



## FishRights

The Fortnightly Newsletter about South Africa's Commercial Fishing Rights Allocations: 2005

**FishRights** will appear every second Monday on [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za) and [www.deat.gov.za](http://www.deat.gov.za) and will be emailed to those persons interested in subscribing to this service. You may register your email address at [bgeland@deat.gov.za](mailto:bgeland@deat.gov.za).

### Contents

1. **Allocations Process Update**
2. **The Month Ahead**
3. **The Allocation of 15 Year Rights in the Hake Deep Sea Trawl Fishery**
4. **The Allocation of 10 Year Rights in the Hake Inshore Trawl Fishery.**
5. **The Allocation of 10 Year Rights in the Shark Demersal Fishery.**

### 1. **Allocations Process Update**

To date the various Decision Makers delegated the authority to allocate long term commercial fishing rights have allocated rights in the following fisheries:

- \* South Coast Rock Lobster (12 rights);
- \* Patagonian Toothfish (5 rights);
- \* KwaZulu-Natal Prawn Trawl (4 rights);

- \* Seaweed (26 rights);
- \* Horse Mackerel (15 rights);
- \* Shark Demersal (4 rights);
- \* Hake Deep Sea Trawl (46 rights);
- \* Hake Inshore Trawl (17 rights);
- \* West Coast Rock Lobster Nearshore, Zone A (19 rights);
- \* West Coast Rock Lobster Nearshore, Zone B (81 rights);
- \* West Coast Rock Lobster Nearshore, Zone C (29 rights);
- \* West Coast Rock Lobster Nearshore, Zone D (114 rights);
- \* West Coast Rock Lobster Nearshore, Zone E (25 rights);
- \* West Coast Rock Lobster Nearshore, Zone G (159 rights);

In the West Coast Rock Lobster nearshore fishery, the Decision-Maker has reserved his decision on a number of applicants, pending the outcome of further investigations. These investigations are currently underway or will commence by next week.

In Doringbaai, the Department, together with the Rights Verification Unit will invite all those applicants (42 in total) from this area to a "one on one" meeting with the RVU to provide further information and proof of prior involvement in the west coast rock lobster fishery. The Department anticipates

that this investigation will commence next week once each of the 42 applicants has been contacted in person.

Further RVU led investigations are being conducted into the applications of west coast rock lobster applicants who allegedly have misrepresented information in their application forms. These investigations are the result of inputs made by community members during the provisional list processes in the different lobster fishing zones.

Finally, the RVU is also investigating whether a number of successful exemption appellants (ie. Those applicants that successfully petitioned the Minister to allow their late applications to be considered) updated their applications after 2 August 2005, notwithstanding having submitted affidavits confirming that no such updating or amending of forms occurred after 2 August 2005.

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## 2. The Month Ahead

The Decision-Makers in the applicable fisheries hereby advise applicants that rights in the remaining fisheries will be allocated by the end of February 2006. In particular, rights in the small pelagic and squid fisheries remain on schedule to be allocated by the end of January 2006, notwithstanding a successful request by the Pelagic Industry Association for an extended quantum consultation process during January 2006.

## 3. The Allocation of 15 Year Rights in the Hake Deep Sea Trawl Fishery

Fifteen year commercial fishing rights – the longest duration a right can be allocated in terms of the Marine Living Resources Act – were granted to 46 applicants in the hake deep sea trawl sector on 12 January 2006.

These are the key features of this allocation:

- \* Six medium term rights holders were not allocated a long-term right as their applications were weak;
- \* No New Entrant applicants were granted a right. There were 30 such applicants;
- \* The right of one medium term right holder was reserved pending an investigation by the RVU;
- \* 24 right holders had their quantum (measured as a percentage of the annual catch) increased as result of a combination of factors, such as having performed well over the medium term (investments and job creation) and having transformed;
- \* 22 right holders had their quantum (as a percentage of the annual catch) reduced;
- \* Of the 46 right holders, 27 (58,7%) are more than 50% Black owned; and
- \* The total allowable catch now controlled by Black controlled (more than 50%) entities has increased to 43%. In the medium term this stood at 25%. Prior to 1992 this was 0 percent.

#### **4. The Allocation of 10 Year Rights in the Hake Inshore Trawl Fishery.**

Ten year commercial fishing rights in the hake inshore trawl sector were allocated by the delegated authority in this sector, Dr. Monde Mayekiso, on 13 January 2006.

Rights were allocated to all 17 medium term right holder applicants.

The following are some of the key features of this allocation:

- \* No New Entrant applicant was granted a right. There were 29 such applicants;
- \* Of the 17 successful applicants, 8 (47%) are more than 50% Black owned;
- \* Black ownership of the hake TAC has increased from 37% to 47,9% and from 46% to 51.5% of the sole TAC;

information by one applicant (whose application was refused on this basis) and the negligence of three medium term right holders whose board of directors or members simply failed to sign their application forms as instructed.

Two vessels were left unallocated which may be allocated by the Minister to successful appellants.

Black ownership in this sector now stands at 72.89%. This compares with 14,3% during the medium term period.

**For further information about the rights allocated in the above fisheries, please visit [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za)**

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#### **5. The Allocation of Eight Year Rights in the Shark Demersal Fishery.**

Eight year commercial fishing rights in the shark demersal fishing sector were allocated by the delegated authority in this sector, Mr Saasa Pheeha, on 12 January 2006.

Rights were allocated to 2 medium term right holder applicants and to 2 new entrant applicants.

What was particularly alarming in this fishery was the provision of false

