

Minister approaches court on small-scale fishing rights

The minister of environment, forestry and fisheries, Barbara Creecy, will approach the High Court to review and set aside the process of awarding small-scale fishing rights in the Western Cape.



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“The minister’s decision to approach the courts follows the verification process for small-scale fishers in the Western Cape, following multiple complaints from community members about the fairness and accuracy of the process,” the Department of Environment, Forestry and Fisheries said.

An internal audit process was launched in 2019 and concluded that the verification process was “wholly inadequate”, and that the “results of these assessments cannot and should not be relied on for any decision making purpose in terms of the regulations”.

Among the errors identified, the department said, were problems such as the inaccurate capturing of information and the incorrect adjudication of applications by community panels. There was inconsistent application of criteria between communities, an incorrect and incoherent application and appeals process, as well as incomplete and inaccurate data, including lost applications.

Based on legal advice, the minister will seek the review of the entire process of those who originally applied for all Western Cape communities.



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Minimising the impact on fishing communities

“Numerous steps will be taken by the department to minimise the impact of the court application on fishing communities in the province. These include bringing the application as quickly as possible, prioritising the new verification process and

conducting it as swiftly as possible,” the department said.

The minister plans to ask the court to order that whatever form of access to fish communities and individual fishers have, it should remain in place until the new verification process is complete.

“Should the court application be successful, originally registered individuals will have an opportunity to submit new information to support their original applications and thus ensure a process that is applied fairly and consistently to all communities. All Western Cape communities will be affected.

“While the minister understands that there are some communities who have no objection to the outcome of the verification process, these could not be singled out for different treatment, given that the problems with the process are widespread and that the only available option is to review the process for all communities in the Western Cape,” the department said.

Approaching the court will cause a delay of at least another year in the granting of rights for some communities.

“However, the minister believes that the consequences of not approaching the court are potentially even more disastrous. A new process is the only way to ensure that rights are allocated fairly,” the department said.

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