

**UHLAKA**



**UMNYANGO WEZEMVELO NEZOKUVAKASHA  
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO  
OKUDOKA KWI OYSTER FISHERY: 2005**

**LOMQULU KUFANELWE UFUNDWE KANYE NOMQULU WABANTU  
BONKE Omayelana NOKUNIKWA KANYE NOKUPHATHWA  
KWAMALUNGELO ESIKHATHI ESIDE SOKUTHENGISA  
NGOKUDOBA: 2005 (iyatholakala e [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

## Okuqukethwe

<b>1. Isiqalo</b>	<b>3</b>
<b>2. Ibhayoloji yama Oysters</b>	<b>4</b>
<b>3. I Sector Profile</b>	<b>4</b>
<b>4. Ukwabiwa kwamalungelo kwi Medium Term</b>	<b>5</b>
<b>5. Izizathu ze Over-all Sectoral</b>	<b>6</b>
<b>6. Ubude bamalungelo</b>	<b>6</b>
<b>7. Abantu abasebasha</b>	<b>7</b>
<b>8. Ukwenza kwe Evaluation</b>	<b>7</b>
8.1 I Exclusionary Criteria	7
8.2 Indlela yokubhalansisa	8
(a) Ushintsho	8
(b) Uku investa kwezokudoba	8
(c) Ukwenza kokuvuna	9
(d) Ukuthembela kwi Oysters	9
(e) Ukuthuthukiswa komnotho wasemzansi	9
<b>9. Ama Monopolies kanye nokubhaiswa kwabathengi</b>	<b>9</b>
<b>10. Ukuvunwa kwama oysters</b>	<b>10</b>
<b>11. Izimali zokungenela</b>	<b>10</b>
<b>12. Uhlu lwe Provisional</b>	<b>11</b>
<b>13. Izimvume</b>	<b>11</b>

## 1. Isiqalo

Lelipulani elingaphelele ekwabiweni kwamalungelo kanye niokuphatha I Oyster Commercial Fishery ikhishwa umnyango Wezemvelo kanye nezokuvakasha: Branch Marine and Coastal Management (“umnyango”) ukuze umphakathi ubenezwi ngay. Lomgomo kumelwe ufundwe kanye ne Draft General Policy ekwabiweni kanye nokuphathwa kwamalungelo amade okudoba: 2005 (“*General Fisheries Policy*”).

Njengoba kushiwo kwi General Policy, umnyango uzokwenza ama public hearings kanye nama roadshows ukunze nawo umphakathi wazi ngalemigomo , kanti labo abafuna ukuzibandakanya bangazwa.Okubhaliwe noma okushiwo ngomlomo kuyamenywa kulemihlangano.Kumele kulethwe ngo 11 April 2005. ilzimvo eziyoletswa emva kwalolusuku ngeke kubukwe:

<b><u>NgeFax:</u></b> Quaphela: (021) 670-1782 Quaphela: The Deputy Director-General Fishery (Please specify which fishery) Policy Comments	<b><u>Nge Mail:</u></b> Quaphela: 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> Quaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments
		<b><u>Nge Hand</u></b> Quaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments

Isidingo salomgomo ukthi usho izinto ezifunekayo ukuze umuntu athole amalungelo okudoba i oyster . ezinye zalezizinto zisezintsh.Zisetshenziswe umnyango kuqala ngesikhathi bekipha amalungelo kungangokuthi leyomithetho isasetshenziswa namanje.

Amanye amalungelo amadala ekwabiweni kwamalungelo achaziwe kulomqulu. I Oyster Fishery Management Manual izoqedwa kuwowonke amalungu ngo 2006. Le manual izochaza ngokwanele I management methodology kanye nokulandelwa kwifishery.

U Minister weZemvelo kanye nokuvakasha ufuna ukusebenzisa u section 18 wokunikeza kwamalungelo kwil Oyster fishing rights ngokuka section 79 we Marine Living Resources Act 18 ka 1998 (“i *MLRA*”) kumuntu osezingeni eliphezulu. emnyangeni.

## **2. Ibhayoloji yama Oysters**

I Cape Rock oyster, okuyiyona efunwa kakhulu kwi fishery, isezindaweni eziningi itholwa ngaphezu kwamatshe e rocky reefs kusuka eCape Agulhas kuya e Mozambique. Lama oysters atholakala kwi intertidal zone kanti ngaphans kwamanzi ngokuka 6m. I Cape Rock oyster iyatholakala njengoba injalo bese idayiswa kwi “wild oysters” eSouth Africa kwizindawo zokudlela. Lena eshibhile I oyster ibizwa i Pacific oyster ethengwa ngaphandle kwe mariculture.

Ama Oysters ngakwa KwaZulu-Natal coast kutholakale ukuthi kuthatha izinyanga eziwu 33 months (almost 3 years) ukuze akwazi ukudayiseka engu (60 mm Right Valve Length). Ama Oysters asakawa ngama spawners. Ama Oysters angakwa KwaZulu-Natal coast abakhona njalo ikakhulu ngezikhathi eziphezulu nge spring kanye nasesummer.

Ukuvunwa kwawo kuthatha isikhathi ngama spring low tides kanti kuqala kwakugcina kwi intertidal zone, kanti ngezikhathi zamanje ze subtidal zone. Lokhu kweziwa ukwehlisa kwe oyster density kwi intertidal zone kanye nkunyuka kwezinto zokugqoka (“ kwi *creeping effort*”). Ama Oysters asuswa ku ma rocks ngoku pointed steel crowbar.

## **3. I Sector Profile**

I oyster fishery kuqala yayiphathwa ngezindlela ezmbili, kwi KwaZulu-Natal coast kanye neouthern Cape coast. Ksukela ngonyaka ka 2002 I yster fishery iphathwa njengebhizinizi elilowa kwi national fishery. Ngaphansi kokuhathwa okusha, kunezindawo ezine zokuvuna I oyster, ngokuthi KZN North, KZN South, Port Elizabeth kanye ne Southern Cape. Umehluko kumthetho kuma e regions kuyaqhubeka.

I KwaZulu-Natal (North kanye ne South coasts), ukuphatha eyayenziwa kuqala kusatshenziswa ku KwaZulu-Natal Provincial Government kwagcinwa. Lokhu kuhlenganisa ama system okuzama lapho ababethatha babengadluli ku 190 oysters umuntu nomuntu ngosuku Futhi i KZN North and South coasts isahlukeni izindawana eziyi sihlanu ama zo, avunwa ngokuthi ba rotate. Lokhu kudinga ukuthi ize ukuthi ihlale isikhathi esingangeminyaka ewu 3 ngesikhathi (isikhathi eside sokuthi ingadayiswa le oyster) ngakhokhe nikezeisikhathi skuthi ibuye I oyster stock. Lena iyasebenza kwi commercial kanye ne recreational sector.

I oyster fishery nge Southern Cape coast ayiphathwa ngendlela yokuvuna rotational, kodwa ngendlela yokuthi kuncishiswa kwabantu abacoshayo, ayikho I limit yezikhwama. Futhi ukuzama kuhlukanisiwe zindaweni kwi oyster reef. I southern Cape fishery iphethwe kanti kuvalwa ngo 15 December – 05 January. Isikhathi sokuvalwa senziwa ukuze kungabikhona ukuxabana ngsikhathi samahholide kanye nala abakwi commercial fishery sctor . E Port Elizabeth, akuvunwa kuma oyster beds, kuphela ama washed-up oysters ayaqoqelelwa.

ITotal Applied Effort (“TAE”) eye oyster fishery ayenziwa i scientific considerations noma i status ye resource, kodwa isukela kw pre-2002 okuzamau. Ukukhula kwe research kanye nku aseswa kwe stock se oyster resource kuyadingeka ukuze kwazeke izikhathi zokuvuna. I TAE yangesikhath sika(2005 ) ibekwe ku i 145 yabacosheli kanti ihlukaniswe kanjena:

- KZN North (25 abacoshi);
- KZN South (15 abacoshi);
- Southern Cape (102 abacoshi); kanye
- Port Elizabeth (3) abacoshi.

ITAE ngase southern Cape coast iphinde yahlukaniswa ngokwama zones, based on the extent of okuthola ama oyster reef, kanjena:

- Heidelberg (“Witsand”): 10 abacoshi;
- Riversdale/Mossel Bay: 58 abacoshi kanye ne
- George/Knysna: 34 abacoshi.

Amalungelo amancane akhishwa ngo 2002 ukunike abantu abakwi former subsistence fishers ababengavumelekile ukuvuna.

#### **4. Ukwabiwa kwamalungelo kwi Medium Term**

Ngo 2002 amalungelo okudayisa ayenikezwa kubantu Bantu abagu 34 abaqasha abantu abangu 114 abacoshayo. kulaba abawu 88% banikezwa amalungelo kudoba. Amalungelo anikezwa

kubantu kuphela. Abantu abawu 91%, ama close corporations 3% kanti izinkampani 6% bathola amalungelo.

Abansundu abawu 25,8% kumalungelo abantu, okuvele kuphansi endaweni yokungena kulula kanti idonga izinto zokugqoka okuncane kant nemali encane futhi. Abawu 25,8% abantu besifazane.

Yize i TAE yayifuna kuphela abantu abawu 145 abacoshayo, abantu abawu 114 bavuna i oysters.

## **5. Izizathu ze Over-all Sectoral**

Funda kanye ne General Fisheries Policy, izizathu salomgomo ukuthola indlela zokunikeza amalungelo e oyster. Izizathu zokunikeza amalungelo ashiwo lapha ngaphansi:

- Ukunyusa izinga loshintsho kwi fishery;
- Ukunikeza amalungelo kulabo abathembele ekuvuneni kwe oyster ukuze baphile;
- Ukuthuthukisa labo bacosha ama oyster;
- Ukwenzisa ukuthi amalungelo anikezwa ezindaweni lapho abazokwazi ukuvuna khona
- Ukusiza imvelo kwi fishery.

Umnyango uyazi futhi ukhathazekile ngezindlela ze monopoly kuleli sector (bheka **paragraph 9 ngaphansi**).

## **6. Ubude bamalungelo**

Amalungelo okudoba ngeke adlule isikhathi esingangeminyaka ewu (3) . Amalungelo amae azovunyelwa uma ngabe imininingwana isiyanele ekubukweni kwezoshitsho kanye nezizinda. Umnyango uzokwenza i socio-economic study kule fishery ngalesikhathi seminyak emithathu ukuzama kubekhona ukubhalansisa.

## 7. Abantu abasebasha

Yize kwezokudoba abantu abaningi sebekuyo, yize ukuvunwa kuyimanje ingabhekekile kakhulu. Umnyango ufuna ukuthi zonke lezindawo zibhekwe ukuze izindawo zibhekwe zonke. Phezu kwaloho ayikakashintshi kakhulu ekubeni kunabantu abangalutandi ushintsho.

Umnyango uzonikeza amalungelo kubantu abasha kwi medium term commercial oyster (kanye ne TAE zenziwa kulezindawo) lapho ukunikeza abantu abasha kuzosiza kwi transformation profile.

## 8. Ukwenza kwe Evaluation

Abaceli bamalungelo e oyster kuzibhekwa kulezindawo ezingaphansi kwe exclusionary kanye balancing criteria.

### 8.1 | Exclusionary Criteria

Ngaphami kwe exclusionary criteria ebhalwe kwi General Fisheries Policy emayelana ekufakeni ama improper lodgments kanye neminingwane engafanele, kule exclusionary criteria izonikezwa kumalungelo kubantu abasha:

- (a) **Uhlobo lwesicelo:** Abantu abaphilayo (njengomuntu) bangafaka izicelo zabo.
- (b) **Izicelo zabantu bemindeni:** Kumele kube umuntu oyedwa uzonikezwa. Lapho kunezicelo ezingaphezu kwesisoda abaphuma emzini owodwan ngeke banikezwe. Banganikezwa amalungelo angaphezu kwelilodwa uma bechaza ukuthi abekho kwi sector ehlukeni.
- (c) **Umthetho:** Labo abaphule umthetho w MLRA (isibonelo ukuboshelwa ukungakhokhi imali) ngeke anikezwe ilungelo. Abafake izicelo abathathelwe amalungelo ngokwe Marine Living Resources Act ngeke banikeze

amlungelo. Okunye ukuphula umthetho we Marine Living Resources Act angalimaza izicelo ezifakiwe, Ikhu kuchazwe ngaphansi.

- (d) **Ama Paper Quotas:** I paper quota ichazwe ngaphansi kwe General Policy ngeke iththwe.
- (e) **Ukungalisebenzisi:** Labo abangakwazanga ukusebenzia amalungelo akwi medium term commercial oyster phakathi uka 2002 kanye noa2004 ngeke baphindwe banikwe amalungelo.
- (f) **Ukuthengathembeli:** abantu Persons (njengabameli , othisha, amaphoyisa, abangcwabi) abathola imali ngaphandle kwe fishery ngeke bathathwe.
- (g) **Ukuzibandakanya:** Abafake izicelo kumele bazibandakanye sonke izikhathi ekuvuneni ama oysters.

## **8.2 Indlela yokubhalansisa**

Yize lendlela izosetshenziswa kulabo abadala kanye nabasha kodwa ukukalwa kuzohluka kuleyo category .

### **(a) Ushintsho**

Umnyango ufuna ukuqiniseka abantu abamnyama njengo uhlelo lwe transformation profile yale sector iphansi. Futhi umnyango ufuna abantu besifazane nabo bazobhekelelwa ngokusebenzisa I ubulili njenge tie-breaking factor, lapho kunesidingo khona.

### **(b) Uku investa kwezokudoba**

Umnyango uzonaka ukuthi imaphi ama investmnte abantu abawenzile kwzokudoba, nokuthi bazomaketha kanjani phesheya nalapha ekhaya.

**(c) Ukwenza kokuvuna**

Abanamalungelo bazobukwa ngendlela ukuvuna kwenza ngakhona ngesikhathi sokukhishwa kwamalungelo aphakahi nendawo.

Labo abasha bayobukwa ngokwazi, ulwazi kanye nobuchule bokubamba ama oyster.

**(d) Ukuthembela kwi Oysters**

Umnyango uzobuka labo abafake izicelo abazothembela kwi oyster ngokuvuna okungango 75% wemali. Njengoba abantu abathola mali ngaphandle kokudoba ngeke bathathwe.

**(e) Ukuthuthukiswa komnotho wasemzansi**

Umnyango uzonikeza labo abahlala eduze nalapho ama oyster avunwa

amalungelo, abaphenywa ngaphansi kwe Marine Living Resources Act ngeke banikezwe amalungelo e oyster kuze kutholakale imiphumela yophando.

Ukuphula okuncane kwalomthetho we Marine Living Resources Act,ehlanganisa imithetho bayonikezwa amaphuzu amabi.

**9. Ama Monopolies kanye nokubhaiswa kwabathengi**

Umnyango uyakubona ukuthi le sector ayikakenzi kahle ngenxa ye monopolisation kuma gruphu amabili.

Ukukhula kwalomnyango kulendawo, ithinteka kabi ngenxa kwama monopolies, kodwa labo abacoshayo sebebaningi kakhulu. Ukubakhona kwama monopolies kulendawo akuvumelekile futhi ngeke kuqhubeke.

Ngakho labo abafuna ukuthenga kulabo abanamalungelo (abacoshayo) komele babhalwe kwi register yasomnyangweni. Umnyango ngeke ukubhalisa abathengayo bake baba namalungelo noma mvume kodwa bawakhansela ngaphansi kwe Marine Living Resources Act noma abenze into engafanele ngaphansi kwe Marine Living Resources Act. Uma umnyango uthola ukuthi abathengi bazenzla bona amanani e oysters, umnyango uzongenela ube uwona kuphela othenga ama oyster kulabo abawacoshile.

## **10. Ukuvunwa kwama oysters**

Amalungu kanye nabacoshayo bazovunyelwa ukuvuna ama oysters ngokusebenzisa:

- ama wetsuits;
- ama weight-belts;
- ama masks; and
- ama snorkels.

Amalungu kanye nabacoshi abangase benzisi:

- ama fins;
- ama artificial breathing apparatus; and
- ama floating devices.

## **11. Izimali zokungenela**

Izimali zama sector ngeke ibengaphezu kuka R500. Umnyango usabuka izindlela zoku asesa izimali zokungena. Umnyango uzotshela amalungu kanye nalabo abafunaukungenela izimali zokungena.

## 12. Uhlu lwe Provisional

Ngaphambi kokuthi umnyango wenze isinqumo ukuthi ubani ozonikezwa amalungelo, izokhipha yabantu abaphumelele ukuthola amalungelo kuleyondawo. Abantu kuleyondawo bangatshela umnyango uma kukhona abantu abangafakwanga abake bavuna ama oyster.

## 13. Izimvume

Izimvume zikhishwa njalo ngonyaka. Izimvume zika 2005 zifakwe ku **Annexure A**. Lezizingangezwa unyaka ngonyaka ngokuthintana namalungu.. Amalungu nalabo abathndayo bayamenywa ukuthi babe nezwi kulezimvume.