



**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**

**POLICY ON THE ALLOCATION AND MANAGEMENT OF FISHING RIGHTS IN THE  
TRADITIONAL LINEFISH FISHERY: 2013**

**THIS POLICY MUST BE READ WITH THE 2013: GENERAL POLICY ON THE ALLOCATION  
AND MANAGEMENT OF FISHING RIGHTS  
(available at [www.daff.gov.za](http://www.daff.gov.za))**

**This document is also available in Afrikaans, isiXhosa and isiZulu  
Hierdie dokument is ook in Afrikaans, isiXhosa, en isiZulu beskikbaar  
Lencwadi iyafumeneka nangolwimi lwesiBhulu, lwesiXhosa nolwesiZulu  
Lencwadi iyatholakala nangolwimi lwesiBhunu, lwesiXhosa nolwesiZulu**

**(In case of any inconsistency, the English text prevails)**

**TABLE OF CONTENTS**

1. Introduction .....	1
2. Profile of the fishery.....	1
3. The 2005/6 long-term fishing rights allocation process .....	4
4. Objectives .....	4
5. Granting of rights.....	5
6. Evaluation criteria.....	6
7. Application fees .....	11
8. Provisional lists, representations and consultations.....	11
9. Management measures.....	11
10. Permit conditions.....	12
11. Glossary of terms .....	13

## 1. Introduction

This policy on the allocation and management of fishing rights in the Traditional linefish fishery is issued by the Minister of Agriculture, Forestry and Fisheries (“the Minister”) and shall be referred to as the “**2013: Traditional Linefish Fishery Policy**”. This policy must be read together with the General Policy on the Allocation and Management of Fishing Rights: 2013 (“the 2013: General Policy”).

The Minister intends to delegate the section 18 powers to allocate fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 (“the MLRA”) to an official of the Department of Agriculture, Forestry and Fisheries (“the Department”).

This policy sets out the objectives criteria and considerations that will guide the evaluation, allocation and management of fishing rights in the Traditional linefish fishery (“the fishery”). This policy will guide the delegated authority in taking decisions on applications in this fishery.

## 2. Profile of the fishery

### 2.1. Description of the fishery

Linefishing includes various line fishing methods applied worldwide. The methods utilised are long-lining and simpler methods such as handheld lines or rod and reel with baited hooks. Long-lining employs capital intensive operations which involve larger vessels and sophisticated technology. Longlining operations target high value species, mainly offshore and on the high seas. Targeted species include tuna, swordfish, patagonian toothfish and hake.

Fishing with simple lines (handheld or on rod) with baited hooks is one of the traditional methods applied in the fishery. These methods have changed little over centuries and are common type of harvesting in remote areas. These methods are typical of inshore line fishing and are referred to as traditional, indicating a distinct differentiation from other line fishing methods. This distinction has led to the origin of the fishery, and to further

distinguish between linefishing and longlining, linefishers are restricted to a maximum of 10 hooks per line.

## 2.2. History of the fishery

The origin of the boat-based line fishery is traced back to fishing activities of the European seafarers in the 1500s. In 1652 restrictions were imposed on the fishery by the Dutch following their colonisation of the Cape. Despite the abundance of fish, the imposed restrictions resulted in the slow development of the fishery. In 1795 the British captured the Cape colony from the Dutch and lifted all restrictions. Subsequently, boat-based line fishing became a thriving industry in the mid-1800s operating from row and sail boats. The next spurt in the growth of the fishery occurred after the Second World War when both fishing effort and line fish catches increased substantially as a result of the simultaneous introduction of motorised vessels, the construction of small boat harbours along the coast and the availability of echo-sounding technology.

First attempts to manage the commercial fishery, dates back to 1940. Notable was the introduction of a management framework in 1985 following a decrease in catch trends during the latter half of the 20<sup>th</sup> century and an increase in fishing effort. Restrictions and controls included in the 1985 management framework were commercial fishing licenses (fulltime-A category and part-time-B category) and revised minimum size limits equalled to size at maturity. The management framework also provided for a division of the species into categories based on apparent exploitation vulnerability (i.e. more vulnerable reef species and more resilient shoaling species). Bag limits and closed seasons for some species were introduced and the effort was maintained at the 1985 levels.

Despite the imposed restrictions, catch rates of many species have continued to decline and stock assessments indicated that the so-called more resilient migratory species were severely over-exploited. Research surveys revealed that the regulations have failed to provide a substantial measure of resource protection. It is argued that either the restrictions themselves were not limiting or they may have been poorly enforced. As a result of declining stocks and the increasing claim for access to the fishery, a substantial revision of the management procedure became necessary to prevent possible stock collapse. A new fishery management protocol was then introduced.



In response to the reported status of Traditional linefish stocks, and the proposed management protocol, the Minister declared an emergency in the fishery and effort was reduced by 70% to the current 455 vessels and 3450 crew allocated in the Long-Term Rights Allocation and Management Process of 2005/2006 (LTRAMP 2005). Effective enforcement and monitoring became a necessity in order to rebuild diminishing fish stocks.

### **2.3. The biological status of the traditional linefish fishery**

Stock assessments conducted since the mid-1980s have revealed that with the exception of fast growing species, such as snoek and yellowtail, most commercially exploited Traditional linefish stocks have been depleted to dangerously low levels. As a result productivity and the annual catch are much lower than it could be with obvious ramifications for job creation, tourism and conservation. Apart from these losses, the risk of stock collapse and commercial extinction, as has occurred for seventy-four, are extremely high. In response to the poor status of the Traditional linefish resources, the Minister declared an environmental emergency in the Traditional linefish fishery in December 2000. In terms of the emergency, the Minister determined that no more than 3450 persons may fish commercially for Traditional linefish. The TAE allocated to the Traditional linefish fishery is an attempt to stabilise the declining trends in the fishery and then to re-build over-exploited species. Given their long life span and complex life histories and continuing fishing pressures, it is unlikely that significant positive changes will occur within a decade. During the World Summit on Sustainable Development ("WSSD"), countries undertook to maintain or rebuild fish stocks to levels that can produce maximum sustainable yields. The goal is to be achieved on an urgent basis for depleted stocks, and if possible, by not later than 2015.

### **2.4. Current resource users**

The South African linefishery is a multi-user, multi-species fishery consisting of approximately 200 species of which 95 contribute significantly to commercial and recreational catches. The user groups may be broadly divided into recreational, commercial and subsistence components.

The commercial component referred to as the traditional linefish fishery is a boat-based activity and owing to the large number of users, launch sites, species targeted and the operational range, the linefishery is managed in terms of a total applied effort ("TAE"), bag limits for species, closed areas, limitations on the gear used and restraints on the trade of collapsed and over-exploited species. The commercial traditional linefish fishery currently consists of an approved TAE of 455 vessels and 3 450 crew. These vessels range between 4.5m and 15m in length. The crew use handline or rod-and-reel to target approximately 200 species of marine fish of which 50 species may be regarded as economically important. Target species include resident reef-fish, coastal migrants and nomadic species. Annual catches prior to the reduction of the commercial effort were estimated at 16 000 tons for the traditional linefish fishery. Almost all of the Traditional linefish catch is consumed locally. There is recent evidence of exports of some prime species notably yellowtail.

Approximately 82% of the right holders partake (right holders issued with fishing permits) in the fishery in any given year (fishing season) and 5% of the allocated fishing rights were never activated.

### **3. The 2005/2006 long term fishing rights allocation process**

In the 2005/2006 long-term fishing rights allocation process rights were allocated to a total of 455 vessels and 3450 crew for a period of eight years. Right holders in the fishery are restricted to the use of one vessel and a determined maximum number of crew. The rights were allocated to 58% whites and 42% blacks (35% Coloured, 6% African and 1% Indian). 98% of the rights were allocated to males and 2 % to females.

### **4. Objectives**

4.1. The objectives of allocating fishing rights in the Traditional linefish fishery are to:

- (a) promote transformation, broaden meaningful participation (increase participation,

- value-creation, and linkage) and growth;
- (b) improve the quality of jobs through the promotion of permanent employment and allocation of rights to SMMEs owned by historically disadvantaged persons
  - (c) promote adherence to fair labour practices;
  - (d) to promote food security and poverty alleviation;
  - (e) allocate rights to applicants reliant on traditional linefish as their main source of income;
  - (f) promote further investment in vessels;
  - (g) facilitate the recovery of over-exploited and collapsed fish stocks;
  - (h) achieve optimum utilisation and ecologically sustainable development of marine living resources; and
  - (i) promote youth and female ownership and development.

## **5. Granting of rights**

Fishing rights are granted in terms of section 18 of the MLRA. All rights granted shall be valid from the date of allocation for a period not exceeding 15 years, where after it shall automatically terminate and revert back to the State.

### **5.1. Form of right holder**

Applications will only be considered from South African natural persons and co-operatives.

## 5.2. Duration of right

Fishing rights will be granted in the traditional linefish fishery for a period not exceeding 15 years. The duration of fishing will be determined by the delegated authority taking into account amongst other things, the level of transformation in the fishery, the capital intensity of the fishery, the need to encourage further investment and economic growth, the current knowledge of the biological status of the target species and the performance of participants in the fishery.

## 6. Evaluation criteria

Applications for Traditional linefish rights 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 2013: General Policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

#### (a) Compliance

Applicants that have been convicted of a serious transgression of the MLRA (without the option of the payment of a fine) will be excluded. Applicants that have had any fishing right cancelled or revoked in terms of the MLRA will also be excluded. Minor infringements, including payment of admission of guilty fines, may be taken into account as a balancing criterion and may also adversely affect an application.

#### (b) Paper Quotas

Applications from paper quota applicants, as defined in the 2013: General Policy,

will be excluded.

(c) **Non-utilisation**

Applicants that failed to effectively utilise their traditional linefish fishing rights between the period 2007 to 2012 or who have not collected a permit for any particular reason without providing a reasonable explanation and/or supporting documentation may be excluded.

(d) **Personal involvement in harvesting of the resource**

Applicants will be required to demonstrate that they will be personally involved in the fishery. They will be required to actively participate in the harvesting of the resource and the business operations. Only applicants incapable of participating due to a permanent physical disability will be exempted from this requirement. Consideration will be given to female applicants who may not be personally involved in the harvesting of the resource but who are dependent on the fishery for their livelihood.

(e) **Access to a suitable vessel**

An applicant will be required to demonstrate a right of access to a vessel suitable for the harvesting of traditional linefish. Access may be in the form of ownership, part-ownership, catch agreement, charter agreement, or bank guarantee in the case of a purchase of a vessel or to build a vessel. If an applicant intends purchasing a vessel then additional proof of a purchase agreement must be provided. If in the case of a new build vessel then the vessel plans and cost from the vessel building company must be provided.

## 6.2. **Balancing criteria**

Applicants will be evaluated in terms of the following balancing criteria which will be weighted in order to evaluate and assess applications:

(a) **Transformation**

Applicants will be assessed and scored on –

- (i) The percentage of black and women ownership and black and women representation at top salary, board of directors, members and senior official and management levels;
- (ii) Whether employees (other than top salary earners) benefit from an employee share scheme;
- (iii) Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment below senior official and management level. The Department may also give regard to the wage differentials between the highest and lowest paid employees;
- (iv) Compliance with the Basic Conditions of Employment Act, 1997 (No. 75 of 1997) (BCEA). Applicants that comply with the BCEA will score more points than applicants not complying.
- (v) Affirmative procurement;
- (vi) Compliance with legislation on skills development and the amounts spent on the training of blacks and youth and participation in learnership programmes; and
- (vii) Corporate social investment.

(b) **Investment in the fishery**

Investment in the traditional linefish fishery related to vessels, processing and human capital will be considered.

(c) **Fishing performance**

- (i) The fishing performance of applicants holding fishing rights in the traditional linefish fishery will be examined to determine if they have effectively utilised their fishing rights.
- (ii) Applicants that did not harvest any traditional linefish during a fishing season or who have not collected a permit for any particular season without providing a reasonable explanation and/or supporting documentation may be excluded.

(d) **Reliance on traditional linefish**

Preference will be given to applicants who rely on the harvesting of traditional linefish for a significant portion of their gross annual income above applicants deriving income from sources outside the fishery.

(e) **Local economic development**

- (i) The delegated authority will take into consideration the landing of catches in fishing harbours outside the metropolitan areas to promote local economic development.
- (ii) The delegated authority may, in order to ensure that all fishing communities share in the marine living resources, use landing sites/fishing harbours as scoring or tie-breaking criteria.
- (iii) Applicants are encouraged to land or process fish in harbours and fishing communities that are economically depressed.

(f) **Job creation**

Job creation and increases in jobs as a result of the allocation of long-term fishing

rights will be rewarded, and in particular, in respect of applicants that have provided their employees with –

- (i) permanent employment;
  - (ii) medical aid, pension and provident fund;
  - (iii) safe working conditions in accordance with the applicable legislative requirements; and
  - (iv) an employee share scheme.
- (g) **Payment of levies**

Applicants that were granted fishing rights in 2005/2006 will be required to provide proof that they are up to date on the payment of their levies on fish landed at the date of submitting their applications.

### 6.3. Suitable vessels

- (a) A suitable vessel in the Traditional linefish fishery is a vessel that:
- (i) is either a skiboat or traditional deck boat of approximately 10m or less;
  - (ii) is certified by SAMSA as being safe for traditional linefishing;
  - (iii) is geared for traditional linefishing; and
  - (iv) has a functioning vessel monitoring system at the time of applying for a vessel licence if the application is successful;
- (b) In order to verify if the vessel meets the suitable vessel criteria, applicants would need to submit photos of the vessel as well as copies of the SAMSA registration certificate.



#### **6.4. Multi-sector involvement**

Applicants in the traditional linefish fishery will not be precluded from holding commercial fishing rights in other fishing sectors.

#### **7. Application fees**

No application fees will be payable for applications in this fishery.

#### **8. Provisional lists, representations and consultations**

- 8.1. The delegated authority may issue provisional lists for comment on any aspect relating to an application in any fishery/sector.
- 8.2. 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.
- 8.3. The delegated authorities may invite representations regarding the assessment of the applications before making final decisions.

#### **9. Management measures**

The management measures discussed below reflects a number of the Department's principal post- right allocation management intentions for this fishery.

##### **9.1. Ecosystem approach to fisheries**

This fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management 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.

#### **9.2. Performance measuring**

Successful applicants will be subjected to a number of performance measuring exercises for the duration of the fishing rights. The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

#### **9.3 Utilisation of fishing right**

Successful applicants that fail to utilise their traditional linefish fishing right for one season without any reasonable explanation, will have their rights cancelled or revoked in terms of the provisions of the MLRA.

#### **9.4 Grant-of-right fees**

All successful applicants may be required to pay a grant-of-right fee. The Department will determine the applicable grant of right fee payable for each fishery after consultation with the successful applicants in each fishery. The grant-of-right fee for each fishery will be subject to the approval of the Minister and the Minister of Finance.

### **10. 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.

## 11. Glossary of terms

- 1.1. "Application period" means the period commencing with the publication of the invitation to apply for a fishing or harvesting right in the sector to the date on which the appellate authority finally decides the appeals in the sector.
- 11.2. "MLRA" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998), which is the Act "To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources; and for these purposes 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"
- 11.3. "Race, gender and disability" refers to the race, gender and disability as defined in the Employment Equity Act 55 of 1998.
- 11.4. "Rights" means fishing or harvesting rights granted in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
- 11.5. "Right Holder" means a person that was granted a fishing right during the period 2005 – 2006 in a specific fishery, or became a right holder in a fishery by way of an approved transfer of a fishing right.
- 11.6. "SMME" means Small, Medium and Micro-sized Enterprises.
- 11.7. "The 2013: General Policy" means the General Policy on the Allocation and Management of Fishing Rights: 2013.
- 11.8. "the Department" means the Department of Agriculture, Forestry and Fisheries.
- 11.9. "The Minister" means the Minister of Agriculture, Forestry and Fisheries.
- 11.10. "Total allowable catch" means the maximum quantity of fish of individual species or

groups of species made available annually or during such other period of time as may be prescribed, for combined recreational, small-scale, commercial and foreign fishing.

- 11.11. "Total applied effort" means the maximum number of fishing vessels, the type, size and engine power thereof or the fishing method applied thereby for which fishing vessel licences or permits to fish may be issued for individual species or groups of species, or the maximum number of persons on board a fishing vessel for which fishing licences or permits may be issued to fish individual species or groups of species.