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31 March 2026

URGENT

To Honourable Minister Aucamp
Department of Fisheries, Forestry and the Environment

Copy To: **Honourable Deputy Minister** Berenice Swarts

Copy To: **Director General** Ms Nomfundo Tshabalala

Copy To: **Deputy Director-General** Mr Belemane Semoli

Copy To: **Chief Director** Mr Saasa Pheeha

Copy To: **Director: Small Scale Fisheries** Dr Lungelwa Nomxego

Copy To: **Acting Deputy Director-General** Dr Kim Prochazka

Dear Honourable Minister Aucamp

Re: Outcome of WCRL Appeals in the Small-Scale Fisheries Sector: further computational errors and extreme prejudice

1. We write for the West Coast Small Scale Fishers Forum ('the Forum') and refer to the Appeals that 15 member cooperatives of the Forum submitted in December 2025 against the allocation of West Coast Rock Lobster ('WCRL').¹ We also refer to our correspondence of 12, 17 and 25 November, 1, 4 and 10 December 2025 and 26 January 2026.

¹ YZERFONTEIN, VREDENBURG, MAMRE, STEENBERGS COVE, DARLING, STOMPNEUSBAAI, SALDANHA, LANGEBAAN, VELDRIFT, HOPEFIELD, LAMBERTSBAAI, PATERNOSTER, PAPENDORP, ELANDSBAAI, EBENHAESER.

2. On 5 March 2026, you announced during a media briefing that you have “upheld the appeals by small-scale fishing cooperatives in the [...] West Coast Rock Lobster sectors for the 2026/2027 season” [sic].² The press release continued:
The Minister also announced his decision on the West Coast Rock Lobster appeals. These appeals came after some fishing cooperatives received smaller allocations than they had in previous years, despite the overall quota of West Coast Rock Lobster increasing after the distribution of the Total Allowable Catch (TAC) for the 2025/2026 season. In this instance, the Minister has upheld the appeals regarding the discrepancies in the distribution of the TAC. Furthermore the Minister has requested the Delegated Authority to re-do the calculations to the individual cooperatives and this will be done by Tuesday [10 March] and will not compromise the fishing ability of the fishers, and the season has also been extended by one month (from four months to five months).
3. The calculations were not re-done by 10 March 2026. In fact, after multiple letters from Ms Hilda Adams on behalf of the Forum, a spreadsheet with what appeared to be new allocations was sent to her by Mr Semoli on the morning of 27 March 2026, with Dr Nomxego circulating the same information later that day.
4. The information was presented in a format that was exceptionally difficult to decipher for the cooperatives, in particular the vast majority who do not own laptops.
5. Far worse, however, was what the information indicated:
 - a. The figures in the column indicating ‘original offshore allocations’ are different to the figures released in November 2025 as the original allocation and the figures released in December 2026 after the first computational error was corrected. There is no explanation of the table so it is unclear where these figures now come from, or whether another computational error was made.
 - b. Comparing the revised allocations with the actual allocation before the appeals (as received in December 2026):
 - i. Eight of the 17 Forum cooperatives have less than prior to their appeals;
 - ii. While some cooperatives got substantial percentage increases, others received far less than the promised 58,4%. Veldrif even has a percentage decrease from 2024/2025.

² https://www.dffe.gov.za/mediarelease/aucamp_longlinefishingandwestcoastrocklobstersectors

- iii. Since no information was provided about how these calculations were done and on what basis, they are, on the face of it, irrational and contrary to the Minister's statement that he had "upheld all appeals".
- iv. The table below provides a detailed comparison for the 17 cooperatives.

Area	2024/25 total	2025/26 initial	2025/26 after appeal	Difference 2025/26 before and after appeal	% increase allocation from 24/25
Ebenhaeser	3201	4637	7321,7	2684,7	128,73
Doringbaai	3522	5100	8092	2992,4	129,77
Elandsbaai	5475	7929	12716,6	4787,6	132,27
Lamberts Bay	3778	5472	8477,7	3005,7	12,40
Papendorp	961	1391	1926,8	535,8	100,5
Yzerfontein	437	545	697,1	152,1	59,52
Hopefield	777	969	1045,6	76,6	34,57
Darling	583	727	697,1	29,9	19,57
Laingville	6413	7999	8016,5	17,5	25
Langebaan	1458	1818	1742	-75,3	19,53
Mamre	1797	2242	2091	-150,7	16,37
Paternoster	6947	8666	8365	-301	20,41
Saldanah Bay	2527	3151	3137	-14,1	24,13
Steenbergs Cove	2915	3636	3485,4	150,6	19,57
Stompneusbaai	1214	1515	1394	-120,8	14,84
Veldrif	1409	1758	1394,2	-363,8	-1,05
Vredenburg	2720	3393	3136,9	-256,1	15,33

6. After waiting for more than 2 weeks after the deadline for this information to be shared, our clients are feeling desperate. You are well aware of the prejudice that these "errors" cause our clients: for them, every day of the WCRL season is a matter of survival. Many are out to sea catching snoek ahead of the Eastern weekend, and yet they are required to take the time to decipher this information just to find that many were yet again short-changed without explanation.
7. This is why the concern of the treatment by the Department of the small-scale fishers sector goes well beyond the shambolic WCRL allocations. These repeated "computational errors", if it is that, obscures much deeper problems with how the sector is treated by the Department. Our clients noted that you indicated at your media briefing that you were restoring "*confidence in the appeals process and mark[ing] an important step toward strengthening the relationship between small-scale fishing*".



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communities and government'. Regrettably, the experience of our clients paints a very different picture.

8. We narrate below the engagements from our office and directly from the Forum with the Department to simply obtain information and feedback that they are legally entitled to – without success.

Reasons and data

9. Between November 2025 and January 2026, the LRC addressed seven letters to the Department requesting:
 - a. The reasons for the allocation of WCRL TAC to the small-scale fishing cooperatives in Areas 3,4,5 and 6; and
 - b. The data and/or research that informed those reasons.
 - c. That the cooperatives in Areas 5&6 be permitted to harvest their offshore in the area adjacent to them as per the Exemption granted to them by the previous Minister that is valid until end January 2027.
10. Nothing was ever provided.
11. The failure of the Department to provide any reasons for, or information that underpinned the WCRL allocations forced members of the Forum to lodge internal appeals without knowing what the decisions they are appealing were based on, causing significant prejudice.

Follow up from your media briefing

12. Your statement on 5 March 2026 indicated that the fishers would have the fresh WCRL TAC allocations by 10 March 2026.
13. By 16 March 2026, our clients had yet to receive anything, not even an explanation for the delay. Desperate for the right to go to sea, on 16 March 2026, Ms Hilda Adams wrote urgently to Mr Semoli and the relevant officials requesting an update regarding their allocations and permits. She received no response.
14. The next day, she wrote to Mr Saasa Pheeha, Chief Director of Marine Resources, again requesting an urgent update and pointing out the prejudice to the fishers in the light of the delays in getting their permits.
15. She also wrote to your office requesting assistance that day.



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16. Later that day, Mr Semoli responded with a general exemption pertaining to a range of resources, including WCRL. He indicated that due to an online system failure, rights holders could use the exemption to continue fishing. His email failed to acknowledge the fact that this group of cooperatives was still awaiting their WCRL permits and the updated information regarding their revised TAC area allocations, and hence this exemption was of no use to them.
17. Ms Adams replied to Mr Semoli to remind him that the exemptions could not be used for WCRL until the new allocations were announced. The next day, Dr Prochazka alerted her to the incorrect email address used for Mr Pheeha and indicated that she had forwarded the email to him "to attend to your concerns". Ms Adams also sent it to Mr Pheeha's correct email address.
18. Your office also responded on 18 March, saying: "We note the content of your email and will engage the Fisheries Management Branch to get an urgent response".
19. Another week passed.
20. On 25 March 2026, Ms Adams wrote to your office again:

We are still waiting for the wrongs to be corrected so that we can benefit from the right we were granted. It is now twenty days after ministers announcement and we are still waiting. [...] We are looking forward to receive our respective permits in the next day or two so that we can start harvesting our lobster. The nearshore increase kgs for each of the 17 cooperatives and the lobster offshore permits for the 12 cooperatives, area 5 and 6.
21. On 26 March, your office forwarded this email to Dr Nomxego and her Department to their attention.
22. On the 27th March 2026 Mr Semoli forwarded a set of excel spread sheets to Ms Adams with a covering email that simply said: "Please find attached documents on WCRL inter area schedule, extension of fishing season and the TLF vessels allocation". The email contained difficult to decipher spreadsheets.
23. We still await information pertaining to the model that has been used to calculate these figures, but given that this has never been provided previously, it is safe to assume it will once more not be forthcoming. Our clients have endured disastrous delays, and significant loss of income as a consequence. **We thus request you to intervene as a matter of urgency and to ensure that this error is addressed immediately.** We



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request you to ensure that they are not prejudiced by this delay and that **an exemption** enabling the extension of the WCRL season for this specific group of fishers is provided.

Yours sincerely

LEGAL RESOURCES CENTRE

PER WILMIËN WICOMB

Legal Resources Centre South Africa NPC

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