

Uhlaka



**UMNYANGO WEZEMVELO NOKUVAKASHA
IGATSHA YEZASOLWANDLE KANYE NOKUPHATHWA KWEZOGU**

**UMGOMO WOKUNIKEZWA KWAMALUNGELO NOKUPHATHWA KWI
DEMERSAL SHARK FISHERY: 2005**

**LELIPULANI ELINGAPHELELE KUMELE LIFUNDWE KANYE NE
DRAFT GENERAL POLICY EKWABIWENI KWAMALUNGELO AMADE
KWI COMMERCIAL FISHING : 2005 (etholakala ku [www.mcm-
deat.gov.za](http://www.mcm-deat.gov.za))**

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1. Isiqalo

Lelipulani elingaphelele libukwa ukwabiweni kwamalungelokwi demersal shark fishery futhi umnyango wezemvelo kanye nokuvakasha: Branch Marine ne Coastal Management (“umnyango”) ukuze umphakathi ube nezwi. Lomgomo kumele ufundwe ne Draft General Policy ekwabiweni kanye nokuphathwa kwamalungelo amade: 2005 (“i General Fisheries Policy”).Labo abathintekayo bangaletsa izimvo zabo ngobhala phansi emnyangweni ngo 4 April 2005. Izimvo ziyolethwa lapha:

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Isidingo salomgomo ukubeka phansi izindlela ezizolandelwa ekukhishweni kwamalungelo amade kwi demersal shark . Eziningi awamasha. Asetshenziswe umnyango ekukhipheni amalungelo kudala. Kodwa kuncane okushintshiwe..

Amanye amalungelo akuqala akhona futhi kwi draft policy.I Demersal Shark Fishery Management Manual izoqedwa nge 2006. Le manual iyachaza i management methodology kanye nezindlela kwi fishery.

U Minister wezemvelo kanye nezokuvakasha ufuna ukunikeza amandla we section 18 ukunikza e demersal shark fishing ngoikwe section 79 we Marine Living Resources Act 18 of 1998 (“i *MLRA*”) kubantu abasezikhundleni eziphezulu.

2. Okuphathelene nokudoba

Emva kokuthandwa kwe tuna longline fishery enyuka ngo 1960's, abadobi ashintshe aza kwi lucrative stocks. Abadobi asebenzisa i longline gear ukutholwa kwe hake kanye ne kingklip ngaphansi kkucasha ngaphans kwezmvume zikashaka. Uma umnyango ehlisa i by-catch limits kwi hake kanye ne kingklip kwi k fishery fishing effort yehlika ngempela. Ngaphambi kuka 1998 kwanikezwa izimvume ezingaphezu kuka 30 ukufuna oshaka, kodwa ngenxa yokungezi kahle kwayo kwi TAE lezimvume zehliswa zabangu 23 permits ngo 1998. ITAE yaphinde yehliswa yaba ngo 2004 kwaba u11.

Okwamanje ushaka kwi longline fishery bafuna i pelagic sharks (blue kanye noshaka) kanye ne demersal (oshaka be hound , okuyi *Galeorhinus galeus* ne *Mustelus mustelus*) ngokusebenzisa i surface noma i bottom set gears. Imikhumbi efuna ama hound sharks mancane kunalawo anga pelagic sharks njengoba kumele babe kuphela kwi coastal waters. Njengoba i gear ifuna oshaka abawu blue kanye mako uyafana newe tunas kanye ne swordfish isinqumo sathathwa ukukhipha i pelagic shark fishing kwi sector ye longline apha the Indawo enkulu ye pelagic sector ngokuqala kuka 2006. Kusukela ngo 01 January 2006, ngeke kusafunwa i pelagic shark fishery.

Labo abanamalungelo oshaka banezinye izimvume kwezinye izindawo ezingo demersal shark, hake longline kanye ne tuna pole. Ngokunjalo ke i fishery yoshaka isebenzisa imikhumbi uma benenzi okunye kwamanye ama sector.

Oshaka izilwane ezihlal izikhathi ezinde abakhombisa kodwa ukuthi abanawo amanzi angcolile, akhula kancane , kanye nokuzalana okuncane okubenza bangasetshenziswa kakhulu. Oshaka bahlala kakhulu ngaphezulu, kanti ukususa kwalezilwane kungathikameza i marine ecosystems. Ukuthinteka koshaka kuhlange nge adult biomass. Ngokunjalo , uma ngabe kunabantu abadala kungenza imvelo futhi.

Imikhumbi eminingi akwi demersal fishery kunyukile ngonyaka nonyaka, izinombolo ziyanyuka emikhunjini engu 14 ngo 1999. Imikhumbi engu 5 ayasebenza kusukela ku 2003. Njengoba ukudoba kuhambisana nesikhathi onyaka (kubanjwa kakhulu ngesikhathi sasebe sika) kunzima ukubuka i CPUE unyaka nonyaka, enyuke kakhulu. Ungakabi u 2001 ukubamba kuka *G. galeus*

kucishe kuwu 34 MT ngonyaka, kodwa kusuka ngo 2001 okubanjwayo kunciphile ngaphansi kuka 20 MT ngonyaka, ngaphansi kuka 3 MT obanjwe ngo 2004 (okuncane kwi rekhodi). Ngo 2001-2002 ukubhekwa kwe stock kukhombise ukuthi izilwanyana ezibanjwa kakhulu i *Galeorhinus galeus* , kanti ama longliners amathathi gonyaka ka 2001 kanye nonyaka 2002. Lokhu kuyachaza ukuthi oshaka abakwazi ukuthatha ama fisheries amakhulu.

3. Izizathu ze Over-arching fishery

I zizathu ze over-arching kwi fishery yilezi:

- Ukunyusa I transformation profile ye;
- ukuvumela ukufuna i demersal yoshaka. Ama Pelagic akumelwe afunwe;
- Kwehliswe i by-catches ye hake kanye ne kingklip;
- Kugqugquzele ukusiza kwi demersal sharks ukunyusa koshaka abanjwayo; kanye
- Kwenzeke ukuthi imvelo ingathikamezeki kwi fishery.

4. Ubude bamalungelo

Kuzobukwa lokhu okulandelayo –

- itransformation profile ye fishery;
- ukunikeza I marginal state ye fishery,

Umnyango uzokhipha amalungelo esikhithini esingange minyaka engu 8 (kususka ngo 01 January 2006 kuya ku31 December 2013), kodwa kuyoxhomeka ekubukweni kwendlela eyenze ngakho, kuhlenganisa izivumelwano zamagoli transformation (buka i **Paragraph 11 ngaphansi**).

5. Abantu abasebasha

Labo abasha New entrant applicants will be considered to replace abakhipha abadala uma bengenznga kahle kwimapulani e transformation, noma abangawuthobelanga umthetho we Marine Living Resources Act.

Umnyango awuziboni unokeza imikhumbi engaphezu kesithupha ukufuna oshaka be demersal.

6. Izindlela zokubheka

Abaceli babhekwa ngokwe “*exclusionary criteria*”. Abasha kanye nalabo abasebadala bayo aseswa ngendlela ezehlukile ngokwe “*comparative balancing criteria*”. I cut-off score noma ba renkwe ukuz kutholakale labo abaphumelele.. Ingxenye ye TAE izonikezwa kulabo abaphumelele ngokwe “*quantum criteria*”.

6.1 I *Exclusionary criteria*

Ngaphandle kwe criteria echazwe kwi General Policy mayelana nokufakwa kwezicelo kanye neminingwane engalungile, umnyango uyobakhipha labo abangalandeli lokhu:

- (a) **Uhlobo lomceli:** Izicelo eziyobheka ilezo ezihuma ezinkampanini ngokomthetho we Close Corporations Act 69 kaf 1984 kanye ne Companies Act 71 ka 1973. Abaphuma kuma trust kanye nabazimeleyo ngeke baze babukwe.
- (b) **Ukuthembeka:** Abaceli , okuhlaganisa ama directors kanye nabamasheya asebeke baphula umthetho we MLRA (ngaphandle kukhokha kokukhokha izimali) ngeke banikezwe amalungelo e demersal shark . Abaceli abahlanganisa abo diretor, abanamasheya , abakansele amalungelo abo noma abaphucwa wona, ngeke futhi banikezwe amalungelo e demersal. Nayimuphi umthetho owaphulwa we MLRA ungase ubenomthelela ekutholeni amalungelo okuchazwe ngaphansi.

- (c) **Ama Paper quotas:** ama Paper quotas njengoba echazwe kwi General Policy izokukhishwa.
- (d) **Ukutholakala kwemikhumbi efanele:** Abaceli kumele bakhombise ukuthi banalo ilungelo emkhunjini ofaneleyo (buka u*paragraph 7 ngaphansi*).
- (e) **Ukungasetshenziswa:** Abanamalungelo abangakwazanga ukusebenzisa amalungelo abo kwi medium-term commercial shark demersal fishing kusukela ku 2002 kanye no 2004 ngeke banikeze futhi amalungelo kwi demersal fishing.

6.2 *I Comparative balancing criteria*

Yize le criteria elandelayo isetshenziswa kubadala kanye nalabo abasha, iweighting izohluka.

(a) **Ushintsho**

Abacelu bayokubukwa ngalezizinto –

- Iphesenti yabantu abamnyama kanye nabesifazane abaphethe kanye nasezindaweni eziphezulu.;
- Ukuthi abasebenzi banamasheya kanti nokubuk amabhenefithi abo.;
- I Affirmative procurement;
- Ukubakhona kwabantu abamnyama kanye nabesifazane ezindaweni ezehlukne zokuphatha,
- Ukulandela kwe Employment Equity Act 55 of 1998; kanye ne
- Uku investa emphakathini.

(b) Uku investa kwezokudoba

Kulab abanamalungelo, umnyango uyobuka lokhu:

- Uku investa kwimikhumbi efaneleyo. Uku investa ngokuthi ube namashya kuyobukwa.. Abanamalungelo ngeke baklonyelwe ngokuqeda izivumelwano, izivmelwano ze charter noma ukubamba.
- Uku investa ekwenziweni kanye nokumaketha kweziqalanziza. Ngakho ke umnyango uzobabuk labo aba investe kwi demersal woshaka kany nokudayisa.

Ngokwabantu abasha, umnyango uzobuka uku investa kwimikhumbi , nokwenza kanye nezizinda zokuthengisa. Phezu kwalokho kumele bakhombise ukuthi banolwazi, nobuchule kwi demersal shark fishery.

(c) Ukwenza kokudoba

Abanamalungelo bazo aseswa ngokubuka ukwenza kwe demersal shark fishing performance ngokwe medium-term period (2002 kuya 2004).

Abantu abasha bayobukwa ukuthi bayazi yini, banalo yini ulwazi kwi demersal shark.

(d) Ukuthembela kwi demersal shark

Umnnyango uyofuna labo abathembele kwi demersal shark fishing ngaphezu kuka phesenti angu 30 yomvuzo wakhe. Abaceli noma abanasheya abathola imali ngaphandle kwe fishery bayopanishwa..

(e) Ukuthuthukiswa komnotho wasemzansi

Umanyango uyonikeza amaohuzu kulabo ababambela ezikhululweni ezincane .

(f) Imisebenzi

Umanyango uyonikeza labo abanikeza abaqashi babo lokhu okulandelayo –

- Umsebenzi ophelele;
- Medical aid kanye nempesheni;
- Kanye namanye amabhenefithi
- Izindawo zokusebenza eziphephile..

Umanyango uzocwaningisisa umehluko kwezamaholo.

(g) Ukukhokhwa kwezimali zokudoba

Umanyango ufuna wonke umuntu onelungelo ukthi akhokhe imali kwizinlanzi azibambile. Iningi lamalungu abakhokhile noma basho izinto abazimbambile ezincane ukuze bangakhokhi izimali.. I former izopanishwa ngokuthi kwi comparative balancing process njengoba ibhalwe phansi. Konke lokhu kuzokhishwa. Ngeke kukhishwe amalungelo uma ngabe okubambile kungahambisani nalokho okudingekayo kanye nezimali ihlangene ne interest

(h) Ukwethembela

Amalungu, kuhlangele nama director, nabamaseya, abaphenywayo ngokuphula umthetho we MLRA, noma ubugebengu noma uku administratha, ngeke banikezwe amalungelo e demersal shark fishing kuze kuqedwe upheno.

Ukuphula okuncane kwe MLRA, kuhlange ne mithetho, ngomceli, abo director bayonikezwa amaphuzu amabi.

6.3 Ukuzama ukunikeza

Umnyango uzonikeza amalungelo ayisithupha ukunikeza imikhumbi eyisithupha ukuba angadoba. Ngokunjalo umuntu oyedwa uyonikezwa umkhumbi owodwa.

7. Imikhumbi efanele

Umkhumbi ofanele kwi demersal shark fishery umkhumbi onjena:

- Okungenani ibe nesishicilelo se SAMSA ibe namamitha angu 10.Imikhumbi emincane ingase ithathwe kwi demersal shark fishing ukwenza kwayo;
- iyasebenza I monitoring system; kanye
- ine giya ye demersal shark fishing.

8. Ukubandakanyeka kokunye

Abanamalungelo e demersal shark fishery (ihlanganisa o director kanye nabanamasheya kanye ne executive management team) ngeke bangafakwa kwi commercial fishing rights ku Cluster A kanye no Cluster B fisheries. Abanamalungelo kwi Demersal shark ngeke bavunyelwe ukuba namalungelo ku Cluster C kanye noCluster D fisheries.

9. Izimali zokungenela

Izimali zokungenela kwi demersal shark fishery izobekwa kanjena:

- Ukubiza kwamalungelo, kuhlange ne consultation, ukutholwa, ukucutshungulisiwa, ama appeals, kanye nokubukezwa..Ngokunjalo ke izimali zamlungelo aku medium-term process azosetshenziswa njengesikhokelo; kanye ne
- Nokubaluleka kwenhlanzi ngesikhathi sokunikezwa..

Izimali kumele zikhokhwe ngonyaka kusukela ku 01 January 2006 zophinde zibukezwe. emva kwe consultation kanye nalabo abathintekayo.

10. Ukukalwa kokuphatha

Ukuphatha nokukalwa kwayo kuzochazwa lapha ngaphansi ukukhombisa umnyango amalungelo ayenikeziwe yale fishery.

10.1 Indlela ye Ecosystem ekuphatheni kwi fishery

Le fishery izophathwa ngokulandela i ecosystem approach kwi fisheries (“EAF”). I ecosystem approach kufisheries ibuka yonke into kanye nomgomo olandela ukuthi nanoma yini eyenziwe kodwa imvelo yasolwandle ingaphazamiseki. Lendlela ye demersal shark fishery policy ayizami ukunikeza I policy statement kwi EAF kwi demersal shark fishery. I EAF kwi demersal shark fishery izochazwa kwi Demersal Shark Fishery Management Manual. I South Africa izimisele ukubuka unyaka 2010 okuqalisa kwe EAF in.

10.2 I By-catch mitigation

Ababambi be hake kanye ne kingklip kule sector ihlale icatshangwa. Okwamanje ama by-catch limits azogcinwa manje kodwa azoncishiswa ngokuhamba kwakho. Ama by-catch limitations azophindwe aqaliswe kwi blue kanye ne mako sharks ukuvikela lezizilwazi.

11. Ukukalwa kokusebenza

Umnyango uzokwenza izinto eziningi eizosetsenziswa ngesikhathi unamalungelo. Ukukala kokusebenza kokuqala kuzothatha ngonyaka wokuqal emva kwalokho emva kwalokho iminyaka yesithathu.

Yize umnyango uzoqeda le criteria kulaba abathole amalungelo, emva kokuba e consultile amalungu, lendlela ezolandela iyosebenziswa:

- I transformation;
- I by-catch mitigation;
- Ukwenza kokwenza kwe demersal shark; kanye
- ukuthobela imithetho ebhaliweyo.

12. Uhlelo lokubuka

Umnyango uphinde ubuke ukuthi uyawuthobela yini umthetho. Ngahezu kwalokho uzobe uqhubeka unyusa uhlelo lwe fishery. Amalungu ayozibonela ezindlekweni zohlelo lokubuka.

13. Ukuvunyelwa ukudoba

Izimvume zikhishwa njalo ngonyaka. Lawo athinta unyaka ka 2005 atholakala ku **Annexure A**. Abathintekayo kanye abathandayo bavumelekile ukuba novo uye..