



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture Forestry and Fisheries
Minister S. Zokwana, MP

Reference: AP/Non-West Coast Appellants

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEALS IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) ON THE APPEALS LODGED BY APPELLANTS DOMICILED OUTSIDE OF THE JURISDICTION OF THE WEST COAST AND CAPE TOWN AREAS WHOSE DETAILS ARE LISTED IN THE TABLE BELOW -

	Appellants' Names & Application Numbers	Domicilium
1	N.K MAVUSO (WMS132517)	Port Elizabeth
2	P. VITSHIMA (WMS132546)	Port Elizabeth
3	G. JAKMEIN (WMS132307)	Humansdorp
4	B. ROBERTS (WMS132314)	Humansdorp
5	P. TSHEWU (WMS132321)	Humansdorp
6	U. ROSSOUW (WMS132333)	Humansdorp
7	Z. MTUNGATLA (WMS132334)	Humansdorp
8	M. QALANE (WMS132620)	Humansdorp
9	S.E AUGUSTUS (WMS132644)	Jeffreys' Bay
10	E. FRANCIS (WMS130548)	Jeffreys' Bay
11	D.D MDA (WMS132823)	Plettenberg Bay
12	L. BAKER (WMS130533)	Mossel Bay
13	M. ROMAN (WMS130534)	Mossel Bay
14	J.J RIDDLES (WMS132926)	Stilbaai
15	W. VAN WYK (WMS130109)	Hermanus
16	T. GELDERBLOM (WMS130729)	Hermanus

	Appellants' Names & Application Numbers	Domicilium
17	D. GILLION (WMS130858)	Hermanus
18	N.M MARSHALL (WMS130879)	Hermanus
19	M. MQAKAZA (WMS133648)	Stanford
20	N. DZINGWA (WMS133660)	Stanford
21	N. LUNDZINGA (WMS133688)	Stanford
22	A.E SCOTT (WMS132462)	Pringle Bay
23	C. GOVENDER (WMS130660)	Chatsworth, KZN
24	P. SEKGALA (WMS133535)	Soweto, Gauteng
25	S. MASILELA (WMS133473)	Mahikeng, North-West
26	J.C SWART (WMS133035)	Strand
27	J.S KELLERMAN (WMS134083)	Strand

1. Purpose

To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA"), with regard to the appeal lodged by the abovementioned appellants ("the Appellants").

2. Introduction

- 2.1 The appellant are each new entrant applicants whose applications were refused on the basis that they were comparatively too weak to justify the allocation of white mussel harvesting rights.
- 2.2 In terms of the General Published Reasons for White Mussels: 2013 ("the GPR"), rights were allocated to black female new entrant applicants from the west coast of the Western Cape.
- 2.3 White mussels are harvested in seven defined harvesting areas along the Western Cape's west coast between Bokpunt and Doringbaai. Each zone is permitted one right holder who can in turn use a total of 7 pickers (including the right holder) to harvest mussels.

3. Grounds of Appeal

3.1 Having considered the appellants' individual appeals the following is apparent:

3.1.1 None of the appellants raise any substantive appeal grounds to warrant a reconsideration of the initial decision to refuse their white mussel applications. In this regard, the reference to substantive appeal grounds refers to grounds related to the evaluation and balancing criteria set out in the GPR;

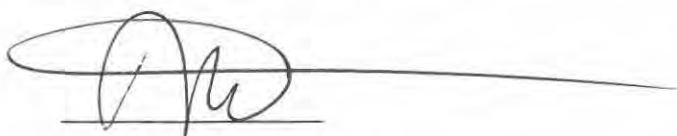
3.1.2 The appellants generally request a white mussel harvesting right in order to alleviate poverty, create employment or to enable them to utilise their current fishing experience for their own benefit; and

3.1.3 None of the appellants are domiciled near to or in any of the 7 mussel harvesting zones.

3.2 Given the low value of mussels, the small-scale nature of the fishery and the economic status of the appellants, it is simply impractical and contrary to sound small-scale fisheries management principles to allocate nearshore fish resources to appellants who do not live adjacent to or at least within close proximity of the harvesting zones.

4. Recommendation

It is accordingly recommended that the Minister **rejects** each of the appeals lodged by the abovementioned appellants.



Siphokazi Ndudane

Deputy Director-General (Acting)

Fisheries Management

DATE: 08/9/15

Decision by Minister: Recommendation Accepted / Recommendation Rejected



Senzeni Zokwana, MP

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

DATE: 01 - 09 - 2015

I have accepted the recommendation
in part. Refer to my GPR.