



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

PRESS RELEASE

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MINISTER'S DECISIONS ON APPEALS FILED AGAINST THE DECISIONS OF THE DELEGATED AUTHORITY IN THE PATAGONIAN TOOTHFISH SECTOR.

Cape Town; Thursday, 8 February 2018: The Minister of Agriculture, Forestry and Fisheries, Mr Senzeni Zokwana (MP) (the Minister), hereby releases his decisions on the appeals filed by applicants for Patagonian Toothfish fishing rights. A total of 14 appeals were filed against the initial decisions taken in this fishery by the Deputy Director-General; Branch: Fisheries Management (the DDG) on 1 December 2016.

The Minister has noted that the Patagonian Toothfish fishery is an extremely capital intensive, high risk offshore fishery that targets toothfish in the waters around South Africa's Southern Ocean island, the Prince Edward Islands. Global toothfish stocks are managed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which SA is a founding member. South Africa authorises two vessels to target toothfish.

Both vessels are members of the Coalition of Legal Toothfish Operators (COLTO). Due to the high risk nature of the fishery, the geographic location of the fishing grounds, the huge cost outlay to operate vessels in the fishery and the levels of IUU fishing that have dominated this fishery in the recent past, the allocation of rights in this fishery has been extremely onerous and rigorous.

The salient aspects of the Minister's decision are as follows:

Subsequent to the DDG's final decision on applications on 1 December 2016, a total of 4 fishing rights were allocated. Historically, there were 5 right holders in this fishery. The DDG decided to refuse a right to Irvin & Johnson Ltd. The 4 successful right holders were allocated a 15 year-fishing right. A total of 29.8% of the total allowable catch for this fishery remained available for allocation to, *inter alia*, suitable new entrants.

The appeals process confirmed the lack of any suitable new entrants who could conceivably be allocated a right in this fishery given the substantial financial and operational barriers to successfully participate in this fishery.

The Minister has however decided to reserve his decision on the application by Braxton Security Services CC (a new entrant appellant), pending further consultation on its application and appeal. The Minister will finalise his decision on this appeal within 7 days.

The Minister elected to uphold and confirm the quantum allocation methodology for this fishery adopted by the DDG on 1 December 2016. Once the Minister finally disposes of the appeal by Braxton Security Services CC, any balance of the TAC will then be available for allocation as stated in paragraph (h) of the Quantum Allocation Methodology published by the DDG on 1 December 2016.

Finally, the Minister accepted the appeal filed by Irvin & Johnson Ltd and decided to allocate it a Patagonian Toothfish right, effective from 8 February 2018. Irvin & Johnson Ltd is allocated

13.4% of the Patagonian Toothfish total allowable catch on the *MFV El Shaddai*. Accordingly, a total of 5 fishing rights have now been allocated in this fishery and two vessels are authorized to exploit the South African catch allowance, namely the *MFV El Shaddai* and the *MFV Koryo Maru II*.

The Minister's record of decision on the appeals comprises of the following:

- The General Published Reasons for Decisions on Appeals in the Patagonian Toothfish Sector (Appeals GPR) issued on 8 February 2018, together with Appendix A to the Appeals GPR;
- The Appeal Reports, which record the Minister's decision on each appeal. These Reports are colloquially known in the fishing industry as Regulation 5(3) Reports and are published in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998); and
- Individual notification letters issued to each appellant, which record the Minister's decision on that appellant's appeal.

These records, except for the Regulation 5(3) Reports, will be made available on the Department's website at www.daff.gov.za. Each appellant will be issued with the Appeals GPR; Minister's Appeal Decision List and the Appellant's Regulation 5(3) Report.

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