

A summary of aspects of the new draft fishing rights policy April 2013

The Department of Agriculture, Forestry and Fisheries has released a draft discussion document dealing with General Policy on the Allocation and Management of Fishing Rights 2013.

The last policy came into effect in 2004.

This General Policy has to be read alongside specific policies for each sector. The specific policies are developed in line with the general policies. They will be made available at the end of May. They pertain to the following marine life: white mussel, squid, line fish, oysters, hake long line, KZN Prawn Trawl, Demersal Shark, Tuna Pole.

The General Policy applies to: a) the allocation of rights in various fishing sectors b) the allocation of rights to operate fish processing establishments c) the management of permit fisheries and non-consumptive marine activities such as underwater photography.

Stated aims of the policy, among others,

- a) To promote food security and socio-economic development
- b) Promote transformation and broaden meaningful participation in the industry
- c) Achieve the recognition, protection and support of small-scale fishers.
- d) Promote co-management in the harvesting and management of marine living resources.

The allocation of fishing rights is done in terms of **The Marine Living Resources Act of 1998** which has two main purposes

- i) The transformation of the fishing industry
- ii) To allow for the orderly exploitation of marine living resources, and to provide for the exercise of control over marine living resources in a fair and equitable manner to the benefit of all the citizens of South Africa.

The legal nature of the Fishing Right

The fishing rights allocated under the MLRA must be understood as statutory permission to harvest a marine living resources for a specified period of time. The right may not be transferred without the approval of the Ministers or his/her delegate.

Core Allocation and Management Considerations

This General policy is based on the following principles that guide the allocation and the management of fishing rights. They are:

a) Transformation

The aim is to include sectors marginalised during apartheid. Quality transformation is preferred, that which results in real benefits to historically disadvantaged persons. The Broad Based Black Economic Empowerment Act 53 of 2003, is one of the instruments guiding this process.

b) Socio-Economic and economic considerations

Here factors include the impact of allocations on fishing communities, the nature and value of investments, the global competitiveness of South Africa and the prevention of anti-competitiveness in the industry.

c) Biological considerations

Impact on a target species is considered by setting a Total Allowable Catch (TAC) or Total Allowable Effort (TAE).

d) Ecosystem approach to Fisheries Management (EAF).

The EAF management is based on two main principles, that is, maintaining and enhancing ecosystem health and balancing diverse social needs and values.

e) Performance or potential to perform

Economic growth, job creation, rural development, sustainable use of natural resources, food security and enterprise development are considered.

Allocation process determined by Clusters

Nineteen fishing sectors are grouped together in four clusters for the assessment of applications for fishing rights. They are clusters A, B, C and D.

Cluster A - Hake Deep Sea Trawl, Hake Inshore Trawl, Horse Mackerel, Small Pelagics, Patagonian Toothfish, South Coast Rock Lobster, Kwazulu Natal Prawn Trawl.

Cluster B – Hake Long Line, West Cost Rock Lobster (Off shore), Squid, Seaweed, Tuna Pole, Demersal Shark.

Cluster C – Handline Hake, West Coast Rock Lobster (nearshore), Traditional Linefish

Cluster D – Net Fish (trek and gillnets; beach seine), KZN Beach Seine, Oysters, White Mussels.

Clusters A and B are offshore and so more capital intensive. Cluster C and D, which are applicable to small-scale commercial as well as subsistence fishers, are near shore and less capital intensive. Successful applicants in Clusters C and D, will be allocated a fixed amount of the available TAC or TAE.

Duration of right

Fishing rights will be granted in all the fishery sectors for a period of 15 years or less.

Who can apply for rights?

A South African company, closed corporation, trust, co-operative or a communal property association established in terms of the Small-scale fisheries policy. Applicants with a good employment equity status and who advance skills development, affirmative procurement and corporate social investment, improve their chances of receiving allocations. Financial performance and management will be subjected to scrutiny. New entrants are encouraged but the prospects are unlikely since the sector is already oversubscribed. Those who abused their quota by fishing illegally or who sold their quota without authorisation, will not be considered. People considered to be paper quota risks will be excluded. Other factors are fishing performance, investment, enterprise development, safety and job-creation.

The application process

Applicants can apply in writing but verbal submissions will also be allowed. The Department will set up an independent panel which will use a set of criteria to decide on a provisional list of successful applicants. Anyone who is not happy with the outcome, can appeal against the decisions.