

## **MEDIA RELEASE**

**16 June 2017**

**For immediate release**

### **UPDATE ON 2015/2016 FISHING RIGHTS ALLOCATION PROCESS (“FRAP 2015/16”): APPEALS PROCESS.**

This Media Release provides an update on the Minister’s processes as he disposes of the administrative appeals filed by applicants against decisions taken during FRAP2015/16.

The Minister has commenced with the consideration and evaluation of appeals lodged against the decisions taken during FRAP 2015/16 and has appointed three (3) outside individuals independent of the Department of Agriculture, Forestry and Fisheries; Branch: Fisheries Management (“the Department”) to Appeals Advisory Panel in order to advise the Minister on FRAP 2015/16 appeals. These individuals include Advocate PATRIC MZOLISI MTSHAULANA (SC); Dr GEORGE MUKUNDI WACHIRA and Mr THULANI JOSEPH SITHOLE.

The Minister intends to announce his decisions systematically and on a sector-by-sector basis in the coming weeks, starting with appeals lodged in the Hake Inshore Trawl Fishery followed by appeals lodged in the Patagonian Toothfish Fishery. The Appeals Advisory Panel of the Minister has written to certain Category A and Category B appellants in the Hake Inshore Trawl Fishery inviting these appellants to clarify any factual and/or legal issues they may wish to bring to the attention of the Minister. Required responses from these Appellants have been slow and certain appellants have requested additional time to make their submissions to the Appeals Advisory Panel. Therefore, this resulted into the Minister and his Appeals Advisory Panel not being able to conclude the appeals in the

Hake Inshore Trawl Fishery within the time period that the Minister initially hoped to finalise appeals in this sector.

Furthermore, it is now more than 5 months after the Western Cape High Court granted interim interdict in favour of Viking, restraining the execution of allocated rights in FRAP2015/16 which should have been exercised from 01 January 2017. The effects and impacts of the interim order and the pending judgement has constrained the transformation agenda. We know the plight of the small fishing companies is at stake because of this pending judgement as we have continued to receive complaints on the losses they continue to suffer- to some these losses could be irreparable. We unfortunately are not able to compel the judges to hand down the judgement as this could be considered as interference from the side of the Department, all we can do is to continue the wait.

An independent forensic company will be appointed to investigate the accuracy of the information submitted by applicants for fishing rights. Such investigations will take place during and after the allocation process. The forensic company will carry out investigations as and when required by the Department. If any applicant is found to have provided false information or false documents or failed to disclose material information, or had sought to influence the Minister of Delegated Authority, proceedings in terms of Section 28 of the MLRA will be undertaken and which may result in the revocation, suspension, cancellation, alteration or reduction of the right granted.

For further media enquiries, please contact:

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**For all FRAP Enquiries**

**The Call Centre number is 021 402 3727 (FRAP)**

**An anonymous tip-off line telephone number to be provided  
in due course.**