



**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES  
BRANCH FISHERIES MANAGEMENT**

**DRAFT REVISED TRADITIONAL LINEFISH POLICY ON THE ALLOCATION AND  
MANAGEMENT OF FISHING RIGHTS: 2013**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION AND  
MANAGEMENT OF FISHING RIGHTS: 2013**

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## **1 Introduction**

This policy on the allocation and management of fishing rights in the Traditional Linefish sector is issued by the Minister of Agriculture, Forestry and Fisheries (“the Minister”) and shall be referred to as “**Traditional Linefish Policy: 2013**”. The Traditional Linefish Policy: 2013 shall be read together with the General Policy. The Minister intends delegating her section 18 powers to allocate commercial fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 (“the MLRA”) to an official of the Department.

This policy sets out objectives and the criteria, which will guide the evaluation and allocation of commercial fishing rights in the traditional line fish fishery sector.

## **2 Profile of the Fishery**

### **2.1 Description of the fishery**

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

Fishing with simple lines (hand held 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 linefishing and are referred to as traditional, making a distinct identification from other linefishing methods. This distinction has led to the origin of the Traditional Linefish fishing sector (“the fishery”), and to further distinguish between line fishing and long lining, line fishers are restricted to a maximum of 10 hooks per line

### **2.2 History of the fishery**

The origin of boat based line fishery is traced back to fishing activities of the European seafarers in the 1500s. In 1652 restrictions were imposed in the fishery by the Dutch following their colonisation of the Cape. Despite the abundance of fish the imposed restriction resulted in slow development of the fishery. In 1795 the British captured the Cape colony from the Dutch and lifted all restrictions. Subsequently boat based linefishing 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 the 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 equaled 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, stock assessments indicated that so-called more resilient species were severely over-exploited. Research surveys reveal that the regulations have failed to provide 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 in 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 achieved at the Long Term Right Allocation and Management Process of 2005/2006 (LTRAMP 2005). Effective enforcement and monitoring became a necessity in order to restore diminishing fish stocks.

### **2.3 Resource users today**

The South African line fishery 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 fishery is a boat-based activity and owing to the large number of users, launch sites, species targeted and the operational range, the line fishery is managed in terms of a total applied effort (“TAE”), bag limits for species, closed areas, limitations of the gear used and restraints on the trade of collapsed and over-exploited species. The commercial 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 hand line 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 commercial line fishery. Almost all of the traditional line fish catch is consumed locally. There is recent evidence of exports of some prime species notable yellowtail.

Approximately **82%** of the right holders partake (Right Holders issued with fishing permits) in the fishery in any given year (fishing season) and **6%** of the allocated rights were never activated (Right Holders not issued with fishing permits).

## **2.4 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 line fishes have been depleted to dangerously low levels. As a result productivity and hence annual catch are much lower than they 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, is extremely high. Responding to the poor status of most traditional line fish resources, the Minister declared an environmental emergency in the traditional line fishery in December 2000. In terms of the emergency, the Minister determined that no more than 3450 persons may fish commercially for traditional line fish. The TAE allocated to the traditional commercial line 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 the maximum sustainable yields. The goal is to be achieved on an urgent basis for depleted stocks, and if possible, by not later than 2015.

## **3 The 2005/2006 Long Term Rights Allocation Process**

Commercial fishing rights for the traditional line fishery were allocated for the second time in 2005/2006. The 2005/2006 rights allocation process was categorised as a Long Term Rights allocation with rights duration of eight years. The very first time rights allocation in the fishery was in July 2003 with rights granted to a total of 346 vessels with a total effort of 2048 crew and was regarded as medium-term allocation. The long term right allocation differed from the medium term as rights were allocated to persons rather than to vessels. Traditional Linefish Right Holders are restricted to use of one vessel and a determined maximum number of crew.

## **4 Objectives of allocating Traditional Line Fish Rights**

The over-all objectives of allocating long term fishing rights in the traditional line fish sector are to:

- 4.1 Promote the participation of black traditional line fishers;
- 4.2 To encourage participation of current active long term fishing rights’ Right Holders;

- 4.3 To secure jobs and create platform for more job creation;
- 4.4 Promote adherence to fair labour practices;
- 4.5 To promote food security and poverty elevation;
- 4.6 Allocate commercial rights to traditional line fishers reliant on traditional line fishing for their main source of income;
- 4.7 To value tradition and historical participation in the fishery;
- 4.8 Endeavour to allocate a fair proportion of rights to applicants based at fishing harbours that are historically associated with traditional line fish catches;
- 4.9 Support the management of effort in order to facilitate the recovery of over-exploited and collapsed fish stocks;
- 4.10 Lay the foundations for the management of this fishery on a regional basis; and
- 4.11 Ensure substantially higher levels of compliance by fishers.

## **5 Empowerment of Line Fish Crew**

The Department will require all fishing crew who are intending to work on traditional line fish boats to register with the Department on the Crew Register. All line fish right holders will be required to select their crewmembers from among those who are listed on the Crew Register. The Department will only register persons on the crew list if they have successfully undertaken a SAMSA safety training course, demonstrate a reliance on traditional line fishing and are able to demonstrate some form of historical involvement in traditional line fishing. Crew will be registered free of charge and the registration process will commence in the last quarter of 2005. Everyone that qualifies will be registered. There will be no maximum number of crew to be registered on the list. Registered crew may only fish from vessels authorised to catch traditional line fish, but Registered crew will not be limited to work on any particular line fishing vessel or area. Persons registered on the Crew List may also crew on vessels in other fisheries.

## **6 Allocation of Rights**

### **6.1 Duration of Right**

Having regard to the biological status of line fish stocks, the need to encourage higher levels of compliance and adherence to fisheries laws and the need to affirm line fishers from traditional line fish villages along the entire coast, the need to further promote equal and fair access to the resources commercial rights will be allocated for a period of **seven** years (1 January 2014 to 31 December 2020). Each right holder will be tested against predetermined performance criteria.

### **6.2 Form of right holder**

6.1.1 Section 18 of the MLRA provides that only South African persons may hold fishing rights.

6.1.2 The following South African persons will be considered:

- (a) a company;
- (b) a close corporation;
- (c) a trust;
- (d) a co-operative established in terms of the Small-Scale fisheries policy; and
- (e) an Individual who is a South African citizen as described in the constitution.

### **6.3 New Entrants**

The traditional line fishery is oversubscribed. It is estimated that the ratio of oversubscription (fishers:TAE) may be as high as 2:1. In addition, the traditional line fishery remains in a state of environmental emergency. The Minister set the TAE at 3450 crew and 455 vessels and no additional rights or exemptions will be granted in this fishery. Current right holders and exemption holders may be replaced, especially if they do not rely on line fishing for their main source of income, have not fished in accordance with the permit conditions or have failed to transform their businesses as undertaken in their applications for fishing rights or exemptions. These right holders and exemption holders may be replaced with traditional line fishers who demonstrate, including those who were unsuccessful in applying for a long term right in 2005/2006.

## **7 Evaluation Criteria**

All applications for line fish 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 in the manner set in the exclusion criteria.

### **7.1 Exclusionary Criteria**

Apart from the criteria described in Annexure A pertaining to the lodgement of the 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 infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences will not be allocated a traditional line fish right. This does not include the payment of an admission of guilt fine. If the applicant was a member of a close corporation or a shareholder of a company that held a fishing right, then the applicant will not be granted a right if the right holder (the close corporation or company) or one of its members, directors or its controlling shareholder was convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period. Rights will also not be allocated to an applicant if the applicant

has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, the applicant will not be granted a right if the medium term right holder (the close corporation or company) or one of its members, directors or controlling shareholder had a right cancelled or revoked in terms of the MLRA, or had assets seized under the Prevention of Organised Crime Act. Decisions may be reserved on applications if there is a pending criminal investigation, or section 28 proceedings, which may affect the outcome the application.

- (b) Paper Quota Applicants: In the fishing rights allocation process, the delegated authority will exclude new entrant applicants who appear to be paper quota risks. For this purpose, the delegated authority will consider an applicant to be a “paper quota risk” if that applicant appears to have no serious intention to share the risk of fully participating in the sector, especially if a danger exists that an applicant has not applied in order to enter the industry but to gain some financial benefit without direct involvement in the main activities associated with exploiting any right that may be granted. In determining whether a new entrant applicant poses such a paper quota risk, the applicant’s assets and access to capital and its financial and business planning and commitments should be considered. The delegated authority will also exclude as “paper quota risk” applicants considered to be fronts” for other beneficiaries. Fronting occurs when, in order to circumvent a policy objective, an application is made through another individual. An example is an application made by an ostensibly transformed individual with the intention that the main benefits will flow to an untransformed entity or individuals that are not black persons. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (c) A household (comprising parents and children) may not be granted more than one right so as to avoid fronting and to broaden access to the traditional line fish resource. Applicants may be required to disclose their relationship to applicants in the line fish sector or other commercial fisheries. If more than one member of a household applies for a right, all the applications from that household may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (d) Non-utilisation: The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise the right and that no valid reasons are provided for non utilisation.

- (e) Personal involvement in harvesting of the resource: Applicants will be required to demonstrate that, during the fishing season, they are personally involved in traditional line fishing, in that they are active the fishing and business operations. Only applicants incapable of participating due to a permanent physical disability will be exempt from this requirement. Regard will be given to women applicants who may not be personally involved in the harvesting of the resource but are solely or directly depended in the fishery for their livelihoods.
- (f) Vessel access: Applicants will have to demonstrate that they have access to a suitable line fish vessel although consideration will be given to the manner in which the applicant intends to harvest the resource, which shall include committed of support from government agencies and other interested parties.

## **7.2 Balancing Criteria**

Applicants will be evaluated in terms of balancing criteria which will be weighted in order to assess the strength of each application.

- (a) Transformation: To improve the transformation profile of the traditional line fish sector, black applicants will be positively scored. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

Applicants will also be assessed on –

- (i) The percentage of black persons and women involved in the management of the applicant's enterprise and employed by the applicant;
  - (ii) Whether the applicant complies with skills development laws (if applicable) and whether the applicant has invested in the training and development of crew;
  - (iii) Whether the applicant regularly shared profit with crew;
  - (iv) Affirmative procurement; and
  - (v) Corporate social investment.
- (b) Investment in the Fishery: Investment in vessels and equipment will be recognised, as long as the investment demonstrates a real commitment to participate in the fishery. The delegated authority should also consider whether the applicant has invested in fish processing initiatives or intend investing in any line fish processing initiatives to add further value to traditional line fish caught.
  - (c) Deck Boats: Applicants resident along the west and south east coasts who intend to use traditional wooden deck boats (provided they are approximately 10m or less) may be

rewarded, provided that the applicant is able to demonstrate that the vessel has a good performance history in the traditional line fishery.

- (d) Fishing Performance: Right holder applicants will be assessed having regard to their traditional line fishing performance and record during the rights allocation period. New entrant applicants will be assessed having regard to whether they have the ability, knowledge and skills to participate in the traditional line fish sector.
- (e) Job creation: Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the right period, will be rewarded, especially those that have provided employees with
  - (i) Full time secure employment;
  - (ii) Medical and pension benefits;
  - (iii) Safe working conditions;
  - (iv) Any other employment benefits.
- (f) Traditional Fishing Communities: A number of traditional fishing villages along South Africa's coast have historically been centres of traditional line fishing. The delegated authority may positively score applicants that have been resident in a traditional line fishing village for at least the past 10 years and who intend to fish from a local harbour or slipway only.
- (g) Historical involvement: All applicants will be rewarded for demonstrating historical involvement in the traditional line fishing industry, such as being a skipper or a crew member in the fishery.
- (h) Reliance on line fishing: The delegated authority should prefer applicants who rely on traditional line fishing for a significant proportion of their gross annual income. Applicants who derive income from sources outside the fishing industry may be negatively scored. New entrant applicants will be required to demonstrate their historical dependency on the traditional line fishery for their livelihood.

### **7.3 Effort Allocations**

The delegated authority will allocate rights to a maximum of 450 vessels capable of carrying a maximum of 3450 crew, divided between the regions in the manner set out below. The number of vessels allocated to each regional management area has been determined after consideration was given to the number of active vessels in each region over the past five years and the fishing effort levels that can be sustained in each region.

Regional Management Areas Vessel Effort

Port Nolloth to Cape Infanta 295

Cape Infanta to Port St Johns 103

Each successful applicant will be granted the right to use one vessel only in case of individual applicants. Multiple vessels will be allocated to legal entities who apply to participate in the fishery. The number of crew that may fish from any vessel will be restricted to the number determined by the Department but not exceeding the safety approved SAMSA crew limitation appearing on the safety.

#### **7.4 Suitable Vessels**

A suitable vessel in the traditional line fishery is a vessel that:

- (a) is either a skiboat or traditional wooden deck boat of approximately 10m or less. Preference will be given to vessel currently operating in the fishery. The vessel must be certified by SAMSA as being safe for fishing; and is geared for hand line fishing.

The Department may require each vessel holder to invest in an acceptable vessel monitoring system (“VMS”) after the allocation of fishing rights. Regard will be had to the cost of the VMS system before imposing the requirement. The Department shall incur the cost of the VMS when is deemed unaffordable by the Right Holders.

#### **7.5 Multi-sector Involvement**

Applicants in the traditional Linefish fishery may apply for access to other fisheries which may include the tuna and squid hake handline sectors during the 2013 Rights Allocation process.

Right holders in the traditional line fishery may hold the following rights, in addition to their line fish right:

- (a) Right holders permanently resident between Port Nolloth and Gansbaai may hold west coast rocklobster fishing rights (near shore only), provided that the person does not hold an abalone right as well;
- (b) Right holders permanently resident between Cape Infanta and Port St Johns may hold hake handline fishing rights; and
- (c) Right holders permanently resident in KwaZulu-Natal may hold net fish rights (such as shove nets etc), including sardine beach seine rights.

The provisions of Government Notice 4727 of 29 December 2000, in so far as it prohibits the holder of a commercial traditional line fishing right from holding any other commercial fishing right, are hereby amended and the holder of a traditional line fish right is authorized to hold the following fishing rights only:

- West coast rock lobster (near shore);
- Hake handline; and
- KwaZulu-Natal Beach seine nets (including shove nets).

Traditional line fishing right holders who are also allocated West coast rock lobster (near shore) fishing rights will not be permitted to carry any gear for the harvesting of lobster while traditional line fishing.

Right holders will not be permitted to fish hake handline and traditional line fish on the same trip (they may not exercise both permits). However such right holders will be allocated the same number of crew for hake handline and line fish.

## **7.6 Regional management**

The Department will continue to manage this fishery on a regional basis, prohibiting the movement of vessels from one region to the next and regulating the use of vessels within the regions. More particularly, should an applicant be successful in its application, the right holder will then be restricted to a particular region. An applicant allocated a right on one region may not migrate to another region without prior written approval from the Department, this migration shall be regarded as transfer of a fishing right in terms of section 21 of the MLRA. The delegated authority will allocate traditional line fish rights in the following three management regions:

- **ZONE A:** Port Nolloth to Cape Infanta;
- **ZONE B:** Cape Infanta to Port St Johns; and
- **ZONE C:** KwaZulu-Natal

## **8 Application Fees and Levies**

The application fee for this fishery have been determined having regard to:

- 8.1 The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- 8.2 The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2015 will be determined through the Department fees review process which includes draft publication for comments. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

## **9 Management Measures**

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

### **9.1 Ecosystem Approach to Fisheries Management**

This fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is an holistic and integrated policy which recognises that fishing and various land based activities impacts on the

broader marine environment. The EAF will be detailed further in the Fishery Management Manual for the traditional line fishery. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

15.2 Marine Protected Areas

Marine protected areas are closed for fishing unless permitted so by responsible authority in writing.

15.4 Vehicle use in the Coastal Zone

Right-holders in the traditional line fishery must apply to the Deputy Director-General of Oceans and Coasts: Department of Environmental Affairs for a permit to use a vehicle in the coastal zone if required to launch a vessel outside of a licensed boat launching site.

The fee to apply for a permit to use a vehicle in the coastal zone is currently set at R500 (five hundred rand).

## **10 Performance Measuring**

The Department will institute formal performance measuring exercises for the duration of the commercial fishing rights. Although the Department will finalise the precise criteria against which right holders will be measured after the allocation of commercial fishing rights, and after consulting right holders, the following broad performance-related criteria may be used:

- 10.1 crew empowerment;
- 10.2 investment in processing and value adding to line fish stocks;
- 10.3 job creation; and
- 10.4 compliance with applicable laws and regulations.

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.

## **11 Provisional lists**

Before the delegated authority makes final decisions on the successful applicants, he or she should issue a provisional list of successful applicants. The provisional list will be circulated to each fishing area. Interested and affected parties in these areas may then be invited to comment on the list and, in particular, inform the delegated authority if any persons who historically fished for traditional line fish in the area have been excluded from the provisional list or whether any person included on the provisional list is not reliant on the traditional line fish resource.

## **12 Observer and Monitoring Programme**

The Department's current monitoring programme will be expanded to this fishery. Right holders will be required to bear the costs of a land-based observer monitoring programme.

### **13 Permit Conditions**

Permit conditions for this fishery will be issued annually. Permit conditions may be amended at any time during the fishing season. Right Holders or recognised industrial bodies and interest groups will be consulted when deemed necessary.