



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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### **NATIONAL ASSEMBLY (For written reply)**

**QUESTION NO. 294 {NW448E}**

**INTERNAL QUESTION PAPER NO. 7 of 2020**

**DATE OF PUBLICATION: 06 March 2020**

**Ms T L Marawu (ATM) to ask the Minister of Environment, Forestry and Fisheries :**

Whether, with reference to the 22,9% unemployment rate for young persons between the ages of 15 and 34 years, specifically in the Overberg region, her department intends providing African and Coloured abalone fishermen in the Overberg region with fishing licences, similar to minority groups who have been granted operating licences, and the necessary training in order to tackle the high unemployment rate whilst giving locals a chance of owning the micro-economy of the region in which they live, without facing abuse from local law enforcement agencies; if not, why not; if so, what are the relevant details of the processes that would have to be followed?

**294. THE MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES REPLIES:**

Marine living resources are a national asset which belong to all the people of South Africa. The Department of Environment, Forestry and Fisheries is managing marine living resources in accordance with the provisions of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA") as amended. Commercial fishing rights are granted under section 18 of the MLRA. No commercial fishing can take place unless a right has been granted by the Minister or her delegate. Section 18(7) of the MLRA provides that the Minister may determine sustainable conservation and management measures, including the use of a particular type of vessel or area to which a right may be subject.

Section 18(2) of the MLRA provides that such rights are granted pursuant to an application submitted to the Minister in such a manner as the Minister may determine. The Minister determined the “manner” in the General Policy for the Allocation and Management of Fishing Rights (“the General Policy”) and the Sector-Specific Policy for the Allocation and Management of Abalone (“the Abalone Sector-Specific Policy”). The General Policy deals with the approach to be adopted and the information to be taken into account in the allocation of fishing rights as contemplated in section 18 of the MLRA and the process to be followed.

The Abalone Sector-Specific Policy must be read together with the General Policy and sets out the objective criteria and considerations that guide the allocation and management of the abalone fishery. Section (4) of the MLRA provides that unless otherwise determined by the Minister in relation to the holders of existing rights, only South African persons shall acquire or hold fishing rights.

Section 18(5) of the MLRA provides that the Minister shall, in order to achieve the objectives contemplated in section 2 of the MLRA, have particular regard to the need to permit new entrants, particularly those from historically disadvantaged sectors of society. In terms of section (6) of the MLRA, all fishing rights granted shall be valid for the period determined by the Minister, which period shall not exceed 15 years, whereafter it shall automatically terminate and revert back to the State to be reallocated in terms of the provisions of the MLRA.

Section 14 of the MLRA provides that the Minister shall annually determine the total allowable catch (TAC) for the abalone fishery and determine the portions of the total allowable catch to be allocated in any year to small-scale, local commercial, recreational and foreign fishing sectors.

The portion of the TAC allocated to the local commercial fishing sector, shall be allocated proportionally to all successful FRAP 2015/16 applicants. A successful applicant may not, in terms section 13 of the MLRA, exercise his, her or its abalone fishing right unless a permit has been issued by the Minister to him, her or it to exercise that right. The MLRA provides that the permit shall be issued: for a period not exceeding one year, subject to the conditions determined by the Minister in the permit, and against the payment of fees determined by the Minister in terms of section 25(1). Section 13(4) of the MLRA provides that a permit to exercise an abalone fishing right, may be refused if the conditions of a previously issued permit had not been adhered to.

In terms of the 2015/2016 Fishing Rights Allocation Process ("FRAP 2015/16") all South Africans, including those from the Overberg community, were afforded the opportunity to apply for a right to undertake commercial fishing of abalone. The department is busy finalizing the assessment of the applications for commercial abalone fishing rights. The outcomes of the assessment of the applications will be communicated to all applicants in due course.

The Department is currently rolling out Small-scale Fisheries Policy in the four coastal provinces. As of 06 March 2020, 82 small-scale fishing co-operatives from small-scale fishing communities have been granted 15 year fishing rights to fish for commercial purpose and for food security. These rights have been granted to small-scale fishers from Northern Cape (2 co-operatives), Eastern Cape (73 Co-operatives) and KwaZulu-Natal (7 co-operatives). This followed a lengthy process of amending the Marine Living Resources Act to recognise the existence of small-scale fishers in South Africa; identifying and declaring small-scale fishers; and assisting small-scale fishers to register co-operatives to be allocated fishing rights.

The Western Cape Province has fallen behind due to a number of reasons. The main reason for the delays is the decision that was taken to have the Western Cape verification and declaration process of individuals as small-scale fishers audited by an independent audit firm. This decision was after fishing communities in the Western Cape complained during community engagements alleging that the process was unfair, not transparent and resulted in many genuine fishers being left out of the process. The audit process is at its final stages and the commitment and the targeted deadline for rights allocation in the Western Cape is October 2020.

As an interim measure, fishing communities in the Western Cape, including those in the Overberg Region, are provided access to fishing under an interim relief dispensation, which allows identified fishers to access West Coast Rock Lobster, Linefish Species and white mussels.

The following are the list of Interim relief fishers in the Overberg Region:

<b>Overberg Interim Relief Dispensation communities</b>		
1	Betty's Bay	9
2	Blompark	29
3	Buffelsjagbaai	63
4	Eluxolweni (Pearly Beach)	81
5	Hawston	92

6	Helderberg	76
7	Kleinmond	44
8	Mount Pleasant	45
9	Pringle Bay	8
10	Stanford	67
11	Struisbaai	20
12	Westdene	11
13	Zwelihle	57
<b>TOTAL</b>		<b>602</b>

The approach to allocating Abalone to small-scale fishing co-operatives is currently being considered as part of the overall recovery strategy of this valuable marine resource.

**Regards**



**MS BD CREECY, MP**

**MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES**

DATE: 20/3/2020 .