South Africa flagged vessels in 2023:

NO - NIL Report - No encirclement instance of whales shark by purse seine net reported by South Africa purse seine fishing vessels in 2023

3. Report on instances of whale sharks encircled:

For purse seine vessel, total number of instance in 2023:

0

In 2023, South Africa has no purse seine fishing vessels on the IOTC Record of Authorised Vessels or no purse seine fishing vessels active/operating in the IOTC Area of Competence.

## Resolution 14/05 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information

### Information required: Access agreements information

1. A system or procedures exist to implement this binding reporting obligation: To prepare & submit the information on access agreements information

NO – NIL Report / Not Applicable - South Africa does not have CPC-CPC agreement in 2023

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below Not Applicable - South Africa does not have CPC-CPC agreement in 2023

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below Not Applicable - South Africa does not have CPC-CPC agreement in 2023

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below Not Applicable - South Africa does not have CPC-CPC agreement in 2023

2. A system exist to sign Government to Government access agreement for foreign vessels to operate in your waters, within the IOTC Area:

NO – A system does NOT exist to sign Government to Government access agreement

3. Foreign vessels were licensed in 2023 under a Government to Government access agreement:

NO – NIL report - No foreign flag vessels licensed under a Government (CPC) to Government (CPC) access agreement

4. CPC-to-CPC agreements in 2023 exist and information concerning these agreements submitted to the IOTC Secretariat:

NO Not Applicable - South Africa does not have CPC-CPC agreement in 2023

5. For each CPC/CPC agreement:

a. Provide the information: the CPC involved, the start and end dates of the agreement, the number of vessels and the authorised gears in the below table and upload the information about these agreements in the UPLOAD section :

Agreement	CPC/CPC agreement with	Agreement start date	Agreement end date	Number of vessels	Gear authorized
1	-	-	-	-	-
2	-	-	-	-	-
3	-	-	-	-	-
4	-	-	-	-	-

b. Provide the information: the quota or catch limit, MCS measures, data reporting obligation concerning these agreements and complete the below table:

No	Stock/species covered	CPC's quota or catch limit:	Data reporting obligations of the agreement:	MCS measures required by the flag CPC & coastal CPC:
1	-	-	-	-
2	-	-	-	-
3	-	-	-	-

4

6. All the mandatory information has been provided to the IOTC Secretariat for all CPC/CPC access agreement:

No

Specify what mandatory information are not fully provided or missing (tick the appropriate boxes):

-

Specify the reasons for each not fully provided or missing requirement:

Not Applicable - South Africa does not have CPC-CPC agreement in 2023

## Resolution 16/05 – Sightings of vessels suspected or confirmed of being without nationality

### Information required: Sightings of vessels suspected or confirmed of being without nationality

1. A system or procedures exist to implement this binding reporting obligation:

NO – NIL Report / Not Applicable for 2023 – no sighting of vessel without nationality

a. System or procedures to implement this binding reporting obligation:

-

-

b. System or procedures to respond to non-compliance with this binding reporting obligation:

- -

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

- -

2. Reporting on vessel without nationality that may be fishing in the high seas of the IOTC area of competence:

-

## Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids

### Information required: Any occurrence of fishing operation undertaken with the aid of aircraft or unmanned aerial vehicle

1. A system or procedures exist to implement this binding reporting obligation:

YES - South Africa has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

-

As per large pelagic longline permit conditions, p52 - Use of aircrafts and unmanned aerial vehicles as fishing aids is prohibited

b. System or procedures to respond to non-compliance with this binding reporting obligation:

-

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

- -

2. Reporting occurrence of a fishing operation undertaken with the aid of aircraft or unmanned aerial vehicle in the IOTC area of competence: -

## Resolution 17/07 On the prohibition to use large-scale driftnets in the IOTC area

### Prohibition from: using large-scale driftnets in the entire IOTC area of competence

1. A system or procedures to monitor and to ensure compliance with the obligation for fishing vessels to not use large scale driftnets in the IOTC area of Competence (High sea and ZEE):

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Large scale driftnets use monitored and controlled by government fisheries administration with institutional procedures implemented Large Pelagic Longline Permit Conditions, p48, Use of large-scale driftnets is prohibited.

b. System or procedures to respond to instances of non-compliance are:

Established in national law implemented by Government • Established by national regulation implemented by Government Large Pelagic Longline Permit Conditions, p48, Use of large-scale driftnets is prohibited.

c. Actions in relation to potential infringements are:

Suspends/cancels/revokes a license/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its

contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. Use of large scale driftnets is banned in the IOTC area of competence (high seas and EEZ):

--

Is implemented by terms & conditions of authorisation to fish with force of law 2000

--

Additional information on the implementation of this obligation:

-

#### **Information required: Report on MCS actions related to large-scale driftnet fishing.**

1. A system or procedures exist to implement this binding reporting obligation:

YES - South Africa has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below Large Pelagic Longline Permit Conditions, p54, Use of Large Scale Driftnets is prohibited

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

## Monitoring, control, and surveillance (MCS) actions:

2. Monitoring, control, and surveillance actions are applicable to:

Flag vessels • Foreign vessels

3. Monitoring, control, and surveillance actions are:

Controlling of flag vessels at licensing • Inspection in port of flag vessels • Inspection in port of foreign vessels • Control/ban of large-scale driftnet import • Control/ban of large-scale driftnet sale • Actions are included in the national legislation

Additional MCS actions in place:

–

## Resolution 18/07 On measures applicable in case of non-fulfilment of reporting obligations in the IOTC

**Information required: Report actions taken to implement reporting obligations & improve data collection of catches**

1. A system or procedures exist to implement this binding reporting obligation:

For industrial fisheries:

YES - South Africa has system / procedure to implement this binding reporting measure

For artisanal/coastal fisheries:

NO – NIL Report / Not Applicable - No coastal fisheries active in the IOTC Area of Competence

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure for Industrial fisheries are described below

Implement reporting obligations (CPCs submit Total catch data to the IOTC Secretariat in accordance with the Resolution 15/02): the permit conditions require right holders that have fishing permits to submit their catch statistics monthly at the end of the following month that fishing took place.

Improve data collection for direct and incidental catches: The catch statistics logbooks issued to right holders include fields to record catches of target and bycatch species (e.g. marlins and sharks), and an additional table to report incidental catches of seabirds, turtles, mammals and prohibited sharks.

Permit Conditions: Large Pelagic Longline Fishery:

22.4.(b)All turtle, seabird, mammal (whales, dolphins, seals) and shark by-catch need to be monitored and reported in the catch statistics logbook. Encounters with these species must be mitigated according to international best practice and in line with the CCMs of the relevant regional fisheries management organizations.

Permit Conditions: Tuna Pole-Line Fishery:

22.3. All turtle, seabird, mammal (whales, dolphins, seals) and shark by-catch need to be monitored and reported in the catch statistics logbook. Encounters with these species must be mitigated according to international best practice and in line with the CCMs of the relevant regional fisheries management organizations.

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure for Industrial fisheries are described below South Africa will not issue a fishing permit for the next season if all catch statistics have not been submitted for the previous season.

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions for Industrial fisheries are described below

Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery:

#### 14 VIOLATIONS

14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

14.2 A breach referred in paragraph 14.1 includes, but is not limited to:

(a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or

(b) failure to effectively utilise the permit.

(c) being convicted of an offence in terms of this MLRA.

(d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.

(e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

2. A system to collect fisheries data exists:

YES - A recording system to collect fisheries data exists

3. Mandatory data/statistics reported:

YES - Mandatory data/statistics reported

For Industrial fisheries:

-

For artisanal/coastal fisheries:

Rapport NUL - Aucune pêche active de la zone de compétence de la CTOI

4. Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations:

a. Development or improvements in the implementation of logbooks:

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

Regular consultation with the right holders and skippers who complete the catch statistics logbooks, to bring data recording errors to their attention.

b. Port-based sampling or related fisheries surveys:

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

The Tuna Pole fishing sector has seen a marked increase in port sampling, paid for by the right holders, as per their permit conditions

c. National observer scheme:

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

South Africa is in regular contact with the observer companies that have deployed observers on vessels. Every quarter the observer reports and databases are received from observer companies, and the data checked.

d. National Vessel registry:

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

-

e. Electronic data capture, VMS, or on-board electronic monitoring:

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-



Measures taken and the implementation progress for Industrial IOTC fisheries:

[The Tuna Pole fishing sector has begun testing out an electronic logbook application alongside the physical logbook reporting.](#)

5.Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat:

*a.Development of fisheries databases:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

[The MS Access databases are updated when required to include new reporting fields. The databases are stored online to allow entry and validation remotely and to reduce issues with version control amongst multiple data capturers.](#)

*b.Development of data dissemination systems:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

[SQL code has been created to reduce the number of errors and the time it takes to query out data](#)

*c.Frame surveys:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*d. Coherence of data with alternative fisheries datasets:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*e.Development of automated routines to process and extract IOTC data submission:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

[SQL code has been created to reduce the number of errors and the time it takes to query out data](#)

*f.Steps to minimise data entry errors:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

[Data entry and validation rules are embedded in the MS Access databases](#)

6.Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat:

**a. Steps to improve data validation:**

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*b. Improvements in sampling coverage:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*c. Frame surveys:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*d.Coherence of data with alternative fisheries datasets:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

e. *Comparability of data from previous years:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

## Resolution 19/02 - Procedures on a fish aggregating devices (FADs) management plan 19/02

### Information required: 2024 DFAD management

1. A system or procedures exist to monitor and to ensure compliance with the obligation for vessels implementation of the DFADs management plan:

NO – NIL Report / Not Applicable - For 2024 no purse seine vessels / supply or support vessels fishing on Drifting Fish Aggregating Devices. • NO – NIL Report / Not Applicable - No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.

a. System or procedures to monitor compliance with this binding measure are:

Implementation of DFADs plan monitored and controlled by government fisheries administration with institutional procedures implemented Purse seine and/or FAD related fishing is strictly prohibited in South Africa.

b. System or procedures to respond to instances of non-compliance are:

Established in national law implemented by Government • Established by national regulation implemented by Government Purse seine and/or FAD related fishing is strictly prohibited in South Africa.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

(a) revoke the right, licence or permit;

(b) suspend the right, licence or permit for a period determined by the Minister;

(c) cancel the right, licence or permit from a date determined by the Minister;

(d) alter the terms or conditions of the right, licence or permit; or

(e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

2. DFADs management plans were implemented and reported for following year(s):

No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.

Additional information:

Purse seine and/or FAD related fishing is strictly prohibited in South Africa.

3. Reporting the 2024 FADs management plan:

No DFADs management plan for 2024

4. The 2024 FADs management plan has been prepared in accordance with the Guideline (Annex I or II):

–

### Information required: Report on progress of implementation of 2023 DFADs management plans

1. A system or procedures exist to implement this binding reporting obligation:

NO – NIL Report / Not Applicable - In 2023 , South Africa has NO purse seine vessels / supply vessels fishing on Drifting Fish Aggregating Devices.

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below Purse seine and/or FAD related fishing is prohibited in South Africa.

b. Système ou procédures pour répondre au non-respect de cette obligation de déclaration contraignante:

YES - System / procedure are described below Purse seine and/or FAD related fishing is prohibited in South Africa.

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Section 28 of the MLRA provides that:

- (2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—
- (a) revoke the right, licence or permit;
  - (b) suspend the right, licence or permit for a period determined by the Minister;
  - (c) cancel the right, licence or permit from a date determined by the Minister;
  - (d) alter the terms or conditions of the right, licence or permit; or
  - (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. DFADs management plans were implemented and progress reports on the implementation reported for the years:

No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.

Additional information:

—

3. Reporting the progress report on implementation of the 2023 DFADs management plan for 2023:

No DFADs management plan was implemented and submitted by South Africa to the IOTC Secretariat.

## Resolution 19/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence

### Information required: Report on review of Flag State internal actions & measures, punitive actions and sanctions on flag vessels on the RAV

1. A system or procedures exist i) to review flag State internal actions, measures, punitive actions and sanctions, and ii) to monitor and to ensure compliance by vessels & persons with those obligations of Paragraphs 11 (Resolution 19/04):

YES - South Africa has system / procedure to i) review flag State internal actions and ii) to monitor & to ensure compliance by vessels & persons with those obligations of Paragraphs 11, AND action in relation to potential infringements.

a. i) System / procedures to review flag State internal actions are:

Review flag State internal actions monitored/conducted by government fisheries administration

Only South African Persons as stipulated in the South Africa's Fisheries Legislation (Marine Living Resources Act) is allowed to have and hold a fishing right in South Africa.

A tuna fishing right is a requirement to participate in the tuna and tuna like fishing in South Africa in terms of the South African fisheries legislation. In addition, a vessel is required to apply and be issued with a local and/or high seas vessel license as well as a commercial permit to undertake commercial fishing of tuna and tuna like species.

All the South African AFVs have no history of IUU fishing activities, otherwise will not be permitted to participate in the Large Pelagic Longline fishery;

The Policy on Allocation and Management of Commercial Fishing Rights in the Large Pelagic Longline Fishery stipulates that a suitable vessel in this fishery is a vessel that is not listed on the official negative vessel lists of International Commission for the Conservation of Atlantic Tunas, the Indian Ocean Tuna Commission or the Commission for the Conservation of Southern Bluefin Tuna.

All South African vessels authorized to fish in the IOTC Area of Competence must have on board a valid SAMSA certificates of vessel registration and safety certificates and in addition, are required to apply and be issued with a vessel license, permit to undertake commercial fishing of tuna and tuna like species.

a. ii) System / procedures to monitor & to ensure ii) compliance by vessels/persons with the obligations of Paragraphs 11, are:

Obligations of paragraph 11, monitored and controlled by government fisheries administration with institutional procedures implemented • National monitoring, control, surveillance (MCS) & enforcement system in place with adequate assets, human resources & budget for implementation and MCS of obligations of paragraph 11

Only South African Persons as stipulated in the South Africa's Fisheries Legislation (Marine Living Resources Act) is allowed to have and hold a fishing right in South Africa.

A tuna fishing right is a requirement to participate in the tuna and tuna like fishing in South Africa in terms of the South African fisheries legislation. In addition, a vessel is required to apply and be issued with a local and/or high seas vessel license as well as a commercial permit to undertake commercial fishing of tuna and tuna like species.

All the South African AFVs have no history of IUU fishing activities, otherwise will not be permitted to participate in the Large Pelagic Longline fishery;

The Policy on Allocation and Management of Commercial Fishing Rights in the Large Pelagic Longline Fishery stipulates that a suitable vessel in this fishery is a vessel that is not listed on the official negative vessel lists of International Commission for the Conservation of Atlantic Tunas, the Indian Ocean Tuna Commission or the Commission for the Conservation of Southern Bluefin Tuna.

All South African vessels authorized to fish in the IOTC Area of Competence must have on board a valid SAMSA certificates of vessel registration and safety certificates and in addition, are required to apply and be issued with a vessel license, permit to undertake commercial fishing of tuna and tuna like species.

**b. System or procedures to respond to instances of non-compliance with the binding measures of paragraph 11:**

Established in national law implemented by Government • Established by national regulation implemented by Government

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

**c. Actions in relation to potential infringements of measures of paragraph 11:**

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete;
- or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

## 2. Paragraph 11.a):

Fulfil in respect of the vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.a) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Mechanism to transpose IOTC Resolutions in national legislation • Mechanism to implement IOTC Resolutions through national regulation • Mechanism to implement IOTC Resolutions through administrative orders • Regime to implement IOTC Resolutions through terms and conditions of flag State Authorisation to Fish (ATF) - updated every years • National monitoring, control, surveillance and enforcement system in place • Adopted legislation including principles/rules/standards of relevant international instruments and any applicable RFMO CMMs • Adopted legislation national framework with national plans/programmes, to manage capacity/fishing effort,/catch limits/output control & to combat IUU fishing or fishing related activities in support of such fishing

Punitive Actions:

Legal based scheme • Applied to operator • Applied to captain • Applied to owner • Administrative punitive actions • Legal punitive actions • Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Penalty/Fine imposed by court • Established in national law • Established in national regulation

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

## 3. Paragraph 11.b):

Ensure that AFVs comply with all the relevant IOTC Conservation and Management Measures:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.b) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Implement IOTC Resolutions through national regulation • Implement IOTC Resolutions through administrative orders • Implement IOTC Resolutions through terms & conditions of flag State Authorisation to Fish (ATF) updated every years • National monitoring, control, surveillance and enforcement system in place • Adopted legislation with principles/rules/standards of international instruments & any applicable RFMOs CMMs • Control and enforcement regime over vessels flying South Africa flag with monitoring tools, VMS, logbooks/documentation & observers • Adopted legislation national framework with national plans/programmes, to manage capacity & fishing effort/catch limits/output control & combat IUU fishing or fishing related activities in support of such fishing • Control & enforcement regime over vessels flying South Africa flag includes legal authority to take control of the vessels (e.g. denial of sailing, recall to port) • Control and enforcement regime over vessels flying South Africa flag includes mandatory requirements regarding fisheries-related data that must be recorded and reported in a timely manner by the vessels (catches/effort, bycatches/discards/landings/transshipments) • Control and enforcement regime over vessels flying South Africa flag includes an inspection regime, including at sea & In port • Control & enforcement regime over vessels flying South Africa flag includes prohibition of high seas fishing/fishing related activities where vessel involved in serious violation of IOTC CMMs applicable to the high seas

Punitive Actions:

Legal based scheme • Administrative based scheme • Applied to operator • Applied to captain • Applied to owner • Administrative punitive actions • Legal punitive actions • Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Vessel master prohibited from operating/boarding any fishing vessel in South Africa waters for a period • Penalty/Fine imposed by court • Penalty/Fine imposed by administration • Established in national law • Established in national regulation

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

All South African vessels authorized to fish in the IOTC Area of Competence are required to apply and be issued with a vessel license, permit to undertake commercial fishing of tuna and tuna like species, vessel registration certificate, Safety certificate

## 4. Paragraph 11.c):

Ensure AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.c) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Control and enforcement regime over vessels flying South Africa flag • To keep on board valid certificates of vessel registration & valid authorisation to fish/tranship obliged by national legislations • To keep on board valid certificates of vessel registration & valid authorisation to fish/tranship obliged by terms & conditions of ATF • Regular control - Inspection in port of South Africa vessels • Regular control - Inspection at sea of South Africa vessels

Punitive Actions:

Legal based scheme • Administrative based scheme • Applied to operator • Applied to captain • Applied to owner • Administrative punitives actions • Legal punitives actions • Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Penalty/Fine imposed by court • Penalty/Fine imposed by administration • Established in national law • Established in national regulation

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

All South African vessels authorized to fish in the IOTC Area of Competence must have on board a valid SAMSA certificates of vessel registration and safety certificates and in addition, are required to apply and be issued with a vessel license, permit to undertake commercial fishing of tuna and tuna like species.

5. Paragraph 11.d):

Ensure AFVs on the IOTC Record have no history of IUU fishing activities or that AFVs are not engaged in or associated with IUU fishing:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.d) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Regime to implement IOTC Resolutions through flag State Authorisation to Fish (ATF) terms & conditions - updated every year • National monitoring, control, surveillance and enforcement system in place • Implement Terms & Conditions of authorizations (ATF) according to Paragraph 29(c)(iv) of Voluntary Guidelines for Flag State Performance • Adopted legislation with principles/rules/standards of international instruments & any applicable RFMO CMMs • Adopted legislation national framework with national plans/programmes to combat IUU fishing / fishing related activities in support of such fishing • Prior assessment of a vessel's history of compliance & ability to comply with applicable measures • No registration of vessels with a history of non-compliance • Registration procedures - verification of vessel history • Registration requirement - Information on owners/operators which identifies effective beneficial owners & operators • Maintain records of all vessels & current owners/operators authorized to undertake fishing subject to South Africa jurisdiction • Measures to ensure that persons subject to South Africa jurisdiction, including owners/operators do not support/engage in IUU fishing/fishing related activities in support of such fishing

Punitive Actions:

Legal based scheme • Administrative based scheme • Applied to operator • Applied to captain • Applied to owner • Administrative punitives actions • Legal punitives actions • Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Penalty/Fine imposed by court • Penalty/Fine imposed by administration • Established in national law • Established in national regulation

Sanctions:

All South African vessels authorized to fish in the IOTC Area of Competence must have on board a valid SAMSA certificates of vessel registration and safety certificates and in addition, are required to apply and be issued with a vessel license, permit to undertake commercial fishing of tuna and tuna like species.

6. Paragraph 11.e):

Ensure under domestic law the owners/operators of AFVs on the IOTC Record are not engaged in/associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.e) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Regime to implement IOTC Resolutions through flag State Authorisation to Fish (ATF) terms & conditions - updated every year • National monitoring, control, surveillance and enforcement system in place to fight IUU • Adopted legislation national framework with national plans/programmes to combat IUU fishing / fishing related activities in support of such fishing • Registration requirement - Information on owners/operators which identifies effective beneficial owners & operators • Maintain records of all vessels & current owners/operators authorized to undertake fishing subject to South Africa jurisdiction • Measures to ensure that persons subject to South Africa jurisdiction, including owners/operators do not support/engage in IUU fishing/fishing related activities in support of such fishing • Port inspection procedures - control/verification of any encounter of flag Vessel with any other vessel • Sanctions prevent vessel from engaging in IUU fishing or fishing related activities in support of such fishing • Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to prevent/deter/ eliminate IUU fishing

Punitive Actions:

Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Penalty/Fine imposed by court • Established in national law

**Sanctions:****Penalty/Fine imposed by court**

A tuna fishing right is a requirement to participate in the tuna and tuna like fishing in South Africa in terms of the South African fisheries legislation. In addition, a vessel is required to apply and be issued with a local and/or high seas vessel license as well as a commercial permit to undertake commercial fishing of tuna and tuna like species.

**7. Paragraph 11.f):**

Ensure under domestic law the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them:

South Africa has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraphs 11.f) in 2022 and there is no update to provide for 2023.

If such a review has been conducted, list of measures with, for each the following details:

**Measures:**

Adopted legislation with principles/rules/standards of international instruments & any applicable RFMO CMMs • Adopted legislation national framework with national plans/programmes to combat IUU fishing or fishing related activities in support of such fishing • Implement vessels Information/registration/records according to the FAO Compliance Agreement • Record of vessels flying South Africa flag include name/address/nationality of natural/legal person in whose name the vessel is registered • Vessels record flying South Africa flag include name/street address/ mailing address & nationality of natural /legal persons with beneficial ownership of the vessel • Maintains a record of vessels flying South Africa flag for vessels & owners/operators authorized to undertake fishing subject to their jurisdiction • South Africa ensures that the obligations incumbent upon the vessel owners/operators/crews are clearly accessible & communicated to them • Regime for authorizing fishing & fishing related activities - Information requirements allow identification of accountable persons, natural/legal person authorized to engage in fishing & fishing related activities

**Punitive Actions:**

Legal based scheme • Administrative based scheme • Applied to operator • Applied to captain • Applied to owner • Administrative punitive actions • Legal punitive actions • Suspends/cancels/revokes a licence/ATF • Forfeiture to South Africa of fishing vessel, any gear or article used in the commission of the offence • Forfeiture of any fish caught/on board • Vessel master prohibited from operating/boarding any fishing vessel in South Africa waters for a period • Penalty/Fine imposed by court • Penalty/Fine imposed by administration • Established in national law • Established by national regulation

**Sanctions:**

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

Only South African Persons as stipulated in the South Africa's Fisheries Legislation (Marine Living Resources Act) is allowed to have and hold a fishing right in South Africa.

**Information required: report on vessels engaged in fishing or transshipment and not on the IOTC Record of Authorised Vessels**

1. A system or procedures exist to implement this binding reporting obligation:

YES - South Africa has system / procedure to implement this binding reporting reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

Large pelagic longline permit conditions, p50 - Only authorised vessels (24m or greater) will be permitted to fish in the IOTC Area of Competence.

In case of vessels less than 24 meters, those operating in waters outside the EEZ of the flag State; and that are authorised to fish for tuna and tuna-like species in the IOTC area of competence

b. System or procedures to respond to non-compliance with this binding reporting obligation:

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c. Action to be taken in relation to non-compliance with this binding reporting obligation:

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2. Reporting factual information showing that there are reasonable grounds for suspecting vessels not on the IOTC Record to be engaged in fishing and/or transshipment of tuna and tuna-like species in the IOTC area of competence:

NO - Nil report for 2023 – South Africa has no factual information

Additional information:

--

**Resolution 21/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence****Information required: CPCs subject to catch reductions, over-catch, report on corrective actions taken to adhere to prescribed catch levels**

1. A system or procedures exist to monitor and to ensure compliance with corrective actions taken by the CPC to adhere to the prescribed catch levels when subject to catch reductions due to over-catch:

YES - South Africa has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Established by national regulation implemented by Government Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

b. System or procedures to respond to instances of non-compliance are:

Established by national regulation implemented by Government Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. CPC subject to yellowfin tuna catch reductions in 2022, due to over-catch in 2021:

NO - NOT subject to

If Yes, YFT catch declared and over-catch in 2021:

- / -

3. Our catch of yellowfin tuna in 2023 was reduced by the following percentage:

Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

4. If the CPC is subject to catch reduction due to over-catch, report on corrective actions taken to adhere to prescribed catch levels:

Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

Additional information:

Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

#### **Information required: Report on methods for achieving the YFT catch reductions**

1. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by South Africa:

NO – NIL Report / Not Applicable - South Africa is not subject to yellowfin tuna catch reductions in 2023

a. System or procedures to monitor compliance with this binding measure are:

Methods of YFT catch reductions adopted monitored and controlled by government fisheries administration with institutional procedures implemented Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

b. System or procedures to respond to instances of non-compliance are:

Established by national regulation implemented by Government Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator Section 28 of the MLRA provides that:



- (2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—
- revoke the right, licence or permit;
  - suspend the right, licence or permit for a period determined by the Minister;
  - cancel the right, licence or permit from a date determined by the Minister;
  - alter the terms or conditions of the right, licence or permit; or
  - decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- failure to effectively utilise the permit.
- being convicted of an offence in terms of this MLRA.
- contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. The CPC is subject to yellowfin tuna catch reductions:

NO - NOT subject to

If Yes, overcatch:

—

3. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

No

4. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

—

Additional methods:

Not applicable - South Africa is not subject to yellowfin tuna catch reductions.

#### **Information required: Report on plans/status of reducing the use of supply vessels**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

—

a. System or procedures to monitor compliance with this binding measure are:

Reduction supply vessels in purse seine operations monitored and controlled by government fisheries administration with institutional procedures implemented Purse seine and/or FAD related fishing is prohibited in South Africa.

b. System or procedures to respond to instances of non-compliance are:

Established in national law implemented by Government • Established in administrative orders implemented by Government Not applicable - Purse seine and/or FAD related fishing is prohibited in South Africa.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitive actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitive actions - Fine imposed by administration on beneficial owner/owner/operator Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- revoke the right, licence or permit;
- suspend the right, licence or permit for a period determined by the Minister;
- cancel the right, licence or permit from a date determined by the Minister;
- alter the terms or conditions of the right, licence or permit; or
- decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. CPC has PS/SP vessels on the Record of authorized vessels:

NO – NIL Report / Not Applicable - No purse seiner (PS) and no supply vessel (SP) on the IOTC Record of authorised vessels

3. The plan for reducing the use of supply vessel was provided for:

NO – NIL Report / Not Applicable - No plan submitted, No purse seiner (PS) and no supply vessel (SP) on the IOTC Record of authorised vessels

### Information required: Gillnet, Report the level of implementation of paragraphs 21-23

1. A system or procedures exist to monitor and to ensure compliance with i) phasing out/convert gillnetters to other gears, ii) set gillnets at 2m depth, iii) increase observer coverage/ field sampling in gillnetters by 10% :

NO – NIL Report / Not Applicable - South Africa has NO gillnet fishing vessels on the IOTC Record of authorized Vessels

a. System or procedures to monitor compliance with this binding measure are:

System / procedures to monitor compliance with this binding measure are not listed above, we specify/describe them in the below section Not applicable - gillnet fishing is prohibited in South Africa.

b. System or procedures to respond to instances of non-compliance are:

Established in national law implemented by Government • Established by national regulation implemented by Government Not applicable - gillnet fishing is prohibited in South Africa.

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Forfeiture, to Government, of vessel, any gear or article used in the commission of the offence • Forfeiture, to Government, of any fish caught/on board • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator

Section 28 of the MLRA provides that:

(2) The Director-General shall after expiry of the period referred to in subsection 28(1) refer the matter, together with any reason furnished by the holder in question, to the Minister for the Minister's decision. (3) When a matter is referred to the Minister in terms of subsection 28(2), the Minister may—

- (a) revoke the right, licence or permit;
- (b) suspend the right, licence or permit for a period determined by the Minister;
- (c) cancel the right, licence or permit from a date determined by the Minister;
- (d) alter the terms or conditions of the right, licence or permit; or
- (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

In addition, a violations section in the permit conditions stipulates the following:

A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 of the MLRA proceedings and/or criminal proceedings).

A breach referred in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
- (b) failure to effectively utilise the permit.
- (c) being convicted of an offence in terms of this MLRA.
- (d) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA.
- (e) landing, selling, receiving or processing of any fish taken by any means in contravention of the MLRA.

2. South Africa has gillnet catch in 2023, has gillnet fishing vessels on the IOTC Record of authorised vessels, the gillnet fleet was active in the IOTC Area of Competence:

NO – NIL Report / Not Applicable - South Africa has NO gillnet fishing vessels on the IOTC Record of authorized Vessels in 2023

3. Report the level of implementation of paragraph 21 - Phasing out or convert gillnet fishing vessels to other gears:

a. Phasing out measures:

--

## No registration of gillnetter vessels 1998

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### b. Conversion progress:

Number of gillnet vessels converted in 2023:

0

Number of gillnet vessels converted since 2019:

0

Gillnet vessels converted for the following fishing gears:

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### 4. Report the level of implementation of paragraph 22 - Set gillnets at 2m depth from the surface in gillnet fisheries:

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### Other measures

Not applicable - gillnet fishing is prohibited in South Africa.

### 5. Report the level of implementation of paragraph 23 - Increase observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human):

-- Not applicable - gillnet fishing is prohibited in South Africa.

-- Not applicable - gillnet fishing is prohibited in South Africa.

## Report of the previous session of the Commission - Response to letter of feedback on compliances issues

### Information required: Response to the letter of feedback from the previous CoC

1. A system or procedures exist to implement this binding reporting obligation:

YES - South Africa has system / procedure to implement this binding reporting reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below All IOTC Resolutions are incorporated into South Africa's fisheries domestic policies and as such are legally binding. (4) The Minister may from time to time publish by notice in the Gazette particulars of any international conservation and management measures or international agreement concerning marine living resources.

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

Cancellation and suspension of rights, licences and permits

28. (1) If a holder of any right, licence or permit in terms of this Act—

(a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete;

(b) contravenes or fails to comply with a condition imposed in the right, licence or permit;

(c) contravenes or fails to comply with a provision of this Act;

(d) is convicted of an offence in terms of this Act; or

(e) fails to effectively utilise that right, licence or permit,

the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.

(3) When a matter is referred to the Minister in terms of subsection (2), the Minister may—

(a) revoke the right, licence or permit;

(b) suspend the right, licence or permit for a period determined by the Minister;

(c) cancel the right, licence or permit from a date determined by the Minister;

(d) alter the terms or conditions of the right, licence or permit; or

(e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Cancellation and suspension of rights, licences and permits

28. (1) If a holder of any right, licence or permit in terms of this Act—

(a) has furnished information in the application for that right, licence or permit, or has submitted any other information required in terms of this Act, which is not true or complete;

(b) contravenes or fails to comply with a condition imposed in the right, licence or permit;

- (c) contravenes or fails to comply with a provision of this Act;
  - (d) is convicted of an offence in terms of this Act; or
  - (e) fails to effectively utilise that right, licence or permit,
- the Director-General may by written notice delivered to such holder, or sent by registered post to the said holder's last known address, request the holder to show cause in writing, within a period of 21 days from the date of the notice, why the right, licence or permit should not be revoked, suspended, cancelled, altered or reduced, as the case may be.
- (3) When a matter is referred to the Minister in terms of subsection (2), the Minister may—
- (a) revoke the right, licence or permit;
  - (b) suspend the right, licence or permit for a period determined by the Minister;
  - (c) cancel the right, licence or permit from a date determined by the Minister;
  - (d) alter the terms or conditions of the right, licence or permit; or
  - (e) decide not to revoke, suspend, cancel, alter or reduce the right, licence or permit.

2. The response to the feedback letter on compliance issues (from the 2023 CoC) has been provided to the IOTC Secretariat:

YES - [The responses to the feedback letter are uploaded in the section UPLOAD](#)

Date of submission of responses to the feedback letter:

15/03/2024

Number of repeated compliance issues:

6

Number of non repeated compliance issues:

4

Number of compliance issues responded:

—

# Part E - Data and information reporting requirements for CPCs that have objected to some Resolutions

## Resolution 12/12 To prohibit the use of large-scale driftnets on the high seas in the IOTC area

**Prohibition from: using large-scale driftnets on the high seas.**

**APPLIES ONLY TO PAKISTAN**

1. A system or procedures to monitor and to ensure compliance with the obligation for fishing vessels to not use large scale driftnets in the high sea:

-

a. System or procedures to monitor compliance with this binding measure are:

- -

b. System or procedures to respond to instances of non-compliance are:

- -

c. Actions in relation to potential infringements are:

- -

2. Actions taken to implement conservation and management measures in "Resolution 12/12 to prohibit the use of large-scale driftnets on the high seas in the IOTC area" adopted by the Commission:

-

3. Use of large-scale driftnets is banned on the high seas in the IOTC Area of competence:

- -

- -

- -

-

**Information required: Report on MCS actions related to large-scale driftnet fishing.**

**APPLIES ONLY TO PAKISTAN**

1. A system or procedures exist to implement this binding reporting obligation:

-

a. System or procedures to implement this binding reporting obligation:

- -

b. System or procedures to respond to non-compliance with this binding reporting obligation:

- -

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

- -

2. Monitoring, control, and surveillance actions are applicable to:

-

3. Monitoring, control, and surveillance actions are:

-

Additional MCS actions in place:

-

## Resolution 18/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence

**Information required: Report on methods for achieving the YFT catch reductions**

**APPLIES ONLY TO INDIA**

1. Actions taken to implement conservation and management measures in "Resolution 18/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

-

2. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by India:

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

3. CPC is subject to yellowfin tuna catch reductions:

If Yes, YFT over-catch:

4. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

5. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

Any method implemented and not listed above:



Information required: Report on plans/status of reducing the use of supply vessels

**ONLY APPLICABLE TO INDIA**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

2. India has purse seiners (PS) and supply vessels (SP) on the IOTC Record of authorized vessels:

2. The plan for reducing the use of supply vessel was provided for:

Information required: Catch limits – Nominal catch of YFT in 2022

**APPLIES ONLY TO INDIA**

1. A system or procedures exist to monitor and to ensure compliance with the limit of catch of Yellowfin tuna (YFT):

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

2. CPC is subject to yellowfin tuna catch reductions:

3. The catch of yellowfin tuna in 2022 reported to the IOTC Secretariat and the reductions were:

Fishing gear	Baseline year	YFT catch of baseline year	YFT catch in 2022 (T)	Reduction (%)
--------------	---------------	----------------------------	-----------------------	---------------

Purse seine	-	-	-	-
Longline	-	-	-	-
Gillnet	-	-	-	-
Pole and line	-	-	-	-

## Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence

### Information required: Report on methods for achieving the YFT catch reductions

#### APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA

1. Actions taken to implement conservation and management measures in "Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

-

2. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by South Africa:

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

3. The CPC is subject to yellowfin tuna catch reductions:

-

If Yes, overcatch:

-

4. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

-

5. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

-

Additional methods:

-

### Information required: Purse seiners served by supply vessels in 2024

#### APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA

1. Actions taken to implement conservation and management measures in "Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

-

2. A system or procedures exist to monitor and to ensure compliance with operations of purse seiners served by supply vessel:

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

3. CPC has PS/SP vessels on the Record of authorised vessels:

-

4. The information on purse seiners served by each supply vessel in 2024 has been provided to the Secretariat:

-

**Information required: Report on plans/status of reducing the use of supply vessels**

**ONLY APPLICABLE TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

2. CPC has PS/SP vessels on the Record of authorised vessels:

-

3. The plan for reducing the use of supply vessel was provided for:

-

**Information required: Catch limits – Nominal catch of YFT in 2022**

**APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with the limit of catch of Yellowfin tuna (YFT) :

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

2. CPC is subject to yellowfin tuna catch reductions:

-

3. The catch of yellowfin tuna in 2022 reported to the IOTC Secretariat and the reductions were:

Fishing gear	Baseline year	YFT catch of baseline year	YFT catch in 2022 (T)	Reduction (%)
Purse seine	-	-	-	-
Longline	-	-	-	-
Gillnet	-	-	-	-
Pole and line	-	-	-	-

**Information required: Gillnet, Report the level of implementation of paragraphs 20-22**

**APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with i) phasing out/convert gillnetters to other gears, ii) set gillnets at 2m depth, iii) increase observer coverage/ field sampling in gillnetters by 10%:



-  
a. System or procedures to monitor compliance with this binding measure are:

- -  
b. System or procedures to respond to instances of non-compliance are:

- -  
c. Actions in relation to potential infringements are:

-  
2. South Africa has gillnet catch in 2023, has gillnet fishing vessels on the Record of authorised vessels, the gillnet fleet was active in the IOTC Area of Competence:

-  
3. Level of implementation of paragraph 20 - Phasing out or convert gillnet fishing vessels to other gears:

a. Phasing out measures:

- -  
- -  
- -  
- -  
- -

b. Conversion progress:

Number of gillnet vessels converted in 2023:

0

Number of gillnet vessels converted since 2019:

0

Gillnet vessels converted for the following fishing gears:

-

4. Level of implementation of paragraph 21 - Set gillnets at 2m depth from the surface in gillnet fisheries:

- -  
- -  
- -

5. Level of implementation of paragraph 22 - Increase observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human):

- %  
- %