



FishRights

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

FishRights appears every second Monday on www.mcm-deat.gov.za and www.deat.gov.za and is emailed to anyone interested in subscribing to this update on rights allocations. You may register your email address at bgeland@deat.gov.za.

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1. Application numbers

The submission or lodging of applications in Clusters A, B and C is now complete. Final figures provide an insight when compared with the number of rights allocated in these sectors in 2001.

Sector/Species	Medium Term Right Holder	New Entrant	Total	Number of 2001 Rights allocated
Hake Deep Sea Trawl	50	30	80	53
Hake Inshore trawl	17	29	46	17
Horse Mackerel	17	8	25	17
KZN Prawns	2	2	4	7
Patagonian T/fish	5	2	7	5
Small Pelagics	103	143	246	113
South Coast Rock Lobster	17	17	34	17
Demersal Shark	8	30	38	22
Hake Longline	152	404	556	141
Seaweed	13	37	50	11
Squid	116	101	217	128
Tuna Pole	122	138	260	150
West Coast Rock Lobster O/shore	271	493	764	233
West Coast Rock Lobster N/shore	n/a	n/a	4069	785*
Hake Handline			183	96
Totals	893	1434	6579	1795

* This figure includes the category that was referred to as 'limited commercial' in 2001 and also includes the subsequent allocation known as east of Hangklip.

The above figures exclude applicants who registered but did not lodge or submit their applications. It also excludes those who submitted their applications late and have requested exemption for their late submission.

If the number of rights allocated in 2001 is maintained in the 2005 allocation, only 1 in every 3.7 applicants is able to be accommodated with a right. Any reductions in TAC may increase this ratio.

2. Exemption Requests

A total of 37 requests were directed to the Minister's Delegated Authority requesting him to accommodate their applications despite their having not lodged their applications within the stipulated time. After due consideration of the circumstances in each instance, Dr. Monde Mayekiso, the Ministers Delegate in this matter has written to each one explaining the reasons why he rejected their applications.

In a statement Dr. Mayekiso released, he said:

As the Minister of Environmental Affairs and Tourism's Delegated Authority, Deputy Director-General: Marine and Coastal, Dr Monde Mayekiso has decided on late lodgements for Cluster A- fisheries.

In the Cluster A fisheries (Hake Deep Sea Trawl, Hake Inshore Trawl, Horse Mackerel, South Coast Rock Lobster, Small Pelagics, KZN Prawn and Patagonian Toothfish) the closing time for the submission (lodgement) of applications was set at 17h00 on 2 August, 2005. Of the

479 applicants who had registered to apply in these fishing sectors 36 did not submit their applications in time. A further number of applicants did not lodge complete applications for a number of reasons. This announcement does not deal with that group.

"Those who applied to me as the Minister's Delegated Authority to condone the late submission of their application did so in terms of Section 81 of the Marine Living Resources Act. This section provides that: ' If in the opinion of the Minister there are sound reasons for doing so, he or she, subject to the conditions that he or she may determine, in writing exempt any person or group or organ of state from a provision of this Act', explains Dr Mayekiso.

Each one of these applications directed to the DDG and the particular circumstances of each applicant was considered. In coming to a decision he has had regard to the carefully designed application process for long term fishing rights.

"I have taken into consideration a number of factors including the fact that the deadline for lodgement had been extended at the request of some of the applicants. In my letter to those who applied to me to have late applications accepted I explained the reasons why I believe that they should be refused."

The allocations of fishing rights is a time bound process, aimed at ensuring rights are granted in time for commencement of the next fishing season. Failing to do so would have market and economic consequences for the industry and those dependent on it.

The allocation of fishing rights is a competitive process. The process of comparing applicants with each other cannot take before all the applications are received and assessed. A deadline is the most effective mechanism to ensure that all the applicants are considered together.

The deadline further aimed at ensuring effective planning. Allowing late applications will of necessity require a further process to be set up in order to provide late applicants with a proper opportunity to justify condonation. This process will have to set up for all applications regardless of whether the application is one minute late or several days late.

But even that process will require a further deadline (a deadline within which to submit late applications for condonation), another receipting process, another assessment process, decision making process and appeal process. In other words it will require a parallel process to investigate the reasons and assess the applications for what amounts to no more than the applicant's failure to comply with simple and advertised deadlines.

The lodgement requirement ensures that applicants are treated equally by stipulating a fixed point in time for the completion and submission of the applications.

A list of those applicants whose application has been refused is attached as well as a copy of the general reasons for the decision to refuse the late submission of applications.

The list of applicants affected can be viewed elsewhere on this web site.

3. Traditional Linefish

The Traditional Linefish application form will appear in the Government Gazette on 30 September 2005. Venues for the registration of applicants in this sector will be open from 5 to 7 October. There will be 19 venues where registration can take place. Please watch the press for details. You will also be informed through posters newsletters, radio spots on coastal community radio stations, as well as notices in community and mainstream print media.

4. Crew Register

The application form for those wishing to qualify as recognised crew in the Traditional Linefish, Hake Handline and Squid sectors, has been approved and is introduced here for the first time. Copies will be available at FCO offices in due course. Those involved in these sectors should familiarize themselves with the Terms and Conditions as it affects crew and rights holders.

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