



forestry, fisheries & the environment

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Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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Dear Ms Paine and Mr Singh

URGENT PILCHARD HERPESVIRUS SARDINE MORTALITY EVENT

I wish to acknowledge receipt of your letter dated 28 August 2026 concerning the ongoing sardine mortality event associated with Pilchard Herpesvirus (PHV). I thank the Biodiversity Law Centre and The Green Connection for setting out your concerns and for drawing attention to the potential implications of the mortality event for the sardine resource, dependent species, fisheries and coastal livelihoods.

The Department recognises the seriousness of the situation and the uncertainty surrounding the potential consequences of the sardine mortality event. We also recognise the statutory obligations placed on the Minister and the Department in relation to the sustainable management of marine living resources, including the need to apply precautionary approaches where appropriate.



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The Department is therefore considering the available scientific information on an ongoing basis and is undertaking further investigation into the mortality event. As you note in your letter, the full extent and population-level consequences of the event cannot yet be determined. In particular, the magnitude of any impact on the sardine spawning biomass will only become substantially clearer once the small pelagic spawner biomass survey is undertaken in October/November 2026. The Department considers this information to be critical to assessing the status of the stock following the mortality event and determining appropriate management responses.

It is important, however, that management decisions taken in the interim are informed by the best available scientific evidence and appropriately account for both the risks associated with further mortality and the uncertainty that currently exists regarding the scale and trajectory of the event.

In this regard, I wish to advise that the Small Pelagic Scientific Working Group will meet on Friday 4 September 2026, specifically providing an opportunity for the latest information concerning the mortality event and its potential implications for the sardine resource to be considered by the relevant scientific experts. The question of whether a precautionary closure or other precautionary management measure is necessary will be considered at this meeting.

This consideration will not be limited to whether such a measure should be implemented specifically in terms of section 16 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA). Rather, the Department will consider what management response is scientifically warranted and appropriate in the circumstances, including the legal mechanism through which any necessary intervention should be implemented.

I have taken note of the legal framework set out in your letter, including your reference to section 2(4)(a)(vii) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and section 2(c) of the MLRA. The Department accepts that these provisions are relevant to the management of marine living resources and that the precautionary approach requires decision-makers to take account of uncertainty and the potential consequences of decisions where the available scientific information is incomplete. The Department is mindful that a lack of complete scientific certainty should not, in itself, prevent appropriate measures being taken. At the same time, the application of the precautionary approach does not remove the need for decisions to be based on the best available scientific information and for the nature and extent of any management intervention to be proportionate to the risks identified.

The Department remains mindful of the potential implications for species that depend on small pelagic fish as prey, including African penguins and other marine predators, as well as the potential consequences for fisheries and fishing-dependent communities. These considerations form part of the broader ecosystem and socioeconomic context within which the sardine resource must be managed.

It is also important to place the current situation in its operational context. This is traditionally a relatively quiet period for the small pelagic fishery, and there is currently not a high level of fishing activity on small pelagic species. Consequently, the immediate fishing pressure on the sardine resource is already relatively limited. This does not diminish the Department's concern regarding the mortality event or the need to consider precautionary measures, but it is a relevant consideration in assessing the immediacy of mitigating against the risk of additional fishing mortality while further scientific information is obtained.

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The Department will accordingly use the scientific advice provided by the forthcoming Scientific Working Group meeting, which will consider the available evidence, including the results of the recent recruitment survey, information arising from the mortality investigations, current fishing activity and the potential implications of continued fishing mortality in the context of the uncertainty surrounding the stock. The Working Group's advice will inform consideration of whether a precautionary closure or other management intervention is warranted.

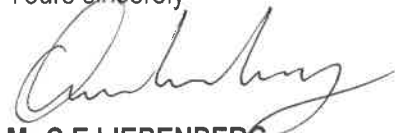
The Department also notes your reference to section 16 of the MLRA. The provision gives the Minister powers to take specified emergency measures where an emergency occurs that endangers or may endanger fish stocks or aquatic life. Whether the circumstances meet the statutory requirements for the exercise of these powers, and whether section 16 is the appropriate mechanism for any particular intervention, requires careful consideration in light of the scientific evidence and the legal framework. The Department will not pre-empt the outcome of the scientific and legal consideration currently underway.

I wish to emphasise that the absence of an immediate closure should not be interpreted as an absence of precaution or as a conclusion that the mortality event poses no risk to the sardine stock and the broader ecosystem, including top predators. Rather, the Department is following an evidence-based process in which the emerging information is being assessed and management interventions are being considered as the evidence develops. This includes the forthcoming consideration of a precautionary closure by the Scientific Working Group and the subsequent availability of the results of the spawner biomass survey in October/November.

The Department will continue to provide regular public updates as significant information becomes available and will communicate the outcome of the scientific investigations and any management decisions through the appropriate channels.

I appreciate the constructive manner in which the Biodiversity Law Centre and The Green Connection have raised these concerns. The Department recognises the legitimate public interest in the protection of the sardine resource and the wider marine ecosystem, and we remain committed to ensuring that decisions concerning the management of this resource are taken in accordance with the applicable legal obligations, informed by the best available scientific evidence, and with due regard to the precautionary approach. Should you require more information kindly contact Dr K. Prochazka, Chief Director Fisheries Research & Development (FRD) on KProchazka@dfre.gov.za

Yours sincerely



Mr C.E. LIEBENBERG

DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT (ACTING)

DATE: 10/09/2026