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## GOVERNMENT NOTICE

### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 1358

12 December 2008

### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

#### MARINE LIVING RESOURCES ACT, 1998 (Act No. 18 of 1998)

#### INVITATION TO COMMENT ON THE DRAFT POLICY FOR THE ALLOCATION AND MANAGEMENT OF MEDIUM-TERM SUBSISTENCE FISHING RIGHTS, DECEMBER 2008

The Minister of Environmental Affairs and Tourism hereby publishes for comment the DRAFT POLICY FOR THE ALLOCATION AND MANAGEMENT OF MEDIUM-TERM SUBSISTENCE FISHING RIGHTS.

Interested and affected parties are invited to submit written comments on the **DRAFT POLICY FOR THE ALLOCATION AND MANAGEMENT OF MEDIUM-TERM SUBSISTENCE FISHING RIGHTS** in the manner provided for in this Notice.

Interested parties may submit written comments to the Department by 16h00 on Friday 27 February 2009 by mail, by hand, e-mail or telefax transmission. Please note that comments received after the closing date may be disregarded.

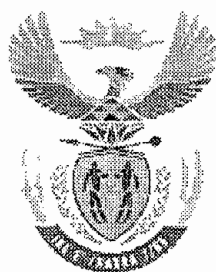
<u>By mail</u>	<u>By Hand</u>	<u>By Email</u>
Subject: Comments on DRAFT POLICY FOR THE ALLOCATION AND MANAGEMENT OF MEDIUM-TERM SUBSISTENCE FISHING RIGHTS Customer Services Centre, Private Bag X2, Roggebaai, 8012	Subject: DRAFT POLICY FOR THE ALLOCATION AND MANAGEMENT OF MEDIUM-TERM SUBSISTENCE FISHING RIGHTS Customer Services Centre, 2 <sup>nd</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town	<u><a href="mailto:subsistence@deat.gov.za">subsistence@deat.gov.za</a></u>
		<u>By FAX</u> 021 402 3622
		<u>Telephonic queries</u> 021 402 3344 Sandile Sibya

The draft policy is also available on the Department's website [www.deat.gov.za](http://www.deat.gov.za). The draft policy will also be made available in Afrikaans, Isixhosa and Isizulu on the Department's website.

**IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH, AFRIKAANS, ISIXHOSA AND ISIZULU TEXT, THE ENGLISH TEXT PREVAILS.**

**DRAFT**

*(For comments only)*



environment  
& tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**  
**BRANCH: MARINE AND COASTAL MANAGEMENT**

**Draft Policy for the Allocation and Management of  
Medium-term Subsistence Fishing Rights**

**November 2008**

(available at [www.deat.gov.za](http://www.deat.gov.za))

**Public Comments**

The Department of Environmental Affairs and Tourism ("The Department") will hold public meetings at coastal venues in order to consult with the general public and interested and affected parties with respect to this draft subsistence fisheries policy. At these public meetings, comments on this policy will be invited. Written comments may also be submitted to the Department by **Friday 27 February 2009**. Comments after this date will not be considered. All comments must be addressed to the Deputy Director-General, Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (DEAT: MCM), **Attention Mr. Sandile Sibiya** and must be clearly marked '**Comments on Draft Subsistence Fisheries Policy**'. Comments may be submitted by fax, post, e-mail or by hand. Details of these avenues for submission of comments are given below:

<b>ADDRESSEE: Deputy Director-General, DEAT: MCM.</b> <b>ATTENTION: Mr Sandile Sibiya</b> <b>SUBJECT: Comments on Draft Subsistence Fisheries Policy</b>	
<b>By Fax</b>	021 402 3622
<b>By Post</b>	Private Bag X2, ROGGE BAY, 8012
<b>By e-mail</b>	<a href="mailto:subsistence@deat.gov.za">subsistence@deat.gov.za</a>
<b>By Hand</b>	Customer Service Centre, Ground Floor, Marine and Coastal Management, Foretrust Building, Martin Hammerschlag Way, ROGGE BAY, CAPE TOWN

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**GLOSSARY OF TERMS AND NOTES**

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<b>Minister</b>	The Minister responsible for the Department of Environmental Affairs and Tourism.
<b>Department</b>	The Department of Environmental Affairs and Tourism.
<b>Fishery Control Officer</b>	Any person appointed as a Fishery Control Officer in terms of section 9 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
<b>Small-scale Fishers</b>	Persons who are involved in micro-enterprises, are engaged in fishing either to meet food and basic livelihood needs or may be involved in small-scale commercial activities. These fishers may operate on or near the shore or in coastal water bodies and have a tradition of operating near fishing grounds. They predominantly employ traditional and/or low technology fishing gear and are directly involved in harvesting their catches. This category of fishers also recognises the continuum including subsistence within small-scale fishers.
<b>Subsistence Fisher</b>	A natural person who regularly catches fish for personal consumption or for the consumption of his or her dependants, including one who engages from time to time in the local sale or barter of excess catch, but does not include a person who engages on a substantial scale in the sale of fish on a commercial basis.
<b>Co-management</b>	Co-management refers to a partnership in which government, local communities, resource users, non-governmental organisations and other stakeholders will assist in the management of resources which excludes the actual allocation of fishing rights.
<b>Local Co-Management Committees (LCC's)</b>	Local Co-Management Committees are community representative bodies established to engage with government and assist in the management of resources and resource users.

<b>Fishery</b>	One or more stock or stocks of fish or any fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management, taking into account geographical, scientific, technical, recreational, economic and other relevant characteristics.
<b>Fish Processing Establishment</b>	Any vehicle, vessel, premises or place where any substance or article is produced from fish by any method, including the work of cutting up, dismembering, separating parts of, cleaning, sorting, lining and preserving of fish, or where fish are canned, packed, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale in or outside the territory of the Republic.
<b>Historically Disadvantaged Individuals</b>	People who were disadvantaged through unfair discrimination on the basis of their race, gender or disability.

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#### ABBREVIATIONS

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<b>DEAT</b>	Department of Environmental Affairs and Tourism
<b>MCM</b>	Marine and Coastal Management
<b>MLRA</b>	Marine Living Resources Act, 1998 (Act No. 18 of 1998)
<b>SFTG</b>	Subsistence Fisheries Task Group
<b>LCCs</b>	Local Co-management Committees
<b>HDIs</b>	Historically Disadvantaged Individuals



## 1. INTRODUCTION

This *Draft Policy for the Allocation and Management of Medium-term Subsistence Fishing Rights* in South Africa is issued by the Minister and will be referred to as the '*Subsistence Fisheries Policy*'. The mandate of the Department is the conservation, management and sustainable utilisation of marine living resources. The policy is intended to improve management and serve as a guide for the allocation of fishing rights to subsistence fishers, within the framework of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA"). The policy therefore sets out the underlying principles, procedures and processes for the management and allocation of rights.

The MLRA contemplates three main types of fishers or fishing, subsistence, commercial and recreational. While the term 'subsistence fisher' has historically been used to describe a group of fishers which fish to meet basic needs including the sale of fish, this group in fact consists of a continuum of fishers sometimes referred to as traditional/artisanal or subsistence fishers but more appropriately referred to as 'small scale fishers' as defined above. This continuum of small scale fishers can currently be accommodated by the allocation of subsistence rights under the MLRA. The more inclusive term 'small-scale fishers' is not recognised explicitly by current legislation. Such recognition may necessitate future legislative amendments to keep pace with the changing dynamics of this group of fishers to ensure a more inclusive approach.

For purposes of priority, it is essential that subsistence fishers be dealt with. The allocation and management of subsistence fishing rights currently and in the longer term, lacks an appropriate policy framework. This policy aims to provide such a framework for this group of fishers. Depending on the legislative amendment process, separate subsistence or small-scale rights may be allocated, or only subsistence fishing rights may be allocated.

The MLRA entrusts the management of marine living resources to the Department. For the purpose of allocation, the Minister intends to delegate the section 18 power to allocate rights in the subsistence sector in terms of section 79 of the MLRA to an official or officials of the Department. This policy document will guide the delegated authority in taking decisions on applications for

subsistence fishing rights. In terms of section 80 of the MLRA, read together with regulation 5, the Minister will be the appeals authority.

## 2. HISTORICAL PERSPECTIVE

Subsistence fishers have historically been harvesting marine living resources primarily within the nearshore region, for personal consumption or for the consumption of his or her dependents, including the local sale or barter of excess catch. Although adequate thought was not given to this group, the Department accommodated these fishers by allowing some to harvest marine living resources by way of exemptions in terms of the MLRA. In 2001, with the allocation of medium-term commercial fishing rights, a percentage of these fishers have been accommodated in the West Coast Rock Lobster, Traditional Linefish and Hake Handline fishing sectors, within a special category referred to as "limited commercial". However, it is now clear that there was still a group of fishers who have been excluded.

In 1999 the Department commissioned a Subsistence Fisheries Task Group (SFTG) to commence a policy process and management regime for subsistence fisheries. Following a survey by the SFTG that was conducted from 1999 to 2000 as well as consultative meetings held by the Department, it became clear that commercial fishing consists of two overlapping groups: small and large scale fishers. Although delimitation of these groups is a complex exercise, it was also recognised that there was a continuum across subsistence, small-scale commercial and large-scale commercial fishing. In fact, it ranges from the extreme end where fishers basically fish for food, to micro-enterprises and subsequently to small- and medium enterprises.

Therefore for the long term, the MLRA may need to be reviewed to recognise a new category referred to as small-scale fishers, defined as *"persons who are involved in micro-enterprises, are engaged in fishing either to meet food and basic livelihood needs or may be involved in small-scale commercial activities. These fishers may operate on or near the shore or in coastal water bodies and have a tradition of operating near fishing grounds. They predominantly employ traditional*

*and/or low technology fishing gear and are directly involved in harvesting their catches".* This category of fishers also recognises the continuum from subsistence fishers to other fishers that may increasingly be orientated towards commercialisation although still within the category of small-scale fishers.

It is acknowledged that the current terminology in the MLRA, namely, 'subsistence' fishing does not recognise the more inclusive nature of this group of fishers and who themselves prefer to be categorised as 'small scale'. However, for purposes of allocating rights within the current legal framework, the existing definition is sufficient to accommodate the targeted group as an interim measure until a more inclusive definition is included in the MLRA. Priority should therefore be afforded to allocating rights to subsistence fishers, given that this is a significant group that was not accommodated during the recent long-term commercial rights allocation process.

The current definition of 'small scale' outlined in the definitions section above may change when amendments are made to the MLRA in the future. This policy seeks to accommodate the group of fishers who have previously not been included in the new fisheries dispensation provided by the *General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005* and the sector specific policies.

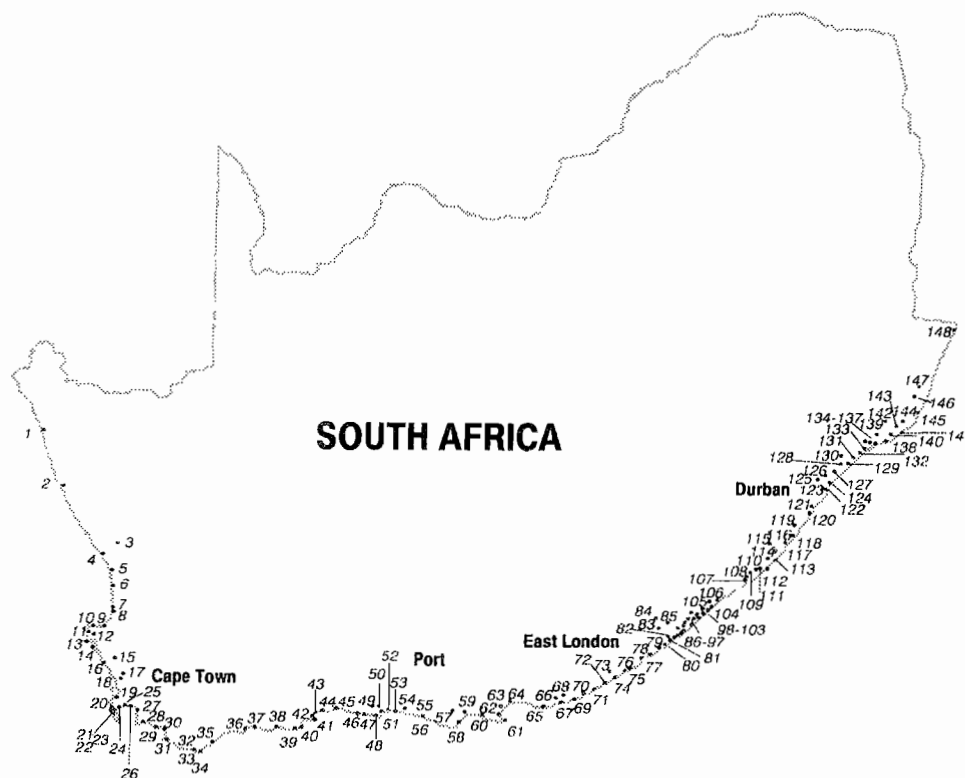
### **3. BACKGROUND**

#### **3.1 Current profile of the fishery**

The current profile of resource users in the subsistence fishery is complex. The fishery comprises fishers, employing traditional and/or low technology fishing gear, who engage in a range of labour intensive harvesting, processing and distribution technologies used to exploit marine fishery resources on a full-time, part-time or seasonal basis predominantly for subsistence, local and domestic markets. Fishers themselves further engage in other ancillary activities such as their own net-making, boat-building, engine repair and maintenance which provide additional fishery-related employment and income opportunities in fishing communities.

### 3.2 The distribution of Subsistence fishers

Subsistence fishers, estimated at 30 000 in number, are found throughout the coastal belt of South Africa, with the majority in the Eastern Cape and KwaZulu-Natal. Some of the known communities are listed in Figure 1 below. This list is not exhaustive and it is recognised that not all the communities may have been listed.



**Figure 1: An illustrative distribution of subsistence fishing communities along the coast of South Africa. The list is not exhaustive and may not include all communities. The identity of the communities is listed in Table 1 alongside the corresponding number on the map.**

**Table 1: List of subsistence fishing communities linked to Figure 1 above.**

1. Port Nolloth	6. Groothoek Bay	21. Oceanview	35. Witsand	54. Covie
2. Hondeklip Bay	7. Lamberts Bay	22. Kommetjie	36. Pontjie	55. Storms River
3. Ebenhaeser	8. Elands Bay	23. Masiphumele	37. Still Bay	56. Jeffrey's Bay
4. Papendorf	9. Veldrif	24. Retreat/Steenberg	38. Gouritzmond	57. Gamtoos River
5. Doring Bay	10. St Helena Bay	25. Khayelitsha	39. Vlees Bay	58. Lorie
	11. Paternoster	26. Macassar	40. Mossel Bay	59. Seaview
	12. Vredenburg	27. Gordon's Bay/Strand	41. Hartenbos	60. Cape Recife
	13. Saldanha Bay	28. Kleinmond	42. Power Town	61. Port Elizabeth Harbour
	14. Churchhaven	29. Hawston	43. Groot-Brak River	62. Swartkops
	15. Hopefield	30. Hermanus	44. Herolds Bay	63. Colchester /Sundays
	16. Yzerfontein	31. Gans Bay	45. Victoria Bay	64. Nankos
	17. Mamre	32. Buffelsjags	46. Knysna	65. Bushmans/ Klipfontein
	18. Atlantis	33. Struisbaai	47. Hornlee	66. Marselle
	19. Cape Town	34. Arniston	48. Kranshoek	67. Kariega
	20. Hout Bay		49. Plettenberg Bay	68. Port Alfred/Kowie
			50. Wittedrif	69. Fish River
			51. New Horizon	70. Bira
			52. Bitou	71. Keiskamma West
			53. The Craggs	72. Keiskamma East
				73. Chulumna
				74. Kidd's Beach
				75. Cove Rock
				76. Fuller's Bay
				77. East London
				78. Gonubie
				79. Kei Mouth

**Table 1: List of subsistence fishing communities linked to Figure 1 above (Continued).**

80. Qolora	105. Sikolweni	113. Thongasi	130. Glenhills/Warrenton
81. Ncizele	106. Mtentu	114. Thundesa	131. Nonoti
82. Debese	107. Skhombé	115. South Broom	132. Wedebe/Tugela
83. Kobonqaba	108. Mtolane	116. Ramsgate/Mvunshini	133. Emphublwini
84. Maxambeni	109. Mnyameni	117. Fairview	134. Mantshangule
85. Mazeppa	110. Mpahlane	118. Mfazazane	135. Macambeni
86. Mkawukazi	111. Mzamba	119. Turnton	136. Thengela
87. Ngadla	112. Nqeza	120. Ilfracome	137. Matikulu
88. Xazini		121. Umgababa	138. Port Dunford/Nymbe
89. Mahasana		122. Phoenix	139. Madlankala
90. Kwa Bitsha		123. Blackburn	140. Empebeni
91. Nqabarana		124. Verulam	141. Umhlathuze Valley
92. Ntubeni		125. Desainger	142. Umhlathuze
93. Mpume		126. Tongaat	143. Nseleni
94. Mendwana		127. Shaka's Head	144. Nhlabane
95. Hobeni		128. Tinley Manor	145. Sokhulu
96. Cwebe		129. Groutville	146. Nkundusi
97. Nkanya			147. KwaMduka/Nibela
98. Qatywa			148. Kosi Bay
99. Bulungulu			
100. Mdikana			
101. Zitulele			
102. Coffee Bay			
103. Madakeni			
104. Ndungunyeni			

### **3.3 The resources traditionally harvested by subsistence fishers**

A variety of marine living resources are harvested by subsistence fishers. These include rocky shore inter-tidals such as limpets, polychaete worms, brown and white mussels, oysters, winkles, east and west coast rock lobsters, octopus, seaweeds, estuarine invertebrates such as mud and sand prawns, swimming prawns, mud crab, sandy beach invertebrates such as *Bullia*, *Ovalipes*, bivalves, crabs and traditional line fish species. Harvesting methods are also diverse. For example line fish are caught using one or a combination of cast and seine nets, kraal traps, rods and hand lines, motorised and non-motorised vessels.

There are strong regional patterns in the distribution and hence the harvesting of the various marine living resources, including both from the marine and estuarine environments. In the case of line fish, fishers in the west coast predominantly catch harders, hottentot, snoek and yellow tail. On the south and east coast, fishers predominantly catch Roman, stumpnose, white steenbras, kob, geelbek, red steenbras, galjoen, queen mackerel, musselcracker, elf, grunTERS, rock cod, streepies, black tail, bronze bream and river bream.

### **3.4 A socio-economic profile of subsistence fishers**

Subsistence fishers are an integral part of coastal communities where they reside and as such, the socio-economic profile of the communities reflects, if from a broader perspective, the situation faced by the fishers. An analysis of the socio-economic profile of coastal communities from which the fishers originate in the four coastal provinces reveals that the fishers are very vulnerable. Subsistence fishers in KwaZulu-Natal and the Eastern Cape live in predominantly rural communities compared to those in the Western and Northern Cape, who live in predominantly urban communities.

The average household, as estimated in 1999, has about five members, with the Eastern Cape and KwaZulu-Natal having larger households of about seven. Fishers in the Western Cape are

predominantly males. At least 40% of fishers in Eastern Cape and an estimated 37% of fishers in KwaZulu-Natal are women. Fisher households are generally young, the average age of members being 27 years.

The level of education among subsistence fishers is low. In 1999, 25% of fishers older than 20 had some secondary schooling but 65% was not schooled beyond the primary level. This profile of low education suggests that subsistence fishers are trapped in poverty.

Forty percent of fishers between the ages of 15 and 64 years were unemployed in 1999. Only 10% of fishers were employed regularly, whilst 20% are either casually employed, seasonally employed or work as groups sharing their harvest.

Those that are employed have very low income. Most of the income of subsistence fishers is spent on food. Fishers in the Eastern Cape face the most severe food insecurity. About 60% of them spent 66% of their money income only on food.

#### **4. PRINCIPLES**

The subsistence fisheries policy is founded on the following principles:

- To have regard for and adhere to the principle of sustainable marine resource utilisation.
- Recognition of the social and economic benefits within the overall context of ecological integrity.
- A co-management approach which excludes allocation of fishing rights.
- Promotion of equitable (race, gender, disability) access to and benefits from marine living resources.
- Preferential access, where appropriate, to disadvantaged individuals and communities who have historically / traditionally relied on marine living resources for a livelihood.
- Recognition for harvesting opportunities through a "basket system".
- Adoption of an integrated and holistic approach to ensure food security.
- Acknowledgement of the indigenous knowledge of fishers.



- Capacity building of fishers through education, training and skills development.
- The development of accountable and transparent institutional structures and mechanisms.

## 5. OBJECTIVES

The Subsistence Fisheries Policy shall endeavour to achieve the following objectives:

- To provide a formal management and policy framework for subsistence fishers through the allocation of subsistence fishing rights.
  - having regard for equitable (race, gender, disability) access to and benefits from marine living resources and participation in co-management institutions/structures.
  - allocating medium-term subsistence fishing rights to deserving applicants.
  - ensuring the long-term sustainable use and management of marine living resources and surrounding coastal environments.

## 6. MARINE LIVING RESOURCES PROPOSED FOR THE SUBSISTENCE FISHING SECTOR

Having regard for the marine living resources that have been traditionally harvested by the subsistence fishers, the status thereof and their availability, the following marine living resources may be considered: rocky shore inter-tidals such as limpets, polychaete worms, brown and white mussels, oysters, winkles, east and west coast rock lobsters, octopus, seaweeds, estuarine invertebrates such as mud and sand prawns, swimming prawns, mud crab, sandy beach invertebrates such as *Bullia*, *Ovalipes*, bivalves, crabs and traditional line fish species.

## **7. MANAGEMENT APPROACH AND FRAMEWORK**

Allocation of fishing rights to subsistence fishers in general presents a challenge in that, most living marine resources have already been allocated to commercial fisheries.

### **7.1 Status of marine living resources applicable to subsistence fishers**

The marine living resources in general are either over-exploited or fully exploited. Some intertidal species such as oysters and white mussels however are under-exploited. These create opportunities for further and better exploitation. The West Coast Rock Lobster resource, on the other hand, is over exploited and is also a fully allocated commercial species both in the near shore and offshore. In order to accommodate subsistence right holders in the West Coast Rock Lobster fishery and given the existing demand on the resource and its importance to subsistence fishers, reduction of lobsters harvested by recreational fishers may be implemented to accommodate the subsistence fishers within the global Total Allowable Catch (TAC). This reduction will not exceed 50% of the recreational TAC. Future changes to the recreational TAC will be informed by a socio-economic study on the recreational West Coast Rock Lobster sector.

Of the 200 species of traditional line fish within South African waters, 50 contribute significantly to catches. The line fish species are also under tremendous pressure. Attempts at rebuilding the resource included a significant reduction of commercial fishing effort in 2003. As such, there is no scope to accommodate additional harvesting of traditional line fish species based on ski boats and other vessels. The only form of harvesting that may be accommodated is through the use of traditional traps such as those in the north of KwaZulu-Natal and shore-based angling through the use of fishing lines and rods.

Resources such as limpets, polychaete worms, winkles, mud and sand prawns, mud crabs and sandy invertebrates remain under-exploited. Seaweed is also not fully exploited and may have the potential for opportunities for harvesting.

## **7.2 Individual Rights**

The Department intends to allocate medium-term subsistence fishing rights to individuals only.

## **7.3 Access Rights**

It is paramount to stress that it is impossible to accommodate all fishers. The natural availability of marine living resources will not be adequate to fully meet the livelihood needs of fishing communities.

### **7.3 “Basket of species”**

The Department recognises the fact that fishers have traditionally harvested a variety of species. The approach would therefore be that consideration may be given to this by allowing fishers access to a “basket of species” (variety of species) within a particular fishing area.

## **7.4 Regional Management**

The Department recognises the fact that resource use, resource availability, socio-economics and community dynamics differ along the coast. Management of the subsistence fisheries sector will thus be on a regional basis. Catch data monitors will be deployed along the coast to collect the necessary information on the resources being harvested as well the areas of harvest.

## **8. ALLOCATION OF RIGHTS**

### **8.1 Evaluation Criteria**

In order to qualify for subsistence fishing rights, applicants will have to meet certain criteria. The evaluation criteria are intended to identify the most deserving applicants. These criteria are meant to ensure that fishing rights are allocated in an efficient, effective, orderly and transparent manner.

The following criteria will be applicable:

#### ***(i) Exclusionary criteria***

The following exclusionary criteria will be employed in order to evaluate applications:

- An application will not be considered if it was received after the closing date; if the applicant made no payment or short payment or late payment of the application fee; or if it was lodged in a manner contrary to the instructions. In this case an application is referred to as being improperly lodged.
- An application will not be considered if it is not signed by the applicant or if the applicant's declaration was not attested by a commissioner of oaths or if the applicant provided false information or false documents or failed to disclose material information or attempted to influence the Minister or the delegated authority in a manner other than provided for in this policy during the application period. Such an application is referred to as being materially defective.
- Applicants who hold rights in the commercial sector will not be considered.

#### ***(ii) Proposed Criteria for Subsistence fishing rights***

The following broad criteria may be considered in the evaluation of applications: *(It should be noted that the final criteria will be published in regulations and appropriately weighted).*

**(a) Citizenship and Form of Applicant**

Only natural persons (South Africa citizens in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995) shall be granted subsistence fishing rights.

**(b) Minimum Age of Applicant**

Applicants for subsistence fishing rights must have at least attained the age of eighteen (18) years at the time of submitting an application.

**(c) Dependence on the resource**

Preference will be given to applicants who can demonstrate that they are dependent on marine living resources for their basic needs. Applicants who are unemployed and those with no other source of regular income may be considered.

**(d) Proximity to the resource**

Preference will be given to applicants living within close proximity of the resources they are applying for. Local Co-management Committees, in collaboration with the Department shall define "close proximity" in specific areas.

**(e) Traditional attachment**

Preference will be given to applicants who can demonstrate their traditional as well as their historical, cultural and socio-economic attachment to the fishery they are applying for.

**(f) Historical disadvantage**

Preference will be given to Historically Disadvantaged Individuals (HDIs) who are unemployed and have no other source of regular income, provided they can demonstrate dependency on the marine living resources.

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

Applicants will be required to demonstrate that, during the fishing season, they are able to personally exercise the right. Only applicants incapable of participating due to a permanent physical disability will be exempted from this requirement. In case of such a disabled person, a family member, to be approved by the Department, will be permitted to exercise the right on behalf of the Right Holder. The name of the family member will appear on the permit.

**9. DURATION OF RIGHTS**

Subsistence fishing rights will be allocated for a period of **FOUR (4) years** and the rights will not be transferable except in terms of a departmental policy or legal framework.

**10. PROVISIONAL LISTS**

Before the Minister or delegated authority makes a final decision on the successful applicants for subsistence fishing rights, he or she will issue a *Provisional List of Successful Applicants*. The provisional lists will be made available to coastal communities. Interested and affected parties in these communities may then be invited to comment on the list and, in particular, inform the Minister or the delegated authority if any applicant has been excluded from the provisional list or whether any applicant included on the provisional list should be excluded.

**11. FEES**

A non-refundable once-off Application Fee of **FIVE (5) Rand** will be payable when submitting an application form.

A Permit Fee of **FORTY (40) Rand** will be payable on an annual basis.

## **12. IMPLEMENTATION FRAMEWORK**

### **Institutional arrangements**

The allocation and management of the marine living resources along the entire coast of South Africa will remain the responsibility of the Department. However, the Department's regional management structures, together with Local Co-Management Committees will be responsible for the implementation of this policy.

#### **12.2 Local Co-Management Committees (LCCs)**

LCCs are already functional in the Eastern Cape and KwaZulu-Natal. The Department will seek to establish appropriate institutional structures in the Western and Northern Cape, which may include LCCs.

The Department will facilitate training of members of these institutional structures in order to ensure their effective and efficient functioning, thereby enhancing the capacity of fishing communities to be involved in the management of marine living resources in their areas. The responsibilities of these institutional structures will include the following:

- Assisting the Department in the identification of fishers who would qualify for subsistence fishing rights in their areas;
- Verification of applicants based on the evaluation criteria for subsistence fishing rights in their areas;
- Acting as channels of communication between fishing communities and the Department;
- Supporting the Department in maintaining the effectiveness of catch data monitors.
- Assisting the Department with compliance.

### **12.3 Subsistence Fisheries Management Working Group**

A departmental Subsistence Fisheries Management Working Group, similar to the commercial Management Working Groups, will be established. This forum will provide a platform for the representatives of the fishing communities to engage with the Department on matters pertaining to the management of the subsistence fishing sector.

## **13. PERMIT CONDITIONS**

Permit conditions for subsistence fisheries will be issued annually and may be amended at any time during the season.

## **14. RECOGNISED REPRESENTATIVE BODY**

The Department encourages the establishment of a representative body, possibly with regional elements for this sector for purposes of ongoing discussions on the management of this sector.