

IOTC Agreement – Article X

Report of Implementation for the year 2016

DEADLINE FOR SUBMISSION OF THE REPORT 17 MARCH 2017

Reporting CPC: South Africa

Date of submission: 17/03/2017

Please NOTE: this document is composed of 3 sections to report on the implementation of IOTC Resolutions

Part A. *Describe the actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its Twentieth Session.*

- Resolution 16/01 On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence

South Africa has never exceeded 5000 mt of Yellowfin tuna catch since the inception of its fisheries (catch in 2014:383 t). South Africa only operates longline and pole (bait boat fisheries) within the IOTC area.

The report on methods for achieving the YFT catch reductions has already been provided to the IOTC Secretariat:

Yes

Date of reporting (DD/MM/YYYY): [Click here to enter text](#)

No

Additional information:

[Click here to enter text.](#)

- Resolution 16/02 On harvest control rules for Skipjack tuna in the IOTC area of competence.
Not applicable. South Africa's total skipjack catch in the IOTC area was less than 1 t, hence the HCR's have not been applied.
- Resolution 16/03 On the second performance review follow-up
Not applicable yet as the ad-hoc technical committee has not been constituted.
- Resolution 16/04 On the implementation of a Pilot project in view of promoting the Regional observer scheme of IOTC
[Click her](#) Not applicable yet.

- Resolution 16/05 On vessels without nationality
Not applicable yet.
- Resolution 16/06 On measures applicable in case of non fulfilment of reporting obligations in the IOTC

“NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;”

Actions taken to implement their reporting obligations for all IOTC fisheries (in terms of Resolutions 15/01 and 15/02), including shark species caught in association with IOTC fisheries, and in particular the steps taken to improve their data collection for direct and incidental catches.

Note: where applicable, please report actions separately for artisanal (coastal), and industrial IOTC fisheries:

- **Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations (e.g. development or improvements in the implementation of logbooks, port-based sampling or related fisheries surveys, national observer scheme, vessel registry, electronic data capture, VMS, or on-board electronic monitoring):**

South Africa has already implemented log books with species specific catch information of sharks per set, at least 20% of observer coverage for local and 100% coverage of foreign vessels that fish a South African fishing right under joint venture agreement. All vessels are registered in terms of IMO and South African Maritime Safety Authority (SAMSA) and have functional and reporting VMS.

- **Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat (e.g., development of fisheries databases and data dissemination systems, development of automated routines to process and extract IOTC data submissions, steps to minimise data entry errors):**

South Africa is consolidating the two relational databases for logbook and observer information to facilitate RFMO reporting. A system of data capturing and independent verification is already in place for the logbook data.

- **Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat (e.g., steps to improve data validation, improvements in sampling coverage, frame surveys, etc.; coherence of data with alternative fisheries datasets, comparability of data from previous years):**

South Africa is consolidating the two relational databases for logbook and observer information to facilitate RFMO reporting. A system of data capturing and independent verification is already in place for the logbook data

Additional information:

[Click here to enter text.](#)

- Resolution 16/07 On the use of artificial lights to attract fish

South Africa prohibits the use of artificial lights to attract fish

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

South Africa doesn't prohibit the use of aircrafts as fishing aids. It should however be noted that the tuna longline vessels DO NOT use aircrafts and/or unmanned aerial vehicles as fishing aids.

- Resolution 16/09 On establishing a Technical Committee on Management Procedures

South Africa supports the dialogue between fisheries scientists and managers. To this end, will be attending and participating in the next meeting, to be held in May 2017.

- Resolution 16/10 To promote implementation of IOTC Conservation and Management Measures

South Africa as developing coastal States has challenges in respect of human and financial capacity. This has in some instances led to non-compliance with the conservation measures as adopted by the IOTC. Given the fact that a Special Fund has been created by the IOTC, specifically for capacity building, South Africa will during the course of 2017 apply for funding in order to be able to fulfill its reporting requirements as well as complying with adopted conservation measures.

- Resolution 16/11 On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

South Africa has three designated ports to which foreign fishing vessels may request entry, Durban, Port Elizabeth and Cape Town. All foreign fishing vessels seeking to enter South Africa's Exclusive Economic Zone (EEZ) and subsequently its Ports, are required to apply in advance and be issued with a Permit to Enter EEZ and be in Possession of a Fishing Gear. Assessment for consideration to enter port entails, screening of vessels against the IUU Vessel List as adopted by various Tuna RFMOs. Once permission is granted, the vessels are subjected to South African Domestic Laws and Regulations. This includes port inspections in line with the FAO Agreement on Port State Measures

to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing as South Africa is a signatory to.

- Resolution 16/12 Working Party on the Implementation of Conservation and Management Measures (WPICMM)

South Africa is committed in complying with all the relevant conservation measures as adopted by the IOTC. To this end, will be nominating a representative and an alternate to part of this working group.

Note: ^a indicate that a template report exists for some of the requirements and can be downloaded at <http://www.iotc.org/compliance/reporting-templates>



Part B. *Describe the 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.*

A detailed review of the fisheries and related national legislation of the Republic of South Africa was undertaken by the IOTC to ensure that South Africa's legal framework was adequate to implement the Conservation and Management measures adopted by the IOTC. The final report was received by South Africa and the Legal team is currently studying the report and will soon be engaging with key stakeholders in order to address all the identified inconsistencies or legislative gaps.

South Africa's Marine Living Resources Act (Act No. 18 of 1998) will be amended in order to address for the identified inconsistencies as well as the identified gaps.

Part C. Data and information reporting requirements for CPCs to be included in this report (please refer to the section “Implementation Report due by 17 March 2016” of the *Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*, available for download at <http://www.iotc.org/compliance/reporting-templates>).

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

CPCs which export bigeye tuna shall examine export data upon receiving the import data from the Secretary, and report the results to the Commission annually [A template report exists].

Nil report, specify the reason: No large scale longline vessels on the IOTC RAV
 Do not export frozen big eye tuna

The report has already been provided to the IOTC Secretariat:

Yes Date of reporting (DD/MM/YYYY): 07/04/2016
 No

The report is attached to the implementation report:

Yes No

Additional information:

7,908 kg of frozen bigeye tuna, caught by South African flag vessels, were exported. However, in terms of the report from the IOTC Secretariat, only 944 kg of BET were imported from South African flagged vessel(s), and only by the EU. As such, there's 9,964 kg of frozen bigeye unaccounted for. The irregularity emanates from the fact that the country/ies which imported the balance of 9,964 kg have not reported their import figures.

- Recommendation 05/07 Concerning a management standard for the tuna fishing vessels

The CPC flag States which issues licenses to their AFVs should report annually to the Commission all measures taken to meet the minimum management standards when they issue fishing licenses to their “authorised fishing vessels”.

a. Management in the fishing grounds (of flag vessels).

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
Yes, No?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	% 31.6	% or number of vessels 100%	Method Mandatory logbook on set level	Method As per permit conditions all vessels need to inform the Fisheries



				Compliance authority on entry and exit.
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b. Management of transshipment (from the fishing grounds to the landing ports; of flag vessels)

	Transshipment report	Port inspection	Statistical document program
Yes, No?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	Method Transshipment at sea is not allowed; Transshipment in port is only permitted subject to the application and issuance of a Transshipment permit.	Method All AFV's are subjected to Port Inspection and AFV's are required to notify (atleast 24 hrs) Fisheries Compliance Officers prior to entry in to Port.	For Bigeye tuna, Southern Bluefin tuna and Swordfish

c. Management at landing ports (of flag vessels).

	Landing inspection	Landing reporting	Cooperation with other Parties
Yes, No?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	Method All landings of AFV's are monitored.	Method Reporting on set*species level for all fisheries	Exchange of Fisheries Compliance Information and Joint Coastal Patrols with South -Western Indian Ocean Coastal States.

Additional information:

[Click here to enter text.](#)

- Resolution 10/10 Concerning market related measures

For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, should report a range of information (e.g. information on vessels / owners, product data (species, weight), point of export) annually. *[A template report exists].*

- Nil report, specify the reason(s):**
- No landing from foreign vessels in national ports
 - No transshipment by foreign vessels in national ports
 - Do not import tuna and tuna-like fish products

The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 have already been provided to the IOTC Secretariat:

Yes Date of reporting (DD/MM/YYYY): 16/03/2017
No

The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 is attached to the implementation report:

Yes No

Additional information:

- Resolution 11/02 Prohibition of fishing on data buoys

CPCs are to notify the IOTC Secretariat of all reports of observations of damaged data buoys.

Nil Report

The report has already been provided to the IOTC Secretariat:

Yes Date of reporting (DD/MM/YYYY): Click here to enter text.
No

The report is attached to the implementation report:

Yes No

Additional information:

South Africa prohibits fishing on data buoys. No observations of data buoys have been reported.

- Resolution 11/04 On a Regional observer scheme

CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.

Type of gear	No of vessels monitored in 2015	Coverage in 2015 (%)
Purse seine	Click here to enter text.	Click here to enter text.
Longline	9	60
Gillnet	Click here to enter text.	Click here to enter text.
Bait Boat	Click here to enter text.	Click here to enter text.
Hand line	Click here to enter text.	Click here to enter text.
Insert other gear type	Click here to enter text.	Click here to enter text.
Click here to enter text.		

Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.

Additional information:
Click here to enter text.

- Resolution 12/04 On marine turtles

CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.

Since the 2015 report of implementation no further progress has been made. South Africa is working towards a conservation plan for marine turtles.

- Resolution 12 /06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries

CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to include details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC Area of Competence.

South Africa has provided all available information on seabird interactions in its National Report.

- Resolution 12/12 To Prohibit the use of large-scale driftnets on the high seas in the IOTC Area

CPCs shall include in their Annual Report a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

Use of large-scale driftnets on the high seas is prohibited for all South African authorised vessels.

- Resolution 13/04 On the conservation of cetaceans

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,



Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Additional information:

Click here to enter text.

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

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels.

Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,

Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Whale sharks (<i>Rhincodon typus</i>)	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 14/05 Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information

For Government to Government access agreement in existence prior to the entry into force of this resolution, where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement:

- Shall submit copy of the access agreement,
- Shall submit information concerning these agreements (paragraphs 3a, b, c, d, e, f, g),

A report template exists and can be requested at secretariat@iotc.org

Additional information:

South Africa doesn't have a "Government to Government Access Agreement". However, it should be noted that three Japanese flagged foreign fishing vessels (Fukuseki Maru 31, Koei Maru 1 and Koei Maru 88) entered into Joint Venture agreements with South African operators in the Large Pelagic Longline sector. The Joint Venture agreement was valid for a period of 12 months. A copy of the agreement was not submitted to the Secretariat but is attached to this report.

- Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels (Report of flag vessels transshipping in foreign ports)

Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments in ports by its vessels (Name of LSTV, IOTC Number, name of carrier vessel, species and quantity transhipped, date and location of transshipment). *[A template report exists].*

Nil report, specify the reason(s): No LSTVs on the RAV

Flag LSTVs do not tranship in foreign ports

The details on transshipment in ports for 2016 have already been provided to the IOTC Secretariat:

Yes

Date of reporting (DD/MM/YYYY): [Click here to enter text.](#)

No

The details on transshipment in ports for 2016 are attached to the implementation report:

Yes

No

Additional information:

[Click here to enter text.](#)

- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.

CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.

The flag CPCs of the vessels on the record shall:

- take measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;

Describe the measures:

The Large Pelagic Longline permit conditions stipulates that the permit to undertake commercial fishing of large pelagic species is issued subject to the following laws and regulations but not limited to... "conservation measures and resolutions adopted by the Indian Ocean Tuna Commission".

Failure to adhere to the permit conditions or any contravention of the Marine Living Resources Act (Act No. 18 of 1998) (the MLRA) will lead to serious action being taken against the perpetrator. Penalties could range from revocation of the right, licence or permit; suspension of the right, licence or permit for a period determined by the Minister; cancellation of the right, licence or permit from a date determined by the Minister; or alteration of the terms or conditions of the right, licence or permit in the case of serious offences in terms of section 28 of the MLRA, or fines could be imposed in terms of criminal proceedings.

- take measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;

Describe the measures:

AFVs are not permitted to leave the port for fishing without a valid catch (authorisation to fish) and Fish Processing Establishment permits;

The above mentioned catch permits are only issued if the vessel has a valid license, valid safety certificate and is registered as a fishing vessel with the South African Maritime Safety Authority;

Transshipment at sea is not allowed;

Transshipment in port is only permitted subject to the application and issuance of a transshipment permit.

- ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;

Describe the measures:

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.

- ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;

Describe the measures:

The Large Pelagic Longline permit conditions stipulates that the permit to undertake commercial fishing of large pelagic species is issued subject to the following laws and regulations but not limited to... "conservation measures and resolutions adopted the Indian Ocean Tuna Commission".

Failure to adhere to the permit conditions or any contravention of the Marine Living Resources Act (Act No. 18 of 1998) (the MLRA) will lead to serious action being taken against the perpetrator. Penalties could range from revocation of the right, licence or permit; suspension of the right, licence or permit for a period determined by the Minister; cancellation of the right, licence or permit from a date determined by the Minister; or alteration of the terms or conditions of the right, licence or permit in the case of serious offences in terms of section 28 of the MLRA, or fines could be imposed in terms of criminal proceedings.

- take measures to ensure, to the extent possible under domestic law, that 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;

Describe the measures:

The Large Pelagic Longline permit conditions stipulates that the permit to undertake commercial fishing of large pelagic species is issued subject to the following laws and regulations but not limited to... "conservation measures and resolutions adopted the Indian Ocean Tuna Commission".

Failure to adhere to the permit conditions or any contravention of the Marine Living Resources Act (Act No. 18 of 1998) (the MLRA) will lead to serious action being taken against the perpetrator. Penalties could range from revocation of the right, licence or permit; suspension of the right, licence or permit for a period determined by the Minister; cancellation of the right, licence or permit from a date determined by the Minister; or alteration of the terms or conditions of the right, licence or permit in the case of serious offences in terms of section 28 of the MLRA, or fines could be imposed in terms of criminal proceedings.

- Resolution 15/08 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

From 2015 on, CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including reviews of the initially

submitted Management Plans, and including reviews of the application of the principles set out in Annex III.

Not applicable (No PS vessels on the IOTC RAV in 2016);

The report has already been provided to the IOTC Secretariat:

Yes **Date of reporting (DD/MM/YYYY):** [Click here to enter text.](#)

No

The report is attached to the implementation report:

Yes

No

Additional information:

FADs are prohibited in South African fisheries.