

UYILO



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO  
ULAWULO LWESEBE LEZOLWANDLE NONXWEME**

**INKQUBO YOKUNIKEZWA NOKULAWULWA KWAMALUNGELOEXESHA ELIDE  
OKURHWEBA NOKULOBA I ROCK LOBSTER YONXWEME LWASENTSHONA  
UMDA WORHWEBO LOKULOBA (NGAKUNXWEME) : 2005**

**LENKQUBO SIYILO MAYIFUNDWE NENKQUBO SIYILO JIKELELE  
NGOKUNIKEZWA NASEKULAWULENI KWAMALUNGELO**

**OKULOBA: 2005 (iyafumaneka ku**

**[www.mcm-deat.gov.za](http://www.mcm-deat.gov.za)**

## ULUHLU LWEZIQULATHO

<b>1. Intshayelelo</b>	<b>3</b>
<b>2. Ibhayoloji nentshukumo zobutyebi bendalo</b>	<b>4</b>
<b>3. Iinkcazo emfutshane ngelicandelo</b>	<b>4</b>
<b>4. Inkqubo ephakathi yokunikezwa kwamalungelo</b>	<b>7</b>
<b>5. Injongo zokwandiswa kwamacandelo</b>	<b>7</b>
<b>6. Ixesha lamalungelo</b>	<b>8</b>
<b>7. Abangeneleli abatsha</b>	<b>8</b>
<b>8. Indlela zovavanyo</b>	<b>9</b>
8.1 Inkqubo yokulinganisa yokukhetha	9
8.2 Inkqubo elinganayo yovavanyo	11
8.3 Umlinganiselo wenkqubo	13
<b>9. Inqanawe ezifanelekileyo</b>	<b>13</b>
<b>10. Umlinganiselo wolawulo</b>	<b>13</b>
<b>11. Irhafu yentlawulo yezicelo</b>	<b>14</b>
<b>12. Umlinganiselo wenkqubo</b>	<b>14</b>
<b>13. Abakhimkhanyo</b>	<b>14</b>
<b>14. Uluhlu lwethutyana</b>	<b>14</b>
<b>15. Imiqathango yemvume</b>	<b>15</b>

## 1. Intshayelelo

Lomgaqo nkqubo omalunga nokunikezwa nokulawulwa kwamalungelo okurhweba kushishino lokuloba kwabeminatha yaselwandle kunxweme lwentshona loshishino lwerock lobster ikhutshwe liSebe lemiCimbi yezeNdalo noKhenketho: UkuLawulwa kweSebe lezoLwandle noNxweme (“ISebe”) esenzelwe izimvo zoluntu. Elicandelo kuyakubhekiselwa kulo njenge “WCRL (ngakunxweme)”. Lenkqubo mayifundwe ndawonye nesiYilo Nkqubo Jikelele emalunga noLwabiwo nokuLawulwa kwamaLungelo exesha elide orhwebo nokuloba: 2005 (“Umthetho Jikelele”).

Njengoko kuchaziwe kuMgaqo Jikelele, iSebe lizakubamba intlanganiso zikawonke-wonke kwindawo eziselunxwemeni ukuze libonisane noluntu jikelele, ingakumbi amaqela anomdla nachaphazelekayo, ngokumalunga nomgaqo wesisiyilo se WCRL (ngakunxweme) . Kwezintlanganiso zoluntu, izimvo malunga nalomgaqonkqubo ziyakumenywa. Izimvo ezibhaliweyo ziyakungeniswa kwiSebe ungalulanga umhla we 11 April 2005. Izimvo ezingeniswe emva kwalomhla aziyikuqwalaselwa. Izimvo ziyakungeniswa ngoluhlobo lulandelayo:

<b><u>Nge Fax:</u></b> Fax Number: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments	<b><u>Nge Mail:</u></b> Qaphela: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery (Please specify which fishery) Policy Comments	<b><u>Nge E-mail:</u></b> <a href="mailto:RVU@deloitte.co.za">RVU@deloitte.co.za</a> Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments
		<b><u>Nge Sandla</u></b> Qaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments

Injongo yalomgaqo nkqubo kukubhengeza ingcamango eyakuthi isetyenziswe kunikezo lwamalungelo exesha elide orhwebo lokuloba e WCRL (ngakunxweme) . Uninzi lwezingcamango azintshanga. Sele zikhe zasetyenziswa liSebe ukunikeza amalungelo kwixesha elidlulileyo. Le nkqubo iziqulathile ezingcamango, kodwa ibandakanya inguqu ezimbalwa nezongezelelo.

Inkqubo ethile yokunikezwa kwamalungelo yexesha elidlulileyo ichaziwe kwesisiyilonkqubo. IManyuwali Yolawulo loShishino ngokuLoba iRock Lobster yakuNxweme lweNtshona (Ngakunxweme) iyakugqityezelwa nabobonke abanini malungelo ngonyaka ka2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazinkqubo nemigaqo yoshishino lokuloba.

UMphathiswa wemiCimbi yezeNdalo noKhenketho uzimisele ukugunyazisa amandla ecandelo 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba njengoko kusekiwe kwi candelo 79 WCRL (ngakunxweme) loMthetho 18 ka 1998 we Marine Living Resources (“i MLRA”) kwi gosa eliphezulu leSebe.

## **2. Ibhayoloji nentshukumo zobutyebi bendalo**

I rock lobster zaselunxwemeni lwasentshona (*Jasus lalandii*) zizilwanyana ezikhula kancinane zakudala. Ubukhulu bemazi xa sele indala isuka kwi 57 millimetres ubude becarapace (CL) iya kwi 66 millimetres CL. Eyindoda ilobster ibanobukhulu kwaye ikhawuleze ukukhula ngaphezu kwemazi. Ngenxa yomda ebukhulwini obuyi 75 mm CL obekwe kurwebo lwezokuloba, ilobster zifikelela kwi 90 ukuya kwi 99 lepesenti lezibanjiswa.

Irocklobster zakunxweme lwentshona ziba kunxweme (<200m ubunzulu) ukusuka emantla e Walvis Bay e Namibia ukuya eEast London. Ukusetyenzisa kirhwebo lwenzeka malunga ne 25°S e Namibia ukuya Gansbaai. Kodwa ke, ukuloba nje lokuzonwabisa lunabela empuma ukuya e Mossel Bay.

## **3. Iinkcazo emfutshane ngelicandelo**

Ubunzima obuphindiweyo besivuno buqikelelwa kwisithuba sepesenti ezisibhozo samazinga ebesetyenziswa ngaphambili ubunzima bamaqanda buqikelelwa kwi 21 yepesenti. Olu kekelo lubangwa ikakhulu zimeko ezimbini: intlanzi ezininzi ezilotyiweyo lwentlanzi kwisithuba sesiqingatha sokuqala se 20<sup>th</sup> century nokuhla okukhulu kwizinga lokwanda kwiminyaka ye 1990's.

Urhwebo lokuloba intlanzi lwaqala nge 1880's. Ushishino lokuloba lwakhula ngokukhawuleza ekuqaleni kweminyaka ye 20<sup>th</sup> century. Nangona ngaphambi kweminyaka ye 1940 ubambiso lwentlanzi beluntshakantshaka, kubebhetele kwithuba leminyaka ka 1950 ukuya ku1965, xa phakathi kwe 13 000 ne 16 000 yetoni zazibanjiswa minyaka le.

Phambi ko 1946, ushishino lokuloba lalungenamigaqo. Kulonyaka , Ubuninzi obumisiweyo bemveliso babekwa ukuze kuthintelwe ukuthunyelwa kwamanye amazwe. Lonto yenza isiseko solawulo "nqando mveliso" esasetyenziswayo kulawulo lwe rocklobster kunxweme lwentshona namhlanje.

Ukusukela ku 1946 ukubheka phambili, kwavunyelwana ngesebelo sonyaka, esisekelwe okokuqala kwinkqubo yokuloba kwixesha elingaphambili lonyaka. Ukuya phakathi kwiminyaka ye1960's, ukuloba bebulawulwa ngqo bubuninzi obumisiweyo. Ngo 1967/68 ngexesha lokuloba, amazinga okuloba aqalisa ukwehla nobuninzi obumisiweyo abakwazi ukuzinziswa. Unciphiso kwiNani lokuLoba eliVunyiweyo ("TAC") ukuya phakathi ko 4 000 no 6 000 etoni labuyisela ukulingana kwisithuba sika 1970/71 ukuya 1989/90.

Ubunzima bemveliso obumisiweyo babuyiselwa ngelobster yonke (ubunzima bomnatha) , no lawulo ngohlobo lwe TAC lwasetyenziswa kwiminyaka yokuqala ka 1980. Ukwabiwa kwemimandla kwaqhubeka kwangelo xesha. Eminye imilinganiselo yolawulo eyayinyanzeliswa ngaphambili yabuyiswa nokuvalwa kwexesha . Ukulotywa kwelobster ezinamaqweqwe athambileyo kwapheliswa. Iminyaka ka 1990/91 amazinga okuloba kwakhona ehla, kwiminyaka elandelayo, urhwebo lwe TAC lehla kancinci, lufikelela kwi 1 500 yetoni ngo 1995/96 kwixesha lonyaka. Ukususela ngoko, kwaye kusiba bhételana kancinci, kushishino lwe TAC lubekwa kw 3 527 etoni kwixesha lonyaka ka 2004/2005 .

Phambi kokusetyenziswa kwezibambisi zelobster ngeminyaka ye 1960, ushishino lokuloba beluxhomekeke ekulobeni nge hand-hauled, hoopnets, ezikhaphu khaphu nekulula uzisebenzisa kumaphenyane amancinci kumanzi anganzulwanga. iHoopnets zidla ngokusetyenziswa kubunzulu obungaphezulu kwe 30 yemitha. Amaphenyane eHoopnet asenokuzisebenzela elunxwemi ngokomphandle wenqanawe okanye ngokwamaphini, okanye isiwe kwimihlaba yokuloba irhuqwe liphenyane (deckboat).

Ukulotywa kwe rock lobster kunxweme lwentshona lwenziwe ngamacandelo amabini: ushishino lokuloba nolokuzonwabisa . Abalobela ukuzonwabisa bangasebenzisa ihoopnets xa belobayo kwiphenyane okanye okanye ku nxweme, okanye basebenzise ukuntywila. Abalobi bokuzonwabisa abanakho uthengisa eyabo intlanzi.

Icandelo loshishino linomlinganiselo omkhulu wabasebenzi abasebenza ngaphandle (ulwabiwo lwamalungelo abhaphezu kwe 1.5 yetoni) nenani eliqingqiweyo elingakunxwene (amalungelo abiweyo angaphantsi kwe 1.5 itoni). Kwicandelo elingaselunxwemeni , Abanamalungelo bangasebenzisa i hoopnets bengenakuhamba-hamba.

Icandelo lorhwebo lwangaselunxwemeni (okanye ushishino lokuloba oluqingqiweyo) lwabuyisela ulobo oluphilayo ngo 2001 ngenxa yezinto eziphandiweyo neziphakamiso kuhlolo oluzimeleyo zolobo lokuziphilisa eMzantsi Afrika. Uhlolo lwaphakamisa ukuba indawo ekulotywa kuzo zexabiso eliphezulu njengonxweme lwasentshona lwerock lobster, ilinefish yemvelo ne abalone zimele ukuba zibe zindawo zokwenza imali. Ukwenza imali kwezindawo kuvumele abalobi ukuba bathengise imveliso yabo.

Isebe lwabela abarwebi be west coast rock lobster TAC I 20% ne 80% kubarwebi be Offshore. Isizathu sale antklukwano kukuka I 20% yezinto zokusebenza yabelwe ingingqi ye-inshore kumanzi anzulu.

Ukuloba e offshore kuxhasa ama 5500 abasebenzi yaye I 95% angabamnyama. Ngaphezu kwama 2500 asebenza elwandle ukuze abashiyekileyo ukulungisa bathengise emhlabeni. Ukulotywa kwe west coast rock lobster kuqhubeka phakathi koNovemba noJulayi kwenziwe malunga nama 26500 eerandi ngonyaka. Ixabiso lolobo lwe west coast rock lobster lumalunga nezigidi ezingama 200 ngonyaka. Ixabiso lwezikhithshana kolu lobo zizigidi ezili130 lee randi. Ulobo lwe west coast rock lobster luya lawuleka kakuhle kwaye ukususela kumnaka ka 1997 lwaye lusanda ngokwanda. Ngomnyaka we 2003 umphathiswa wezendalo nokhenketho wavumela urhwebo olupheleleyo lwe rock lobster nakwimpuma koloni Hangklip. Isebe lwaqhubeka ngokulawula ulobo kule ngingqi phantsi kwemiqa thango.

#### **4. Inkqubo ephakathi yokunikezwa kwamalungelo**

Ngomnyaka we 2001 Isebe lwavumela amalungelo aphelelyo angama 234 okuloba iWest Coast rock lobster. Wongeze amalungelo angama 511 anemiqathango kubalobi ababekhasa. Abantu abanyama namashishini abo baxhamama 66% kumalungelo apheleleyo. Kwizikhundla eziphezulu zoshishino ngentlanzi abamnyama bangama 34% kuphela.

Kumalungelo amiselweyo kwisebe lokuloba i 94% yafakwa kubantu abamnyama; nabamnyama abanamashishini amancinci. Oko kuthetha ukuthi malunga ne 70% yoshishino lwentlanzi i rock lobster kunxweme lwenshona ilawulwa ngabantu abamnyama.

Ngomnyaka we 2003 Isebe liphinde lanikezela itoni ezingama 230 ze –West Coast rock lobster kwi 274 kubarhwebi abarhweba phantsi kwemiqathango kwingingqi ye Cape Hangklip. Abamnyama baxhamla ngaphezu kwe 90% yamalungelo.

Ngomnyaka we 1992 ama 39 abamhlophe babenemvume yokulawula I West Coast rock lobster TAC. Kanti ekupheleni kuka 2003 isebe lanikezela ngamalungelo okurwheba ali 1019. Kuloo malungelo ngaphezu kwe 785 anikezelwa kubalobi abasakhasayo. Ukubandakanya inani elikhulu labanikwe amalungelo malunga ne 6.8 e toni abiwa ngo 2002 xa kuthelekiswa nama 56 etoni ka 1992. Umahluko phakathi kwamalungelo amakhulu namancinci waye uncipha kwisithuba seminyaka elishumi. Ngomnyaka we 1992 kwakukho umahluko wolwabiwo phakathi kwetoni eziphakamileyo ezili 199 netoni ephantsi enye, ngomnyaka wama 2002 kwakukho ama 66 omahluko phakathi esiphakamileyo sama 95.6 etono nabaphantsi 1.5 etoni.

#### **5. Injongo zokwandiswa kwamacandelo**

Injongo zokwaba amalungelo okuloba ethuba elide kwi WCRL (ngaselunxwemeni) abalobi kufuneka:

- Bagcine utshintsho lokungaboni ngasonye kwindawo zokuloba;

- Anike amalungelo oshishino lokuloba kubalobi abaxhomekeke kwi WCRL ukuze baphile ;
- Baqinisekise ukuba abafaki zicelo abahlala kwindawo zokuloba kwaye abanxulumene nokuloba kwakudala kwi WCRL babonelelwe ngomlinganiselo wamalungelo ofanelekileyo;
- Bakhuthaze utyalomali kwinqanawa,urhwebo nokuqhubela phambili amaziko akhoyo, ukudala imisebenzi ekhuselekileyo;
- Bagcine uqoqosho oluphilayo kwindawo zokuloba; kwaye
- Baqinisekise ukugcinakala kwendawo zokuloba.

## 6. Ixesha lamalungelo

Ngokwe –

- Inguqulelo zokungaboni ngasonye kwindawo zokuloba;
- Imfuneko ekukhuthazeni utyalomali kwezindawo zokuloba ngamashishini amakhulu;
- Imfuno ekukhuthazeni ukudala imisebenzi esisigxina;
- Imfuno ekugcineni uzinzo lwezoqoqosho olukhoyo kwindawo zokuloba; kwaye
- Kwaye kwa ukuba indawo ekunxweme lwentshona ye rock lobster ilawuleka kakuhle ,

ISebe liyakunikezela ngamalungelo orhwebo ithuba elingange 10 eminyaka ukusuka kwi 01 January 2006 ukuya 31 December 2015 kwaye ngenxa yezizathu zokusoloko kuqwalaselwa ukungavumelani kwendlela ebekuqhutywa ngayo ngaphambili, oko kuquka iindlela ekuvunyelwene ngazo zotshintsho (***jonga kumhlathi 12 ngaphantsi***)

## 7. Abangeneleli abatsha

Nangona ulobo lwe Ntshona Coast rock lobster lusetyenziswe kakulu ngoku akukho ndawo yabathathu nxaxheba abongezelelekileyo, abatsha baza kuqwalaselwa bangathatha iindawo zabo bangaphumelelanga konke konke okanye abo bangakhange baphumelele ukwenza

izicwangciso zotshintsho njengoku bezicwangcisiwe kwisicelo samalungelo. Kwaye abo bathe banamalungelo abawasebenzisa, okanye abawasebenzisa ngokufaneleluleyo abazukuphi nda bawabelwe yaye indawo zabo zinganikwa abatsha.

## **8. Indlela zovavanyo**

Izicelo ziyakuhluzwa ngokothotho lwe “*exclusionary criteria*”, kwaye emvakoko zivavanywe ngokothotho lwe “*comparative balancing criteria*”. Amanqaku athile okanye abakudidi kuyakufuneka bakhethe abo baphumeleleyo. Umlinganiselo othile we TAC uyakwabelwa umfakisecelo ngamnye ngokothotho lwe “*quantum criteria*”.

### **8.1 Inkqubo yokulinganisa yokukhetha**

Ngaphandle kwenqkubo echazwe kuMthetho Jikelele ngokubhekiselele ekufakweni kwezicelo nokulahlwa kwezinye izinto, ISebe liyakubakhuphela ecaleni abo baceli bathe abaphumelela ukufikelela kwezimfuno zilandelayo:

**(a) Uhlobo lomfaki sicelo:** Ngabantu kuphela bendalo abayakuqwalaselwa. Abo banamalungelo ababekhe basebenza ngokwabaqondisi (umz. Amaqumrhu asondeleyo, abagcinizimali okanye inkampani) kuyakufuneka benze izicelo kwizikhundla zabo , kodwa bayakuthathwa njenge “*right-holders*”ngenxa yezizathu zenkqubo yolwabiwo.

Usapho olubumbeneyo (oluquka isibini, abantwana babo abazali nabantwana babo) abanakunikwa ngaphezulu kwelungelo elinye ukunqanda uxhamlo wedwa kwandiswe ukufikelela kunxweme lentshona oluyindawo ye rock lobster. Abafaki zicelo basenokucelwa ukuba baveze ubuhlobo babo kubaceli kwezinye indawo zorhwebo lokuloba. Ukuba kuthe kanti bagqithisile ngokwenani ukwenza isicelo samalungelo, zonke izicelo zabo zisenikukhutshelwa ecaleni, ngaphandle kokuba abaceli baye ngokuphandle babonakalisa ukuba bafumene indawo ezincinci ezahlukeneyo zokusebenza.

- (b) **Ukuthobela:** Abafaki zicelo abathe baphula umthetho ngokunganyamezelekiyo we MLRA bayakukhutshwa.
- (c) **Isimiselo sesixa samaphepha:** Isimiselo sesixa samaphepha (njengoko kuchaziwe kuMthetho Jikelele) uyakukhutshwa. Amaqela amakhulu afanayo, okanye izicelo ezifanayo kakhulu, axhaswa ngabasebisi okanye inkampani zoshishino lokuloba nezinye izinto, bayakukhutshwa njengendlela elandela unxweme kwisabelo samaphepha, kungakhange kujongwe ukuvuzwa kwizicelo ezahlukeneyo.
- (d) **Ukungasetyeniswa:** Abo banamalungelo abangawasebenzisanga amalungelo aphakathi kurhwebo lwe West Coast rock lobster phakathi kuka 2002 no 2004 abazukuphinda babelwe amalungelo okurweba.
- (e) **Ukubandakanyeka kwamacandelo amaninzi:** Abafaki zicelo abanamalungelo kwishishini lokuloba ngaphandle kwe kwendawo yokuloba i abalone , okanye banomdla – kuquka izabelo nimdla wokuba lilunge sobanamalungelo kwamanye amashishini okuloba bayakukhutshelwa ngaphandle. Abafaki zicelo abafumana uncedo kwisabelo somanyano lwabarhwebi bayakukhutshelwa ngaphandle.
- (f) **Ukubandakanyeka kwiziqhamo zesivuno :** Abafaki zicelo kwakufuneka babonise ukuba, ngexesha lokuloba intlanzi, bazimanye ngokupheleleyo ekulobeleni i WCRL. Kufuneka babonise indima ebonakalayo kwinqanawa zokuloba bathabathe inxaxheba ekuqhubeni ishishini.
- (g) **Ukuxhomekeka kwiziqhamo zomsebenzi:** Abafaki zicelo zamalungelo abangaxhomekekanga kwisivuno se WCRL ubuncinci kangange 75 yepesenti yenzuzo yabo ngonyaka bayakukhutshelwa bucala. Abangeneli abatsha abazimiseleyo kuzakufuneka babonise imbali yokuxhomekeka kwabo kolushishino i WCRL belobela ukuze baphile . Abafaki zicelo abafumana nayiphina inzuzo yabo kwezinye indawo ezingaphandle koshishino lokuloba nabo bayakukhutshelwa bucala.
- (h) **Abahlali kwindawo zokuloba:** Abafaki zicelo abangahlali kwindawo ezayamene nendawo zokuloba apho bebenze izicelo zamalungelo bayakukhutshelwa bucala.

Abafaki zicelo kuyakufuneka babonise ukuba babekhe bahlala kwindawo ezayamene nendawo zokuloba ubuncinci iminyaka emine . Amalungelo okuloba akunxweme lweWCRL ayakunikwa kuphela abahlali abahlala kufuphi nendawo yokuloba okanye ingingqi. Abaphumeleleyo kulamalungelo okuloba kwi WCRL (ngakunxweme) bayakuthintelwa kwindawo zokuloba ezinyuliweyo okanye ingingqi.

- (i) **Ukufikelela kwinqanawa:** Abafaki zicelo kuyakufuneka babonise imvume yokungena kwinqanawa efanelekileyo (jonga kumhlathi **9ngezantsi**).

## **8.2 Inkqubo elinganayo yovavanyo**

Abafaki zicelo abanamalungelo nabafaki zicelo abatsha bayakuvavanywa ngokwalemigaqo ilinganayo ilandelayo eyakuthi iveyishwe ukujonga amandla omfaki sicelo ngamnye:

### **(a) Inguqu**

Ukugcina inguqu yokungaboni ngasonye ekuloboni kwiWCRL (ngakunxweme), abafaki zicelo bayakunikwa amanqaku ngendlela efanelekileyo ukuba ngabantu abamnyama. Isini sisenokusetyenziswa njenge sisombululo seqhina, into ethetha ukuthi. apho kukho ngaphezulu komthathi nxaxheba omnye obe namanqaku afanayo, umceli wesifazana umfakisecelo uyakwenzelelelwa ngaphezu koyindoda.

Abafaki zicelo nabo bayakuvavanywa banikwe amanqaku –

- I-Affirmative procurement;
- Notyalo zimali lwamashumi ekuhlaleni.

### **(b) Utyalomali**

Utyalomali kwinqanawa ngo 31 December 2004 luyakunikwa ingqalelo ,ukuba nje utyalolwemali lubonisa ukuzinikela okukuko ekuthatheni inxaxheba kushishino lokuloba.

**(c) Imisebenzi**

Abafaki zicelo zobunini malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi okwethutyana okanye osisigxina,bayakuvuzwa.

**(d) Inkqubo norwebo**

Abafakizicelo zamalingelo bayakucelwa ukuba bahambise ingxelo ebhalwe phantsi uluhlu lwenkqubo yabo yorhwebo kulomba.

**(e) Uhlobo lokuloba**

Abafaki zicelo zamalungelo bayakuvavanywa ngokwenkqubo yabo kushishino lokuloba kwi WCRL kwixeshana nje eliphakathi.

Abafaki zicelo abatsha bayakuvavanywa ukuzama ukuqonda ukuba banaso na isakhono , ulwazi nobugcisa bokulobela i WCRL.

**(f) Ukubandakanyeka kwimbali**

Abafaki zicelo zamalungelo nabafaki zicelo abatsha abanesakhono basenokuvuzwa ngenxa yinxaxheba yabo kushishino lokuloba mandulo. Lo nxaxheba isenokudibanisa ukubangumsebenzi ngaphakathi kushishino lwentlanzi kwi WCRL, okanye umsebenzi kuyo nakweliphina ishishini lokuloba.

**(g) Ukuthobela**

Ulwaphulomthethe olungayangaphi kwi MLRA, imiqathango nemimiselo yemvume, efana nokugqithisa ekulobeni okanye ulobe intlanzi ezisencinci WCRL, uyakuthathwa njengongenakufumana manqaku. Abafaki zicelo zamalungelo abangazibonakalisiyo ukuba bayawuthobela uMthetho 97 weRhafu yoPhuhliso lweZakhono ka 1998 noMthetho 9 ka1999 weRhafu

yoPhuhliso lwe Zakhono, noMthetho 85 ka1993 weMpilo noKhuseleko lwezabasebenzi, bayakunikwa amanqaku angancumisiyo.

### **8.3 Umlinganiselo wenkqubo**

Ulwabiwo kwabo bamalungelo abo aphumeleleyo kwi WCRL yabalobi (ngakunxweme) luyakuba phakathi kwe 750 kilograms ne 1.5 yetoni. Inkathalelo iyakuba kubuninzi bentsebenzo kwi ndawo okanye ingingqi eyenzelwe yona, kwanje ngotalomali kwishishini lokuloba nokuvula ithuba lemisebenzi.

## **9. Inqanawe ezifanelekileyo**

Inqanawa efanelekileyo kushishino lokuloba iWCRL (ngakunxweme) yinqanawa:

- enobude obumalunga namitha ezisibhozo obuqinisekiswa yi SAMSA ;
- efakelwe ubuchwephesha obusebenzayo bokujonga inqanawa; kwaye
- lisebenzise ihoopnets kuphela ilobela i WCRL .

## **10. Umlinganiselo wolawulo**

Olu shishino lokuloba luyakuphathwa ngokungqamane nendlela yonakekeko lwendalo (“EAF”). Indlela yonakekeko lwendalo kushishino lokuloba yingqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamane nako zine futhe kubume nemeko jikelele yezolwandle. Le ndima kwinkqubo yokulotywa kwe – WC rock lobster ayizami kunika nkcazelo yenkqubo yeEAF kushishino lokuloba I-West Coast rock lobster iyakuchaza ngokuthe xhaxhe kwi-Fishery Management Manual. Umzantsi Afrika usahleli uzinike kumhla okujoliswe kuwo ka 1010 wokusetyenziswa kwe EAF kushishino lorwebo ngokuloba.

i WCRL yorwebo iyakulawulwa ngokusebenzisa iindlela ezimbalwa zolawulo, oko kuquka imilinganiselo emincinci, ukuvalwa kwamaxesha onyaka, uthintelo lwezixhobo, uthintelo lwendawo namaxesha, iindawo ezikhuselekileyo zolwandle, nemilinganiselo elugcinweni lwemazi kunye nesoft sheltered lobster. Lemiqathango ifakwe kwiimeko zemvumo.

## **11. Irhafu yentlawulo yezicelo**

Umrhumo wokufaka isicelo soshishino ngokuloba iWCRL (nearshore) uyakubekwa kuthathelwa ingqalelo:

- Ixabiso layo yonke inkqubo yokunikezwa kwamalungelo, kuquka neengcebiso, iirisithi, ukuvavanya kwezicelo, izibheno nezigxeko-ncomo.
- Nexabiso lentlanzi elisikelweyo ngexesha lelungelo.

Irhafu zonyaka ngamnye ezibhatalwa ngomhla we 01 Januwari 2006 ziya kuhlaziywa, emva kokucebisa namaqela anomdla nachaphazelekayo.

## **12. Umlinganiselo wenkqubo**

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. Ukungenzi njengoko sekutshiwo kunokuzala ukurhoxiswa kwamalungelo akho.

## **13. Abakhimkhanyo**

Inqanawa ezisetyenziswa ngabalobi be WCRL (ngakunxweme) azifanelekanga ukuba zithwale abakhimkhanyo. Abanamalungelo baya, kodwa ke, bayakulindeleka ukuba basebenze ngokupheleleyo nabakhimkhanyo i abangaphandle okanye abo baziswe kumaziko okuloba zezinye inqanawa.

## **14. Uluhlu lwethutyana**

Phambi kokuba iSebe lithathe isigqibo malunga nokuba ngubanina oyakunikwa amalungelo okurhweba nokuloba kwi WCRL (ngakunxweme) , iyakukhupha uluhlu lwethutyana lwabafaki zicelo abaphumeleleyo. Uluhlu lwethutyana luyakujikeleziswa kwindawo nganye yokuloba

intlanzi. Amaqela anomdla nabobachaphazelekayo kwezindawo banako ukulazisa iSebe ukuba bakhona abantu ababefudula belobela i WCRL kumandla ongakunxweme abathe bakhutshwa kuluhlu lwethutyana.

## **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 kuleminqathango yemvume.