ISIPHAKAMISO

UMNYANGO WEZEMVELO KANYE NOKUVAKASHA

UKUPHATHWA KOGU LOLWANDLE

INDLELA YOKUNIKWA KANYE NOKUPHATHWAI KWAMALUNGELO ESIKHATHI ESIDE ENTENGISO NGOKUDOBA

IPATAGONIAN TOOTHFISH : 2005

LOMTHETHO-SIVIVINYO MAWUFUNDWE KANYE NOMTHETHO JIKELELE WABANTU BONKENGOKUNIKWA NOKUPHATHWA KWAMALUNGELO ESIKHATHI ESIDE ENTENGISO NGOKUDOBA:2005 (iyatholakala ku- www.mcm-deat.gov.za)

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1. Isingeniso

Lomthetho-sivinyo mayelana nokunikwa kwamalungelo entengiso ngokudoba iPatagonian toothfish (Dissostichus eleginoides) futhi ikhishwe uMnyango weZemvelo noKuvakasha: Ukuphathwa koMnyango Wogu Nolwandle ("uMnyango")yenzelwe imibono yabantu. Abantu abathandayo nabathintekayo bayolulekwa ukuthi bafunde lesisiphakamiso kanye nomthetho-sivivinyo wabantu bonke omayelana Nokwabiwa kanye Nokuphathwa Kwamalungelo esikhathi eside entengiso yodoba: 2005 ("Umthetho Jikelele Wentengiso Yokudoba"). Abantu abafunayo nabathintekayo mabafake imibono yabo ebhaliwe ungakadluli umhlaka 4 ku April 2005. Imibono ezofika emva kwalolusuku iyoshaywa indiva. Imibono izakungeniswa ngalezizindlela ezilandelayo:

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Inhloso yaloluhlelo ukwazisa imiqondo ezokusetshenziswa ekunikezweni kwamalungelo esikhathi eside entenhiso ngokudoba iPatagonian toothfish. Imibono eminingi ayijikanga. Beyike yasetshenziswa nguMnyango ekunikeni amalungelo esikhathini esidlulile. Lesi siphakamiso sinayo lemibono, kodwa ihlanganiswe nezongezo ezimbalwa.

Izinhlelo ezithile zokunikwa kwamalungelo esikhathi esidlulile nazo zichaziwe kulomthetho-sivivinyo. Umqulu Wokuphatha Wentengiso ngokudoba iPatagonian toothfish uzakuqedelwa kanye nabo bonke abanini-malungelo ngonyaka ka 2006. LoMqulu uzobonisa ngokucacisiwe uhlelo lolwazi lokuphathwa nendlela yentengiso ngokudoba.

Ungqongqoshe woMnyango weZemvelo noKuvakasha uzimisele ukuqinisa izintambo zoHlelo loMthetho 18 wokunikeza amalungelo entengiso ngokudoba iPatagonian toothfish njengoba

kumisiwe ohlelweni 79 loMthetho wezinto zeNgcebo yeZemvelo ephila olwandle 18 ka 1988 ("iMLRA") lomphathiswa ophezulu kuMnyango.

2. Ulwazi olujulile ngemvelo nangengcebo yokwenziwa yimvelo

iPatagonian toothfish, eyaziwa njenge Chilean sea bass, luhlobo lwenhlanzi oluhllala ekujuleni kwamanzi olutholakala engxenyeni ye-ntarctic ekujuleni obubalelwa kumamitha angu 3 000. Ngamaqembu aazwe anokufaka izicelo zobunikazi be Petagonian toothfish etholakala ezindaweni ezithile ezikhethekile ezibizwa ngokuthi yizindawo ezikhethekile zomnotho "exclusive economic zones" (EZ Zs) ezise Chile, eAgentina kanye namanye amazwe ongamele izziqhingi zolwandle olukhulu oluseningizimu.

I-EEZ yase Ningizimu Africa ezungeze iziqhingi zase Prince Edward yiyona ndawo yokudoba iPatagonian toothfish esezingeni eliphakeme kakhulu. Izinhlobo eziningi ze Patagonian toothfish zitholakala ekujuleni okukhulu kolwandle.

I Patagonian toothfish iphila ize ifike emashumini amahlanu (50) eminyaka ubude bayo buba ngaphezulu kwamamitha amibili. Ukukhula kwayo okufanele ibanjwe buseminyakeni eyisithupha kuya kweyisishiyagalolunye ubudala, ubude bayo buba phakathi kwamamitha anga 70 nama 95 amasentimitha. Amaqanda azalelwa kumendlalo omkhulu ebusika, kodwa amaqanda wona achanyuselwa kuphela entwasahlobo.

3. Incazelo emfishane ngaloluhlelo

Ukubanjwa emhlabeni wonke jikelele kwePatagonian toothfish kuye kwehla ngamandla seloku kwaqala intengiso yokudoba ekupheleni kweminyaka yawo 1980. Inhlanganisela yenzuzo ephezulu, ukuphuza ukukhula ngokuphelele kanye nokuba solwandle olujulile kuye kwabangela ukucishe kuphele konke ukuthengiswa ngokudoba, nokungabibikho emthethweni nangokungaphethwe futhi okungaziswanga obekungakaze kwaba khona ekudobeni (IUU). Amanzi aseNingizimu neAfrica ejikeleze isiqhingi i-Prince Edward kwaye kwabhekwa kuwo ngqo futhi u-

CCAMLR wangathekisa ukuthi zicishe zibe ngu 32 000 ithani ze toothfish, ezibalelwa enanini lika uS$100 wezigidi yayidotshwa ngokungekho emthethweni ukusuka e PEI-EEZ phakathi kuka 1996 kanye no 1998. Izi-patagonian toothfish zibanjwa ngenethi elikhulu kanye nangodweba olunentambo ende. Lendlela yesibili inobungozi obunamandla ezinyonini zasolwandle, ikakhulukazi inyonikazi i-albatrosi kanye ne-phetreli.

Ukudotshwa kwePatagonian toothfish kwaye kwavunyelwa ngokusethethweni yiNingizimu Africa ukususela ngo1996. Kwalandela ukwaziswa komthetho iMarine Living Resources Act ngo 1998, kwenziwa ngokusemthethweni ukulinga intengiso yokudoba ngaphansi kohlelo 83.

Ngonyaka ka-1996, uMnyango weZemvelo neZokuvakasha wakhipha izimvume ezinhlanu zokulinga ukudotshwa kwePatagonian toothfish (ngaphansi kwe Sea Fisheries Act ka 1988) ngaphakathi kwe EEZ of the Prince Edward Island (“IPI-EEZ”). Ukusukela ngaleso sikhathi, uNgqongqoshe weZemvelo neZokuvakasha umise isivumelwano-mthetho sezinhlanzi ezingabanjwa (“TAC”) kulentengiso yezinhlanzi. ITAC yesikhathi sokudoba sonyaka ka 1996/1997yamisa ukulotshwa kwezinhlanzi ezingamathani angu 2 500. Kodwa-ke u TAC uye wehla kancane kancane ekulingeni ukudotshwa kwetoothfi laze ku 500 wamathani ngesikhathi sokudoba sonyaka ka 2003/2004.

Iziqhingi zasePrince Edward zime endaweni ephethwe ngumthetho we Commission for the Conservation of Antartic Marine Living Resources (“CCAMLR”) Convention Areas. Iningizimu Afrika yiyona eyaba yilungu lokuqala elasungula i CCAMLR,okuyiyona eyongamele ukuphathwa izinhlangano ezinikezwe umsebenzi wokulawula nokwaba amalungelo okudoba iPatagonian toothfish emanzini aseAntartic. Ipatagonian toothfish iye yaqondwa ngqo ngabadobi abangekho emthethweni njengoba itoothfish kuyiyona ithandwayo elandela inhlanzi emhlophe eNdiya naseMelika eseNyakatho. Ipatagonian toothfish iyinhlanzi emhlophe yodidi oluphezulu eletha inzuzo enkulu ebalelwa ku US$7 000 ngethoni elilodwa. Yiyo lenzuzo enkulu etholakalayo esilethe ukudotshwa okungekho mthethweni, okungaphethwe futhi okungabikwayo (“IUU”) kulentengiso yokudoba.

Ukudoba okungekho emthethweni kwi PEI-EEZ sekuze kwabekwa ngaphansi komthetho.

Lentengiso ngokudoba isalokhukuyiyona eqhubekekayo njengoko iphethwe ngobuciko ngabahlanganyeli abavunyelwe yi Guidline esekwe ngabakwa CCAMLR. Umnyango uye wacabanga ukwaba amalungelo entengiso esikhathi eside kulokhu kudoba.

Lokhu kuthengisa ngokudoba kuyingozi enkulu, ludinga imali eningi leyonto eyenza abanini-malungelo bavalele izimali ezinkulu ngemikhumbi igiya, nasekufuneni ulwazi kanye nentengiso. Izizimali zokuqalisa zifuna inkunzi ebekiwe ebalelwa eziigidini zamarandi kanye nemali yalomsebenzi uwonke inkulu kakhulu

4. Ukunikwa kwezimvume okusalingwa

Amalungelo enzuzo ngokudoba awakaze anikezelwe kulokhu kuthengisa. Ngonyaka ka 1996, amalungelo okudoba wokulinga amahlanu akhishwa ukuze kudotshwe iPatagonian toothfish. Ngenxa yokuqhubeka kokwehla kwi TAC, abanini-malungelo abahlanu abalingwayo bahlanganisela ukuhlawula futhi bazama ukwehlisa isibalo semikhumbi esendaweni yokudoba ukusukela kwemithathu kuya kwemibili. Abane kulaba basebenzi bahlanganisa isivumelwano sokusebenzisa umkhumbi owodwa ukuze basebenzise konke abanako ekudobeni iPatagonian toothfish ese PEI-EEZ. Lomuntu wesihlanu kulababanini-malungelo usebenza ngaphansi kwayo yomibili imithetho eye PEI-EEZ kanye neyasekujuleni kolwandle engaphansi kwendawo ye CCAMLR Convention.

5. Iizinhlosongqangi zemboni yokudoba

Iinhlosngqangi yokunikezela ngezimvume zokudoba zesikhathi eside embonini yokudoba iPatagonian toothfish yilezi:

- Ukuqinisekisa kokubakhona kwemikhumbi yaseNingizimu Afrika kwi PEI-EEZ kanye nasemajukujukwini olwandle ngaphansi kwendawo yeCCAMLR Convention ukuvimbela I IUU ukudoba.
- Ukwenza ngcono ingcaciso ngoshintsho olusezindaweni zokudoba;
- Ukukhuthaza ukutshalwa kwezimali emikhunjini nakwezokuxhumana kanye nemisebenzi;

- Ukwehliswa kokubanjwa okungagwemeki kwezinhlanzi ezingadingeki kanye nelahleko ephathelene nokudoba ngentambo ende ngokufuna ezinye izindlela zokudoba;.
- Ukuseka ngezimali ibhizinisi lokudoba; kanye nokuseka ukuqhubekeke okufanele kwezemvelo ekudobeni.

Amanye amalungelo omthetho omdala obuphathe ayacaciswa ngokubanzi lapha ngezansi.

6. Isikhathi esithathwa yizimvume kanye nemikhawulo yemizamo

Kubhekisiswa lezizinto -Kunikwa ingqaliselo –

- Isimo semvelo esintengayo salengcebo yalezizinhlanzi;
- Ingqikithi ngolwazi olukhulu oludingekayo ngempilo yePatagonian toothfish;i yokuqala ishishini eninzi;
- Ingqikithi engukuthi lokhu kudoba kudinga izimali ezinkulu;
- Isidingo sokugcina isibalo esikhulu semisebenzi ekudobeni; kanye
- Izinhloso ze CCAMLR,

UMnyango uzokwaba amalungelo enzuzo yesikhathi esevile eminyakeni elishumi (01 Januwari 2006 ukuya ku 31 Disemba 2015). Bonke abanikazi malungelo kuzomele bahlolwe isikhathi nesikhathi ukukala ukudoba kahle kwenkampani.

Ngokubhekisele emizameni yokudoba , uMnyango ufuna ukunciphisa isibalo semikhumbi edobayo ibe ngemibili.

7. Abafikayo embonini yokudoba

Amalungelo angaphansi kohlelo 18 lwe Marine Living Resources Act abengakaze anikezelwe ekudobeni iPatagonian tothfish. Ngokusho ngokugcwele akukaze kube khona abanamalungelo . Umnyango uzokwamkela izicelo ezivela zinkalo zonkana ngokungakhethi ukuthi uke waba nemvume yokulinga ekudobeni okanye awukaze. Ngenxa yobucayi besimo salengcebo, ange babe ngaphezulu kwabantu abahlanu abanamalungelo. Nakuba, uMnyango ungalinqabi ithuba lokufake omunye endaweni yalowo obenelungelo lokulinga, akuqiniseki ukuthi abacela izimvume

bayothathwa.

8. Inqubo yokuhlunga obo yokulinganisa yokuvavanya

Abacela izimvume zenzuzo yamalungelo ePatagonian toothfish bazokuhlungwa ngokwesikali senqubo yokukhetha nangokwesibalo sokulinganisa.

8.1 Unqubo yokungamkeleki kwabathile

Ngaphandle kwezinqubo ezichazwe kumgomo-jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo kwezikebhe zokudoba , uMnyango ngeke uzamukele izicelo ezihluleka ukuhlangabezana nalezi zidingo:

(a) **Uhlobo lwabantu abavumeleke ukufaka izicelo:** Kuzobhekwa kuphela izicelo zalabo abafake ohlelweni lwe Close Corporation Act 69 ka 1984 kanye ne Companies Act 61 ka 1973.Abafaka izicelo ngabodwana okukanye abazisebenzelayo bayokushaywa indiva.

(b) **Ukuhambisana nohlelo** : Abanini malungelo, kuditshaniswa abaqondisi noma abaphathi abanesabelo abake baba namacala ngokomthetho we MLRA (bengazange bafinyelele ekukhokheni inhlawulo yecala) , uMthetho wasoLwandle , iConvention, isibikezelo okukanye isivumelwano seCCAMRL, okukanye izimiso zezilwandle zamanye amazwe okukanye imithetho yokudoba, abaseyukunikwa ilungelo lokudoba iPatagonian toothfish.Izicelo zabanini-malungelo ngisho nabaqondisi noba abaphathi abanesabelo, abaye bayekiselwa amalungelo okudoba ngokomthetho weMLRA nabo angeke banikwe amalungelo okudoba iPatagonian toothfish.

Abanini malungelo, ngisho nabaqondisi noma abanessbelo abaphethe abasaseshwayongokophula noma ngumuphi umthetho ebaliwe ngenhla, noma nongowulelesi okukanye wokuphatha abaseyukunikwa malungelo okudoba iPatagonian toothfish kuze kuphele ukuphenywa kwecala.

(c) **Isilinganiso samaphepha** : Isilinganiso samaphepha njengoko sichaziwe kuMthetho-

Jikelele siyokwenqatshwa.

(d) **Ukufinyelela emikhunjini egculisayo**: Abafake izicelo kuzomele babonakalise iziqinisekiso zokuba nemikhumbi egculisayo (***bona isigaba 9 ngezansi***).

8.2 Inqubo eqhathanisayo yokulinganiso

Abafaki zicelo abangabanikazi malungelo kanye nabafikayo embonini yokudoba bazohluzwa ngokomlinganiselo wesikali sokulinganisa esizokala ngokwamandla esicelo ngasinye:

(a) Ushintsho

Izinjongo zoMnyango ngesikhathi sokwabiwa kwamalungelo okudoba esikhathi eside zizoba ngezokugcina okukanye ukuthuthukisa ushintsho lube kumazinga ale mihla. Njengoba kushiqo kuMthetho Jikelele, abacela izimvume bazokuhlungwa baakhethwe ngalendlela –

- Inani ekhulwini labamnyama kanye nokumeleka kwabesifazane abangabanikazi nabaphethe emazingeni aphezulu okuphatha.
- Uma abasebenzi bengamalungu emboni efake isicelo semvume yokudoba kuphinde kudalulwe indlela abazohlomula ngayo.
- Ukunikwa kwamathuba kulabo abebecindezelekile ngokomlando;
- Ukumelwa kwabansundu kanye nabesifazane emazingeni ahlukene okuphatha angaphansi kwamandla esigungu;
- Ukuhambisana nomthetho we Employment Equity Act, ekwakhiweni kwamakhono okusebenza kanye nentela ekhokhwa ngokudoba. Abacela izimvume abangahambisani bayokunqatshelwa ilungelo lokudoba banze inzuzo; futhi
- Nokutshalelwa komphakathi izimali yizimboni ezizimeleyo .

(b) Ukutshalwa kwezimali embonini yokudoba

Abafake izicelo zezimvume zokudoba bazohlungwa ngalendlela:

- Ukutshalwa kwezimali emikhunjini yokudoba egculisayo. Ngenxa yalokho, ukutshalwa kwezimali ngendlela yokwabelana okukanye izivumelwano zokuthengiselana zizokunakwa. Abafake izicelo bazoklonyeliswa ngokuqeda

kwabo ukufundela izivumelwano okukanye ukufunda ngokubamba; futhi

- Imizamo yotshalo zimali ekukhangiseni lemboni yePatagonian toothfish.

(c) Ulwazi ngemboni yokudoba

Abafake izicelo kuzodingeka babonise ukuthi batshalile izimali futhi banalo yini ulwazi olufunekayo ekudobeni iPatagonian toothfish.

(d) Ukuba ngohlanganyelayo kumalinge entengiso yokudoba

Abafake izicelo abaphumelele ekuhlanganyeleni ukulinga kokudotshwa kwePatagonian toothfish yibona abazokhethwa kuqala. Ngenxa yalokho, uMnyango uzobheka phakathi kokunye, izinga lokubamba, ukubika kanye nokunika izimvume ngokwendlela kaCCAMLR yemigomo yokulondoloza.

(e) Okubanjwe ngokungenhloso nokulahlwayo

Abafaki zicelo kuzodingeka ukuthi babonise indlela yokunciphisa nokubanjwe ngokungenhloso kanye nezindlela abazibekele ukunciphisa abazozilandela, ukuqinisekisa ukufa kwezinyoni zasolwandle nokubanjwa ngokungenhloso kuzoncitshiswa.

Ukulahlwa kwezinhlanzi akuvumelekanga futhi abanikazi bamalungelo abazotholwa ukuthi balahla izinhlanzi abaseyikunikezwa amalungelo okukanye uma benikiwe, lawo malungelo angagodlwa ngokomthetho kaSection 28 of the Act.

(f) Ikhono lokuqala umsebenzi wemboni yokudoba

Amathuba akhethekile anganikezwa abafaki zicelo abakwazi ukubonisa ukuthi bangakwazi ukuqala umsebenzi embonini yokudoba emva kokunikwa amalungelo.

(g) Imisebenzi

Nakuba lemboni yokuloba isencane kwezokudoba, iqasha inani elincane labantu, kuzobhekwa ukuthi abantu bathola imisebenzi eyikhwalithi.Umnyango uzakukhetha labo bafaki zicelo abanikeza izisebanzi zabo lokhu–

- Umsebenzi osisigxina;
- iMedical aid kunye nomhlalaphantsi;
- Nazo naziphina ezinye izibonelelo zomsebenzi; kunye
- Neemeko zomsebenzi ezikhuselekileyo.

Imisebenzi edaliweyo ngetoni nganye yentlanzi anelungelo layo ngexesha lokulingwa isenokuvavanywa kwaye ithathelwe ingqalelo. ISebe lizakuphonononga nomahluko kwimirholo phakathi kwababahlawulwa eyona mali ephezulu nabahlawulwa oyona incinci.

(h) Ukuthobela

Ukungathobeli mthetho we MLRA okungabheke ndawo, kubandakanya nemiyalelo yawo, ngumfaki sicelo okanye abongameli okanye abanini zabelo abalawulayo kuya kukhokelela ekubeni umfaki sicelo afumane isohlwayo.

8.3 Inqobo yokulinganisa umyinge ofunekayo

Umyinge ofunekayo uyakuxhomekeka ekubeni unokubambisa kangakanani na kwaye, apho kunakho, intsebenzo yangaphambili yomfaki sicelo. Iinkcikacha ziya kuba ngumongo wokucebisana phakathi kwabafaki zicelo abaphumeleleyo neSebe phambi kokuba iimvume zikhutshwe

9. Iinqanawa ezifanelekileyo

Inqanawa efanelekileyo kushishino lokuloba i Patagonian toothfish yinqanawa :

- enobude obumalunga nama 40 eemitha ubuncikane obuqinisekiswe yi SAMSA;
- efakelwe ubuchwepheshe obusebenzayo bokujongana nenqanawa;
- elungiselelwe ukuloba ngemitya emide kwaye ibenakho ukuthwala iimbiza zokuloba;
- iqiniselwe ukumelana nomkhenkce (ukuba umfaki sicelo uzimisele ukuloba ngezantsi kwe 60° emaZantsi);
- ayikho kuluhlu lweenqanawa ezingavumelekanga nakowuphi na umbutho wezoshishino lokuloba wezizwe okanye wommandla; kwaye

- eneflegi yoMzantsi Afrika. ISebe liyakuqwalasela inqanawa eneflegi yelinye ilizwe njengefanelekileyo ukuba inqanawa leyo iyayithobela yonke le mithetho ingentla kwaye umnikazi wayo wenza isibhambathiso esibhaliweyo sokuba inqanawa yakhe iyaku fakwa kwakhona iflegi njengeyoMzantsi Afrika zingagqithanga iinyanga ezili 12 emva kokuba enikiwe ilungelo lokuloba.

10. Ukubandakanyeka kwamaCandelo amaninzi

Abanini malungelo kushishino lokuloba iPatagonian toothfish abalelwanga ukuba abangebinawo amalungelo kwamanye amashishini okuloba aku Cluster A no Cluster B. Abanini malungelo okuloba kolu shishino lokuloba i Patagonian toothfish (ndawonye nabanini zabelo abalawulayo kunye neqela lamalungu esebe lolawulo) awasayi kuvunyelwa ukubamba amalungelo okurhweba ngokuloba kumashishini okuloba aku Cluster C no Cluster D.

11. Imirhumo yezicelo kunye neerhafu

Umrhumo wesicelo soshishino ngokuloba i Patagonian toothfish uyakubekwa kuthathelwa ingqalelo oku:

- Ixabiso layo yonke inkqubo yokunikezwa kwamalungelo, kuquka neengcebiso, iirisithi, ukuvvanywa kwezicelo, izibheno nezigxeko-ncomo. Ngokubhekiselele koku iindleko ezenziwe ngele xeshana ziyakusetyenziswa njengesikhokelo; kunye
- Nexabiso lentlanzielisikelweyo ngexesha lelungelo

Iirhafo zonyaka ngamnye ezibhatalwa ukususela ngomhla we 01 Januwari 2006 ziya kuhlaziywa, emva kokucebisana namqela anomdla nachaphazelekayo.

12. Amanyathelo okuphatha

La manyathelo okuphatha axoxwa ngezantsi abonisa iqela leenjongo zeSebe zasemva kokunikezwa kwamalungelo kolu shishino lokuloba.

12.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle. Le ndima kwinkqubo yokulotywa kwe Patagonian toothfish ayizami kunika nkcazelo yenkqubo ye EAF kushishino lokuloba iPatagonian toothfish. I- EAF kushishino lokuloba I Patagonian toothfish iyakuchazwa ngokuthe xhaxhe kwi Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kowo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba

12.2 Iingingqi zezolwandle ezikhuselweyo

UMphathiswa wezoBume beNdawo nezoKhenketho ubonakalise ukuzimisela kwakhe ukubhengeza njengengingqi yezolwandle ekhuselweyo ingingqi engqonge iziQithi zePrince Edward. Ngokwenjenjalo, iSebe lithemba ukuba kuyakulondolozwa indalo ngokwahlukana kwayo wezi ziqithi ze sub-Antarctic kunye namanzi azingqongileyo. Injongo kwesisigaba kukungavumeli nakuphi na ukuloba kula manzi akhuselweyo (okt. ngaphakathi kwingingqi yeemayile zamanzi olwandle ezili 12) kodwa kuvunyelwe ukuloba okulawulwayo emanzini angaphaya kwale mida yeemayile ezili 12. UMphathiswa uya kuthi, noxa kunjalo, adlane indlebe nawo onke amaqela anomdla nachaphazelekayo ngalo mba ngokuhamba kwexesha.

12.3 Ukumanywa kwabathathi- nxaxheba

Njengoko kubhaliwe ngentla apha, abathathi nxacheba abahlanu babesele benikiwe iimvume ezisalingwayo zokuloba iPatagonian toothfish. Abane kwaba banini zimvume bayidibanisile imisebenzi yabo. Ngokwangoku, zimbini iinqanawa ezisebenzayo kolu shishino lokuloba lusalingwayo. Ukumanyana ke ngoko akunanto yakwenza kolu shishisno lokuloba

12.4 Iinqanawa neenzame zokuloba

Njengoko kuchaziwe **kumhlathi we *6*** apha ngentla, iSebe lijonge ukugunyazisa iinqanawa ezimbini kuphela ukuba zisebenze kolu shishino lokuloba. Iinqanawa mazilungiselelwe ukuloba ngemitya yokuloba emide,zisebenzisa izixhobo zokuthibaza ukuanjiswa okusecaleni kweentaka.

Ukongeza apho, iinqanawa ziyakuvunyelwa ukuba zithwale iimbiza zokuloba.

12.5 Ukunika ingxelo

Bonke abanini malungelo kolu shishino lokuloba bazakunyanzeleka bathobele imimiselo engqongqo yokunika ingxelo ukuqinisekisa ukuba bona kunye noMzantsi Afrika bayahambelana nemitqathango yezizwe zonke kolu shishino lokuloba. Okungakumbi, abanini malungelo kufuneka bethobele nemiqathango ye *Dissostichus* Catch Document (I-*DCD*) eyakhutshwa yi CCAMLR, ize inike ingxelo ngendlela yeVessel Monitoring Systems (i VMS).

Ukothulwa emhlabeni ngakunye kwePatagonian toothfish makukhatshwe yi DCD kwate i Port State kufuneka iqinisekise imeko yolobambiso ngokuxilonga iploti ye VMS eyakube inikezwe yinqanawa leyo.

13. Ukulinganiswa kwamandla okwenza

ISebe lizakuqalisa iqela lemisebenzi yokulinganiswa kwamandla okwenza de liphele ixesha elisikelwe amalungelo orhwebo ngokuloba. Kulindeleke ukuba owokuqala umsebenzi wokulinganiswa kwamandla okwenza uyakuthi wenziwe emva kweminyaka emibini ze emva koko wenziwe rhoqo emva kweminyaka emithathu

.

Nangona iSebe lizakuqukumbela ezona nqobo zokulinganisa abazakuthi bavavanywe ngazo abanini- zimvume , ezi nqobo zilandelayo zinxulumene namandla okwenza zisenokusetyenziswa:

- inguqu;
- utyalo zimali kwiinqanawa nezixhobo;
- ukusetyenziswa okuqhubekayo, kunye nangakumbi ifuthe lokuloba ngemitya yokuloba emide neembiza zokuloba kwi bhayoloji nenzululwazi ngendalo

- ukuthotyelwa kwemithetho elawulayo nemiqathango (zombini ezelizwe nezamazwe).
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14. Inkqubo yabakhi-mkhanyo

Inkqubo yangoku yesebe yabakhi-mkhanyo iza kwandiswa ukuquka ndawonye ukujonga ukuthotyelwa. Abanini malungelo bazakufuneka bathwale umakhi-mkhanyo ngohambo ngalunye Abanini malungelo balindeleke ukuba ibe ngabo abathwala iindleko zenkqubo yabkhi-mkhanyo.

15. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume esebenzayo kushishino lokuloba olusalingwayo yonyaka ka 2005 incanyathiselwe njenge **Annexure A**. Amaqela anomdla nachaphazelekayo ayamenywa ukuba aveze ezawo izimvo kule miqathango yemvume.