

UYILO



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

**INKQUBO YOKUNIKEZWA NOKULAWULWA KWAMALUNGELOEXESHA
ELIDE OKURHWEBA NOKULOBA IINTLANZI IWHITE MUSSEL : 2005**

**LE NKQUBO-SIYILO MAYIFUNDWE KUNYE NENKQUBO-SIYILO
JIKELELE NGOKUNIKEZEZWA NOKULAWULWA KWAMALUNGELO
EXESHA ELIDE OKURHWEBA NGOKULOBA: 2005**

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

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1. Intshayelelo

Esi siyilo-nkqubo malunga nokukezwa kwamalungelo oshishino lorhwebo lokuloba imbaza ezimhlophe ikhutshwe liSebe lemiCimbi yezeNdalo noKhenketho: UkuLawulwa lezoLwandle noNxweme (“iSebe”) esenzelwa izimvo zoluntu. Lo mthetho mawufundwe kunye noYilo Nkqubo Jikelele ekwaBelweni nasekuLawulweni kweXesha Elide lamaLungelo oShishino lweNtlanzi: 2005 (“uMthetho Jikelele”)

Njengoko sekuchaziwe kwi Nkqubo Jikelele, isebe liza kuba neentlanganiso zikawonke-wonke kwindawo zonxweme ukuze kudityanwe nowonke-wonke jikelele nabo banomdla kunye namaqumrhu abandakanyayo ikakhulu, ngokubhekisele kule nkqubo yembaza ezimhlophe. Kwezi ntlanganiso, izimvo kule nkqubo ziyakwamkeleka. Izimvo ezibhlaliweyo mazifakwe kwiSebe ngomhla 11 April 2005. Izimvo ezingeniswe emva kosuku lokuvala azisayi kwamkeleka. Izimvo mazingeniswe ngolu hlobo:

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Injongo yale nkqubo kukuseka phandle iingcamango eziya kuthi zingene kwisiseko sethuba elide lamalungelo oshishino lwembaza ezimhlophe. Uninzi lwezi ngcamango ziqhelekile. Bezikhe zavezwa liSebe ngoko bekusekwa amalungelo ngapahmbili. Le nkqubo iqulathe ezi ngcamango, kodwa kufakwe utshitsho oluncinane kwaye nezongezelelo.

Amanye amalungelo angaphaya eziphathamandla zesiseko senkqubo nawo aveziwe kulo mbhalo. INcwadi yeMiqathango yeziPhathamandla yezoshishino ngeMbaza eziMhlophe iya kugqityezelwa kunye nabo bonke abanamalungelo kwithuba lonyaka ka 2006. Le ncwadi yemiqathango iyakuthi inike ingcaciso ethe vetshe kwimpatho yobugcisa nemigaqo yezolobo.

UMphathiswa wemiCimbi yezeNdalo noKhenketho uceba ukwahlula-hlula amandla ecandelo lwe 18, namalungelo wezorhwebo kulobo lwembaza ezimhlophe ngokwecandelo lama 79 ye Marine Living Resources Act 18 ka 1998 (“i *MLRA*”) kumphathi ophezulu weSebe.

2. Ibhayoloji nentshukumo zobutyebi bendalo

Imbaza ezimhlophe (*Donax serra*) zifumaneka phakathi komtla weNamibia ne Wild Coast. Zimaneka zibe ninzi endaweni ezinesanti kumazantsi onxweme lweentshona noMzantsi Afrika. Ukusasazeka kwembaza ezindaweni ezithile kuhamba nokutshintsha nokubohla kolwandle. Enxwemeni lasentshona, kufumaneke imbaza ezincinane kumphezulu wolwandle, kanti imbaza ezindala zifumaneka zizimele kwindawo ezifihlakeleyo. Kumanxweme entshona nomzantsi, ezindala zifumaneka embindini.

Imbaza ezimhlophe zezona zihamba phambili kwindawo ezinesanti zikhetha indawo ezinamaqondo ashushu. Zitya zikhule zide zibe nobude obulingana nemilimitha ey-i60 kwisithuba seminyaka emihlanu. Ezi mbaza zihambe zihlala zisihla zinyuka ulwandle kuba zihambisana nokutshintsha kolwandle, ezi zincinci zezona zifuduka qho ngaphezu kwezindala.

Ukusetyenziswa korhwebo kulinganiselwe kumda wonxweme lentshona apho imbaza ezimhlophe zininzi khona ngenxa yomsinga we Benguela onesondlo kolu nxweme.

3. Amcandelo ahlukeneyo

Urhwebo lokuvuna imbaza ezimhlophe lulinganiselwe iindawo ezisixhenxe ukugudla unxweme lwentshona. Ulobo lwentlanzi luqale ekupheleni kwe 1960 kodwa ngo 1966 yachaphazeleka ngumsinga obomvu owaye wadala ukufa kwembaza ezimhlophe. Ukwanda nokunonotshelwa kweembaza ezimhlophe kwathatha ngaphezu kweminyaka elishumi into eyakhokelela ekuhlени kweqondo lenzame zobambisa intlanzi (“*CPUE*”). Lilonke inani lembaza ezimhlophe ezithe zabanjiswa ngonyaka liye lehla kancinci ukususela ngo 1980. Oku kube sisizathu sokungabi nandlela yokugcina ushishino luphilile kolu rhwebo. Uphando olwenziwa ngo 1988 no 1989 lubonisa ukuba kulotywe imbaza ezomhlophe ezingaphantsi kwesinye ekhulwini xa kujongwa imbaza ezindaweni ezifumaneka kuzo. Iziphumo zophando zakuqala ezikhutshwe ngo 2003 no 2004 ziyavumelana nolu phando. Ngoko ke esi sivuno sithathwa njengesingabalulekanga.

Okwangoku, abanamalungelo okurhweba bavunyelwe ukuba baqokelele 2000 yembaza ezimhlophe ngenyanga. Imbaza ezimhlophe zilotywa noba ngenjesithiyelo ingezonjongo zokuba zisetyenziswe ngabantu. Ushishino lokuba zisetyenziswe ngabantu kufaneleke ukuba luphandwe.

Ushishino lwembaza luphantsi kwezame zolawulo lokuziloba. Inzame zonke ezisetyenziswayo ("TAE") zabanini malungelo asixhenxe, ngokomlinganiselo womthwalo oyi 2 000 ngenyanga nomlinganiselo osemthethweni obuncinci buyi 35 millimetres, usisinyanzelo. Abanini malungelo basenoba ngabathengisi okanye bathengise intlanzi yabo kubathengisi bembaza ezimhlophe apho ixabiso lakhona liba phakathi kwe R1.00 ne R1.50 inye.

4. Inkqubo yokunikazelwa kwamalungelo aphakathi

Okwangoku, basixhenxe abanini malungelo abasiwe kwindawo ezisixhenxe kunxweme lentshona. Umnini lungelo ngamnye uvumeleke ukuba alobe imbaza eziyi 2000 ngenyanga. Emnye kubo uqesha phakathi kwesithandathu nesibhozo sabalobi aze abhatale phakathi kwe R0.15 ne R0.80 imbaza, kuxhomeke kwinani elibanjisiweyo.

5. Injongo zecandelo eziqukayo

Injongo eziqukayo zokunikezelwa kwamalungelo oshishino ngokuloba imbaza ezimhlophe ku:

- Bagcine ukungaboni ngasonye kwinkqubo yenguqu kushishino lokuloba;
- Kunikwe amalungelo oshishino okuloba kubalobi abaxhomeke kwezi mbaza ezimhlophe ukuze baphile;
- Bakhuthaze uphuhliso loshishino ekusetyenzisweni kwembaza ezimhlophe ngabantu;
- Baqinisekise ukuba amalungelo anikezelwe kuzo zonke indawo apho imbaza ezimhlophe zinokulotywa khona;
- Ukukhuthaza ukuphila loshishino lokuloba intlanzi; ukanti
- Ukuqinisekisa imeko yendawo zokuloba igcinakele.

6. Ixesha lamalungelo

Imvume yoshishino yokuloba imbaza ezimhlophe iyakunikwa ixesha elingagqithanga kwiminyaka emibini. Amalungelo exesha elide ayakuqwalaselwa kuphela xa kukho ulwazi olupheleleyo kwimeko lenani lentlanzi nokucacelwa kushishino lwembaza ezimhlophe ezisetyenziswa ngabantu.

7. Abangeneleli abatsha

Imbaza azivunwa ngendlela esezingeni eliphezulu ezindaweni ezithile. Isebe lifuna ezi ndawo zibaluleke zizokwazi ukufumana ulwazi olubalulekileyo ngezi mbaza ezimhlophe. Ukongeza, kwindawo yokuloba akhonguqu.

Ngoko ke, iSebe lizimisele ukunika imvume kubafaki zicelo abafikayo kwindawo apho kusetyenziswa khona inkqubo ye TAE, kodwa kungekho mvume yexesha eliphakathi elinikezelweyo. Ngaphezu koko, iSebe liyakunikeza amalungelo kubangeneleli abatsha abazakuphucula imeko yoshishino lokuloba intlanzi.

8. Uhlobo lovavanyo

Izicelo ziyakugocwa-gocwa ngokwe “*exclusionary criteria*”, emva koko zithelekiswe ngokwe “*balancing criteria*”. Amahluzi bamanqaku ngabo abazokubona bonyule abafaki zicelo abaphumeleleyo.

8.1 Uhlobo lokukhutshwa kwabathile

Ngaphandle kohlobo oluchazwe kuMthetho Jikelele omalunga nokufakwa kwezicelo nokukhutshwa kokungasebenziyo, iSebe liya kubapha abo bathe bohluleka ukuhlangabezana nemfuno ezilandelayo:

- (a) **Uhlobo lomfaki sicelo:** Ngabantu nje (i.e. individuals) abanokufaka isicelo sokushishina ngembaza ezimhlophe. Ukuba umlobi wembaza ezimhlophe uqeshwe ngumnini malungelo ufuna ukufaka isicelo sokuloba imbaza

ezimhlophe, kufuneka aqiniseke ukuba akakho kuludwe lwabalobi kwizicelo zomqeshi wakhe.

- (b) **Izicelo zosapho:** Ngokwesiqhelo, lilungelo elinye elinokunikezwa usapho. Apho kufumaniseke ukuba izicelo zingaphezulu kwesinye kusapho ngalunye abahlala kwi dilesi enye, ngoko zonke ezo zicelo zinga kukhutshwa. Usapho lunganikwa ngaphezu kwelungelo elinye apho abafaki zicelo baye babonisa phandle ukuba baye bafumana indawo ezincinci zoshishino.
- (c) **Ukuthobela :** Abafaki zicelo abathe bafunyaniswa benamatyala okophula umthetho we MLRA (khokela, umzekelo, othe wagwetywa ngaphakathi ngaphandle kokukhethiswa ukubhatala imali) akazi kunikwa ilungelo. Abafaki zicelo abakhe bahluthelwa amalungelo okuloba okanye barhoxiswa ngokwe MLRA nabo abazi kunikwa amalungelo. Abanye abophuli mthetho kwi MLRA izicelo zabo ziyakuba nechaphaza elingalunganga.
- (d) **Isabelo samaphepha :** Isabelo samaphepha (njengoko kuchaziwe kuMthetho Jikelele) kuya kukhutshwa. Amaqela amakhulu afanayo, okanye izicelo ezifanayo kakhulu, axhaswa ngabacebisi okanye inkampani zoshishino lokuloba nezinye izinto, bayakukhutshwa njengendlela elandela unxweme kwisabelo samaphepha, kungakhange kujongwe ukuvuzwa kwisicelo ezahlukeneyo.
- (e) **Ukungasetyenziswa:** Abo banini malungelo abathe abaphumelela ukusebenzisa ethutyana oshishino ngembaza ezimhlophe phakathi ko 2002 no 2004 abayi kuphinda banikwe malungelo.
- (f) **Ukuxhomekeka ekulobeni:** Abafaki zicelo zamalungelo abangaxhomekekanga kwisivuno sembaza ezimhlophe kangangobuncinane be 75 pesenti kwinzuzo yabo yonyaka baza kukhutshwa. Abafaki zicelo abafumana inzuzo ngaphandle koshishino lokuloba baza kukhutshwa.

8.2 Inkqubo elinganayo

Njengoko le nkqubo ilandelayo izakutyenziswa jikelele kumacala omabini kumceli malungelo nakumceli mngeni omtsha, uvavanyo oluyakuthi lusetyenziswe kudidi ngalunye alukufana.

(a) Inguqu

Ukuze kubekho inguqu kushishino lokuloba imbaza ezimhlophe, abafaki zicelo baza kunikwa amanqaku nokuba bemnyama bengamnyamanga. Isini siseniokusetyenziswa njengesisombululo, apho umfaki sicelo enikwa amanqaku afanayo, umfaki sicelo obhinqileyo uya kwenzelelwa ngaphezu koyindoda .

(b) Utyalo-mali kiushishino lwentlanzi

Isebe lizakukukhetha ukuba loluphi utyalo-mali, ukuba lukhona, abafaki zicelo abanalo kushishino lokuloba.

(c) Indima edlalwayo ekulobeni

Abafaki zicelo zamalungelo baya kuvavanywa ngokwendima abayidlalayo ekulotyweni kwembaza ezimhlophe kwixesha eliphakathi ko (2002 ukuya 2004).

Abafaki zicelo abatsha baya kuvavanywa ngokwezakhono zabo, ulwazi nobuchule bokuloba imbaza ezimhlophe.

(d) Ukuxhomekeka kwimbaza ezimhlophe

ISebe liyakukhetha abaceli abaxhomekeke kwisivuno sembaza ezimhlophe kwii 75 pesenti yengeniso yabo ngonyaka nangaphezulu. Njengokuba kutshiwo apha ngaphezulu, abafaki zicelo abafumana ingeniso ngaphandle koshishino lokuloba bayakukhutshwa.

(e) Ukuphucula urhwebo lwangaphakathi.

ISebe liya kukhetha ukwabela amalungelo kwabo bafaki zicelo abahlala kufutshane nezondawo kulotywa kuzo imbasa ezimhlophe. Abafaki zicelo

bayakucelwa ukuba babonakalise ukuba babekhe bahlala kufuphi nendawo apho kulotywa imbaza ezimhlophe kangangeminyaka emine.

(f) Imisebenzi

Abalobi bembaza ezimhlophe abaqeshwe ngabanini malungelo abakhoyo banganakho ukufaka isicelo selungelo. Abafaki zicelo abaceba ukuqesha abantu bokuvuna imbaza ezimhlophe izicelo zabo ziyakuthathelwa ingqalelo ukuba babonelela okanye bajonge ukubonelela:

- Umsebenzi osisisgxina wokuvuna;
- Medical aid kunye nomhlala phantsi ;
- Nazo naziphina einye izibonelelo; kunye
- Neemeko somsebenzi ezikhuselekileyo.

(g) Ukungahlawulelwa kwerhafu

ISebe lifuna wonke umnini malungelo ahlawule irhafu ekuvuneni imbaza ezimhlophe.

Apho irhafu ingahlawulwanga, umfaki sicelo samalungelo uyakunikwa amanqaku angancumisiyo. Kodwa ke, ukuba umfaki sicelo usenalo ilungelo lokufumana amalungelo, imvume akanakuyinikwa ide ibe irhafu epheleleyo (kunye nenzala)ihlawu kwiSebe.

(h) Ukuthobela

Abanini malungelo, abaphandwayo ngolwaphulo mthetho kwi MLRA, nokuba ngokobugenga okanye ngokokuphatha, akanakulifumana ilungelo kude lokuloba invaza ezimhlophe kude kugqitywe uphando.

Ulwaphulo mthetho lwe MLRA, kuquka imimiselo, ngumfaki sicelo, kuyakuba neziphumo ezibi.

9. Intlawulo yezicelo

Intlawulo yezicelo yokuloba ayinakuba ngaphezulu kwe R500. ISebe lisaqwalasela ixabiso lenkqubo yokwabiwa kolushishino lwentlanzi kwaye liyakubazisa abanini zabelo namaqela anomdla xa ithe yagqiba ngentlawulo yezicelo.

10. Uluhlu lwethutyana

Phambi kokuba iSebe lithathe isigqibo ngokuba ngowuphina ekufanele anikwe ilungelo lokuthatha inkxaxheba kurhwebo lokulotywa lwembaza ezimhlophe, iyakukhupha uluhlu lwethutyana lwabafaki zicelo abaphumeleyo. Uluhlu lwethutyana luyakikelezizwa kwindawo nganye yokuloba intlanzi. Amaqela anomdla nachaphazelekayo kwezi ndawo banako ukulazisa iSebe ukuba bakhona abantu ababefudula beloba imbaza ezimhlophe ngenjongo soshishino abangafakwanga kolu luhlu.

11. Imigaqo yemvume

Imigaqo yemvume kweli shishini lokuloba intlanzi iyakukhutshwa minyaka le. Imigaqo yemvume eyakusetyenziswa kolu shishino lwentlanzi kunyaka ka 2005 idityaniswe kwi **Annexure A**. Zisenokutshintshwa minyaka le emva kokucebisana nabanini malungelo kushishino lwentlanzi. Abanini malungelo nabanomdla bayamenywa ukuba bavakalise izimvo zabo kule migaqo mvume.