

UHLAKA



**UNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZOKUPHATHWA NOKUGCINWA KOLWANDLE NOGU LWALO**

**UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO
E COMMERCIAL FISHING RIGHTS IN THE WEST COAST ROCK
LOBSTER (OFFSHORE) FISHERY: 2005**

**LE NQUBO MGOMO EHLONGOZWAYO KUMELE IFUNDWE NE
NQUBO MGOMO EHLONGOZWAYO YOKUNIKEZWA
NOKUPHATHWA KWAMALUNGELO OKUHWABA NGOKUDOBA
OKUNESIKHATHI ESENGEZIWE: 2005 (itholakala [www.mcm-
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1. Isiqalo

Lena ipulani elingaphelele ekukhishweni nokuphathwa kwamalungelo okudoba I west coast rock lobster (offshore) fishery ekhishwa umnyango wezemvelo nezokuvakasha: Branch Marine and Coastal Management (“umnyango”) ukuze umphakathi ube nezwi. Le fishery,kuqala yayibizwa nge “full commercial” west coast rock lobster fishery, isizobizwa manje nge WCRL (offshore) fishery. Umqulu ohlukile usukhishiwe owe west coast rock lobster fishery (nearshore), eyayibizwa nge“limited commercial” west coast rock lobster fishery.

Lelipulani kumele ifundwe kanye ne Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 (“the General Fisheries Policy”). Labo abathandayo nabathintekayo bangabhalela umnyango ngo 4 April 2005. Izimvo ezilethwe emva kwalolusuku ngeke zithathwe.Zingalethwa lapha Comments shall be submitted as follows:

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		Nge Hand Quaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments

Isizathu salomqulu ukukhombisa ezibukwayo uma kukhishwa amalungelo okudoba kwi tuna pole. Ezinye zazo azizintsha. Zisetshenziswe umnyango ngesikhathi bekipha amalungelo.Lomgomo unoshintsho oluncane.

Amanye amalungelo avele akhona. I West Coast Rock Lobster (Offshore) Fishery Management Manual izoqedwa ngo 2006. Lomqulu izochaza ngokwanele management methodology kanye nezindlela ezilandelwayo kwi fishery.

U Minister wezemvelo kanye nezokuvakasha ufuna ukunika abawu 18 abazoba namalungelo WCRL (offshore) ngokuka section 79 ye Marine Living Resources Act 18 of 1998 (“the MLRA”)kumuntu omdala emnyangweni.

2. I Bhayoloji kanye nokuhluka kwengcebo

I West coast rock lobster (*Jasus lalandii*) aakhula kancane, ahlale isikhathi eside. Azebesifazane ayahlukana asuka kumamilimitha awu 57 carapace ngobude kuya ku 66 amamilimitha . Wona awesilisa makhulu futhi akhula kakhulu kunawesifazane. Ubude kugcina ku 75 mm CL ibhekwe kulabo abasebhizinisini lokudoba, awesilisa enza ukubanjwa okusuka ku 90 kuya ku 99 yamaphesenti.

I West Coast ivela ngaphansi kuka mamitha awu 200m ngobude eningizimu yase Walvis Bay eNamibia kuya e East London. Ukuhlukumezeka kuvela kusukela kwi 25°S eNamibia kuya eGansbaai ngasogwini lwase Kapa. Kodwa ukudoba kuqhubeka kuze kuye e Mossel Bay.

3. Okuphatelene nokudoba

Okwamanje etholakala I biomass ilinganiselwa kumaphesenti awu 8 kanti I spawning biomass llinganiselwa kumaphesenti awu 21. Lokhu kwehlika kwenziwa izinto ezimbili: Okukhulu ukubanjwa okungadingekile ikakhulu ngezikhathi zohafu we20th century kanti nokuncipha ekukhuleni kwe somatic ngo 1990.

Umsebenzi wokudoba ukudayisa kwaqala ngo 1880. Ikhulile nge 20th century. Yize ukudoba ungakashayi u 1940 ayemancane, kodwa ukubamba kunyukile ngeminyaka yo 1950 kuya ku 1965, ngesikhathi amathani awu 13 000 no 16 000 ayetholakala ngonyaka

Ngaphambi kuka 1946, ukudoba kwakungenamthetho. Kulowo nyaka i tail-mass production quota yashicilelwa ukubheka laba abadayisa ngaphandle. Lena yenza “ukunakekela okuphumayo” esasetshenziswa namanje kwi west coast rock lobster.

Kusukela ngo 1946 , amakwata onyaka akhishwa , esukela ekutheni yenze kanjani kusikhathi sonyaka. Kwaze kwaba ama 1960's, amakwatasi ayenesandla ekubuseni yonke into ebanjiwe.. Ngo 1967/68 ngesikhathi sokudoba, okubanjwe kwancipha kwenja amakwatasi angakwazi ukugcwaliseka Ekwehlikeni kwe Total Allowable Catch (“TAC”) phakathi kuka mathani awu 4 000 no 6 000 enza kwaba nebhilansi ngeminyaka ka 1970/71 kuya ku 1989/90.

I tail-mass production quota yangenelwa I whole lobster (landed mass) quota, ibe igadwa I TAC eyaqala ngo 1980. Ama Area noma ama zonal allocations aqaliswa ngesikhathi esisodwa.. . Uma ubambe a berried noma ama soft-shelled lobsters avalwa. Ngo 1990/91 okwakubanjwa kwehlika, nageminyaka elandelayo, i the commercial TAC ancipha, yaba namathani awu 1 500 ngesikhathi sika 1995/96. Kusukela lapha iza kancane kancane, lapho commercial TAC ibekwe ku 3 527 yamathani kunyaka ka 2004/2005.

Ngaphambi kokuthi kuqale ukubanjwa kwa lobster ngo 1960, ibhizinisi lokudoba lalithembele kwi hand-hauled, hoopnets, alula asuke kubelula ukuphuma ezikepheni.. Ama Hoopnets ajwayele ukusetshenziswa ezizibeni ezingangamamitha awu 30. Hoopnet dinghies ayakwazi ukuzisebenzela ngosogwini uma usebenzisa I outboard motor noma ama oars, noma usebenzise i motorized mother vessel (deckboat).

I west coast rock lobster fishery yenziwe izinto ezimbili: I commercial fishery kanye ne recreational fishery. Labo abasebenzisa I Recreational basebenzisa kuphela amahoopnets ngasesikepheni noma ngasogwini, noma ekudambeni. Labo abakwi Recreational abawadayisi lokho abakubambile.

I WCRL (offshore) fishery ivumelekile ukubamba amarock lobster . Emalungeni e In the medium-term , labo amalungu anamalungelo babenikezwe amathani angaphezu kuka 2.

Amalungu e WCRL (offshore) fishery basebenzisa amaveseli amakhulu ngaphezu kwalaba ababangasogwini WCRL (eduze), bona okumele benze ngama hoopnets emanzini angashoni water. I WCRL (offshore) fishery iqasha abantu abaningi.

I WCRL (eduze nolwandle) fishery yakhipha I subsistence ngo 2001 ukuhambisana nezimvo ze independent review of subsistence fishing e South Africa. Isibuyekezo sasho ukuthi kumele kubukwe I west coast rock lobster, traditional linefish kanye ne abalone kumele yeziwe ibhizinisi. Lokhu sekwenze abantu babe nemvume yokudayisa lokho abakubambile.

Umnyango ukhipha amaphesenti awu 20 okudayiswa kwe west coast rock lobster TAC to the kwabangasogwini kanye namaphesenti awu 80 kulabo abasolwandlekwi offshore fishery.

Isizathu saloluqhekeko ukuthi izinto eziningi zitholakala e inshore, kanti u 80 phesenti utholakala emanzini ajulile.

I offshore fishery inakekela abantu abawu 5 500 yabasebenzi ,abawu 95 phesenti abantu abamnyama. Abangaphezu kuka 2 500 bahamba olwandle, abanye beqashelwe okuthengiseni emhlabeni..I West coast rock lobster fishing ithatha phakathi kuka November kanye no July kanti imali yonyaka ingu R26 500. Imali etholakala kuma west coast rock lobster icatshangelwa ku R200 million. Inani lamaveseli kule fishery angu R130 million.

I west coast rock lobster fishery ibisalokhu iphethwe kahle kusukela ngo 1997, futhi ilokhu inyuka kancane kancane ngenani lokubamba. Ngo 2003, u Minister wezomnyango zemvelo nokuvakasha ukhiphe inani lokubamba endaweni yasempumalanga ye Kapa Hangklip. Umnyango usalokhu uqhubeka unakekela ngokucophelela.

4. Amalungelo awesikhashana kanye nendlela elandelwayo

Ngo 2001, Umnyango ukhiphe a,alungelo angu 234 ukudoba I west coast rock lobster. Kwaphinde kwangezwa angu 511 awesikhashana amalungelo okudoba kulabo abesebadala ekudobeni. Kulawo amalungu anikezwa ,amaphesenti awu 66 anikezwa abantu abamnyama. Abantu abamnyama abasezikhundleni eziphezulu okudoba bangamaphgesenti awu 34 kuphela.

Kumalungelo a limited bangamaphesenti angu 91.5 anikezwa ezinkampanini ezincane eziphethwe abantu abamnyamaOkungukuthi amaphesenti angu 70 aphethwe abantu abamnyama.

Ngo 2003, umnyango ukhiphe amathani angu 230 e west coast rock lobster kubantu abangu to 274 abanamalungelo okudayisa ama lobster e Cape Hangklip. Babangaphezu kuka 90 phesenti anikezwa abantu abamnyama.

Ngo 1992, abangu 39 kwakungabelungu ababenamalungelo kwi west coast rock lobster TAC. Ekugcinenei kuka 2003, umnyango ukhiphe amalungelo angu 1 019 okudayisa ilobster. Kulawa abangaphezu kuka 785 anikezwa ababengama former subsistence fishers. Ukunakekela inamba enkulu yabantu abanamalungelo ngo 2002 amalungu athola amathani angu 6.8 uma

uqhathanisa namathani angu 56 ngo 1992. Ngakho umehluko ukuthi abaningi ababenamalungelo ehlika kakhulu eminyakeni eyishumi. Ngo 1992, kwakunomehluka owu 200-phakathi kwamathani angu (199) aphansi kwaba ithani elilodwa; ngo 2002, kwakunomahluko ongu 66-fold phakathi kwamathani angu (95.6 tons) kanti eliphansi u (1.5 tons) .

5. Izizathu ze Over-Archiving

Izizathu zokunikezwa amalungelo zokudoba yilawa:

- Ukunyuka kwezivumbululo kwezokudoba
- Ukugqugquzela uku investa kuma veseli (ukukhipha amadala), inqalasizinda kanye nemisebenzi eminingi;
- Ukufukamalisa ingcebo kanye
- Ukwenza ukudoba kuhambisane nemvelo

6. Ubude bamalungelo

Kumele kubukwe lokhu –

- Ukuvumbulula kwendaba yokudoba kanye
- Abantu abaqashwe ngokwaneleyo (kanti nokuqhubezela ukushintshwa kwemisebenzi emincane kuya kwepheleleyo
- Isidng sokunyusa amalungelo abantu akhona ekudobeni
- Nokuthi I west coast rock lobster resource iphethwe kahle futhi ithembekile ngezinamba zayo,

Umnyango uzokhipha amalungelo esikhathini esiyiminyaka ewu 10 kusikela ngo 01 January 2006 kuya ku 31 December 2015). Wonke umuntu onelungelo uyovivinywa, ngokuhamba kwesikhathi (**buka iparagraph 13 ngaphansi**).

7. Abantu abasebasha

Yize I west coast rock lobster fishery inabantu abaningi asikho isikhala sabantu abangangeniswa, abasha bangathathwa bangathathwa ngaphezu kwalabo asebevele bekhona abangaphumelelanga ukushintsha njenge kwezicelo ze medium-term . Ngaphezu kwalokho

labo abangawasebenzisanga amalungelo , noma bengawenzanga abasebenzele ngeka banikezwe wona, ngakho bazongenelwa yilabo abasha.

8. Izindlela zokukhetha

Abafuna ukungenala bazovivinywa kusetshenziswe I “*exclusionary criteria*”. Amalungu amasha kanye namadala bazovivinywa ngokuhlukile kusetshenziswe I “*comparative balancing criteria*”. Kuyobukwa lezindlela ezimbili bese kukhethwa abaphumeleleyo. Ingxenye ye TAE izonikezwa labo abaphumelele ngokwe “*quantum criteria*”.

8.1 I Exclusionary criteria

Ngaphandle kwalendlela echazwe kumqulu ojwalekile emayelana nokufaka izicelo , umnyango uyowakhipha lawo amalungu angazenzi lezi izinto :

- (a) **Uhlobo lomceli:** licelo eziyobheka ilezo eziphuma ezinkampanini ngokomthetho we Close Corporations Act 69 ka 1984 kanye ne Companies Act 61 of 1973 kanye nabantu (isibonelo abaziphathayo noma abantu abaphilayo). Izicelo eziphuma kuma trusts ngeke aze abukwe.
- (b) **Ukwethembeka:** Izicelo , okuhlanganisa o director noma abanasheya ,abanecala elinzulu ngokwe MLRA (without the option of the payment of a fine) ngeke baze banikezwe I WCRL(offshore) .Izicelo ezihlanganisa director noma abannamasheya ,amalungelo abo okudoba athathwa noma amiswa ngenxa ye MLRA.
Ukunqamula umthetho okuncane nge MLRA kushiwo:
- (c) **Paper quotas:** Paper quotas, njengoba lchazwa kumgomo ojwayelekile nakho ngeke kuthathwe.
- (d) **Ukubanesandla ekutholeni I veseli efaneleyo:** Abaceli komele bakhombise ukuba nemvume yokuba neveseli efaneleyo (**buka ku *paragraph 9 ngaphansibel***)

- (e) **Ukungasetshenziswa:** Abanamalungelo abangakwazanga ukusebenzisa amalungelo abo kwi medium -term commercial tuna pole kusekela ku 2002 kanye no 2004 ngeke banikezwe amalungelo futhi.
- (f) **Ukucela amalungelo eWCRL (ogwini) :** Uma ngabe amalungu ecela ebe ephethe noma enamasheya kwi WCRL (ogwini), abasolwandle amalungelo ngeke aze awathole.

8.2 Ukubhalansisa

Yize le criteria elandelayo izosetshenziswa kuphela kulabo abanamalungelo kanye nalabo abasha, yize ukubukwa :

(a) Ukuvumbulula

Kumanje amaphesenti angu 66 aphethwe abantu abamnyama amalungelo. Abangamaphesenti awu 34 aphethwe izinkampani zabantu abamnyama. Bebonke baphethe amaphesenti awu 60 ye TAC. Amabhizinisi amancane kanye naphakathi enza amaphesenti angu 90. Yilezo ezenza ngomnyaka ngaphezu kuka R5 million amabhizini aphakathi kanti amabhizinisi amancane enza iR3 million .

Umnyango ukhipha lamalungelo esikhathi eside kangaka ukunyusa izinga loshintsho lwamanje. Ngakho ke bazo asesa laba abafuna ukungena ngalokhu–

- Kuzobukwa amaphesenti abantu abamnyama nabesifazane abaphethe kanye nakwi executive ;
- Ukuthi abasebenzi banawo amasheya nobubanzi bamabhenefithi;
- I Affirmative procurement;
- Ukubakhona kwabantu abamnyama ezindaweni ezihlukene
- Ukulandela umthetho we Employment Equity Act 55 of 1998;
- Uku investa emphakathini.

(b) Uku investa ekudobeni

Abafaka izicelo bayobukwa ngokuthi kunakwe uku investa kwi WCRL (offshore) fishery.

Labo abanamalungelo , umnyango uzobuka lokhu:

- Uku investa kuma veseli afaneleyo. Ngakho ke ngo investa ngokuthi ube namasheya nakho futhi. Amalungu ngeke aze aklo mele ngokuqeda ukudayisa, izivumelwano ze charter noma ngezivumelwano zokudoba.
- Uku investa ezindleleni zokumaketha iziqala zizinda. Umnyango ke uyobaklomelisa labo abathathe iqhaza ekumaketheni o tuna.

Labo abasha komele bakhombiese ukuthi ba investe kuyiphi iveseli . Labo abasha kumele bakhombise ukuthi bamakethe kanjani

(c) Ukwenza kokudoba

Amalungu ayobukwa kwe west coast rock lobster fishery esikhathini esifushane.

Abasha bayobukwa ngokuthi bayokwazi yini ukwenza , ulwazi, kanye nobuchule kwi west coast rock lobster.

(d) Ukuthuthukisa umnotho

Umnyango uyobuka lezo zicelo , ikakhulu abancane ukuthi bakhethe izindawo lapho oku proseswa khona ayiswe ezindaweni ezinkulu njenge Kapa. Labo asebevele be investe e Kapa ngeke baze bayekiswe..

Umnyango uzoklomelisa labo abafuna uku investa kwizikhumulo ezincane njenge Port Nolloth, Hondeklipbaai kanye ne Paternoster.

(e) Imisebenzi

I west coast rock lobster fishery inikeza abantu imisebenzi engango 5 500 kanye nabangaphandle kolwandle. Kunemisebenzi emincane ephela ngoba ukudoba kuhamba ngesikhathi. I WCRL (offshore) fishery ikhona kanye ne TAC iyakhula kusukela ngo 1997.

Umnyango uyothatha labo ababonelele abasebenzi babo ngalokhu –

-Ukuqashwa ngokuphelele

- I Medical aid kanye nempesheni;
- Namanye ke ama bhenefitshi okusebenza

Umnyango uyoba nesandla ekuhlukeni kwamaholo labo abahola kancane kanye nalabo abahola kakhulu

(f) Ukuthembela kwi west coast rock lobster

Umnyango uyothatha labo Bantu abathembela kwi west coast rock lobster fishing (kuhlangene ukwenziwa kanye nokudayisa) banikeze amaphesenti angu 50 emalini abayitholile zigakathathwa izindleko. Labo abanamashya ngaphandle abathola izimali zabo ngahandle ngeke bathathwe bayogwetshwa.

(g) Ukungakhokhwa kwenhlawulo

Umnyango ulindele wonke umuntu onelungelo ukuba akhokhe inhlawulo kulabo abakubambile. Labo abangakhokhi noma baqambe amanga ngalokho abakubambile ukuze bangakhokhi inhlawulo

Amalungu ayophucwa amalungelo awoNgeke baphinde banikezwe ilungelo. Bayokhokhela umnyango imali abayikweletayo kuhlangene ne interest.

(h) Ukwethembeka

Amalungu , kuhlangene nama director abaphenywayo ngokuphula I MLRA , noma amacala ngeke banikezwe amalungelo e west coast rock lobster kuze kuqedwe lolophenyo

Ukuphula okuncane, kuhlange ne mithetho kanye nabo director bayonikwa izinto ezimbi emaphuzwini

8.3 *I Quantum Criteria*

Kulabo abasebasha ,umnyango iyosebenzisa I quantum ukunikeza amalungu ngonyaka ka 2005 ,banikeze ngaphezulu ingxenye ye TAC kulawo malungu asemadala abangazifakanga izicelo zabo noma bengaphumelelanga, bese kuphinde kunikezwe futhi I TAC kulokhu okulandelayo:

- **I Black Management:** amaphesenti angu 15 e west coast rock lobster TAC azokhishwa ekubukeni ukuphatha kwabantu abamnyama futhi
- Amaphesenti angu 35 e TAC azokhishwa ekubukeni I comparative balancing scores atholiwe, ehlanganisa **itransformation**.

Labo abaphumele bazonikezwa iquantum elinganiselwa nabo abasha kwi medium-term rights allocation process.

9. **Amaveseli afanele**

Iveseli efanele kwi west coast rock lobster fishery iyiveseli enalokhu:

- ene SAMSA certified enobude obungamamitha angu 30 kanti okungenani ubude obuwu 8 amammitha;
- eneveseli ene monitoring system;
- yenziwe ukuthi ikwazi ukucupha noma ibe ihoop net fishing; kanye
- ingasebenzi kwezinye izindawo zokudoba.

10. **Ukuzibandakanya kokunye**

Amalungu e WCRL (offshore) abanegeke babe namalungelo ku Cluster A kanye no Cluster B fisheries. Lawo malungu abakwi WCRL (offshore) fishery, abahlanganisa labo abanasheya ezikhundleni eziphezulu ngeke banikezwe amalungelo ukubanamalungelo ku Cluster C, okuhlange nisa nalabo abakwi WCRL (nearshore) fishery, kanye no Cluster D fisheries.

11. Izimali zokungena

Imali yokungenela kwi WCRL (offshore) fishery izobika lokhu:

- Ukubiza kwamalungelo kuhlange ne consultation, ukuthola, ukucunungula, ama apeeals kanye nokubukezwa. Ngokunjal ke nokubiza kwi medium term izosetshenziswa njenge guide.
- Nokubaluleka kwafishi onikezelwe ngesikhathi uthola ilungelo.

Lezizimali kumele zikhokhwe ngo 1 January 2006 zophinde zibukezwe, nalabo abathandayo

12. Ukukalwa kokuphatha

Ukukalwa kokuphatha kucaciswa lapha ngaphansi umnyango

12.1 *Indlela ye ecosystem ekuphatheni*

Le fishery izophathwa ngokulandela I ecosystem approach to fisheries (“EAF”). I lecosystem approach ku fisheries ibuka yonke into kanye nomgomo olandela ukuthi kwi marine. Lomgomo we WCRL (offshore) fishing policy awuzami umgomo we EAF. I EAF kwi WCRL fisheries izochazwa kakhulu kwi WCRL (Offshore) Fishery Management Manual. I South Africa ihleli izimisele ukusebenzisa I EAF nomnyaka ka 2010.

12.2 *Ukuhlanganiswa kwamalungu*

Ngaphezu kweminyaka ewu 10 yamalungelo okudoba kwi tuna pole fishery umnyango uzosiza ngokuthi uhlanganise wonke amalungu asebenzayo. Abanamalungelo kungenzeka bahlanganise amabhizinisi abo nabanye.

Lapho amalungu afuna ukuhlanganisa ukuze banyuse I transformation profile yefishery.

- Lapho amalungu asehhovisini elilodwa noma anamasheya noma
- Lapho izinkampani ezincane behlanganisa amabhizinisi abo ukuthuthukisa I transformation profile ye fishery.

Ukuhlanganiswa kwamalungu kudinga imvume emnyangweni kuma monopolies (**buka I paragraph 12.4 ngaphansi**)

12.3 Amaveseli kanye nokuzama ukudoba

Njengo amalungu amaningi engenawo amaveseli, umnyango afuna ukuthi abenamaveseli emva kokwabela amalungelo. Umnyango ubuka ukungenisa amanye amaveseli. Amalungu ngeke avunyelwe ukukhipha amaveseli angaphezu kwalokho lukhishiwe.

12.4 I Monopolisation

Lapho umnyango uzama ukuhlanganisa amalungu , futhi ayifuni monopolies izokwenza kube nalungelo amancane.

Umnyango ngeke unyuse I TAC, kodwa izobukisisa ukuthi kuhambisana neminqumo.

13 Ukukalwa kokusebenza

Umnyango uzokwenza izinto eziningi eziyosetshenziswa ukukala umsenbenzi ngesikhathi usanamalungelo. Isikalo sokuqala siyokwenzeka kokuphela konyaka wokuqala emva kwalokho emva kweminyaka emithathu.

Yise umnyango uyokhipha isinqumo sokugcina ukuthi imaphi amalungu ayofunwa nazi izinto eziyolandelwa:

- I transformation;
- Uku investa kuma veseli kanye nezingubo
- Ubuchule ekudobeni;
- Ukuthobela imithetho ebhaliweyo

14. Uhlelo lokubuka

Umnnyango uphinde futhi ubuke ukuthi uyawuthobela yini umthetho. Ngaphezu kwalokho umnyango uzobe uqhubeka unyusa uhlelo lwe fishery. Amalungu ayozibonela ezindlekweni zohlelo lokubuka.

15. Ukuvunyelwa ukudoba

Izimvume zikhishwa njalo ngonyaka. Lawo athinta unyaka 2005 atholakala ku **Annexure A**. Labo abathandayo kanye nabathintekayo bavumelekile ukuba novo lwabo.