

ISIYILO



**ISEBE LEZOBUME BENDAWO NOKHENKETHO
ULAWULO LWESEBE LEZOLWANDLE NONXWEME**

**UMGAQO-NKQUBO WOKUNIKEZWA NOKULAWULWA
KWAMALUNGELO EXESHA ELIDE OKURHWEBA NGOKULOBA
BEACH-SEINE (TREKNET) NEGILLNET (DRIFT-NET, SET-NET)
COMMERCIAL FISHERY: 2005
: 2005**

**ESI SIYILO SOMGAQO-NKQUBO MASIFUNDWE KUNYE NE SIYILO
SOMGAQO-NKQUBO JIKELELE NGOKUNIKEZWA NOKULAWULWA
KWAMALUNGELO EXESHA ELIDE OKURHWEBA NGOKULOBA: 2005**

(iyafumaneka ku- www.mcm-deat.gov.za)

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1. Intshayelelo

Lo mgaqo- nkqubo omalunga nokunikezwa nokulawulwa kwamalungelo okurhweba kushishino lokuloba ngee beach-seine (itreknethi) kunye neegillnet (idrift-net, iset-net) ukhutshwe liSebe lezeMicimbi yezoBume beNdalo noKhenketho: UkuLawulwa kweSebe lezoLwandle noNxweme (“iSebe”) esenzelwe izimvo zoluntu. (Olu shishino lokuloba kuza kubhekiselelwa kulo njengoshishino lokuloba ngee beach-seine neegillnet). Le nkqubo mayifundwe ndawonye ne Siyilo-Nkqubo Jikelele amalunga noLwabiwo nokuLawulwa kwaMalungelo exesha elide orhwebo ngokuloba. : 2005 (“iNkqubo Jikelele yamaShishini okuLoba”). Umgaqo-Nkqubo owahlukileyo ukhutshelwe ushishino lokuloba ngee beach-seine KwaZulu-Natal

Njengoko kuchaziwe kuMgaqo-Nkqubo Jikelele, iSebe lizakubamba iintlanganiso zikawonke-wonke kwiindawo eziselunxwemeni ukucebisana noluntu jikelele kwakunye namaqela anomdla nachaphazelekayo ingakumbi, ngokumalunga nesi siyilo somgaqo-nkqubo sezoshishino lokuloba ngee beach-seine neegillnet. Kwezi ntlanganiso zoluntu, izimvo malunga nalomgaqo nkqubo ziyamenywa. Izimvo ezibhaliweyo zingangeniswa kwiSebe ungagqithanga umhla we11 ku April 2005. Izimvo ezingeniswe emva kwalo mhla azizukuqwalaselwa Izimvo ziyakungeniswa ngolu hlobo lulandelayo:

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Injongo yalo mgaqo-nkqubo kukubhengeza iingcamango eziyakuthi zisetyenziswe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba nge beach-seine neegillnet. Uninzi lwezingcamango azintshanga. Sele zikhe zasetyenziswa liSebe kunikezelo lwamalungelo kwixesha eligqithileyo. Lo mgaqo-nkqubo uziqulathile ezi ngcamango, kodwa ibandakanya iinguqu ezimbalwa kunye nezongezelelo.

Imigaqo-nkqubo ethile yokunikezwa kwamalungelo yexesha elidlulileyo ichaziwe kwesi siyilo somgaqo-nkqubo. IManyuwali yoLawulo loShishino ngokuloba ngeeBeach-seine neeGillnet izakugqityezelwa kunye nabo bonke abanini-malungelo ngonyaka ka 2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazi-nkqubo yolawulo nemigaqo yolushishino lokuloba. UMphathiswa weSebe lezoBume beNdawo noKhenketho uzimisele ukugunyazisa amandla eCandelo loMthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba ngee Beach-seine neegillnet njengoko kusekiwe kwicandelo 79 loMthetho wezinto zoButyebi beNdalo eziPhilayo zaseLwandle 18 ka 1988 (“i MLRA”) kwigosa eliphezulu kwi Sebe.

2. iBhayoloji neentshukumo zobutyebi bendalo

Amashishini okuloba ngee beach-seine nee gillnet ngawona mashishini orhwebo ngoluloba madala apha eMzantsi Afrika, awasekwa ekuqalekeni kweminyaka yoo 1700 naphakathi kwiminyaka yoo 1800 ngokulandelelanayo. Ngaphandle nje kwezithintelo ngobuncinane bomlinganiselo weenethi kunye nezithintelo zeengingqi, lwaluingekho ulawulo kolu shishino lokuloba kwade kwaba sekuqaleni kweminyaka yoo 1970. Ukusukela ngoko, omabini la mashishini avunyelwa ukubambisa kuphela iiharders (*Liza richardsonii*) kunye neeSt Joseph sharks (*Callorhynchus capensis*), kukhatshwa yimvume encinci yokubambisa ecaleni iindidi ze linefish. eFalse Bay, nook kunjalo, abanini- malungelo kushishino lokuloba ngee beach-seine banelungelo lokujolisa iindidi ezithile zelinefish.

3. Inkcazo emfutshane ngecandelo

Ushishino ngokuloba ngee gillnet luvumeleke kuphela ekuyeni ngasemantla eYzerfontein ekubeni ushishino ngokuloba ngee beach-seine luvumeleke kuphela kwintshona ye Gordon’s Bay. Ushishino ngokuloba ngeegillnet echwebeni (olubizwa i-Olifants Estuary) luza kubhangiswa kwisithuba seminyaka emihlanu ukuya kwiminyaka elishumi.

Njengenxalenye yecebo lokuphatha, unxweme ne Total Applied Effort (i “TAE”) luhlula-hlulwe lwaba ziingingqi zee“beach-seine nee gillnet”, iinzame zinezithintelo zezixhobo kwaye nokuloba ngeenethi akuvumelekanga kwiiNgingqi zoLwandle eziKhuselweyo.

Ngokwesiseko, ushishino lokuloba ngee beach-seine nee gillnet lumiselwe iTAE (inani leenethi ezinokusetyenziswa kwingingqi nganye engqamene namanxweme asentshona nasemzantsi mpuma) ngokommiselo wengingqi nguMphathiswa ngonyaka ngamnye.

Phambi kwenkqubo yokunikezelwa kwamalungelo exesha eliphakathi ka 2001, olu shishino luzise iitoni eziqikelelwa kumawaka amathandathu (6 000) eentlanzi ngonyaka, enxalenye yayo eyi 1 400 kuphela eyachazwayo kwiifomu ezisisinyanzeliso zengxelo yokubanjisiweyo ngenyanga nganye.

Isibalo esingaphezulu kweepesenti ezingamashumi amahlanu (50) sabonisa ukuba linani elingaphantsi kweepesenti ezilishumi (10) labalobi abazibiza ngokuba bangabalobi ngee beach-seine okanye ngeegillnet, ekubeni isisibhozo sepesenti kuphela ababengabalobi ngeenethi bokwenyani abasisigxina abafumana ngaphezulu kweepesenti ezingamashumi amahlanu (50) zengeniso yabo kolu shishino lokuloba. Abanini-mvume kwiingingqi ezininzi bafumana inkcitho ephakathi kwe R1 900 ne R5 500 ngonyaka, ngaphandle koshishino lokuloba ngee gillnet eSaldhana-Langebaan, apho amashumi amahlanu (50) epesenti wosomashishini ayengabalobi ngeenethi besigxina kunye noshishino lokuloba ngee beach-seine eFalse Bay, apho ipesenti engamashumi asixhenxe (70) ingabalobi ngeenethi abasisigxina.

Oloni didi kujoliswe kulo, iharder, kungokunje lusetyenziswe ngokugqithisileyo. Kukho unxibelelwano oluthe ngqo olubi phakathi kweenzame nobungakanani bestokhwe. Imakethe yokuthengisela amanye amazwe udidi ekujoliswe kulo, iSt Joseph shark iye yaphela, kodwa likhona ithemba lemakethe yalapha ekhaya.

Kukho ukulotywa kwe linefish kwempazamo okudibene nentlanzi eziphelelwengamadla okanye ezizifeleyo. Okulandelayo, abaphathi bentlanzi ezilotywa ngomnatha abanakuthathwa njengabasecaleni kwi line fishery.

Kukho ukulotywakwe gillnet okungekho mthethweni okujoliswe kumaxabiso aphezulu kuhlobo olunye kuyoyonke intshona, kumzantsi nakumanxweme lwempuma. Igillnetting engekho

mthethweni kunxweme lwentshono lujolise ikakhulu kwi galjoen (*Dichistius capensis*) ne smooth-hound shark (*Mustelus mustelus*) elwandle ne harders, i springer / flathead mullet (*Mugil cephalus*) ne elf (*Pomatomus saltatrix*) emachwebeni. I gillnetting engekho mthethweni kumanxweme asemazantsi nasempuma zixhomekeke ikakhulu emachwebeni naphakathi kwezinye, idusky kob (*Argyrosomus japonicus*), i spotted grunter (*Pomadasys commersonii*) no ludwe lwe mullet.

4. Inkqubo yokunikezwa kwamalungelo exesha eliphakathi

Phambi kokuhlaziywa kwe TAE nokunikezwa kwamalungelo kolu shishino lokuloba ngo2001, ulo shishino belugcwele ngokugqithisileyo kuneemvume zee beach-seine eziyi 147 ne 293 zeegillnet ezakhutshwayo phakathi kwe Port Nolloth ekunxweme olusentshona kunye ne Nature's Valley ekunxweme olusemazantsi. Kwakukho nabanye abanini-mvume abayi 120 nabayi 100 kumachweba emilambo iOlifants neBerg River ngokulandelelana kwawo. Ngenxa yoko kwafuneka imizamo incitshiswe iye kumaqondo aya kubangela ukubuyiselwa kwestokhwe se harder ze kuqinisekiswa amashishini anenkqubela ngokwezimali kubalobi bokwenyani abasisigxina babsashiyekileyo. I TAE yamiselwa ke ngoko ukuba ibe ngamalungelo ee beach-seine ayi 58 nawe gillnets ayi 162. Kwinkqubo yokunikezwa kwamalungelo exesha eliphakathi ka 2001, ngamalungelo ayi 12 ee beach- seine nawenethi ezincinci (igillnet) ayi 55 anikezwayo. Abanye abalobi ngeenethi abayi 58 banikwa izikhululo zokuloba iintlanzi.

5. Iinjongo zecandelo eziqakayo

Iinjongo zokunikezwa kwamalungelo exesha elide kushishino lokuloba ngee beach-seine okanye ngee gillnet kuku:

- Ukunyusa inkcazo ngotshintsho kolushishino lokuloba;
- Ukunikezwa kwamalungelo kubalobi besiqhelo abasebenzisa ii beach-seine okanye ii gillnet abaxhomekeke kwiintlanzana behlala kwiingingqi zokuloba ezikumaxweme ase west nase southeast;
- Ukuphatha olu shishino ngendlela eqinisekisa olona didi kujoliswe kulo ekulobeni elibanjiswa ngee beach-seine okanye ii gillnet, njengee harders nee St Joseph sharks, ziyabuyiswa kumaqondo angoku okuxhatshazwa kakhulu;
- Ukuxhasa ukuqhubeka ngezemali koshishino lokuloba; kunye

- nokugcinakala kobume nemeko yoshishino.

6. Ubude bexesha lamalungelo

Kunikwa ingqaliselo ezi njongo zingasentla, ISebe liyakunikezela amalungelo okurhweba exesha elingagqithanga kwiminyaka eli 10 (ukusuka 01 Januwari 2006 ukuya ku 31 December 2015). Noxa kunjalo, wonke umnini lungelo uya kuvavanywa umsebenzi wakhe rhoqo ngamaxesha athile ngeenqobo ezithile esele zibekiwe.

7. Abangeneleli abatsha

Nangona ushishino lokuloba ngee beach-seine nee gillnet lugcwele ngokugqithisileyo, kunye nabalobi ngeenethi abaninzi kuneenethi ezikhoyo ezinokunikezwa, iSebe lisengabasusa abalobi ngeenethi abangasebenziyo, lifake abalobi ngeenethi besiqhelo ababanganikwanga amalungelo exesha eliphakathi.

8. Inqobo yokulinganisa yokuvavanya

Izicelo ziyakuvavanywa ngeenqobo zokulinganisa eziliqela zokukhetha zizi emva kokom ziweyishwe ngokweenqobo zokulinganisa nokungqamanisa. Emva koko kuchazwe umda wamanqaku okanye izinga ukuze kukhethwe abaceli abaphumeleleyo.

8.1 Inqobo yokulinganisa yokukhetha

Ngaphandle kwenqobo yokulinganisa echazwe kwinqubo jikelele engqamnene nokungeniswa kwezicelo neziphene ekwenziweni kwazo, iSebe liyakubakhuphela ngaphandle abafaki zicelo bathe abaziphumelela ezi mfuneko zilandelayo:

- Uhlobo loMfaki-sicelo:** Ngabantu abazimeleyo bodwa abayakuqwalaselwa. Abanini-malungelo abebekade besebenza njengabantu abagunyazisiweyo (okt. ii"close corporation, iitrasti okanye iinkampani), kuyakufuneka ukuba bafake izicelo ngokuziomela ngokwabo, kodwa bayakuqwalaselwa njenga "*banini-malungelo*" ukulungiselela inkqubo yokunikezwa.

Usapho (olubandakanya isibini, abazali baso kunye nabantwana), abanakunikwa ngaphezu kwelungelo elinye ukunqanda ukuxhamla kwabo bodwa nokwandisa ukufikelela kubutyebi be netfish. Abafaki-zicelo basengfuneka ukuba bachaze ubudlelwane babo kubafaki-zicelo abakwamanye amashishini okurhweba ngokuloba. Ukuba bangaphezu kwesinye abantu abangamalungu osapho olunye abfaka isicelo selungelo, zonke izicelo zolo sapho zingakhutshela ngaphandle, ngaphandle kokuba abafaki zicelo baye babonisa ngokungathandabuzekiyo ukuba baseke amashishini (orhwebo amancinci awohlukeneyo).

- (b) **Iminatha erhuqwayo yokuloba yaselwandle eqhelekileyo:** Amalungelo aya kunikezwa kubalobi beminatha erhuqwayo yokuloba yaselwandle abaqhelekileyo. ISebe libona umlobi weminatha erhuqwayo yokuloba yaselwandle oqhelekileyo njengomntu osebenze kolu shishino kule minyaka ilishumi igqithileyo.
- (c) **Ilungelo lokusebenzisa iinethi:** Abafaki zicelo bayakunyanzeleka babonise ukuba banazo iinethi ezifanelekileyo nephenyane elikulungeleyo ukusebenza kolushishino.
- (d) **Ukuthobela:** abafaki zicelo abakhe baphula umthetho weMLRA ngendlela eqatha okanye imiqathango abayi kukhethwa.
- (e) **Isimiselo sobungakanani bamaphepha:** Izimiselo zobungakanani bamaphepha (njengoko kucacisiwe kuMgaqo-Nkqubo Jikelele) aziyi kubandakanywa. Amaqela amakhulu ezicelo ezifana nqwa okanye eziyeleleneyo ezimelwe ngabasebisi okanye iinkampani zorhwebo ngokuloba nezinye iimbumba aziyi kubandakanywa njengabameli kwizimiselo zobungakanani bamaphepha nokuba zithini na iimeko zezicelo ngazinye. Uxanduva luyakuba kubafaki-zicelo ukunika ubungqina obaneleyo bokuba abasetyenziswa njengabameli kwizimiselo zobungakanani bamaphepha
- (f) **Ukungasetyenziswa:** Abanini malungelo abangawasebenzisi rhoqo amalungelo abo ngexesha eliphakathi kuka 2002 ukuya ku 2004 abayi kukhethwa.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki-zicelo ababambe amalungelo kwamanye amashishini orhwebo ngokuloba, okanye abanomdla – kuquka izabelo nemidla yobulungu – kubanini-malungelo abakwamanye amashishini orhwebo

ngokuloba abayikubandakanywa. Abaxhamlayo kubanini-malungelo etrasti nabo abayi kukhethwa.

- (h) **Ukuthatha inxaxheba ngokunokwakho ekuvuneni obu butyebi bendalo :** Abafaki-zicelo bayakunyanzeleka ukuba babe bakhe bathatha inxaxheba isigxina kushishino lokuloba ngee beach-seine okanye ngeegillnet ngexesha lonyaka lokuloba baze bakhe banenxaxheba ekuqhutyweni kolu shishino.
- (i) **Ukuxhomekeka kobu butyebi bendalo:** Abafaki zicelo zobunini-malungelo abangasaxhomekekanga kushishino lokuloba ngee beach-seine okanye ngeegillnet ngobuncikane obuyi 75 ye persenti yengeniso yabo abayi kufakwa. obunxulunyaniswa nolu shishino lokuloba, Abo basenokuba ngabafaki-zicelo bazakufuneka babonise imbali yokuxhomekeka ekuphileni kwabo kolu shishino lokuloba ngee beach-seine pkanye ngeegillnet. Abafaki-zicelo abafumana nayiphina enye ingeniso kwezinye iindawo ezingaphandle koshishino lokuloba (ngaphandle kweependshoni nee annuities) abayi kufakwa.
- (j) **Abemi kwingingqi yokuloba :** Abafaki zicelo abangahlali nengingqi yokuloba leyo bafake kyo izicelo abayi kufakwa. Abafaki-zicelo baya kufuneka babonise ukuba bahleli kufutshane kule ngingqi iminyaka emine ubuncinane Amalungelo okurhweba kolu shishino lokuloba ngee beach-seine okanye ngee gillnet ayakunikwa kuphela abantu abahlala kufutshane nengingqi yokuloba. Abanini-malungelo kushishino lokuloba ngee beach seine okanye ngeegillnet abaphumeleleyo baya kuthinteleka ukusebenza kwiingingqi ezithile ezibekiweyo zokuloba.

8.2 Inqobo yokulinganisa yokulungelelanisa nokuthelekisa

Abafaki-zicelo abangabanini-malungelo nabasenokuba ngabangeneli abatsha baya kuvavanywa ngokwezinqobo zokulinganisa zolungelelaniso nothelekiso eziya kuthi ziweyishwe ukuvavanya amandla esicelo ngasinye:

- (a) **Nguqu:** Ukuphucula inguqu kwimbali ngoshishino lokuloba ngeeBeach-seine neegillnet, abafaki-zicelo abamnyama (kuquka abaMnyama, amaLawu namaNdiya) baya kunikwa amanqaku ongezelelekileyo.
- (b) **Imisebenzi:** Abafaki-zicelo zobunini-malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi – okwethutyana okanye isigxina – baya kuvuzwa.
- (c) **Imbali ngokubandakanyeka:** iSebe liyakuthathela ingqalelo ukuba umfki-sicelo unexesha elingakanani na ezibandakanye kolu shishino lokuloba ngee beach-seine neegillnet.
- (d) **Intsebenzo ekulobeni:** Abafaki- zicelo zobunini-malungelo baya kuvavanywa ngokubhekiselele kwintsebenzo yabo kwisithuba sexesha eliphakathi kuka 2002 ukuya ku 2004.
Abafaki-zicelo abangabangeneli abatsha bayakuvavanywa ngokubhekiselele ekubeni banganakho na, banalo ulwazi kunye nobuchule bokuloba besebenzisa iinethi.
- (e) **Ukuthobela:** Ukungathobeli umthetho we MLRA okungabheke ndawo, imiyalelo yawo, kunye nemiqathango yemvume kuyakubangela ukohluthwa kwamanqaku. Abanini-malungelo abangenakho ukubonisa ukuba bathobela uMthetho 97 wokuPhuhliswa kweZakhono ka 1998, noMthetho 9 weeRhafu wokuPhuhliswa kweZakhono ka 1999 noMthetho we Occupational Health and Safety ka 1993 kunye noMthetho we Compensation for Occupational Injuries and Diseases , ka 1993 kungakhokelela ekubeni umfaki sicelo ohluthwe amanqaku apho ingena khona le mithetho.

9. Uluhlu lwethutyana

Phambi kokuba iSebe lithathe isigqibo malunga nokuba ngubani oyakunikwa amalungelo okurhweba nokulobanee beach-seine neegillnet, liya kukhupha uluhlu lwethutyana labafaki zicelo abaphumeleleyo. Olu luhlu lwethutyana luyakujikeleziswa kwingingqi nganyenyokuloba. Amqela anomdla nachaphazelekayo anakho ke ngoko ukuchazela iSebe malunga nabalobi

beentlanzana ngee Beach-seine neegillnet abakha bathatha inxaxheba ngaphambili abangafakwanga kuluhlu lwethutyana.

10. Abaphathi nabancedisi baphathi kushishino lokuloba ngeenethi

Ushishino lokuloba ngee beach-seine neegillnet luyakulawulwa ngokungqamene nendlela yokuphathwa koshishino lokuloba 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.

i Operational Management Plan entsha yolu shishino lokuloba izakuqalisa ukusetyenziswa kule minyaka mibini okanye mithathu izayo. Yinjongo yeSebe ukukhuthaza ukuncedisana ekuphatheni obu butyebi ngokunyanzelisa inkqubo ye TURF (iTerritorial User Rights Fishery) .

11. Imirhumo yezicelo

Imirhumo yokufaka izicelo kweli candelo ayisayi kuba ngaphezulu kwama R500. iSebe okwangoku lisavavanya ixabiso lenkqubo yokunikezelwa yelicandelo. ISebe liyakubachzela abanini-malungelo namaqela anomdla xa ithe yalimisa ixabiso lomrhumo.

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

Abanini –zimvume be beach-seine bacela imvume yokusebenzisa izithuthi kwingingqi yonxweme kulandela ukungavunyelwa kokusetyenziswa kwezithuthi emalwandle okungalawulwayo ngo 2002. Ngo 2004, uMphathiswa wezoBume beNdawo noKhenketho wayitshintshela imigaqo elawula ukusetyenziswa kwezithuthi kwingingqi yonxweme i Regulations and Implementation Guideline (bona i www.mcm-deat.gov.za). Abanini-malungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo kufuneka bafake izicelo zokusebenzisa isithuthi kwingingqi yonxweme kuSekela Mlawuli Jikelele we Marine and Coastal Management ukuba isithuthi sifunelwa ukuloba

Abalibo be-beach-seine kufuneka bafake izicelo zokucela imvume yokusebenzisa isithuthi kwingingqi yonxweme kuSekela Mphathi Jikelele ukuba isithuthi siyadingeka ekulobeni.

lifomu zezicelo zokusetyenziswa kwezithuthi elunxwemeni kwakunye neefomu zokucela ukunikwa amalungelo kushishino lokuloba ngebeach-seine neegillnet. Ezi fomu zokucela zikwafumaneka e www.mcm-deat.gov.za.

13. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume esebenzayo kolushishino lokuloba yonyaka ka 2005 incanyathiselwe njenge **Annexure A**. Abanini-malungelo namaqela anomdla ayamenywa ukuba aveze ezawo izimvo kule miqathango yemvume.