



DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

**POLICY ON THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING RIGHTS IN THE
TUNA POLE-LINE FISHERY: 2021**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION OF
COMMERCIAL FISHING RIGHTS: 2021 AND THE POLICY FOR THE TRANSFER OF COMMERCIAL
FISHING RIGHTS**

(Available at www.environment.gov.za)

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1. INTRODUCTION

This policy for the allocation and management of commercial fishing rights in the Tuna Pole-line fishery is issued by the Minister of Forestry, Fisheries and the Environment (the Minister) and shall be referred to as “The Policy on the Allocation and Management of Commercial Fishing Rights in the Tuna Pole-line Fishery: 2021”. This policy shall be read together with the General Policy on the Allocation of Commercial Fishing Rights: 2021 (the General Policy: 2021) and the Policy for the Transfer of Commercial Fishing Rights (the Transfer Policy).

This policy sets out the objectives, criteria and considerations that will guide the allocation and the management of Commercial Fishing Rights in the Tuna Pole-line fishery.

The Minister has, in terms of section 79 of the Marine Living Resources Act 18 of 1998 (the MLRA), delegated the power to grant fishing rights contained in section 18 of the MLRA, to Senior Officials of the Department of Forestry, Fisheries and the Environment (the Department).

2. PROFILE OF THE FISHERY

2.1 Description of the Fishery

The Tuna Pole-line fishery was developed largely due to a significant catch of yellowfin tuna in 1979 that exceeded 4 500 tonnes (Penney, A. J., & Punt, A. E. 1993). When the yellowfin tuna failed to appear the following year, the expectant fishery started targeting southern Albacore tuna (predominantly juveniles). The fishery uses poling gear to target schooling southern Albacore tuna in the southeast Atlantic, largely for export to canning markets. Yellowfin tuna in recent years has been increasingly targeted with rod and reel and is largely exported to fresh tuna markets, with limited quantities sold on the domestic market. Other tuna species landed include bigeye and skipjack, but these species make up a negligible proportion of the annual catch.

Prior to 2006, the Tuna Pole-line fishery was managed under the bracket of commercial line fishery, but under a separate permit category. During the long-term Rights allocation process in 2005, the commercial line fishery was divided into three separate sectors consisting of the Traditional Line fish fishery (452 vessels and 3 450 crew), the Hake Handline fishery (130 vessels and 785 crew) and Tuna

Pole-line fishery (200 vessels and 3 600 crew). Of the 200 vessels and 3 600 crew allocations available for 8 years, only 198 vessels and 2961 crew were allocated in 2005 (Total Allowable Catch/Total Allowable Effort, 2015).

Over the years, two types of vessels have emerged in this fishery ranging from 10- 30 meters overall length (LOA) and costing between R2 million and 25 million in value. The first are large vessels (>20 meters) with on-board freezers, capable of spending 30 days at sea with a crew of 20 or more. The second are smaller ice vessels that spend approximately 3 – 10 days at sea and carry less than 20 crew members. Many of the vessels currently utilised are old, with an average age of approximately 30 years.

Several vessels of less than 10 m in length were allowed into the fishery as they had displayed a limited level of tuna performance over the previous allocation period. However, these vessels are not deemed to be suitable for this fishery because of: **(a)** the distances of the tuna fishing grounds from shore; **(b)** the safety aspects; and **(c)** the limited tuna performance that these vessel types can provide.

2.2 Life History

Albacore tuna thrive in productive cool temperate water and is more abundant along the west coast of South Africa. In contrast, yellowfin prefers warmer water and is more abundant along the south and east coast of South Africa. Southern Albacore tuna spawn in the western Atlantic and migrations follow the South Atlantic gyre. During the summer months (October to February) the sub-adult and juvenile component of the resource form surface schools and migrate north along the west coast of South Africa. Environmental conditions such as upwelling, ocean fronts and weather, as well as food availability, are thought to play a large role in determining the abundance of the migrating schools in South Africa's coastal waters. Yellowfin tuna, in contrast, spawn in tropical waters of both the Atlantic and the Indian Ocean. It is hypothesized that some of the large adult yellowfin in the Indian Ocean use the Mozambique and Agulhas currents to undertake extensive migrations to feeding areas off Cape Point. Like southern Albacore tuna the abundance of the resource in South African waters is highly variable and is thought to be influenced by environmental conditions. Unlike southern Albacore tuna, yellowfin tuna also seems susceptible to fishing pressure on the high seas and in coastal waters of East African countries. Both tuna species have wide geographic distributions occurring in all the major

ocean basins.

2.3 Management of Tuna

Tuna are highly migratory fish, meaning a single stock can be shared by many different fishing nations. Consequently, these stocks are managed globally by the tuna Regional Fisheries Management Organisations (RFMOs). These are inter-governmental bodies that are responsible for the management of these resources, including stock assessments, allocating country quotas, and adopting conservation and management measures. The RFMO responsible for the management of tuna and tuna-like species in the Atlantic Ocean is the International Commission for the Conservation of Atlantic Tunas (ICCAT). Its counterpart in the Indian Ocean is the Indian Ocean Tuna Commission (IOTC). South Africa is a founding member of ICCAT and a full member of IOTC and CCSBT, the Commission for the Conservation of Southern Bluefin Tuna since 2016. The Tuna Pole-line fishery is currently managed on the basis of Total Allowable Effort (TAE) in relation to number of vessels. Furthermore, ICCAT and CCSBT regulate certain species through country-specific Total Allowable Catch (TACs). For South Africa, these currently include southern Albacore tuna, swordfish and southern Bluefin tuna. South Africa's catches of southern Albacore tuna have declined from about 8 000 tonnes per annum in the 1990s to between 3000 tonnes and 4000 tonnes in the last decade. One of the main reasons for this decrease occurred when Namibia declared its independence and consequently access to one of the main fishing areas, namely Tripp Seamount, was no longer available to South African vessels. The removal of this fishing ground also reduced incentives for vessels to search for southern Albacore tuna along the west coast of South Africa. Rising fuel costs further constrained fishing activities to fishing grounds which are in close proximity to the major fishing harbours of Hout Bay and Cape Town. In recent years concerns have also been expressed regarding the increased number of seismic surveys conducted along the coast, which is thought to have altered the movement patterns of tuna.

2.4 Current Status of the Fishery

The target species of the Tuna Pole-line fishery include southern Albacore tuna (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*) and, to a lesser extent, bigeye tuna (*Thunnus obesus*), skipjack tuna (*Katsuwonus pelamis*) and southern bluefin tuna (*Thunnus maccoyii*). Catches of southern Albacore tuna have fluctuated over the last decade, averaging approximately 3 200 tonnes per year,

albeit with an upward trend in recent years. Yellowfin tuna and Bigeye tuna catches exhibit large fluctuations between 200 tonnes and 1200 tonnes, and 9 tonnes and 126 tonnes, respectively. These species are not always available to the bulk of the fleet in the waters around the Cape of Good Hope. A portion of South Africa's Southern Bluefin tuna allocation has been allocated to the Tuna Pole-line fishery in line with the Department's intentions to further grow this sector but catches remain negligible (less than 5 tonnes). By-catch, or non-target species of the Tuna Pole-line fishery permits include snoek (*Thyrsites atun*), yellowtail (*Seriola lalandi*), oilfish (*Ruvettus pretiosus*) and angelfish (*Brama brama*). Yellowtail has a bag limit of 10 per person per trip. Other by-catch such as oceanic squid and dorado (*Coryphaena hippuris*) are caught occasionally, in smaller quantities. Catches of snoek, the main target of the Traditional Linefish sector in the Western Cape, have increased more than fivefold to 1300 tonnes in the last 5 years. Recent adjustments in permit conditions are aimed to counteract this development. Annual by-catch weight may not exceed that of the target species, i.e., tuna and more specific management measures to regulate by-catch are under development.

Pole and Line vessels, which represent the bulk of the fleet, are mainly older displacement-type vessels, converted from other fisheries. These vessels can undertake multiday trips of limited duration and range, as the catch is kept on ice. Freezer vessels are mainly vessels up to 30 meters and 230 GRT. Due to their large size and freezing facilities, these vessels can stay out at sea for long periods and reach the farthest fishing grounds. In more recent years, improvements in navigational gear, the use of live bait and sonar equipment has improved the performance of these vessels.

3. FISHING RIGHTS ALLOCATIONS PRINCIPLES

In 2013, long-term fishing rights were only awarded to legal entities. No rights were allocated to individuals in this fishery. The Department allocated 164 fishing rights and a total of 165 vessels. Sixty-one percent (61%) of the rights were allocated to black people or black-owned and controlled entities. In terms of female shareholding, 34% of rights were allocated to females or female-owned and controlled entities. In terms of the TAE, 59% was held by Black people. The fishery is operated by entities that can be described as Small, Micro and Medium Enterprises (SMMEs). A significant number of previous rights holders have performed poorly during this period with some rights holders not applying for permits in some years. Consequently, some rights/exemptions were revoked by the

Department. Some previous right holders have increased their catches of by-catch species while performing poorly on catching tuna.

The 2021 rights allocation will build on the experience of the last round of allocations and will consider:

- (a) The availability, size and current stock status of the tuna stocks
- (b) The catch performance of the fishery towards tuna during the last allocations.
- (c) The type, number and size of vessels that performed consistently during previous allocations.
- (d) The overlap with other fisheries in terms of by-catch and target species.
- (e) The economic viability of the fishery.
- (f) Cross-sectoral involvement.
- (g) The overall transformation profile of the fishery.
- (h) Compliance to Conservation and Management Measures (CMMs) and reporting obligations towards tRFMOs.

4. OBJECTIVES

This policy recognises the need to ensure the optimal, long-term and justifiable use of marine living resources in order to ensure sustainable development of the fishing sector to achieve inclusive economic growth, to achieve the objectives and principles as listed in Section 2 of the MRLA through the Marine Living Resources Fund (MLRF) and to create sustainable employment consistent with the development objectives of National Government. In terms of the Marine Living Resources Act, 1998, the responsible authorities are obliged to achieve optimum utilisation and ecological sustainable development of marine living resources; conserve marine living resources for both present and future generations; apply precautionary approaches in respect of the management and development of marine resources; utilise marine living resources to achieve economic growth, human resource development, capacity building within fisheries and mariculture sectors, employment creation and a sound ecological balance consistent with the development objectives of the national government; protect the ecosystem as a whole, including species which are not targeted for exploitation; preserve marine biodiversity, and to minimise marine pollution.

The objectives of allocating fishing rights in the Tuna Pole-line fishery are:

- (a) The effective utilization of the target species allocated to this fishery, namely southern Albacore tuna, yellowfin tuna, bigeye tuna and southern bluefin tuna and skipjack tuna with the gear and vessel specifications and management framework outlined in this policy.
- (b) Optimal, sustainable use of the target species in accordance with tRFMO's CMMs and best available scientific information in line with the Ecosystem Approach to Fisheries (EAF).
- (c) Improvement of South Africa's tuna catch performance regarding the target species to promote increases in future allocations by tRFMOs.
- (d) Effective regulation of by-catch with consideration for the economic viability of the fishery
- (e) Expansion of the Tuna Pole-line fishery to non-traditional tuna fishing areas of the Eastern Cape, Northern Cape and KwaZulu-Natal, depending on species distribution and availability.
- (f) Promotion of meaningful transformation and growth in the Tuna Pole-line fishery in terms of factory ownership, export, value adding and diversification of tuna products, vessel ownership and management, development of skills for skippers, crew and shore personnel.
- (g) Increase of the overall transformation profile of the fishery.
- (h) Adherence to Basic Conditions of Employment Act 75 of 1995 as well as the Labour Relations Act 66 of 1995 and the Merchant Shipping Act 57 of 1951.

5. GRANTING OF FISHING RIGHTS

Fishing rights are granted in terms of section 18 of the MLRA. Unless otherwise determined by the Minister, only South African persons shall acquire or hold rights in terms of section 18 of MLRA. In this fishery, the Minister has not exercised her power to allow persons of other nationalities to acquire rights, meaning that only South African persons can acquire or hold rights in this fishery.

5.1 Form of Right Holder

Having regard to the nature of operations and resource accessibility only the following South African persons will be considered for a right in the Tuna Pole-line fishery:

- (a) Close Corporations (legal entity).
- (b) Companies (legal entity).

5.2 Duration of Rights

Having regard to the rights allocation process, and the need to encourage investment, fishing rights in the Tuna Pole-line fishery will be granted for a period of 15 years, where after it shall automatically terminate and revert back to the State.

5.3 Transfer of Rights Allocated in Terms of this Policy

In terms of section 21 of the MLRA the Minister may approve the transfer of fishing rights in whole or in part. However, rights granted in the fishery in terms of the MLRA shall not be transferred within the first three years of being granted.

6. EVALUATION CRITERIA

Applicants will be categorized into three tiers (Category A, B and C), based on their previous involvement in commercial fisheries, according to the General Policy: 2021. Applications will be screened in terms of a set of "exclusionary criteria". All applicants will thereafter be separately scored in terms of a set of weighted "comparative balancing criteria". A cut-off will then be determined in order to select the successful applicants and effort will be allocated to each successful applicant.

6.1 Exclusionary Criteria

Apart from the criteria described in the General Policy: 2021 pertaining to the lodgment of applications and material defects, the Delegated Authority will exclude applicants, unless exceptional and compelling circumstances exist, that fail to meet the following requirements:

(a) Compliance

Applicants, including its Directors, Senior Management, Shareholders or Members interest (where such shareholding or members interest exceeds 10%) or Skippers that have had a fishing right, license or permit suspended, revoked, cancelled or altered in terms of the MLRA, its regulations or permit conditions, assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA, will not be allocated a Tuna Pole-line right.

(b) Paper Quotas

Applications which are found to be from paper quota applicants, as defined in the General Policy: 2021, will be excluded.

(c) Fronting

Applicants who are found to be engaged in Fronting as defined in the General Policy: 2021 will be excluded.

(d) Non-utilization

Category A Applicants that failed to effectively utilise their Tuna Pole-line fishing right between the period, 2014 to 2020 and/or have not collected a catch permit for any particular reason will be excluded.

Effective utilisation shall mean activation and be issued with a permit to undertake commercial fishing for tuna by means of the pole-line method, landing of catch and subsequent submission of catch data for at least six years during the period 2014-2020. In addition, during the same period, previous Tuna Pole-line right holders will be expected to have landed at least a total of 25 tonnes of large pelagic species (tuna) for every fishing season that they were active or a cumulative catch of ≥ 175 tonnes.

Category B and C applicants will not be rated according to catch performance.

It must be noted that applicants who have been excluded on one of the exclusionary criteria, will still be evaluated and assessed against the balancing criteria. This will be done for the purposes of generating scoresheets for such excluded applicants.

6.2 Balancing Criteria

Applicants will be evaluated in terms of the balancing criteria outlined in the General Policy: 2021. In addition, the following criteria, specific to the Tuna Pole-line fishery will be considered, which will be weighted in order to evaluate and assess applications:

(a) Fishing Performance

Performance on target species (Applicable to Category A Applicants only). Proportion of target species (i.e., tuna) in the catch over the period 2014 to 2020 will be considered as an additional balancing criterion.

(b) Data Submission

Timely and complete submission of catch information (Applicable to Category A Applicants).

(c) Transformation

(i) Overall transformation (Applicable to Category A Applicants). An improvement of the transformation profile from the previous round of allocations will be considered. The following will be considered positively: Demonstrated increase in right ownership, management, skilled personnel (i.e., skippers, officers, fishing masters, competent crew) of designated groups, in particular Historically Disadvantaged Individuals (HDIs), female, youth and people living with disabilities.

(ii) Overall transformation (Applicable to Category B Applicants). The following will be considered: Transformation levels with respect to ownership, management, skilled personnel (i.e., skippers, officers, fishing masters, competent crew) of designated groups, in particular HDIs, female, youth and people living with disabilities.

(iii) Overall transformation (Applicable to Category C Applicants) with respect to designated groups, in particular HDIs, female, youth and people living with disabilities.

(d) Access to a Suitable Vessel

Applicants will have to demonstrate a right of access to a suitable vessel (Applicable to Category A, B and C Applicants). Proof in form of ownership, part-ownership or catch agreement, together with the valid South African Maritime Safety Authority (SAMSA) registration certificate and/or a valid SAMSA Safety Certificate, International Maritime Organization (IMO) number (for vessels with a Gross Tonnage of ≥ 100 GT) and photos of the vessel taken from the port and starboard, back and front needs to be included in the application. If the applicant has entered into a

purchase agreement to acquire a suitable vessel on successful application, then proof of the sales contract must be provided. In the case of a new build vessel, the vessel plans, detailed costing from the vessel building company and proof of finance must be provided.

No foreign flagged fishing vessel will be permitted in this fishery.

(e) Compliance

If the applicant, its members or its directors, shareholders, senior management, and skippers that have been convicted of an offence (minor violations) or have paid admission of guilt fines for contraventions of the MLRA, its Regulations or permit conditions within the last seven years, their application may be penalised. Applicants who fail to disclose this information in their application may not be considered further. Applicable to Category A, B and C Applicants.

(f) Multi-sector Involvement

Applicants in the Tuna Pole-line fishery (including their controlling shareholders and members of their executive management team) will not be precluded from holding commercial fishing rights in other fishing sectors (Applicable to Category A, B and C Applicants). Applicants will have to apply separately for a right in the other fisheries sectors. Applicants that are intending to apply for rights in multiple fisheries sectors must consider vessel specifications and restrictions in the respective fisheries sectors. Vessels are only permitted to fish for one right at a time.

(g) Reliance

Preference will be given to applicants who rely on the harvesting of tuna pole-line for a significant portion (>50%) of their gross annual income above applicants deriving income from sources outside the fishery (Applicable to Category A and Category B Applicants).

(h) Local Economic Development

To promote local economic development in economically depressed fishing towns, preference will be given to applicants that elect to land and process their catches at harbours outside metropolitan areas (Applicable to Category A, B and C Applicants).

(i) **Job Creation and Sustainable Employment**

For Category A Applicants, sustainable employment as a result of the previous allocation of long-term fishing rights will be considered, and in particular, applicants that have created jobs and provided their employees with:

- (i) Sustainable employment adhering to the requirements of the Basic Conditions of the Employment Act and Labour Relations Act and the Merchant Shipping Act.
- (ii) Medical aid, pension, equity.
- (iii) Safe working conditions.

In addition, jobs created and sustainable employment provided per tonne of fish allocated during the previous long-term rights allocation period will be assessed and taken into account.

For Category B Applicants, jobs created and sustainable employment provided as a result of the previous allocation of long-term fishing rights in another sector will be considered, and in particular, applicants that have provided their employees with:

- (i) Sustainable employment adhering to the requirements of the Basic Conditions of Employment Act and Labour Relations Act.
- (ii) Medical aid, pension, equity.
- (iii) Safe working conditions.

For Category C Applicants, jobs created and sustainable employment provided as a result of any previous sector related business development will be considered and in particular, applicants that have provided their employees with:

- (i) Sustainable employment adhering to the requirements of the Basic Conditions of Employment Act and Labour Relations Act.
- (ii) Medical aid, pension, equity.
- (iii) Safe working conditions.

7. EFFORT ALLOCATION

For this allocation period, the target species of the Tuna Pole-line fishery include southern Albacore

tuna (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*) and, to a lesser extent, bigeye tuna (*Thunnus obesus*), skipjack tuna (*Katsuwonus pelamis*) and southern bluefin tuna (*Thunnus maccoyii*). Other By-catch, or non-target species will be permitted (13.1 below). Annual by-catch weight of the by-catch or non-target species must not exceed that of the target species.

Effort allocation in the Tuna Pole-line fishery will take into account previous catches in relation to the number of vessels and the stock status of available target species. Given South Africa's current ICCAT allocation of the recovered southern Albacore tuna stock is 4400 tonnes, and a maximum catch of 4300 tonnes of southern Albacore tuna per year by less than 100 vessels during the previous rights period the fact that this allocation is shared between the Tuna Pole-line and the Large Pelagic Longline fishery, there is limited scope to increase the effort in this fishery. Accordingly, the Department aims to maximize effort according to the availability of the stock, given by the country allocation in line with paragraph 4.2 of the General Policy on the Allocation of Commercial Fishing Rights 2021 allocate a Total Applied Effort of 150 vessels in the sector. Applicants that nominate more than one vessel must either own the vessels or own a substantial equity (more than 50%) in the vessels.

Multiple Tuna Pole-line rights on a single vessel will not be allowed.

Ten percent of the TAE has been set aside for internal appeals to the Minister.

8. NEW ENTRANTS

As far as new entrant applicants (Category C Applicants) are concerned, the Delegated Authority will consider investments made in the form of vessels, fixed assets and marketing infrastructure. In addition, new entrant applicants will be required to demonstrate that they have the knowledge, skill and capacity (access to a suitable vessel) to fish in the Tuna-Pole line fishery. Ten percent of the TAE has been set aside for new entrant applicants.

9. SUITABLE VESSELS

A suitable vessel in the Tuna Pole-line fishery is a vessel that:

- (a) Has a minimum SAMSA overall length (LOA) of 10 meters. Smaller vessels (>9 meters) will be considered if they have been used by the applicant in the Tuna Pole-line sector in the past.

- (b) Is certified by SAMSA to have a minimum operational range 40 nautical miles.
- (c) Has a functioning vessel monitoring system at the time of applying for a vessel license if the application is successful.
- (d) Is equipped with freezer or ice facilities.
- (e) Is a commercial tuna fishing vessel. Luxury yachts, Recreational vessels or Recreational charter vessels are not permitted.
- (f) Is not a vessel that is listed on the official negative vessel lists (Illegal, Unreported and Unregulated) of any tRFMOs list and/or Treaties.
- (g) Is, if it enters the fishery for the first time, rigged out specifically for Tuna Pole-line fishing.

10. PAYMENT OF APPLICATION AND GRANT OF RIGHT FEES

Applicable fees have been published in the Government Gazette No. 39451, Volume No. 605, 25 November 2015, separately in terms of section 25 of the MLRA.

The application fee is payable upon submission of an application and is non-refundable.

The grant-of-right fee is payable by all successful applicants within 60 days of the granting of the right.

11. PROVISIONAL LIST

The Delegated Authority may issue a provisional list of successful applicants for comment on any aspect relating to an application in this fishery.

The Delegated Authority may request comment on any of the information provided by an applicant and on the basis of the comments received, make a final decision.

The Delegated Authority may invite representations regarding the assessment of the applications in this before making a final decision.

12. ANNOUNCEMENT OF DECISIONS

The Delegated Authority shall after final decisions on the applications inform all applicants of the outcome of their individual applications giving specific reasons for such decision.

The General Reasons for decisions in a specific fishery will be published informing all applicants on how the decisions were formulated and reached. The General Reasons shall also include an annexure outlining the scores obtained by all applicants in the Tuna Pole-line fishery.

13. MANAGEMENT MEASURES

The measures set out below are a number of the Department's principal, post-right allocation management measures for the Tuna Pole-line fishery.

13.1 Principal Regulatory Measures

These will apply to the harvesting of Large Pelagic species in the Atlantic and Indian Oceans and will be reviewed annually and subject to change by the Department, taking into approved and adopted CMMs by tRFMOs and on recommendation of the Large Pelagics and Sharks Scientific Working Group and the Large Pelagics Management Working Group.

Atlantic Ocean	Indian Ocean
Southern Albacore tuna: ICCAT has a catch limit system in place for CPCs. For right holders in the Tuna Pole-line sector, no individual catch limits are in place. The Department will however monitor the catches so as not to exceed country allocation.	Southern Albacore tuna: No country allocations. No catch limits for right holders. It should be noted though that IOTC is currently embarking on a process of allocating fishing rights in the IOTC Area of Competence and once these have been allocated, catch limits will be applied accordingly.
Tropical Tunas (Yellowfin, Bigeye and Skipjack):	Tropical Tunas (Yellowfin, Bigeye and Skipjack):

No country allocations. No catch limits for right holders. It should be noted though that due to these species being overfished and subject to overfishing, reduction of catches may be applied in accordance with ICCAT Recommendations.	No country allocations. No catch limits for right holders. It should be noted though that IOTC is currently embarking on a process of allocating fishing rights in the IOTC Area of Competence and once these have been allocated, catch limits will be applied accordingly.
Southern Bluefin tuna: The Tuna Pole-line sector shall be allocated a portion of southern Bluefin tuna, which shall be equally divided to the right holders that have confirmed interest in catching and landing of southern Bluefin tuna. Individual apportionment is dependent upon the CCSBT country allocation granted to South Africa. Right holders will have to confirm their interest in catching and landing of southern Bluefin tuna. The confirmed right holders shall register by submitting their details to the Department by completing a registration form to be submitted to the CCSBT Secretariat.	Southern Bluefin tuna: The Tuna Pole-line sector shall be allocated a portion of southern Bluefin tuna, which shall be equally divided to the right holders that have confirmed interest in catching and landing of southern Bluefin tuna. Individual apportionment is dependent upon the CCSBT country allocation granted to South Africa. Right holders will have to confirm their interest in catching and landing of southern Bluefin tuna. The confirmed right holders shall register by submitting their details to the Department by completing a registration form to be submitted to the CCSBT Secretariat.
Pelagic Sharks: The Tuna Pole-line fishery will not permit the catching and/or landing of any pelagic shark species.	Pelagic Sharks: The Tuna Pole-line fishery will not permit the catching and/or landing of any pelagic shark species.
By-catch or Non-target Species: The Tuna Pole-line fishery shall be permitted to fish for snoek (<i>Thyrsites atun</i>), yellowtail (<i>Seriola lalandi</i>) (bag limit of 10 per person per trip), oilfish (<i>Ruvettus pretiosus</i>), angelfish (<i>Brama brama</i>), oceanic squid and dorado	By-catch or Non-target Species: The Tuna Pole-line fishery shall be permitted to fish for snoek (<i>Thyrsites atun</i>), yellowtail (<i>Seriola lalandi</i>) (bag limit of 10 per person per trip), oilfish (<i>Ruvettus pretiosus</i>), angelfish (<i>Brama brama</i>), oceanic squid and dorado

(<i>Coryphaena hippuris</i>).	(<i>Coryphaena hippuris</i>).
Live-bait fishing: Operations will be regulated by a precautionary upper catch level (PUCL) per annum of retained fish (combined for anchovy and redeye round herring, only), depending on the Scientific advice.	Live-bait fishing: Operations will be regulated by a precautionary upper catch level (PUCL) of per annum of retained fish (combined for anchovy and redeye round herring, only), depending on the Scientific advice.

13.2 Transfer of Commercial Fishing Rights and/or Shares and/or Members' Interests

Right holders in this sector shall consider the Policy for the Transfer of Commercial Fishing Rights or Rights or Parts thereof (the Transfer Policy) when transferring their fishing rights and/or shares and/or members' interests.

13.3 Consolidation of Right Holders

Following the allocation of 15-year commercial fishing rights in this fishery, the Department will facilitate the consolidation of the number of right holders active in the fishery.

13.4 Ecosystem Approach to Fisheries

This fishery will be managed in accordance with the EAF. EAF is a holistic approach that maintains or improves the health of an ecosystem and balances the diverse societal needs and values. This approach also defines the ecosystem in its broadest sense and includes ecological, social, economic and governance systems.

13.5 Observer at Sea and Land Based Monitoring

The Department considers that a shore-based monitoring programme is currently the most suitable programme to collect additional data from the fishery. On board observer coverage or electronic monitoring (EM) may become mandatory and successful applicants will be responsible for bearing the related cost. The Department will work with right holders and industry associations to enhance and possibly automate at-sea monitoring, offloading (species composition determination) and data capturing through the use of technology (cameras).

13.6 Co-management

The Department prefers to work with Recognized Industrial Bodies in the co-management of the fishery.

14. PERMIT CONDITIONS

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with the successful applicants in this fishery and will be revised as and when it may be necessary. Applicable CMMs of the tRFMO's responsible for tuna and tuna-like species, like but not limited to CCSBT, ICCAT and IOTC will be incorporated into the final permit conditions.

15. MONITORING AND EVALUATION OF THE POLICY

The Department will monitor and evaluate the policy by instituting a number of formal performance measuring exercises for the duration of the 15-year period. It is envisaged that the first set of performance measuring exercises will take place after seven years.

Although the Department will finalise the precise criteria against which Rights Holders will be measured after the allocation of commercial fishing rights, and after consulting with Rights Holders, the following broad performance related criteria may be used:

- (a) Transformation.
- (b) Investment in vessels, factories and gear.
- (c) Sustainable utilisation.
- (d) Tuna catch performance.
- (e) By-catch mitigation compliance with applicable laws and regulations.
- (f) Compliance with applicable laws, regulations and CMMs.
- (g) Timeous and complete reporting of catches and other information as applicable.

Research and ongoing monitoring by both the Department and stakeholders will play an important role in identifying gaps, weaknesses and flaws in the policies and the implementation thereof. South Africa has not been immune from the negative impacts of climate change on fisheries resources and

communities who depend on fisheries for their livelihoods. The impacts of climate change may be addressed through adoption of adaptation and mitigation measures in the fishing sector. Research and ongoing monitoring by both the Department and stakeholders will play an important role in identifying gaps, weaknesses and flaws in existing fisheries policies and management measures.

South Africa has published the National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks) and the National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds). The NPOA-Sharks and NPOA-Seabirds applies amongst others, to the fisheries that catch and land sharks and seabirds as targeted species or non-targeted species (by-catch). In order to achieve the optimum utilisation and ecological sustainable development of marine living resources, South Africa will implement the NPOA-Sharks of Action in all the identified fisheries to ensure that the ecosystem is protected, and fishing strategies are consistent with the principles of biological sustainability and rational long-term economic use.

The purpose of performance measuring will be to ensure that the objectives of this final policy are met.

16. CONTRAVENTIONS

The Department may institute legal proceedings in terms of Section 28 of the MLRA and/or civil or criminal proceedings against any rights holder that is found to have contravened any condition upon which the right was granted. These contraventions include:

- (a) A right holder who fails to utilise their Tuna Pole-line fishing right for any two consecutive fishing seasons during the period for which the right has been granted without a reasonable explanation;
- (b) A breach of the provisions of the MLRA, Regulations, Permit Conditions, the Transfer Policy and other related Acts included in the Permit Conditions by the right holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel; and

- (c) A right holder who fails to meet the objectives of this policy, as identified during the performance measuring exercise.

17. REPEAL

This Policy on the Allocation and Management of Commercial Fishing Rights in the Tuna Pole-line Fishery: 2021 repeals the Policy for the Allocation and Management of Commercial Fishing Rights in the Tuna Pole-line Fishery: 2013.

~ END ~