

IOTC-2024-CoC21-sCR23-ZAF [E]

2024 **Summary** Compliance Report for: South Africa

Report date: 13 April 2024 - 15:53

Note: Acronyms and definitions can be consulted last page of the Compliance Report.

Req. n°	Source (para n°) (year)	Information required	Deadline	Previous timeliness	Previous status	Current timeliness	Current status	Observations	CPC remarks
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1. Implementation obligations

1.1	Art. X Agreement (2023)	Report of Implementation	14/3/2024	C	C	L	P/C	Received 18.03.2024. 4 days after the deadline. Failed to meet the submission deadline by less than 15 days. <u>STD</u> : YES – All section(s)/question(s) applicable completed.	
1.4	Commission (S17 p. 52) (2023)	Response to Feedback letter	14/3/2024	C	C	L	P/C	Received 15.03.2024.2023. More than 1 day after the deadline. IOTC-2024-CoC21-FL23. Has failed to meet reporting or submission deadlines by less than 15 days. <u>Legislation</u> : YES – Submitted - Marine Living Resources Act, 1998 (Act No. 18 of 1998) - 42. Implementation of international conservation and management measures. <u>Standard</u> : YES – Had 10 compliance issues – all responded. <u>System/procedure</u> : YES – Provided & described for i ii & iii.	

2. Management Standards

2.6	Res. 19/04 (3.b & c) (2023)	IMO number for eligible vessels	31/12/2023 (Since 01.01.2016)	C	C	C	P/C	Received 03.02.2024. <u>Legislation</u> : Submitted – “Large Pelagic Longline and Tuna Pole Line permit conditions”. The submitted legislation lacks of a specific provision regarding the IMO number. <u>Standard</u> : YES – All No IMO reported completely - For all vessels (17) on the RAV. <u>System/procedure</u> : NO – Provided and described for a) and c), but not for b).	
2.21	Res. 18/07 (1) (2023)	Report actions taken to implement reporting obligations & improve data collection of catches	14/3/2024	C	C	N/C	P/C	Received 18.03.2024. 3 days after the deadline. <u>LEG</u> : YES - Permit Conditions: Large Pelagic Longline Fishery. <u>STD</u> : Report submitted in the implementation Report. <u>SP</u> : YES – Provided for “a”, “b” and “c”.	
2.22	Res 11/02 (6) (2023)	Reports observations of damaged data buoys	14/3/2024	C	C	C	N/C1	<u>LEG</u> : Submitted - "Large pelagic longline and Tuna Pole & Line permit conditions - p54" and "Marine Living Resources Act". Both legal references do not include specific provision on the obligation to report on observations of damaged buoys. <u>STD</u> : NO – No information provided Section 2. <u>SP</u> : YES – Provided/described for a), b) and c).	Although the permit conditions for the Large pelagic Longline and Tuna Pole-Line fleets acknowledges Resolution 11/02, the obligation to report on the observations of damaged data buoys has not been included. South Africa will include this provision for the next reporting cycle.

3. Reporting on Vessels

3.6	Res. 19/04 (3) (2023)	List of Authorized vessels 24 metres in length overall or more (3)	13/4/2024 (Since 01.07.2003)	C	P/C	N/C	N/C2	Received 23.02.2024. Last update received 23.03.2023. Vessels ≥ 24m: 9. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Legislation</u> : YES – Submitted - "Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery; MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)". <u>Standard</u> : NO - Missing information for 1 vessel [Photographs: missing 1 bow. <u>System/procedure</u> : YES – Provided & described for i) ii) iii).	ZAF revised its list of authorized vessels, which was communicated to the Secretariat last year. Following an initial assessment that identified non-compliance, ZAF promptly engaged with the Secretariat to address the matter. Subsequently, upon providing evidence of compliance, the Secretariat acknowledged the modifications made and confirmed the updated status on 20 March 2024, stating, "The observations of the assessment for 3.6 and 3.7 have been modified. Please check in e-MARIS or emails received from e-MARIS following modifications of the observations for those requirements 3.6 and 3.7." In light of this clarification and the evidence provided, ZAF respectfully requests that the status be changed from N/C2 to C
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3.7	Res. 19/04 (3) (2023)	List of Authorized vessels (less than 24m, operating in waters outside EEZ of the flag state) (3)	13/4/2024 (Since 01.07.2006)	C	P/C	N/C	N/C2	<p>Received 23.02.2024. Last update received 14.03.2023. Vessels \geq 24m: 12.</p> <p>Failed to ensure compliance of the same obligation for two or more consecutive years.</p> <p><u>Legislation:</u> YES – Submitted - " <i>Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery ; MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)</i>".</p> <p><u>Standard:</u> NO - Missing information for 3 vessels [Photographs: 1 portside and 3 bow.</p> <p><u>System/procedure:</u> YES – Provided & described for i) ii) iii).</p>	<p>ZAF revised its list of authorized vessels, which was communicated to the Secretariat last year. Following an initial assessment that identified non-compliance, ZAF promptly engaged with the Secretariat to address the matter. Subsequently, upon providing evidence of compliance, the Secretariat acknowledged the modifications made and confirmed the updated status on 20 March 2024, stating, "The observations of the assessment for 3.6 and 3.7 have been modified. Please check in e-MARIS or emails received from e-MARIS following modifications of the observations for those requirements 3.6 and 3.7."</p> <p>In light of this clarification and the evidence provided, ZAF respectfully requests that the status be changed from N/C2 to C.</p>

4. Vessel Monitoring System

4.2	Res. 15/03 (12) (2022)	VMS report on implementation & technical failures	30/6/2023	L	C	L	N/C1	<p>Received 25.01.2024. VMS report provided 7 months after the deadline.</p> <p><u>LEG:</u> Submitted - Marine Living Resources Act 18 of 1998. 76.(1)</p> <p><u>STD:</u> YES. No technical failures in 2022.</p> <p><u>SP:</u> YES - Provided & described for i) ii) & iii).</p>	
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5. Mandatory statistical requirement – Flag State CPCs

5.11	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Size Frequency – Longline fisheries	30/6/2023	C	P/C	C	N/C2	<p>Received: 30.06.2023.</p> <p>Failed to ensure compliance of the same obligation for two or more consecutive years.</p> <p><u>STD:</u> NO - Less than 1 fish measured per metric tonne for some species.</p>	South Africa will endeavor to increase the collection of size frequencies in the longline fishery to meet the minimum requirement
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6. Implementation of mitigation measures and bycatch of non-IOTC species

6.9	Res. 12/04 (5) (2023)		14/3/2024	C	C	C	P/C	<u>LEG:</u> Provided "Marine Living Resources Act, of 1998" and Terms and Conditions of longliners and tuna pole & line ATFs. However,	
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		Report on progress of implementation of Res. 12/04 (2)						no specific provision on the obligation to report their progress of implementation of the FAO Guidelines and R12/04 was observed. <u>STD</u> : YES – All information provided according to paragraph 5, R12/04. <u>SP</u> : Provided & described for a), b) and c).	The FAO guidelines to reduce sea turtle mortality in fishing operations will be included in legislation and reported on in the next reporting cycle
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7. Illegal, Unreported and Unregulated (IUU) Vessels

7.1	Res. 18/03 (5 & 18) (2023)	IUU listing	1/6/2023	C	C	N/C	N/C1	1 vessel listed on IOTC IUU vessels list in 2023 (Crosslisting CCAMLR).	
7.2	Res. 07/01 (2) (2023)	Compliance by nationals	1/6/2023	C	C	N/C	N/C1	Nationals on one vessel listed on IOTC IUU vessels list in 2023 (Crosslisting CCAMLR).	

8. Transhipments

8.3	Res. 22/02 (8, 9) (2023)	List of Authorised carrier vessels	31/12/2023 (Since 01.07.2008)	N/A	N/A	C	N/C1	Had LSTLVs in the RAV during 2023. <u>LEG</u> : NO – Not provided. <u>STD</u> : NO – No information provided. According to South Africa's laws, national LSTLVs are permitted to conduct transhipment activities at its ports. South Africa has not indicated whether transhipment activities, involving national/foreign carrier vessels in the IOTC area of competence took place in 2023. Instead, South Africa declares that they do not have any carrier vessels in its list of authorised vessels. <u>SP</u> : NO - Has indicated that South Africa has system / procedure to implement this binding measure, but has not provided or described any.	N/A, South Africa does not have carrier or support vessels. Change the status from P/C to C
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9. Observers

9.4	Res. 11/04 (11) (2022)	Observer reports	19/11/2023 (150 days after trip)	-/-	-/-	N/C	P/C	Received 13.02.2024. <u>LEG</u> : Submitted - <i>Marine living resources act, 1998 (ACT No. 18 OF 1998) - 50. Observers. Regulations of marine living resources act, 1998 - 82. Observers.</i>	
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STD: NO –Reports of observer received after deadline of 150 days.
SP: YES – Provided & described for i) ii) & iii).

10. Statistical document programme

11. Port inspection

11.5	Res. 16/11 (13.1) (2023)	Port inspection reports	31/12/2023 (3 days after inspection)	L	C	C	P/C	<p>LEG: YES – Provided. Implemented by Marine Living Resources Act 18 of 1997, Section 42. STD: Partially - Has declared for 2023: a total of 432 port calls, 0 denial of entry in port/use of port, 86 foreign vessels inspected, 86 inspection reports submitted by e-PSM, 416 inspection reports submitted by e-mail, 3 cases of non-compliance observed & 0 case reported to the IOTC Sec. e-PSM data: 341 port calls, 146 inspection report submitted by e-PSM, 3 cases of non-compliance observed / reported. The CPC is using e-PSM or PIR tablet application for onboard inspection. Only 66 out of 146 inspection reports submitted within 3 days after the end of the inspection. SP: YES – Provided & described for a), b), c).</p>	<p>LEG: Marine Living Resources Act 18 of 1997, Section 51 read with section 56 (the above-mentioned legislation was uploaded to the system) Interm of Marine resources act 18 of 1998, Powers of fishery control officers, Section 51 (1) For the purposes of enforcing this Act any fishery control officer may with a warrant enter and search any vessel, vehicle, aircraft or premises or seize any property. (2) For the purposes of enforcing this Act any fishery control officer may without a warrant– (a) order any foreign fishing vessel in South African waters, and any local fishing vessel in or beyond such waters to stop; (b) require the master of a vessel to stop fishing and take the gear of the vessel back on board; (c) require the master of a vessel to facilitate the boarding of a vessel by all appropriate means; (d) go on board a vessel and take with him or her such other persons as he or she may require for assistance in the execution of his or her powers; (e) muster the crew of a vessel; (f) require to be produced, examine and make copies of a certificate of registry, license, permit, logbook, official documents, record of fish caught and any other document required in terms of this Act or relating to a vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel; (g) require the master to appear and give an explanation concerning the vessel, the crew, any person on board the vessel and any document referred to in paragraph (f); (h) make any examination or enquiry which he or she may consider necessary to ascertain whether any provision of this Act has been contravened; (i) make an entry dated and signed by him or her in any vessel's log book; (j) where he or she has reasonable grounds to believe that an offence in terms of this Act has been or is being committed, take or require the master to take the vessel to any place, port or</p>
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harbour in the territory of the Republic for the purpose of carrying out any search, examination or enquiry;

(k) give directions to the master and any crew member of any vessel stopped, boarded or searched as may be necessary or reasonably expedient for any purpose specified in this Act or for the compliance by the vessel, master or any crew member with any condition of a licence;

(l) at all reasonable times enter and inspect any fish processing establishment or any other place where fish or fish products are kept or stored; and

(m) take samples of any fish found in any vessel, vehicle, aircraft or on any premises searched in terms of this section.

(3) A fishery control officer may, without a warrant— (a) enter and search any vessel, vehicle, aircraft or premises if he or she has reasonable grounds to believe that an offence has been or is being committed or that fish illegally fished or substances or devices for use contrary to section 44 or 45 are being stowed, if—

(i) the person in control of the vessel, vehicle, aircraft or premises consents to such entry or search; or

(ii) the fishery control officer has reasonable grounds to believe that a warrant will be issued, if he or she were to apply for such warrant, and the delay caused by the obtaining of such a warrant would defeat the object of the entry or search;

(b) stop, enter and search any vessel, vehicle or aircraft which he or she reasonably suspects is being used or is involved in the commission of an offence in terms of this Act;

(c) seize—

(i) any property on board any vessel, vehicle or aircraft or on any premises if—

(aa) the person in control of the vessel, vehicle, aircraft or premises consents to such seizure; or

(bb) the fishery control officer has reasonable grounds to believe that a warrant will be issued, if he or she were to apply for such warrant, and the delay caused by the obtaining of such a warrant would defeat the object of the seizure;

(ii) any vessel, including its gear, equipment, stores and cargo, and any vehicle or aircraft of which he or she has reasonable grounds to believe that it has been or is being used in the commission of an offence in terms of this Act or in respect of which he or she suspects such offence to have been committed or which he or she knows or has reasonable grounds to suspect that it has been seized or forfeited in terms of any provision of

									<p>this Act;</p> <p>(iii) any fish or fish product which he or she has reasonable grounds to suspect to have been taken or produced in the commission of such offence or which are possessed in contravention of this Act;</p> <p>(iv) any substance or device which he or she has reasonable grounds to suspect to have been used or to be possessed or controlled in contravention of section 44 or 45;</p> <p>(v) any log book, chart or other document required to be maintained in terms of this Act or in terms of any licence, in respect of which he or she has reasonable grounds to believe that it shows or tends to show, with or without other evidence, the commission of an offence in terms of this Act; or</p> <p>(vi) anything which he or she has reasonable grounds to believe might be used as evidence in any proceedings in terms of this Act; or</p> <p>(d) arrest any person whom he or she has reasonable grounds to suspect to have committed an offence in terms of this Act.</p> <p>(4) In exercising the powers referred to in this section a fishery control officer may, where necessary, use only the minimum force which is reasonable in the circumstances, with due regard to human dignity and privacy.</p> <p>(5) A fishery control officer shall in the exercise of his or her powers in terms of this Act, be deemed to be a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)</p> <p>Read with :</p> <p>Section 56 (2) which deals with Co-operation with officials which states that The master and each member of the crew of any fishing vessel, the driver of any vehicle and the pilot and crew of any aircraft shall immediately comply with any lawful instruction given or request made by a fishery control officer and shall facilitate safe boarding, entry and inspection of the vessel, vehicle or aircraft and any gear, equipment, register, document, fish and fish product.</p> <p>SP: Still in process of for, responded to the iotc secretariate that SA is implementing IOTC. inspection procedure and South Africa is still in teething phase on introducing independent risk assessment procedure which includes pre-inspection and pre planning procedure which entails fishing patterns that are derived through AIS system and other relevant platforms, fishing authorizations by flag state and coastal state, IUU fishing activities of the vessel, name change and ownership of the vessel.</p> <p>As provided above please change P/C to C.</p>
11.6	Res. 16/11 (10.1) (2023)	At least 5% inspection of LAN/TRX	31/12/2023 (Since 01.03.2011)	L	C	C	P/C	<p>LEG: NO – No specific provision on the obligation transposed into national legislation/regulations.</p> <p>STD: YES - Has declared for 2023: a total of 201 port calls for the purpose of landing only and 86 landing monitored. e-PSM</p>	<p>LEG: The 5% obligation is stipulated on the EEZ permit conditions as uploaded on the required documents</p> <p>Paragraph 3 of the permit conditions which stipulates that the permit is issued subject to conditions that all fishing activity</p>

								<p>data: 174 port calls for landing and 14 port calls for landing & transshipping, 92 port calls monitored. Results: 49% coverage. <u>SP</u>: YES – Provided & described for a), b), c).</p>	<p>pertaining to marine products onboard has been caught in accordance to MLRA and the conservation and management measures of the relevant regional fisheries Management organizations (RFMOs) as well as the Antarctic treaties that South Africa is a cooperating contracting party to but not limited to CCAMLR, CCSBT, IOTC, ICCAT, SEAFO.</p> <p>as provided above please change P/C to C</p>
11.10	Res. 16/11 (15.1) (2023)	Report vessel engaged in IUU fishing following an inspection	31/12/2023 (Depuis 01.03.2011)	C	C	C	P/C	<p><u>LEG</u>: NO – Submitted - Marine Living Resources Act 18 OF 1998, Regulation 11. However, there is no specific provision on the obligation transposed. <u>STD</u>: YES. <u>SP</u>: YES – Provided & described for a), b), c).</p>	<p>This will be amended through EEZ permit conditions so as to be more specific</p>

Current issues on the level of implementation by South Africa of IOTC Conservation and Management Measures identified for discussion in the CoC21 in 2024

Having reviewed the 2024 Draft Compliance Report for South Africa, the Chair of the Compliance Committee has identified the following significant repeated non-compliance issues for discussion.

Repeated non-compliance issues

Requirement	Observations	Current status (2024)	Previous status (2023)
3.6	<p>Received 23.02.2024. Last update received 23.03.2023. Vessels \geq 24m: 9.</p> <p>Failed to ensure compliance of the same obligation for two or more consecutive years.</p> <p><u>Legislation</u>: YES – Submitted - " <i>Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery ; MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)</i>".</p> <p><u>Standard</u>: NO - Missing information for 1 vessel [Photographs: missing 1 bow.</p> <p><u>System/procedure</u>: YES – Provided & described for i) ii) iii).</p>	N/C2	P/C
3.7	<p>Received 23.02.2024. Last update received 14.03.2023. Vessels \geq 24m: 12.</p> <p>Failed to ensure compliance of the same obligation for two or more consecutive years.</p> <p><u>Legislation</u>: YES – Submitted - " <i>Permit Conditions: Large Pelagic Longline Fishery and Permit Conditions: Tuna Pole-Line Fishery ; MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)</i>".</p> <p><u>Standard</u>: NO - Missing information for 3 vessels [Photographs: 1 portside and 3 bow.</p> <p><u>System/procedure</u>: YES – Provided & described for i) ii) iii).</p>	N/C2	P/C
5.11	<p>Received: 30.06.2023.</p> <p>Failed to ensure compliance of the same obligation for two or more consecutive years.</p> <p><u>STD</u>: NO - Less than 1 fish measured per metric tonne for some species.</p>	N/C2	P/C

Note: if the table above is empty, it means there were no repeated compliance issues identified this year.

Reading instructions

(1) Information is to be provided in the Report of Implementation

(2) 24 meters overall length and over, and under 24 meters if they fished outside their EEZ

(Year) = year reporting on/year assessed.

LEG: Legislation - Transposition of Commission decisions, Legislation or administrative orders.

STD : Standard - Reporting format, IOTC standard

SP: System or procedures - Provision of information on system or procedures a) to monitor and ensure compliance of vessels and persons OR b) to prepare and submit information, data, report to the Commission.

i) ii) iii) = a) b) c)

Assessment

Timeliness

- **C:** Compliant
- **L:** Late
- **N/A:** Not applicable
- **N/C:** Non compliant
- **P/C:** Partially compliant

Compliance

- **C:** Compliant
- **C/B:** Capacity building
- **N/A:** Not applicable
- **N/C1:** Not compliant 1
- **N/C2:** Not compliant 2
- **P/C:** Partially compliant

CoC/Commission recommendations

- **Additional info or address the issue:** Provide additional information or address the compliance issue within a given period of time, and at the latest before the following annual meeting.
- **Actions proposed by the CPC:** Actions proposed by the CPC and endorsed by the Commission.
- **Investigation by the CPC:** Completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee, where required.
- **Enhanced monitoring of fleet:** Enhanced monitoring of the fleet.
- **Amendments to national rules:** Amendments to domestic procedures, legislation or policy including penalties, where required.
- **Detailed plan and timeline:** Submit, within 3 months from the end of the Commission annual session, a detailed plan and timeline on how it intends to address the non-compliance of category 2 identified.
- **Capacity building or assistance:** Provision of capacity building or technical assistance for a specified amount of time.
- **Other remedies:** Other remedies.

“Missing” values:

- “-/-”: no possible value (e.g.: no previous assessment possible because this is the first campaign in which the requirement is assessed);
- “None”: no value provided by the Secretariat (e.g. requirement assessed as Compliant, no text provided in “Observations”);
- “Not assessed”: for timeliness and compliance when no assessment has been made yet or the requirement is not assessable;
- “-”: no information provided by the CPC for this question (e.g. nothing entered in a text entry field, no boxes checked...);
- “Not Submitted”: the value will only be available after submission of the report (e.g. the “Report date”).