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UMGAQO-NKQUBO WABALOBI ABAKHASAYO KUSHISHINO LOKULOBA EMZANTSI AFRIKA

May 2012

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**INKCAZO NAMAGAMA-NGCACISO NEZIFINYEZO ZAMAGAMA ASETYENZISWE
KULOMGAQO-SISEKO**

Igama	Ingcaciso
Ulawulo lobambiswano	Uhlobo lolawulo apho uRhulumentu neqela elixhomekeke ekulobeni bebambisene ngoxanduva nobunganga bokuphatha indlela yokusetyenziswa kweentlanzi nezinye izinto eziphilayo zaselwandle.
Abahlali	Iqela labantu elihlala ndawonye, okanye inxalenye yalo, elabelana ngezimbo nelizithabatha nje ngeqela elinye.
Iqumrhu elisemthethweni lokuhlala	Umbutho wabalobi abakhasayoi, omiselwe ngokomthetho nogunyaziselwe ukungena kwizivumelwano okanye izibhambathiso, ukuthatha uxanduva, wenze uze uhlawule amatyala, umangale okanye umangalelwe buqu, kwaye ubekwe ubutyala ngezenzo zawo. Umzekelo walombutho yileyo igunyaziswa licandelo 21 lomthetho weenkampani.
Izinga laba lobi abakhasayo	Ukuxhomekeka ngokupheleleyo ekulobeni okanye ukuloba ngezinga eliphantsi ngeenjongo zokuziphilisa. NgokwaloMgaqo-Nkqubo ukuloba kuthetha nezinye iintshukumo ezinxulumene nokuloba ezinje ngokuluka iminatha, ukwakha izikhitshane nezongezelela amathuba engqesho kunye nenzuzo yemivuzo kwezintsapho.
Indlela esekelezwe kumalungelo abantu	Indlela yokwenziwa nokuveliswa komgaqo-nkqubo osekelezwe kumalungelo abantu nakwezinye incwadi zomthetho njengesikhokelo sokucebisa nokulinganisa inkqubela eseyenziwe ekuphunyezweni kweenjongo zomgaqo-nkqubo.
Indlela elula / efikelekayo yokuloba	Izixhobo zokuloba ezilula, ezinje ngeenethi, izikhitshane eziqhutywa ngezandla nezazisoloko zisetyenziswa kwakudala ekulobeni okanye ekubambiseni iintlanzi.
Indlela esekelezwe kwintlobo-ngentlobo zentlanzi	Apho iintlobo ngeentlobo zeentlanzi zibekelwe bucala ukuba zibanjiswe okanye zilotywe
Abalobi abakhasayo	Abalobi abaxhomekeke ekulobeni ukuhlangabezana neemfuno ezingumongo zokuphila, nababandakanyeka ngokupheleleyo ekulobeni, kananjalo beloba kufuphi nonxweme okanye enyeleni, kwaye beloba kwindawo zesiqhelo ngezixhobo eziqhelekileyo. Nabathatha iiyure ezingama 24 beloba, bexhomekeke kwiintlanzi abazibambisayo, kwaye bethengisa okanye bananise bebandakanyeka kwintengiso.
Iqela labalobi abakhasayo	Elacandelo lokuloba lisebenzisa iindlela zamandulo nezixhobo eziqhelekileyo zokuloba nelikumgangatho oxhomekeke oxhomekeke

	ngokupheleleyo ekulobeni, ukulungisa nokulondoloza nobuchwephesha bokuloba ngokupheleleyo okanye kwethutyana ngeenjongo zokuqinisekisa ubukho bento etyiwayo. Elicandelo libandakanya nezinye inquleqhu ezifana nokwenziwa kweenethi zokuloba, ukwakhiwa kwamaphenyana, ekongeza ingqesho nje ngokwakhiwa kwamaphenyana okuloba namathuba emivuzo kwiintsapho ezixhomekeke ekulobeni.
Abalobi abakhasayo bokuhlala	Iqela elimiselweyo loluntu, nelasoloko labangabalobi, libandakanya abasebenzi balo kunye neentsapho zabo; nelasoloko lisabelana ngamabhongo nezimbo okanye amalungelo okuloba, ukubambisa nokulungisa nokulondoloza imveliso yentlanzi; elinembali yokubayinxalenye yamashishini amancinane okuloba, nelathi ngenxa yokushenxiswa genkani kwindawo yalo yokuhlala, nelingemanga ngokuyimfuneko kunxweme okanye indawo enolwandle; nelisasebenza kufuphi okanye elunxwemeni okanye kulwandle olwalisaya kuxhamla ekulobeni nelinamalungelo okuloba okanye elisalobayo ngokwesivumelwano okanye isiqhelo okanye ngokomthetho.
Uphuhliso lwenkqubo yokunakekela izinto eziphilayo	Indibaniselwano yemiba echaphazela uluntu, ezoqoqosho kunye nezemvelo ekucetyweni, ekuphunyezweni nasekuthatheni isigqibo esiqinisekisa inkqubela yesisizukulwana nezizayo.
Ukusetyenziswa kwezinto ngendlela ekhuselekileyo	Ukuphathwa nokusetyenziswa kwezinto eziphilayo zaselwandle ngendlela yokongiwa nolondolozo lwemvelo engabeki amathuba ezizukulwana ezizayo emngciphekweni wokungafikeleli kwiimfuno zazo zokuxhamla kwezi zinto.

INGCACISO YAMAGAMA ASHUNQULIWEYO

CAF	Consultative Advisory Forum (Ikomiti ecibisayo)
Constitution	Umgqo-siseko weRiphabliki YoMzantsi Afrika wonyaka wama1996
The Department	The National Department of Agriculture Forestry and Fisheries Isebe lezoLimo, amaHlathi noLawulo lwemveliso yolwandle neentlanzi
ECRL	East Coast Rock Lobster (Inkala efumaneka kummandla owawusakubizwa ngokuba yi-Transkei)
FSRD	Farming systems research and development Indlela zolimo, uphando nophuhliso
ICMA	National Environmental Management: Integrated Coastal Management Act, 24 of 2008 (Umthetho ka Zwelonke Wokuphathwa nokulondolozwa kwamanxweme weCandelo 24 ka2008):
IDP	Integrated Development Plan Uyilo oluhlanganisiweyo lophuhliso
MIS	Management Information system Indlela yeenkcukacha zolawulo
MLRA	Marine Living Resources Act, 18 of 1998 as amended Umthetho wezinto eziphilayo zaselwandle, 18 ka 1998 (ohlonyelweyo)
NEMBA	National Environment Management: Biodiversity Act, 10 of 2004 Umthetho kaZwelonke wokuphathwa nokulondolozwa kwendalo: Intlobo-ntlobo zezilwanyana ezihphila nezihlala ndawonye, 10 ka 2004
NEMA	National Environment Management Act, 107 of 1998 Umthetho kaZwelonke wokuphathwa nokulondolozwa kwendalo, 107 ka1998
NEMPPA	National Environment Management Protected Areas Act, 57 of 2003 Umthetho kaZwelonke wokuphathwa nokulondolozwa kwendalo: Imimandla ekuselweyo, 57 ka 2003
NGOS	Non Governmental Organisations Imibutho engaphandle koRhulumente
NTT	National Task Team Iqela likazwelonke elisebenzayo
PGDS	Provincial Growth and Development Strategy Indlela yokwakha nokuphuhlisa yephondo
SETA	Services Sector Education and Training Authority Igunya lecandelo lemfundo Noqeqesho
SFTG	Subsistence Fisheries task Group Iqela elisebenzayo labalobi abaxhomekeke ekulobeni
TAC	Total Allowable Catch-Umyinge weentlanzi ekuvumeleke ukuba ulotywe ngexesha elivumelekileyo lokuloba
WCRL	IRoklobsta yaseNtshona-linga

1. INTSHAYELELO NEMVELAPHI

Lo mgaqo unenjongo zokulungisa nokwamkela abalobi abakhasayo kuzo zonke iindawo zoMzantsi Afrika abangazange banikwe ingqwalasela kwiminyaka engaphambili, besahlulwa-hlulwa ngokwemithetho nemigaqo-nkqubo, kunikezelwa ngamaphepha mvume eziqu kunyanzeliswa nemiqathango ekhohlakeleyo kubo. Ngokudibene nembono ezimbaxa zokutshintsha icandelo lokuloba, lo Mgaqo-Nkqubo ukhuthaza ukunikezelwa kwamalungelo ababalobi khonukuze kuzalisekiswe iphupha lokuphelisa ukungalingani. Ngokwenene, ngokoMgaqo Siseko, eli lizwe lizibophelele ekuhlonipheni, ekukhuseleni, ekukhuthazeni nasekuzalisekiseni amalungelo abalobi abakhasayo eMzantsi Afrika.

Ngokwenza njalo, lo mgaqo-nkqubo uveza ukuzibophelela kukaRhulumente ngokwemiqathango engu Article 1 womqulu wamaAfrika (African Charter) ngamalungelo abantu okuvelisa umthetho nezinye iindlela zokunika amalungelo alo mqulu. Ingakumbi lo mgaqo-nkqubo uchaphazela ukukhuselwa kwamalungelo abantu ekunyanzeliseni iimfuno zokuhlala nezozoqosho nasekuzikhetheleni ngokukhululekileyo ndawonye nokukhululeka ekuvezeni ubutyebi nezinto zendalo.

1.1 Imbali ngemiba yecandelo labalobi abakhasayo

Kangange nkulungwane yeminyaka izinto eziphilayo zolwandle zisetyenziselwe ukutya, ukuphila, nasekwenzeni amayeza njengenxenye yenkcubeko. Ubungqina obukhoyo nembali iyabonisa ukuba abalobi abakhasayo banembali ende ekulobeni izinto eziphilayo elwandle. Umzekelo, kwindawo ezithile kunxweme lwePhondo lakwaZulu Natala izinto ezixozwayo zilotywe ngaphezulu kweminyaka engama-100 000 eyaadlulileyo. Iindawo ezininzi ezinabalobi abakhasayo zinonxibelelwano lwezinyanya nabantu bendalo bokuhlala, ubungqina zizinto ezinjenge zigu zokubamba intlanzi, nakunye nezithethe ezazisenziwa.

Ngamaxesha ubukholoniyali namva nje ngexesha localu-calulo, abalobi bokuhlala bendalo abaninzi baxuthelwa umhlaba owawukufutshane elunxwemeni. Kwisithuba seminyake ye 1890's uMzantsi Afrika wavelisa umgaqo-nkqubo nomthetho wohlobo lokulawula abalobi.

Nangoko kunjalo, le ndlela yayinenjongo zokukhulisa abalobi bezoshishino, ishiye ngasemva abalobi abakhasayo. Abalobi bezoshishino babegcweliswe ngo ngxowa-nkulu abamhlophe, ekuthe kwiminyaka yo 1940's ukuya phambili bancediswa yimiqathango ethe yaveliswa nguRhulumente wocalu-calulo ukuncedisa ekwandiseni urhwebo olwenzelwe icandelo lwabalobi boshishino. Ngelo xesha amaKhaladi nabantu abamnyama baselunxwemeni ababehlala ngaphandle emaphandleni babengalinikwa ilungelo eba benalo ngendalo elunxwemeni nakwizinto eziphilayo zolwandle; ukungavunyelwa nemithetho yanyanzelisa ukuba abaninzi basebenzele amaqumrhu abantu abamhlophe. Ukuthathwa komhlaba nokunyanzeliswa kwemithetho emitsha yezolawulo lolwandle yenza ukuba abanye baphulukane nezithethe zokungena balobe elunxwemeni. Zimbalwa indawo ezikwazileyo ukugcina izinto zendalo nezithethe ezinxulumene nonxweme.

1.2 Imeko ekuyiyo yabalobi abakhasayo

1.2.1 linkcukacha yezentlalo zabalobi abakhasayo

Abalobi abakhasayo bayinxenye yabantu abahlala ezilalini nakwindawo eziselunxwemeni. Lonto ibonakala ngendlela eziyiyo ezokuhlala nezozoqosho kwindawo abahlala kuzo. EMPuma Koloni, KwaZulu Natala naseMntla Mpuma, abalobi abakhasayo bahlala ezilalini ubukhulu becala, xa uthelekisa nePhondo laseNtshona Koloni, apho bahlala ezidolophini nasezi lokishini ubukhulu becala.

linkcukacha zesebe zibonisa abalobi abaninzi eNtshona Koloni ngamadoda noxa esiya ecutheka eMpuma Koloni naKwaZulu Natala. E-Ntshona Koloni abafazi babeloba kodwa kutsha nje basusiwe elunxwemeni. Nangoko kunjalo babandakanyeka kwizinto ezininzi ezinxulumene nokuloba kwabalobi abakhasayo.

Abalobi abakhasayo bafumana ukuphila kwizinto ezininzi ngaphandle kokuloba ukuze bakwazi ukusa izinto ezingu ndoqo. Oku kuquka ukungabi nathemba nokufumana umvuzo omncinci, nayo nayiphi into ephakamisa izinga labo lokuphila, inxaso mali esuka kuRhulument namathuba amancinci omsebenzi. Sithetha nje incinane kakhulu imali enendima eyidlalayo ebomini babo esuka ekulobeni.

1.2.2 lintlobo-ntlobo zeentlanzi nenye imveliso yeentlanzi nemikhwa

Izinto eziphilayo zaselwandle ezinjenge ntlanzi, imbaza, ingwane, inkala, ingqungqu zentlabathi nezodaka, iilimpethi, amasenene, amaqongwe, oonokala, imbatyisa, ingca yolwandle, inkuma kunye namangquba zezona ngokwesithethe bezisoloko ziqokelelwa liqela labantu elixhomekeke ngokupheleleyo ekulobeni. lifinshi, inkala kunye namangquba zezona bezilotywelwa intengiso, kodwa ingezizo zodwa. Nangoko kunjalo umkhwa wokusebenzisa imveliso yaselwandle ekutyeni uya ukhula ukusuka entshona ukuya empumalanga. Kubalulekile ukukhankanya ukuba kukho umahluko kwindlela ekusetyenziswa ngazo imveliso yaselwandle kunye nezo zinto ziphilayo zaselwandle zisetyenziswa kakhulu.

Nangona ingwane yaseNtshona Koloni iyiyona inentengiso ephezulu, eyaseMpuma Koloni yona ikwasetyenziswa njengesigcayiseli-ntlanzi, nangokutyiwa, iphinde ithengiswe kanjalo. Ingca yolwandle kunxweme lwase Ntshona ikhiwa, ithengiswe ngamadoda kodwa iqokolelwa ngabafazi kwimizi ehluphekileyo kunxweme oluseMzantsi. ingqungqu zentlabathi nezodaka, inkuma kunye namasenene zisetyenziswa njenge zigcayiseli-zentlanzi ezisetyenziswa xa kulotywa iintlanzi zomlobothi.

Izinto ezixozwayo zolwandle zihlala kwiindawo ezinamatye yaye ziqokelelwa ikakhulu ukutyiwa ngalomakhaya ahluphekileyo asemaphandleni. Nangona zingeyomfuneko kakhulu, amaxhwele azifunela ukwenza amayeza ezinye zazo.

Obunye bobuxhaka-xhaka obusetyenziswa ngaba balobi bubandakanya amaphenyane aqhutywa ngamaphini, izikhithshane ezihamba ngenjini, kunxweme oluseMazantsi noluseNtshona kwakunye nezixhobo zokuloba ezilula ezibandakanya ezesandla, zenyawo, Izikrudrayiva, iimela, oobhushi, iilayini zesandla, iimpompo zokukhupha ingqungqu, uqalo olunomtya, uqalo olunogwegwe lokuloba, isazinge esinomnatha, umnatha wegili, umnatha otsalwayo noonoxhaka ababekwa ngamaxasha athile.

Ukwahluka-hlukana ekulobeni kwiqela labalobi abakhasayo lungancedisa ekunciphiseni ubuhlwempu nokuqinisekisa ngobukho bokutya, aluqwalaselwanga kuMthetho weZinto eZiphilayo eLwandle. Indlela yokufakwa kwezicelo nolwabiwo ludandalaziswe kumgaqo wolwabiwo nolawulo lwentlanzi ngokubanzi wethuba elide lamalungelo oshishino ngeentlanzi ka-May 2005 wawumbaxa kwaye ungafikeleleki kwiqela labalobi abakhasayo. Le nto yabangela ukuba inani elikhulu labalobi abakhasayo lingabinakufikelela ekufezekiseni iimfuno zalenkqubo.

1.3 Indlela yolawulo lwentlanzi ezilotywa ngabalobi abakhasayo

Ngendalo iqela labalobi abakhasayo lalisebenzisa iindlela ezahlukeneyo zokuloba izinto eziphilayo zolwandle. Ubukho nobungakanani bohlobo lwentlanzi olulotywayo lwaluxhomekeke kwiindlela ekulotywa ngazo kulongingqi. Lo ngomnye wemiba efanele ukuqwalaselwa xa kuthathwa isigqibo sokuba luluphi na uhlobo lwentlanzi olunokwabelwa abalobi abakhasayo. Iintlanzi ezabelwe ukulotywa ngaba balobi ziyakulawulwa ngokolohlobo olusekelezelwe kubalobi abakhasayo.

1.4 Inxaxheba yabalobi abakhasayo ekuphuhliseni ezooqoqosho nokuqinisekisa ubukho bokutya

Isebe liyithathela ingqalelo into yokuba abalobi abakhasayo banegalelo kuqoqosho lwelizwe kwaye kufuneka indlela yolwabiwo olujoliswe ekunciphiseni ubuhlwempu okanye ukuxhasa uluntu olukwelicandelo. Izinto zolwandle zabalobi abakhasayo zizakulawulwa ngohlobo lwamaqumrhu asemthethweni okuhlala obambiswano ngolawulo.

1.4.1 Ukuncitshiwa kobuhlwempu

Eyona ndlela ibalulekileyo engenza igalelo kwicandelo labalobi abakhasayo kukusebenzisa izinto zolwandle eziphilayo ngendlela eqinisekisa ubukho bokutya. Amava abonisa ukuba uninzi lwemizi ebandakanyeka ekulobeni (ngokupheleleyo nokwethutyana) kumazwe asahlumayo, ukuloba neminye imigudu ezalanayo nako azizisi futhe likhulu ekunyuseni uphuhliso loqoqosho, koko lincediswa ekubeni elicandelo labalobi likwazi ukuziphilisa neentsapho zalo. Kwaye likuthintele ukuwela ngokupheleleyo kwintlupheko.

Kwiimeko zokuvalelwa amathuba okuthabatha inxaxheba kwezoqoqosho (umzekelo imali mboleko) okanye iindlela zemveliso (umzekelo umhlaba) ukuvunyelwa ngokulula nangokukhululekileyo ukuloba kwenza ukuba abantu abahluphekileyo baxhomekeke ngokubanzi kwiintlanzi nezinye into zaselwandle ukukwazi ukufikelela ekuthengeni iimpahla kunye nezinye iinkonzo ezifunekayo zokuziphilisa okanye ukufumana umsebenzi ohlawula ngendlela ephucukileyo. Esi siqinisekiso sokuloba sesona sibalulekileyo nesifanelekileyo kwimizi yeentsapho ezihluphekileyo nezihlelekileyo, ingakumbi ezo zingenalungelo lipheleleyo emhlabeni nakwezinye izinto eziyimfuneko.

Nangona ezi ndlela zokunciphisa ubuhlwempu zingatsali mdla ngokufanelekileyo ngokwezoqoqosho (umzekelo: ezintshukumo zokuloba azinangeniso yaneleyo yemali yerenti), kodwa indima yokuloba ngenjongo yokuziphilisa ngenkxaso nendlela yokumelana nentlupheko ibalulekile ngokwezintlalo ingakumbi kwezondawo zingenandlelambini wengqesho nalapho iinkonzo zokuqinisekisa intlalo eyiyo zinqongophele okanye zingekho kwaphela. Kwezomeko ukuloba kungadlala indima ebaluleke kakhulu njengendlela yezentlalontle okanye yembuyekezo engekumele ukuba zinikelwe nguMasपाला, uRhulumente wePhondo okanye okaZwelonke.

UMgaqo-Nkqubo wabalobi abakhasayo ufanele unike ukhuseleko ebalulekileyo ngokungaphandle kwabalobi abahlelekileyo (nabo bebengahlupheki ngaphambili) xa bejongene nokuhla kwengeniso. Le nto ingenzeka umzekelo xa intloko yosapho iphulukana nomsebenzi kungenjalo xa ixabiso lemali lisehla.

Ukuthembela ekulobeni ukuncedisa ingeniso kubantu abahleleleke ngakumbi asiyongxaki yabalobi bodwa, kodwa ichaphazela namanqanaba okuthengisa. Lo meko yongeza nombala obalulekileyo wesinikubalobi abakhasayo, ngakumbi abafazi ngabona bathatha indima engundoqo kweli candela lokbalobi.

1.4.2 Ukuvulwa kwamathuba omsebenzi neendlela zokuphila

Elicadelo labalobi abakhasayo lungavula amathuba omsebenzi awaneleyo neendlela zokuphila, ukuba abo balobi bayabandakanyeka ngokupheleleyo kwityathanga lokuthengisa nakwiintshukumo ezinxulumeneyo. URhulumente uyayiqonda eyokuba ungumnxulumanisi kwaye enoxanduva lokuqinisekisa imeko evumela ukuvulwa kwamathuba omsebenzi kwicandelo labalobi abakhasayo, elisekelezelwe kulawulo ngokubanzi nosetyenziso, ulondolozo nolwabiwo leentlanzi lwaseMzantsi-Afrika.

1.4.3 Ukuqinisekiswa ngobukho bokutya nokwandisa imeko zokuphila

Inyama yentlanzi ngumthombo wezakhai-mzimba ingakumbi apho inyama yezinye izilwanyana inqongophele okanya inexabiso elingafikelelekiyo. Xa kuthathwa umntu ngamnye inani labantu abatya inyama yentlanzi liphantsi eMzantsi-Afrika kuba uninzi lwabantu lukhetha izakham-zimba ezifunyanwa enyameni yemfuyo yasekhaya. Igalelo labalobi abakhasayo lokuqinisekisa ubukho bokutya alinakusingelwa phantsi njengomthombo obalulekileyo wezakhamzimba ezifikelekayo ngexabiso. Ingeniso ingasetyenziswa ekuthengeni olunye

uhlobo lokutya. linjongo zokuyilwa kwalomgaqo kukuqinisekisa ilungelo lokuloba nokuphucula inzuzo yabalobi enokufumaneka ekulobeni.

1.4.4 Ixabiso nezinye indlela zokuphila

URhulumene uyangqina into yokuba kukho amathuba okukhula kwexabiso nokudalwa kwemisebenzi kwezinye indidi zabalobi kodwa ukongezwa kwemali kuyafuneka ukukhulisa ixabiso nangakumbi. Isicwangciso seZolimo, Amahlathi nezokuLoba nokudibanisa ukukhula nokuphuhlisa (The Draft Agriculture, Forestry and Fisheries Intergrated Growth and Development Plan / IGDP) sinika umkhomba ndlela wokwandisa ingeniso evulekileyo, sikwakhuthaza nemfuneko nokulungelalaniswa kwegunya lesebe lezoRhwebo namaShishini. Isicwangciso sokukhulisa abalobi abakhasayo siquka oku kulandelayo:

- a) ukulingana kwexabiso;
- b) ukukhula nokukhuphisana ngokunika inxaso kubantu abasebenza ngezinga eliphantsi (njenga balobi abakhasayo) ukwenza imeko zabo zibelula ekunyuseni imveliso nengeniso, kwangaxesha nye kuqinisekiswa ukuba abalobi bezoshishino bathe gqolo ukukhula; kunye
- c) nendalo isetyenziswe ngendlela ekhuselekileyo ukuqinisekisa ukuba izinto zendalo abaxhomekeke kuzo abalobi abakhasayo azipheli yaye zivulelekile.

Lo nto ingu ndoqo ngokunxulumana nokunika inxaso kubalobi abakhasayo, yaye idibana ngokuthe nqo kwisiCwangciso Sophuhliso oluHlangeneyo soKwenza seSebe (Department's Intergrated Fisheries Development Plan and Programme of Action / IFDP). Esi sicwangciso siquka imikhombandlela ecacileyo elungisa imeko yexabiso nokubela kwezinye indlela zokuphila ezilungele abantu abaselunxwemeni ukulungela imeko zokunqongophala kwezinto eziphilayo zolwandle. Unobangela walo mkhomba ndlela kukwenza indlela elula nekhuthaza inxaso yexabiso nendlela ezizezinye zokuphila kwabalobi abakhasayo. IsiCwangciso Sophuhliso oluHlangeneyo soKwenza seSebe (Department's Intergrated Fisheries Development Plan and Programme of Action / IFDP) sijongene nongenelelo lukaRhulumente ekuphuhliseni nasekuzisweni kobuchule obunokunyusa uhlumo lwezoqoqosho lwengingqi nokudala imisebenzi efanelekileyo. Olu ngenelelo lukaRhulumente lubandakanyeka kwiSicwangciso kukukhuthaza uphuhliso nokunika inxaso ekuveliseni ezinye indlela zokuphila. Ngale ndlela iSebe liyazibophelela ekuphengululeni ngamnye kubalobi abayi 22 bezoshishino eMzantsi Afrika uzokwazi ukwazi ngcono ngemiba enxulumene nezokuhlala nezoqoqosho ezichaphazelekayo zekuzoku xhotyiswa imiba yokuthathwa kwesigqibo.

Kulindeleke ukuba le meko incedise ekuphuhliseni uqoqosho apho bonke abathathi nxaxheba, abaquka abalobi abakhasayo, abalobi bezoshishino noRhulumente banokufumana iziqhamo ezihle nokwanda kwamathuba okufumana inzuzo yezimali kwizinto zolwandle zelizwe. Ezinye indlela zezi:

- a) ukufaka imali yokwenza nokwakha kwindawo ezinemveliso;

- b) ukuvelisa iindlela ezifanelekileyo zokuthengisa kwiindawo zokuloba;
- c) ukuphuhlisa iindlela zoqeqesho nokwabelana ngolwazi;
- d) ukuvelisa iindawo nendawo zokuphuhlisa uqoqosho lweentlanzi ngenjongo zokuvelisa iziCwangciso zendawo nganye;
- e) ukuphuhlisa iindawo zamazibuko eentlanzi ezikhoyo ukuqinisekisa ukubandakanyeka okulinganayo kwizinto zolwandle ekukhuthazeni ukuphuhla kwezoqoqosho;
- f) ukukhuthaza ukuveliswa kwezithuba zemisebenzi kwisiCwangciso sokuSebenzela abaLobi (Working for Fisheries Programme); kunye
- g) nokuvelisa iindawo zokugcina iintlanzi.

IsiCwangciso Sophuhliso oluHlangeneyo soKwenza seSebe (Department's Intergrated Fisheries Development Plan and Programme of Action / IFDP) sibonakalisa indlela ezinzi ezinenjongo zokunika inxaso nobuchule obunokuzisa inzuzo kubalobi abakhasayo. Oku kuquka ekuveliseni inxaso kubuchule nokucebisa ngezicwangciso eziyi mfuneko nendlela ecacileyo yokuvelisa indlela yokufumana inxaso mali kwaba balobi, kuveliswe nendlela ecacileyo ezinokusetyenziswa ngayo intlanzi / nendlela yokufumana inzuzo enkulu ngokusebenzisa indlela zalamaxesha zokubeka amaxabiso.

1.5 Inkcazo ngonobangela wengxaki

Ukuyilwa kwalomgaqo-nkqubo kusekelezelwe kumxholo onomnqantsa nombaxa nokhankanywa zezingongoma zahlukahlukeneyo zilandelayo:

- a) ukungabikho kwendlela ecacileyo yomgaqo-nkqubo nokuvelisa ulawulo lwabalobi abakhasayo, lo mgaqo-nkqubo usungulwe emva kweminyaka engamashumi amabini uMthetho oLawula iZinto eZiphilayo zaseLwandle waphunyezwayo nasemva kolwabiwo lwamalungelo exesha elide okulobela intengiso;
- b) ubukho bendlela elawula ezokuloba okwabela amalungelo eziqo ngokunikezela ngezabelo zamalungelo exesha elide, lunembali ngaphandle kwelinye namabini amacandelo afana nelesithethe eliloba ngelayini apho liqhelaniswa nentengiso yaphesheya, kwicandelo elilobela intengiso eMzantsi- Afrika;
- c) into yokuba abalobi abakhasayo abathatyathwa njengabalobi kumthetho olawula ukungena elwandle, nabalobi abalobela ukusa into phantsi kwempumlo kwizinto eziphilayo elwandle;
- d) ulwabiwo lamalungelo okulobela intengiso kwinani eliphantsi kubalobi bemveli abasakhasayo lo nto ibe negalelo elingaginyisi mathe kwiqela labalobi abakhasayo nakwiindlela zabo zokuphila, kuba uninzi lwabo aluzange lufumane zabelo;
- e) umkhethe wezigqibo ezazithathwa ekukhupeni izabelo zokuloba, (kulungiselelwa abalobi bezoshishino nokonwaba kuphela) ngaphandle kokuqwalasela umngcipheko wokubekwa kugqatso lwemeko yentengiso engafikelelekiyo kubalobi abakhasayo;

- f) umyalelo weNkundla kaMakulingwanwe enyanzelisa ukuba uRhulumente agqibezele isiseko somgaqo-nkqubo esibandakanya abalobi bemveli nabalobela ukubeka into etafileni kulwabiwo oluqinisekisa ukulingana;
- g) izibhambathiso zehlabathi nezommandla ezingolawulo nophuhliso lwemihlambi engumdibaniselwano weentlanzi olilungu lazo uMzantsi Afrika;
- h) ukuxhalaba okuya kusanda ngobume bokusetyenziswa kweentlanzi nezinye izinto eziphilayo zaselwandle ngolondolozo;
- i) ungcoliseko nokuthotywa komgangatho weemeko zokuphila zaselwandle;
- j) impembelelo enokwenzeka yezemvelo notshintsho lwemozulu kwiqela labantu abahlala kufuphi nonxweme: utshintsho kwindlela eziphila ngayo izinto eziphilayo zaselwandle nokulindeleka kokulahlekelwa zezinye zezinto eziphilayo elwandle kunye nendlela enye exhomekeke kwenye ekuphileni nabathi abantu baxhomeke kuzo, ziza kuchaphazela, ukuveliswa kokutya, amanzi nepetroli; neempembelelo zotshintsho lwemeko yezulu olungahle lubengqongqo kwimimandla esentshona yelizwe, apho kuncipha iimvula nobushushu bunyuka, nento eyakuchaphazela ubukho nokufumaneka (nemfuneko) kwamanzi, ezolimo, amahlathi, iintlanzi kunye nezinto eziphilayo ezihlala ndawonye.
- k) Amaqondo aphezulu entlupheko nokunqongophala kokutya okungaphelelanga nje kweloqela labantu abahlala kufuphi elunxwemeni, koko kummandla wamaZantsi eAfrika ngokubanzi.
- l) Ukungalingani ngokwesini.
- m) Ukuncipha koqoqosho kuzwelonke

2 UNDOQO WALO MGAQO-NKQUBO

Umgaqo-nkqubo wabalobi abakhasayo uyangqina ukuba abalobi bemveli babengabandakanywa kwizabelo zamalungelo exesha elide phantsi koMgaqo-Nkqubo kaWonke wonke (General Policy) ekukhutshweni kwezabelo zamalungelo exesha elide ka2005, noxa lo nto yayisenzeka kwimida yabalobi abakhasayo. Lo mgaqo-nkqubo unika umkhomba ndlela wokwabiwa kwamalungelo okuloba kubalobi bokuhlala abakhasayo, iphinde iqinisekise ukusebenzisa izinto zolwandle ngokulinganayo.

2.1 Ukunxulumana

Ukwahluka-hlukana kwicandelo labalobi abakhasayo kuyawandisa amathuba okukwazi ukuncedisa ekunciphiseni ubuhlwempu nokuqinisekisa ubukho bokutya, kwaye kengoko kubalulekile ukuba nesiseko ukuqinisekisa ukusetyenziswa kwalo oluphezulu njengondoqo ekusetyenzisweni ekwenzela ukutya nengeniso yokuthenga ukutya.

Lomgaqo uzakumisela isiseko esisiso sokuqinisekisa ukuba zeziphi na iintlanzi nezinye izinto eziphilayo zaselwandle ezilungele icandelo labalobi abakhasayo. Oku kubandakanya ezingongoma zilandelayo:

- a) isigqibo sokunikela ilungelo lokuvuna elwandle kwabalobi bokuhlala abakhasayo nabane mbali yokukhupha izinto eziphilayo zolwandle besenzela ukuziphilisa;
- b) ukuvelisa indlela yokwabiwa kwamalungelo okuloba avumela abalobi bakhuphe izinto ezohlukeneyo ngexesha elinye;
- c) indlela yokwabelana ngolawulo ekulawuleni uluhlu lwabalobi abakhasayo; kunye
- d) Nokuba imfezeko yentlalo yezinto eziphilayo zaselwandle nendawo eziphila kunye kuyo kwakunye nokusetyenziswa kwazo zingabekwa emngciphekweni.

2.2 Imfuneko yomgaqo-nkqubo

Emva ko1994 umba obalulekileyo yaba kukutshintsha ngokupheleleyo olu luhlu labalobi luchazwa kuMthetho weZinto eziPhilayo eLwandle ngokuba ngabalobi abalobela ukuziphilisa, owawunyanzelisa ukuba mabalobele ukutya kungenjalo bathengise kule ndawo bahlala kuyo, lengcaciso ayibabandakanyi abantu abaxhomekeke ekulobeni, nabo balobela ukuthengisela ukuziphilisa. Abachaphazeleki abalobi abakhasayo. Le ngcaciso inyanzelisa ukuba ulobe kuphela, ngalo ndlela ibakhuphela ngaphandle aba bachaphazelekayo phambi nasemva kokuba kulotywe. Lento ineziphumo ezimbi kubafazi bemimandla apho bangekho nqo ekulobeni, koko bebandakanyeka kwiintshukumo ezifana nokulungisa izithiyiseli zintlanzi, ukucoca nokuthengisa intlanzi.

IZiphumo zalenkcaso yabalobi abakhasayo zafunyaniswa kwaza ngomnyaka wama2007 intlanganiso kazwelonke yecandelo labalobi abakhasayo, yanyula iqela elisebenzayo likazwelonke elagunyaziswa likunye nabameli babalobi kumaphondo amane achaphazelekayo elunxwemeni ukuba liqinisekise inkqubo yokuphuhliswa komgaqo-nkqubo oyakuqwalasela ukungalingani okukhoyo kulwabiwo olujoliswe kubalobi abakhasayo. Abalobi bemveli abakhasayo bafuna indlela ebabeloba ngayo nencubeko yabo ekulobeni ibandakanywe kuhlobo lolawulo labalobi.

Xa kuqwalaselwa imfuneko yalomgaqo-nkqubo kucacile ukuba iyafuneka indlela entsha yokulungiselela ulondolozo lwezinto eziphilayo nezihlala ndawonye zaselwandle nendlela enenkqubela phambili yokuhlonelwa kwamalungelo abantu kwabobantu bachaphazelekayo. Isebe liyaqonda into yokuba ukuze iphunyezwe yonke le minqweno kufuneka lomgaqo-nkqubo uqinisekise ukuba:

- a) uqinisekise ukutyiwa kweezinto eziphilayo zaselwandle ngendlela enolondolozo neqinisekisa ukufikelela okulinganayo nokuncitshiswa kwemiqobo evalela abalobi abakhasayo;

- b) uqalise uluhlu lweendlela ezifanelekileyo ezizakuphucula indlela ehlanganiseneyo yokungenelela kwiingxabano ezinokuvuka kwixa elizayo;
- c) ubonelele ngolwabiwo oluyakukhokelela kwimizamo yokunciphisa ubuhlwempu, luqinisekise ubukho bokutya luphucule ulingano ngaphandle kokubeka ulondolozo lwezinto eziphilayo elwandle esichengeni;
- d) ufake abalobi bemveli / nabokuziphilisa ngendlela efanelekileyo kolu luhlu labalobi, uqinisekise ilungelo lentlalo nelezoqoqosho labalobi bemveli nabokuziphilisa;
- e) ubonelele ngokuphakanyiswa kwabantu ngokusebenzisa iindlela zenkxaso efanelekileyo, imfundo noqeqesho, ubuxhakaxhaka bokuzisa izibonelelo nohlobo oluqakayo lolawulo.

2.3 Indlela yokuphunyezwa kwalomgaqo-nkqubo

Eli candela lelona lidlala indima ephambili ekusetyenzisweni ngolondolozo kwezinto eziphilayo zolwandle njengoko bechaphazeleka macala onke, banendima enkulu ekuqinisekiseni ukuba kukho ukutya ngokuloba nangendlela yokuvelisa imali yokuthenga ukutya ngakumbi kwindawo ekubalaseleyo ukuloba.

Lomgaqo-nkqubo uzakukhuthaza uphuhliso lwamacandelo ngamacandelo noluhlanganiseneyo eliya kubandakanya ezi ziseko zexesha elifutshane zilandelayo zikaRhulumente ngo 2010-2014 (Government 2012-2014 Medium Term Strategic Framework):

- a) ukukhula kogoqosho notshintsho loqoqosho ngenjongo zokuvula amathuba omsebenzi ophucukileyo nendlela yokuziphilisa olunyamezelayo;
- b) iqela labantu abahlala emaphandleni abaphaphileyo nabalinganayo naba negalelo ekuqinisekiseni ubukho bokutya; kunye
- c) ukhuselo nokuphuculwa kwezinto zendalo nezinto eziphilileyo zaselwandle ngendlela yolawulo nokusebenzisa enolondolozo.

Oluhlobo labalobi lunika inzuzo ebalulekileyo ngokwezendalo nasekuhlaleni ngokunxulumene nezorhwebo. ISebe lizibophelele ekuqinisekiseni ukuba abalobi abakhasayo banikwa inxaso ngandlela zonke ukuze bakwazi ukubona iziqhamo zalo mgaqo-nkqubo.

Izakukhokela ikhuthaze ihlanganise uluhlu lamanyathelo ayakukhokelela ekuhlanganisweni kwabalobi abakhasayo kuluhlu loompondo zihlanjwe babalawuli bezinto eziphilayo elwandle.

2.4 Isiseko somthetho

Ezokuloba ziphantsi komthetho oluxanduva lukaRhulumente kazwelonke kwaye ngokubanzi zilawulwa ngokoMthetho weZinto eziPhilayo zaseLwandle. Oku kungqamene nesinyanzeliso somgaqo siseko sokukhuselwa kwendalo nokuqinisekisa intlalo nokuphuhlisa kunye nokusetyenziswa ngolondolozo kwezinto eziphilayo zaselwandle, kwananjalo kuphuculwe

uqoqosho nophuhliso loluntu ngokwezizathu ezivakalayo. Lo mthetho unezihloko ezilawula ukusetyenziswa nolawulo lwezinto eziphilayo zaselwandle ngendlela ephumeza ukukhula kogoqosho, uphuhliso lwemisebenzi yabantu noqeqesho kwimisebenzi yokuloba kwanokusebenzisa iindlela ezinenkathalo kwezintshukumo. Lomthetho kwakhona uzama ukuguqula imeko yocalucalulo eyayikho ngaphambili kwezokuloba.

Ngokungaphezulu koMthetho weZinto eziPhilayo eLwandle (Marine Living Resources Act), enye intlaninge yemithetho kazwelonke inxulumene nolawulo lwabalobi abakhasayo nokusetyenziswa nokulawula izinto eziphilayo zaselwandle. Lomithetho iquka le:

- a) Umthetho wolawulo lwezendalo: Umthetho okhuthaza olawula oluhlanganeyo lonxweme, (ka No 24 ka 2008)
- b) Umthetho wolawulo lwezendalo (NEMA), (umthetho 107 ka 1998)
- c) Umthetho wolawulo lwezendalo: Izinto eziphilayo ezihlala ndawonye, (umthetho 10 ka 2004)
- d) Umthetho wolawulo lwezendalo: lingingqi ezikhuselweyo, (umthetho wama 57 ka 2003)
- e) Umthetho wentengiso yemveliso yolimo, (umthetho 47 ka 1996)
- f) Umthetho wokhuselo lwezilwanyana, (umthetho 71 ka 1962)
- g) Umthetho wolawulo lwamazibuko kazwelonke, (umthetho 12 ka 2005)
- h) Umthetho wamaqumrhu, (umthetho 71 ka 2008)
- i) Umthetho wamaqumrhu asemthethweni, (umthetho 14 ka 2005)
- j) Umthetho wobiwo nobunini bomhlaba, (umthetho 14 ka 2005)

Isebe liyayiqonda eyokuba inguquko yentlalo yoluntu, uphuhliso lobungcali, ilungelo lokufumana umhlaba neenkonzo neemfuno zokuqinisekisa impilo ukuba zibalulekile ekunciphiseni ubuhlwempu nokushenxisa ukungalingani okwabangelwa nguRhulumente wangaphambili wocalucalulo ngokobuhlanga. Aba balobi kunye neentsapho zabo noluntu abahlala phakathi kwabo kufuneka bexhasiwe apho kuyimfuneko ngeendlela nemigaqo-nkqubo ejongiswe ekulungiseni iimpazamo ezenziwa nguRhulumente odlulileyo.

3 IMIMISELO NEENJONGO ZOMGAQO-NKQUBO

3.1 Imimiselo

Le mimiselo idweliswe apha ngezantsi ichaphazela amanyathelo kaRhulumente kunye:

- a) ahlonene zonke izigqibo, kunye noxanduva lwakhe njengo Rhulumente ekuhlonipheni, ekukhuseleni, ekunyuseni nasekuzalisekiseni amalungelo oluntu nawoqoqosho ngoko mqulu wesibini womgaqo siseko welizwe, ingakumbi kwizinto ezingu ndoqo kwimeko zokuphathwa kakubi kwabantu nokucalulcalulwa kwabo.
- b) isiseko esamkelekileyo apho nasiphi na izicwangciso zokwenza sifanele sidandalaziswe, kumiselwe namaqumrhu okuhlala asemthethweni;
- c) imiqathango emayilandelwe yokusebenza okanye ukuthatha izigqibo ezinxulumene nolawulo laba balobi;
- d) imiqathango enxulumene nokusonjululwa kongquzulwano;
- e) isalathiso sokutolika, ukwenziwa kwezinto nokuphumeza ukusebenza kwalo mgaqo-nkqubo.

Le mimiselo idweliswe apha ngezantsi izakunika isalathiso kuRhulumente naye nawuphi umntu ochaphazelekayo ekuphumezeni imbono nemisebenzi yalo mgaqo-nkqubo. Le migomo idweliswe apha ngezantsi ibaluleke kakhulu xa kuthathwa izigqibo, ekulawuleni nasekubekeni imiqathango yezinto eziphilayo zabalobi abakhasayo. URhulumente makenze oku:

- a) avume ubukho bamalungelo angqinwa ngumthetho (common law), wenkundla yabantu okanye nawuphi umthetho onento yokwenza namalungelo abantu;
- b) avume ubukho bamalungelo esintu nemithetho evumela ukusetyenziswa kwezinto zendalo ngokulinganayo ngokunxamnye nomthetho wamalungelo abantu;
- c) amkele indlela yentsebenziswano ehlangeneyo\oxamnye namalungelo abantu;
- d) amkele indlela enendima ebalulekileyo ekunciphiseni ubuhlwempu;
- e) akhuthaze ulondolozo lwezinto eziphilayo ezihlala ndawonye alawule nezinto zolwandle eziphilayo;
- f) avume ukuba ukuphazanyiswa kwendlela eziphila ngayo mayincitshiswe;
- g) avume ukuba enye ixhomekeke kwenye ngendalo, nenkcubeko, ezoqoqosho nangokuzalwa kwazo;
- h) avelise indlela yobambiswano ngolawulo olwakha ubunganga babalobi ngemfundo, uqeqesho nokuphuhlisa izakhono kumacala onke abalobi;
- i) kwakhiwe amaqumrhu alungele ukuthatha inxaxheba nazakuthetha phandle ngezinto zolwandle;
- j) kukhuthazwe ukuthathwa kwenxaxheba ekuveliseni imigaqo-nkqubo, ulawulo nasekuthathweni kwezi gqibo;

- k) kukhuthazwe ilungelo elifanayo, nokuchaphazeleka kwizinto zabalobi ingakumbi omama nabanye abantu abangakhange balinikwe ilungelo lokuloba iminyaka;
- l) kunikwe ilungelo elikhethekileyo kubalobi abakhasayo abayinxalenye yabalobi bokuhlala abakhasayo;
- m) kuqinisekiswa ukuba abalobi abakhasayo bokuhlala abathathelwa ilungelo lokuxhamla elingundoqo kumalungelo okuloba;
- n) kusetyenziswe amalungelo okuhlala xa kusabiwa izinto eziphilayo elwandle;
- o) ivunywe into yokuba intlobo ezahlukeneyo zentlanzi zingabiwa ngohlobo lokuwola konke;
- p) yamkelwe indlela yolwazi lwemveli nelokuhlala;
- q) apho kukho ubunzima ngomhlaba oselunxwemeni malunga nokuqalisa lo mgaqo-nkqubo makuboniswane ngamaqela achaphazelekayo karhulumente isonjululwe lo nto; kunye
- r) kongezwe ekuphuhliseni abalobi abakhasayo ngokukhuthaza indlela zokunyusa nokuxhasa ngako konke nangokukhulisa ezoshishino ngokunxulumene nokuloba izinto eziphilayo elwandle, ukuzixhela, ukuzaba nayo nayiphi into enxulumene nokongeza ixabiso lentlanzi, kugxilwe kanobom ekuqeqesheni abalobi abakhasayo bakwazi ukufumana ulwazi olugqibeleleyo ngexabiso lwentlanzi.

3.2 linjongo

Ezona njongo ziphambili zalomgaqo-nkqubo kukuzisa utshintsho olupheleleyo kwindlela uRhulumente athatha ngayo abakhasayo. Le nto itsho ukwamkelwa kwendlela yophuhliso eqakayo nolwabiwo olunxulumene namalungelo kunye nokunanzwa kwemfuno yokuqinisekisa ulondolozo lwendlela yokuhlala kwezinto eziphilayo zaselwandle; Kwaye kuthathwa ingqwalasela kubalobi abakhasayo bathatyathwe njengabalobi abfanelekileyo nguMthetho weZinto eziPhilayo saseLwandle; unike inxaso kulawulo lwezinto zolwandle olusekelezwe ekumiseni amaqumrhu okuhlala. Injongo ezibalaseleyo zomgaqo-nkqubo zifaniselwa olu hlobo:

- a) ukunika ingqwalasela nokhuseleko olufanelekileyo lokwabiwa kwamalungelo ngokwasemthethweni kubalobi abakhasayo;
- b) ukuphucula ulwabiwo kwamalungelo alinganayo (ngokwebala, ngokwesini, ukuxhaphazeka ngeziphaku zomzimba) alinganayo okungena nokuzuza kwizinto eziphilayo zaselwandle, kuthathelwe ingqalelo yabalobi;
- c) kuphuculwe iindlela zokufikelela kwizinto eziphilayo zolwandle, kunikwe ingqwalasela eyodwa kubalobi abakhasayo, kuvulwe nendawo ezifanelekileyo zokungena elunxwemeni;

- d) ukulawula ngokuhlangeneyo icandelo labalobi abakhasayo neentlanzi nezinye izinto eziphilayo abazilobayo ngendlela ehlanganisiweyo negqibeleleyo esekelezwe kwizibhambathiso zikazwelonke nangona kulungiswa iziphene zengingqi;
- e) ukuqinisekisa ukusetyenziswa ngolondolozo lwexesha elide lweentlanzi nezinye izinto eziphilayo zaselwandle neendawo ezizingqongileyo zonxweme;
- f) ukuqinisekisa ukwada kwentlanzi nezinye izinto eziphilayo zaselwandle njengezinto eziphilayo emazisetyenziswe ngabalobi abakhasayo, kananjalo labalobi abakhasayo baqinise ukuxhamla inzuzo ekulobeni, kuba kakade ngabona bamele ukuxhamla;
- g) ukuseka amaziko ongeza uphuhliso nenxaso yengeniso kwicala lokwenza neziseko zokuthengisa kwindawo zemveliso, nokuphuhlisa indawo zokuthengisa ezifanelekileyo kwindawo zokuloba;
- h) ukuseka ulawulo oludibeneyo namasebe anxulumeneyo nabalobi abakhasayo ukuphumeza umgaqo-nkqubo;
- i) ukuphemelela ukusekwa kwentsebenziswano kumasebe kaRhulumente achaphazelekayo ekulobeni ukukhuthaza ukucuthwa kwendlala, ubukho bokutya, ukwandisa indlela zokuphila, ukulandelwa kwendlela efanelekileyo yezemisebenzi nokuphuhlisa koqoqosho;
- j) ukuphemelela ekusekweni kwendlela zokulungisa ingxaki zabalobi abakhasayo kwimiba yamaziko enqanawa(harbours), ukhuseleko nendawo ezivaliweyo elwandle xa ufuna ukusebenzisa ilungelo lokuloba;
- k) ukuqondisa ngendlela zokutshintsha uMthetho weZinto eziPhilayo eLwandle
- l) ukuveza indlela namacebo akhankanya abalobi abakhasayo kubalobi ngokubanzi;
- m) ukuveza amacebo nekomiti ezisekelezwe ekuhlaleni, kubambiswano ngolawulo namaqumrhu okuhlala ekulobeni nasekulawulweni kwezinto eziphilayo zolwandle;
- n) ukuphemelela uthatho nxaxheba nabo bachaphazelekayo kubalobi abakhasayo bokuhlala ekucwangcisweni nasekuyilweni kwendawo ezivaliweyo zokuloba elwandlengamasebe achaphazelekayo.

4 IZINTO EZINGU NDOQO KULO MGAQO-NKQUBO NOTSHINTSHO LOKUCINGA

limbono zabalobi abakhasayo kukusebenzisa into zolwandle ngendlela efanelekileyo, elinganayo, nokunika intlonipho yokuphila kwendawo zabalobi bonxweme nokuphila nokuqinisekiswa kwelungelo lokuphila kwezinto zolwandle. Abalobi abakhasayo babonwa bexhotyiswa ngendlela eyiyo yokuthatha inxaxheba ekuthatheni izigqibo nolawulo olubambeneyo lwezinto eziphilayo zolwandle. URhulumente kaZwelonke, owamaPhondo kunye nowaseMakhaya banike inxaso ekuqinisekiseni ukuba abalobi abakhasayo badlala indima efanelekileyo ekunciphiseni indlela nasekuziseni ukutya nasekuhlumiseni nokuphuhlisa uqoqosho lasekuhlaleni ngokomthetho wokuhlala, uthatho nxaxheba olulinganayo nokusetyenziswa kwezinto zolwandle ngendlela yokulondolozisa. Ukuphumeza ezimbono, imiba engundoqo kulo mgaqo-nkqubo ngabantu nokuhlala; ukusekwa kwexabiso ukusukela ekukhupheni ukuya ekuthengiseni; kulawulo, ekujongeni naseku khuseleli; ekufundeni, ulwazi nolondolozo.

Lo mgaqo-nkqubo uvelisa indlela etshintshileyo kweyangaphambili namanyathelo amatsha abalobi abakhasayo. Isebe lezoLimo, amaHlathi nezokuLoba lifuna kuqwalaselwe izinto ezikhoyo ngendlela entsha, inkqubela phambili yamalungelo abantu kwindawo ezichaphazelekayo, injongo zokuphuhlisa uqoqosho, nokusetyenziswa kwezinto zolwandle ngendlela ekhuthaza ulondolozo, uncedise nokumisela ubuni bokuhlala nophuhliso.

4.1 Abantu noluntu

4.1.1 Ukuqhelanisa abantu nendlela esekelezwe kwintlalo yabo

Lo mgaqo-nkqubo ucebisa ukuba kutshintswe kwindlela yolawulo lwangaphambili kusetyenziswe indlela egxininisa ekuhlaleni nasekusekweni kwamaqumrhu okuhlala okuloba nokulawula izinto eziphilayo zolwandle nasekwabiweni kwamalungelo okuloba kumaqumrhu asemthethweni anxulumene ngokupheleleyo nabalobi abakhasayo. Olu tshintsho lunika ithuba kubalobi nabahlali abakwaziyo ukubonakalisa imbali yabo njengabalobi abakhasayo. Ikhuthaza ukugqamisa ingeniso ebonakaliswa ngabalobi abakhasayo ekukhuseleni indalo, usetyenziso lomoya nokukhula komsebenzi.

Isebe liyavuma ukuba ukwabiwa kwamalungelo yeyona ndlela yokuphakamisa abahlali kodwa ukwabelana ngolwazi kufuneka nangakumbi ukuphumeza oku. Lo mgaqo-nkqubo uvelisa indlela entsha yokukhuthaza uphuhliso nokuphakamisa abalobi abakhasayo bokuhlala ngokuncedisa kwinzame zokuphuhlisa indlela, uqinisekise ubukho bokutya nokukhuthaza ulwabiwo olungatshabalalisi ezendalo.

Lo mgaqo-nkqubo ufuna ukunika umkhomba ndlela ngendlela yonxibelelwano labalobi abakhasayo nezinto eziphilayo zolwandle nendlela le eziphila ngayo intlobo zeentlanzi ezilotywayo. Ngokuvelisa indlela yamaqumrhu lo mgaqo-nkqubo ubona imfuneko yokulinganisa amalungelo abantu ngaxesha nye uqinisekisa ulondolozo lwezinto zolwandle.

Lo mgaqo-nkqubo undulula ukuba indima yokuloba nokulawula izinto eziphilayo elwandle kwabelwane ngayo nguRhulumente nabalobi abakhasayo. Oku kulungiselelwe oluhlobo:

- a) kubunini belungelo
- b) izivumelwano nezixhobo zolawulo
- c) kumalungiselelo angaphakathi
- d) uqeqesho lokwandisa ulwazi ekuqapheleni nasekunyanzelisweni komthetho – konke oku kuyaqwalaselwa apha ngezantsi.

Oluhlobo luthetha ukuquka abalobi abakhasayo nabanye abantu abahlala kufutshane nonxweme ekuthatheni izigqibo ngokuloba nokulawula ukulotywa nokongiwa kweentlanzi nokuqaphela elicandelo labalobi. Ulawulo lobambiswano luya kuphucula ukuthabatha

inxaxheba kwabantu ekulawuleni izinto zendalo nezophuhliso. Isicwangciso apho uRhulumente nabalobi babelana ngoxanduva lokulawula izinto eziphilayo zaselwandle linesiseko kwaye yindlela esetyenziswayo kwezemvelo nolawulo lwecandelo lezinto eziphilayo ingakumbi kwindawo ezikhuselweyo nezinolondolozo lwezinto eziphilayo.

4.1.2 Utshintsho kunye nesini

Isebe liyithathela ingqalelo into yokuba abalobi abakhasayo bafanele bamkelwe kwaye babekwe phambili ngenxa yokubaluleka kwezentlalo, kuqoqosho loluntu nakuqoqosho ngokubanzi. Igalelo labalobi lamawaka-waka abantu ababandakanyeka nqo nabo bangabandakanyeki nqo ekulobeni balulutho olukhulu kuqoqosho lukazwelonke. Kubalulekile ukuthatha ingqalelo yokuba kulindeleke udidi oluphezulu lwentlanzi kunye nemveliso yayo kweliqela labalobi ngenxa yezixhobo ezisetyenziswayo ukuloba nokuyiphatha. Kufuneka inguqu kwelicandelo khon'ukuze lixhamle inzuzo. Inguqu elindelekileyo yeyokuba elicandelo libenokufikelela kwiindlela zemveli zokuloba, linikwe nenkxaso efanelekileyo namathuba okusebenza kwimeko ezilivumelayo.

Imfuneko yokunika amathuba alinganayo kwabasetyhini ngokufanayo namadoda icela umngeni kuRhulumente ngenxa yemigaqo-nkqubo eyamiliselwayo neyayisekelezwe kwinkolo yobukhulu bootata. Abasetyhini bebesoloko bedlala indima enkulu kumsebenzi ophambi nasemva kokuloba apha eMzantsi Afrika, kwezinye indawo abasetyhini ngabona bantu baloba izinto ezixozwayo elwandle. Kwamanye amacandelo abasetyhini badlala indima enkulu ekuphuhliseni amashishini okuloba ngokunikela ngomsebenzi ekulondolozeni nokupakisha intlanzi. Kuleminyaka imbalwa idlulileyo, igalelo lehlabathi, ukuhlanganiswa kwamaziko okulungisa nokulondolozisa intlanzi elotyweyo notshintsho lweendawo zokothula intlanzi lukhokelele kulahleko lwemisebenzi emaphandleni.

Ukuwiswa kwemithetho yolingano ngeminyaka yo 90, idibene nogxininiso kumalungelo okulingana abasetyhini awamiliselwa kumgaqo-siseko yabangela intshukumo kaRhulumente ekhuthaza ukuba abasetyhini benze izicelo zamalungelo okuloba ngexesha eliphakathi lonyaka wama2002 nawethuba elide omnyaka wama2005. Lentshukumo yaba negalelo kwabasetyhini bephondo laseMantla neleNtsona-Koloni kuba babelwa amalungelo okuloba unonkala wase Ntshona Koloni kunye nawokuloba intlanzi elotywa ngelayini kwizicelo zexesha eliphakathi lonyaka. Inani elivisayo laba bantu basetyhini ngenxa yokuswela amava ekulobeni alizange lilobe ngokwalo, kodwa ngenxa lokuba namalungelo okuloba, laba yinxalenye leqela elinomdla nelithatha inxaxheba kwizigqibo ngokuloba. Lento yabanga ingxaki enkulu kwinkqubo yolwabiwo lexesha elide kuba aba basetyhini babezithatha njengabanawo amalungelo okuloba. Abo bangazange baphumelele ukufumaneni izicelo zamalungelo okuloba babhenela kuncedo lwethutyana luka 2007 no 2008 njengendlela yokufumana inkxaso-mali. Uninzi lwalamabhinqa lwasebenza kumaziko okucoca, okulungisa nokulondolozisa imveliso yentlanzi phambi kokuba avalwe ngenxa yophungulo lwabasebenzi. Kwiidolophu eziselunxwemeni inqongophele imisebenzi engeminye, kangangokuba uninzi lwabantu lubhenela ekulobeni njengomthombo wokufumana umvuzo. Iqaqobana lamabhinqa elafumana izabelo zexesha elifutshane

laqeqeshwa kukhuseleko lafumana iziqinisekiso. Eliqela lamabhinqa ngoku lifuna laye lizilungiselele ukungena ngokwalo elwandle koko alinazikhithshane zalo zokungena elwandle. EMPuma Koloni naKwaZulu Natal abasetyhini ababenikwe amalungelo njengabaxhomekeke ekulobeni, baloba ngeendlela zabo zamandulo zokuloba. Ababantu basetyhini bafuna ukuya elwandle ukuba bebenokukhethiswa. Nangona benokukhetha ukuya elwandle kuyafuneka bexhamle kwicandelo labalobi abasakhasayo.

Elona qikili likhulu lisuka ekubeni bebeqhele ukuxhamla ngaphambili kwelicandelo, kananjalo nentlupheko egqithileyo ekuhlaleni kwabo nokuswela iindlela zokuzuza izinto zokuziphilisa. Njengabondli bentsapho aba bafazi bakhe benze isinyanzeliso salamalungelo okuloba ngenxa yokungabikho kwacebo limbi lokuziphilisa. Ekuphakamiseni amalungelo abantu lomgaqo-siseko unyanzelisa ukuqwalaselwa kwemfuno yokulungisa imbali yengcinezelo nokungalingani kwexa elidlulileyo nokubeka ukulingana ngokwesini kwisazinge sotshintsho selicandelo ngokukumgca nombono nemimiselo equlathwe kwisiseko somgaqo-nkqubo wobuni kazwelonke. Umgaqo-nkqubo uphakamisa ukongezeleka kwexabiso nenkxaso ngendima abanokuyidlala abasetyhini ngokuthatha inxaxheba kwabo kwicandelo labalobi abakhasayo. Ekufuneka isiwe iso kakhulu kukuqwalasela inxaxheba yabasetyhini ekuqulunqeni amacebo okulawula, ukuthetha-thethana ngezigqibo zolawulo oluhlangeneyo nokuseka imibutho yolawulo. Oku kuquka:

- a) ukuphucula ukuxhobisa abasetyhini abakwicandelo labalobi abakhasayo kwezoqoqosho; kunye
- b) nokutshintsha indlela ekwakusenziwa ngayo izinto neyayilibazisa inkqubela-phambili yabantu basetyhini ekufikeleleni nasekuxhamleni ekulobeni, ekuqasheni, ekuphuhliseni kwezakhono zabo kwezoqoqosho nasekuthatheni izigqibo.

Lomgaqo-nkqubo uphakamisa intsebenziswano kuwo onke amacandelo okuloba ukuqinisekisa ukulinganiswa kwesini kwicandelo labalobi abakhasayo nakumaqumrhu okuloba asemthethweni.. Iindlela nemibutho ephunyezwa ngulomgaqo-nkqubo kufuneka zilandele ezingongoma zobuni zilandelayo:

- a) abasetyhini kufuneka baxhotyiselwe ukuze bakwazi ukuzisebenzisela amalungelo abo okuthabatha inxaxheba ekulawulweni kwezinto eziphilayo zaselwandle. Oku kubaluleke kakhulu kuba abasetyhini bazibandakanya kakhulu ekukhuliseni uqoqosho loluntu nobukho bokutya;
- b) ukuqinisekisa ukuba abasetyhini bathatha inxaxheba;
- c) kuqeqeshwe abasetyhini bakwazi ukuthatha inxaxheba ekuthengiseni. Oku kuquka ubuchule kumacandelo ezoshishino, ekulungiseni nasekuthengiseni ngokubanzi;
- d) uqeqesho lwabasetyhini bakwazi ukubandakanyeka kwezo khenketho nakwizithuba zokulawula uqoqosho lonxweme, ezokupheka, abalawuli bokhenketho nokukhokela indwendwe njalo njalo;
- e) ukulungiswa kweendawo zokuloba ukwenzela abasetyhini bakwazi ukuthatha inxaxheba;
- f) ukumela umelo olulinganayo kumacandelo anxulumene nabalobi abakhasayo;

- g) ukufundiswa kwabasetyhini ekuqinisekiseni ukuqesha nobunini kumacandelo ofuyo lwentlanzi.

4.1.3 Ukhuseleko loluntu nekhaso ngexa lentlekele

Isebe liyithathela ingqalelo into yokuba abalobi abakhasayo bangahle kanti bebengenakufikelela kulungiselelo lokhuseleko loluntu kwixa elidlulileyo. Ukuqinisekisa ukuba abalobi abakhasayo nabakwiqela labantu elimiselwe ngokusemthweni balungiselelwe kumnatha wokhuseleko loluntu kaRhulumente, isebe lizakuphembelela inkqubo yokuqinisekisa ukuba iindlela ezifanelekileyo zisekiwe.

Isebe liyazi ukuba abalobi abakhasayo bangafuna inkxaso okanye uncedo ngexesha lentlekele nokuba yeyendalo okanye eyenziwe ngabantu, ebangela ukuxhalaba okanye ukufa, ukwenzakala okanye isifo okanye ephazamisa ukuphila koluntu. Isebe kufuneka lenze iindlela zokuhlangabezana neso sehlo liqinisekise ukuba libekele bucala ingxowa yoncedo lecandelo labalobi abakhasayo ngexa lentlekele okanye uncedo phantsi kwemeko ezifanelekileyo.

Liyiqwalasele kananjalo eyokuba unxibelelwano nentsebenziswano namanye amasebe anje ngeZendalo, eloThutho neloPhuhliso Lwezentlalo, kananjalo nooRhulumente bamaPhondo kunye nooMaspala lubalulekile ukuze kufezekiswe oku.

Imibutho esekelwe ngokomthetho eluntwini ingaseka ingxowa eyodwa yokuncedisana nabalobi abakhasayo ngexesha likaxakeka.

4.1.4 Amalungelo abasebenzi nokhuseleko elwandle

Njengabasebenzi basezifama nabasemakhitshini, abalobi basemngciphekweni ngamaxesha entswela-ngqesho, okugula nangawo kufa komondli wosapho. Bakwakomnye umngcipheko wokuxhatshazwa ngabanini zikhitshane abangenasazela, abathengisi kunye nabalobi bezoshishino nokuxhatshazwa kwamalungelo okuqeshwa asenokuchaphazeleka. Amalungelo abo asiseko semimiselo yengqesho angahle anyhashwe. Imigangatho yomsebenzi elindelekileyo nesiseko semimiselo yengqesho yelicandelo kufuneka iphuhliswe ngokungqamene neengcebiso zombutho Wehlabathi Wabasebenzi. Ongqwalasela ebanzi mayisiwe iso kwabasetyhini ngokokusebenza.

Isebe liyayingqina eyokuba abalobi abakhasayo banegalelo kwingxowa eyodwa elungiselelwe abantu abonzakele kwingozi zendlela kodwa abancedwa xa belimele elwandle. Isebe libona imfuneko yokusebenzisana nasekungeneni ezingxoxweni nesebe lezothutho ngalo mba nangezinye izinto ezixhalabisayo, eziquka uphuhliso nonyanzeliso lamazinga okhuseleko afanekileyo.

4.2 Uludwe lonikezelwano / ingqwalasela yamaxabiso ukusukela ekulobeni ukuya kwindawo zentengiso

Isebe liyithathela ingqalelo eyokuba imiqathango yentengiso ngokweemfuno kuMgaqo-Nkqubo wokuloba wethuba elide nemimiselo engqongqo ekwizivumelwano phakathi kwabalobi nabanini bamaziko okugcina nokulondoloza intlanzi apho intlawulo engaphambili inokuba kwinkxwaleko yabalobi.

Isebe liyayazi eyokuba ukuze abahlali bafumane inzuzo ekulobeni kufuneka luthathe uxanduva lokongezelela ixabiso kwizinto eziphilayo zaselwandle yaye bazuze ngokunokwabo kule nquleqhu. Isebe linoxanduva lokunceda abantu abaselunxwemeni ngenkxaso yobuxhaka-xhaka efanelekileyo, ingcebiso nezinye iindlela ezifanelekileyo ukufezekisa lenjongo. UMgaqo-Nkqubo ugunyazisa indlela ezinokunceda abalobi ngokuthengisa iintlanzi abazilobileyo. Ezindlela zibandakanya ezi:

- a) isicwangciso senkxaso sokugcina nokulondoloza intlanzi. Singaluhlobo lwemali okanye iindawo ezakhiweyo nezikhenkisi zokugcina intlanzi;
- b) ukuqeqeshwa loluntu oluphuma kwindawo ekulotywa kuzo, nokuba bangabalobi okanye abangabo, kwiindawo zokulungisa nokugcina, ukuthengisa, ukuthutha nokuthumela intlanzi ngaphesheya nesiseko sezakhono zoshishino ezinje ngokuphatha imali, ulawulo lwabantu, amalungiselelo nolawulo lwamashishini;
- c) isicwangciso senkxaso yokuseka amaqumrhu okuhlala namaqumrhu obunini bokuthengisa, ingakumbi ezi joliswe ekuveliseni intlanzi yexabiso eliphezulu nebanjwe ngabalobi abakhasayo besebenzisa iindlela zokuloba ezilungele ulondolozo lwendalo;
- d) uyilo lwesiqinisekiso sokubamba soMzantsi Afrika esibonisa ukuba imveliso yeyentlanzi ebanjiswe ngendlela zamandulo zokhuseleko lwendalo ezingabonisi kubanjwa kwezinye iintlanzi ngaphandle kwezo kujoliswe kuzo. Esi siqinisekiso sizakubonisa ukuba lamaqumrhu entengiso alandela umgangatho ophezulu nohloniphekileyo ngokwezentlalo. Inzuzo kwizinto eziphilayo zaselwandle iyakuba lulutho kubalobi, kumaqumrhu entengiso nakuMzantsi Afrika ngokubanzi.
- e) ukuyilwa kwendlela ezikhethekileyo zezokuloba / ubuchule benzuzo eqinisekisa ixabiso eliphezulu kwabo basanda kuzibandakanya kwindlela yonikezelwano
- f) ukuyilwa kwendlela yenxaso mali eyodwa nephuhlileyo yabalobi.

4.3 Ulawulo, ukulinda nokunyanzelisa umthetho

4.3.1 Ulawulo lobambiswano lokuloba

Isebe liyayixhasa indlela eyobambiswano yolawulo lokuloba. Lendlela isekelezwe kwindlela neembono zoluntu. Ngokwalendlela isebe noluntu lwabelana ngoxanduva lolawulo lezokuloba. Ulawulo nobambiswano yindlela apho omabini amacala athatha inxaxheba elulawulweni

lokuloba nenobulungisa no lingwano kuluntu nokwabelana ngoxanduva lokulawula ukuphathwa kwezinto eziphilayo zaselwandle.

Olu lawulo lobambiswano ngezinto eziphilayo elwandle luthetha ukuba amaqela asekuhlaleni anomdla kwezokuloba, ingakumbi abalobi abaphuma kuluntu lalongingqi, ayaxhotyiswa ekuphuhliseni nasekuhlalutyeni uMgaqo-Nkqubo nasekulawuleni. Ulawulo lobambiswano luthetha ukuthatha inxaxheba kwabalobi kwizigqibo ngokuhlela kwazo kwiPhondo nakumasipala. Abameli babalobi kwindawo ethile bazakuseka iikomiti ezizakuhlala noRhulumente kwezolawulo lokuloba. Abameli babalobi abakhasayo kwingingqi nganye echaphazelekayo kunye noRhulumente bayakumelwa kwikomiti yobambiswano ngolawulo

Ubambiswano ngolawulo luzakuphunyezwa lomelezwe kwaye lusoloko lusomelezwa. Indlela eyakwamkeleka yolawulo iyakulungiselelwa ingingqi nengingqi. Ethubeni ubambiswano ngolawulo lwabalobi abakhasayo kuyakuphemelela:

- a) ukuphucula uxanduva lwentlalo nendalo ephucukileyo phakathi kwabalobi namanye amlungu asekuhlaleni;
- b) kuphucuka kokululanyelwa kwempatho yezokuloba;
- c) ukuxhotyiswa komntu ngamnye nangokudibeneyo kubungcali kwezokuloba;
- d) ukomeleza ilungelo lokuzikhethela;
- e) usetyenziso lwezinto zaselwandle eziphilayo ngolondolozo.

lindlela ezahlukeneyo zolawulo lokuloba kufuneka zenzelwe iindawo ngokwahluka kweemeko zonxweme neendlela zokulobela ukuziphilisa.

4.3.2 Ukululamela, ukuqaphela nokugunyazisa umthetho

Isebe liyithathela ingqalelo eyokuba uluntu olulobawo lulona lukwimeko engcono yokukhusela indalo ngokulinda nokunika ingxelo ngabophuli-mthetho. Noxa isebe ilelona linxanduva lokuqinisekisa ukuthotyelwa komthetho nemiqathango, loMgaqo-Nkqubo unika indlela yokuthobela nokugunyazisa komthetho oxhasa abalobi abakhasayo bathobele imiqathango ngokwabelana ngolawulo. Ubugebenga obucetyiweyo buyakuliwa ngamacandelo angaphakathi asebuRhulumenteni.

Imfundo noqeqesho zibalulekile ukuqinisekisa ukuba uluntu lunezakhona nenkxaso efunekayo yokuqaphela ukuloba neentshukumo ezinxulumeneyo nasekuthinteleni ukuloba okungekho mthethweni. Isebe lizakuvelisa indlela zokufundisa nokuzisa ubuchule kumaqumrhu abalobi abakhasayo asekuhlaleni ukuqinisekisa ukuba beza negalelo kwezokhuselo. Oku kufanele kube nje:

- a) kunike umkhomba-ndlela ngendlela yokumisela ulawulo lobambiswano lokuqaphela nokugunyazisa imilinganiselo yezabelo zamaqumrhu abalobi abakhasayo okuhlala;

- b) kwenziwe indlela elula lamaqumrhu akwazi ukuzalisekisa izigqibo zokugcina inkcukacha zesivuno sabahlali nokudandalazisa ingxelo epheleleyo; kunye
- c) nokunikezelwa koqeqesho ekwazini ngohlobo lwentlanzi olubalulekileyo.

LoMgaqo-Nkqubo ulungiselelwe ulawulo lobambiswano nobekelo bucala lendawo ezithile ezibekelwe phambili ukulungiselela abalobi abakhasayo. Ngumdlawabalobi ukukhusela izinto eziphilayo zaselwandle abanelungelo kuzo. Oku kungaqala kuphunyezwe ngokunika ingxelo ngamanani alotyweyo ngabalobi abakhasayo kwindawo abaloba kuzo. Okwesibini, abalobi bayakunika ingqwalasela yokungena kwimida emiselwe bona ekuqinisekiseni ukuba abantu abangena mvume nabantu nje ngokubanzi abazixhaphazi izinto zolwandle njengokuba oko kuyakuchaphazela umlinganiselo wesivuno olinganiselwe bona.

Izicwangciso zokunonophela kufuneka zimiselwe yikomiti lolawulo olubambeneyo, kwindawo nganye yabalobi abakhasayo kufuneka kuqeshwe amagosa okuqaphela izinto ezikhutshiweyo elwandle. Igosa lokuqaphela izinto ezikhutshiweyo elwandle lifanele ukuqeqeshwe lisebe. Kuyakubaluleka ukuqasha ngaphezu komntu omnye indawo nganye. Ulwazi oluqokolelwe ngumqokeleli wezinto zolwandle ndawonye nolwazi lwabalobi ngokubanzi luyakunceda ekwandiseni ulwazi kwikomiti yobambiswano, lo nto iyakuncedisa ukuhlaziya izicwangciso zolawulo kananjalo incedise izise amcebo akhawulezileyo xa kukho ukwehla kwesivuno saselwandle.

Umphathiswa anganyula amalungu abalobi abakhasayo okanye amaqumrhu asemthethweni abengabakhuseli bendalo abazinikeleyo nabanikwe amagunya athile. Kungenjalo icandelo 50 loMthetho weZinto eziPhilayo zaselwandle (MLRA) lingaphuculwa ukuze longezelele amandla kubalindi abasebenza emhlabeni. Aba balindi bangaqinisekisa ululamelomthetho, balinde kwaye benze nawuphi na omnye usebenzi ogunyaziswe ngumphathiswa.

Kungafakelelwa umqathango kwiincwadi zokusekwa kwamaqumrhu asemthethweni othi ilungu lequmrhu elisemthethweni lingaxothwa kweloqumrhu afunyenwe enetyala lokophula uMthetho weZinto eziPhilayo zaselwandle.

4.4 Imfundo, iinkcukacha ngokuqhubekayo

4.4.1 Ukuphuculwa kwezakhono, ukulawula ungquzulwano nokusombulula ingxaki

Lomgaqo-nkqubo ubhengeza ukuba kuyilwe indlela yokuphuculwa kwezakhono zabalobi abakhasayonokueliswa kwezigaba zoqeqesho (ngokunxulumana nesSebe labaSebenzi nkwakunye noSETA). Isebe liyinika ingqwalasela into yokuba ukuphuculwa kwezakhono kubalulekile ekuqinisekiseni ukuba iqela loluntu elilobayo liyakwazi ukulawula nokusebenzisa izinto eziphilayo zaselwandle kwingingqi yabo, baphucule umgangatho, bathabathe inxaxheba kwizicwangciso ezinegalelo kwimpilo yelicandelo, njengenqubo ye Sicwangciso soPhuhliso esiDibeneyo. Isebe liyazi kananjalo ukuba ukuphuculwa kwezakhono, uqeqesho nokuphuhlisa

kolwazi kuyafuneka, kwaye kufuneka kulungiselelwe umzekelo ekusekeni imibutho esekwe eluntwini ngokwasemthethweni; ukulungiselela nokuvelisa izicwangciso zolawulo; uthetha-thethwano lokuphelisa impixano; ukuqaphela nokubhalisa amanani entlanzi ebanjisiweyo nokusebenza ngokufezekileyo kweekomiti ezidibeneyo zolawulo. Amaphondo, oomaspala nemibutho ezimeleyo ziyakudlala indima ebalulekileyo ekuphuculweni kwezakhono nokunika uqeqesho kuluntu olulobayo lasekuhlaleni. Oluphuculo lwezakhono kufuneka lusombulule ingxaki ngokukodwa ezabasetyhini. Isebe linolwazi lokuba lifanele longeze amandla lizokukwazi ukumelana nalo msebenzi wabalobi abakhasayo nasekuqinisekiseni ukuba wonke ubani uthabatha inxaxheba kwindlela edibeneyo ekhankanywayo kulo Mgaqo-Nkqubo.

4.4.2 UMgaqo-Nkqubo kunye nomthetho

Lo Mgaqo-Nkqubo kufuneka uhlalutywe njalo uthlekiswa neenjongo nabantu abachapazelekayo banikwe ithuba lokuhlomla. Abantu abachaphazelekayo kufuneka baziswe ngokupheleleyo ngemithetho enxulumene noMgaqo-Nkqubo, obandakanya imithetho yelizwe jikelele, amaPhondo, neyoMasipala echaphazela iimpilo zabo. Indlela yolawulo oludibeneyo ibifanele ukunikezela ngamathuba iqonga lokuqonda ngokufezekileyo ukusetyenziswa koMgaqo-Nkqubo nothetho ochaphazela bonke abachaphazelekayo nabanomdla ekulobeni.

4.4.3 Uphando olungqale kwiintlobo nolawulo lwentlanzi

Iziggibo zolondolozo nolawulo lokuloba kufuneka zisekelezwe kobona bungqina bolwazi buphambili nobufumanekayo, ulwazi ngeentlanzi neendawo ezihlala kuzo, nendawo efanekileyo, ezoqoqosho nezentlalo. Isebe kufuneka liyibeke phambili yabalobi abakhasayo nophando lweentlobo ngeentlobo zeentlanzi nokuqokelelwa kweenkcukacha ukuphucula ulwazi nzulu nobuxhaka-xhaka bolwazi lozokuloba nokunxibelelana kwazo nendlela nendawo eziphila kuzo.

4.4.4 Uphando nobuchule bale mihla

Uphando ngabalobi abakhasayo lufanele ludibanise zonke inkcukacha zoluhlobo labalobi kunye nobuchule bale mihla buvavanywe ngikusebenzisa indlela ebizwa ngokuba yi 'Fisher System' efanayo nebizwa ngokuba 'yindlela yophando lokulima nophuhliso (FSRD). Ifanele ukuquka uphando loqoqosho / lentengiso, ukuqokelelela nokulungisa iinkcukacha kuvimba wolwazi, uvavanyo lobuchule bale mihla obusetyenziswa kumazwe asakhulayo anecandelo labalobi abakhasayo, ubuchwepheshe bokucholachola uqokelela nokuhlalutywo ulwazi lwasekuhlaleni ekunokwenzeka ukuba lusetyenziswe njengolutsha. Isebe lifanele nokulubekela phambili uphando olukhokelela kuqoqosho lwendalo nakuphuhliso ubuchule bale mihla bendalo. Uphando lokwandisa ubuchule bale mihla ngendlela zokuloba ngolondolozo malukhuthazwe luphuhliswe.

4.4.5 Inxaso nengcebiso ngobuchule bale mihla

Isebe liyazi ukuba impumelelo yaloMgaqo-Nkqubo ixhomekeke kubuchule obufezekileyo nomnatha wenkxaso yengcebiso onakho ukuthumela ubuchwephesha nolwazi kwelona nqanaba lisezantsi loluntu. Lo nkozo imele ukuquka uqeqesho nolwazi kuyo yonke imiba yabalobi abakhasayo, kwaye kubandakanywe neziko lenkxaso lendibaniselwano yabalobi njengombindi apho abalobi banokufumana iinkcukacha zophando, ulwazi ngotshintsho lwemo yezulu, intshukumo yeentlanzi, ubuxhaka-xhaka obufanelekileyo, amaphepha-mvume namnye amxwebhu asuka kuvimba weenkukacha kungafunekanga ukuba ubani ahambele kuNdlunkulu(eKapa).

Loo maziko angalawulwa ngokuhlangeneyo kwaye angaquka icandelo elilawulwa luluntu ukwenzela ukubonelela ngesiseko sokuloba nezinye iimfuno ekunzima ukuzifumana ngenxa yomgama nokungabi nazithuthi. Amaziko kufanele ukuba abe negosa elise ofisini elikwaziyo ukunxibelelana nengcali kwezobuchwephesha kwindima ezithile ezinokuphucula imfezeko yelilinge.

5 IINDLELA NEZIXHOBO EZISETYENZISWA KULAWULO LWABALOBI ABAKHASAYO

5.1 Izixhobo zolawulo nokusebenza

LoMgaqo-Nkqubo ukhuthaza indlela zolawulo nezixhobo ezinokusetyenziswa kusenzelwa abalobi abakhasayo. Oku kuquka okuhlolwa kwemeko yezinto eziophilayo elwandle; izicwangciso zolawulo; ukucandwa kwemida ebekelwe abalobi abakhasayo kuphela; kwakunye nezizigqibo. Indlela nganye kwezi ikhankanywa ngokufutshane apha mgezantsi.

5.1.1 Indlela yokukhangela ubukho bentlanzi

Uvavanyo lokufumanisa ukuba zeziphi iintlanzi ezinokuvumeleka kubalobi abakhasayo lufanele lwenziwe rhoqo; indlela zokuloba ngolondolozo kunye nendawo ezifanelekileyo, nemida ebekelwe abalobi abakhasayo. Oluvavanyo lakugxila ekwandeni nasekukhupheni iintlobo zentlanzi ezingu ndoqo, nezisetyenziswa ngabalobi abakhasayo. Ingqwalasela yolu vavanyo iyakuba sekwabeni iintlobo zentlanzi ngemveli ngokuphikisanayo ekunikeni ingqwalasela eyodwa kuluntu labalobi abakhasayo kuphela. Isebe lifanele ligxile kuvavanyo oluchaphazela abanye abantu, malunike nenkxaso kuluntu lwabalobi abakhasayo. Unxulumano malenziwe kumaqumrhu asekuhlaleni okulawula izinto eziphilayo zolwandle ngokohlokana kweendawo. Olu vavanyo maluquke indlela eziphila ngayo nezikho iintlanzi kwezindawo zabiwa kuzo; nophando lwezoqoqosho nemfuneko zokuziphilisa, ukomelezwa nokunqaba kwazo kwindawo zakuloba.

Lo nto ingenziwa ngokunxulumana kwamaqela, intlanganisela nyabathathi nxaxheba afana noRhulumente wasekuhlaleni nowePhondo, abanikazi bamalungelo (apho kufanelekileyo) nemibutho engekho phantsi kukaRhulumente. Ubukho babalawuli boMasipala nabaMaphondo mabuqinisekise ukuba olu uvavanyo lunikela ingqalelo izinto ezingu ndoqo, kwakunye

neSicwangciso soPhuhliso oluHlangeneyo (Intergrated Development Plan / IDP) neCebo lokuHluma noPhuhliso sePhondo (Provincial Growth and Development Strategy / PGDS) ekulungiseni izinto ezingu ndoqo nezinomdla wabalobi abakhasayo.

5.1.2 Ukwahlulwa kwendawo zoluntu lwabalobi abakhasayo

UMgaqo-Nkqubo ukhuthazo ukuba iindawo ezithile apha elunxwemeni zingacandwa zabelwe abalobi abakhasayo. Emva kokuba uluntu lumisele iqumrhu elisemthethweni ngokwecandelo 5.2.2, ingingqi leyo ingafka isicelo sokuba lo ndawo yaziwe njenge ndawo ebekelwe abalobi abakhasayo boluntu lokuhlala. Isebe liyakunxulumana namanye amasebe agunyazisa imiqathango kwiindawo ezifunwa ngabalobi nabanye abantu abachaphazelekayo.

Apho kukho ungquzulwano lwemida phakathi kwabalobi abakhasayo, phakathi kweengingqi okanye kufanele kwahlulwe indawo ezabelwe abalobi abakhasayo uMphathiswa, umLawuli Jikelele okanye iqumrhu loluntu labalobi lingachaphazeleka njengoko kuchaziwe kwisihloko esithi *ukulawula ungquzulwano nokusombulula ingxaki*.

Ubuchule obuninzi bolawulo bungasetyenziswa kule mimandla ichaphazelekayo. Kwezinye iindawo ilungelo elilodwa lokungena linganikwa abalobi abakhasayo balisebenzise ngamaxesha athile. Olu luntu lokuloba lokuhlala lunganikwa amlungelo akhethekileyo okusebenzisa izinto eziphilayo zolwandle nendawo leyo ilawulwe luluntu ndawonye nesebe kwikomiti yobambiswano ngolawulo. Eyona mida yale ndawo ingagqitywa ngokuchaphazela imiba yokuhlala nezozoqosho, ukubho bentlanzi nezinye izinto eziphilayo elwandle, ubukho bazo nokusetyenziswa kwentlanzi ngezolonwabo, nokubandakanya abo banomdla nabachaphazelekayo. Kuzakubakho iindawo zokukhupha iintlanzi ezinemiqathango yokuqaphela kwabalobi bokuhlala nendlela yokugcina iinkcukacha. Ngokunxulumene nokucandwa kwemida loluntu lwabalobi abakhasayo makudityaniswe neSicwangciso soPhuhliso esiHlangeneyo (IDP) ekuqinisekiseni ukuba ezo ndawo zingu ndoqo zihlanganiswe kuhlumo loqoqosho lokuhlala; ndawonye neziCwangciso zoLawulo loNcweme (Coastal Management Programmes) kunye naso nasiphi isicwangciso esiveliswe laleliph i sebe likaRhulumente elichaphazela imimandla yoluntu labalobi abakhasayo.

Amanye amacandelo okuloba / nezinto zophuhliso zingavunyelwa kule mida kuphela xa kunqwale ikomiti yobambiswano yolwandle lengingqi.

Amacandelo kaRhulument xa ebonisa izicwangciso ezingundoqo zophuhliso makathathe iindawo ezicandelwe uluntu lwabalobi abakhasayo, ekuqinisekiseni ukuba ilungelo lokungena elwandle aligqitywanga nje koko liyasebenza.

5.1.3 Izicwangciso zolawulo

Isebe malivelise uhlobo lwesicwangciso solawulo ukunika umkhomba-ndlela wokwenza nokulawula izinto kwinqanaba lokuhlala ukuqinisekisa indlela yokwenza ehlangeneyo. Izinto ezingu ndoqo nezifunekayo kubalobi balo ngingqi maziqwalaselwe xa kwenziwa isicwangciso sophuhliso lolawulo lwengingqikube nomqathango welungelo lokuloba kwindawo ethile nekuvunyelwene ngalo ngendlela yothatho nxaxheba lokuhlala. Izinto ezingu ndoqo zokuphuhlisa isicwangciso sokwenza mazidandalaliswe emthethweni okanye kwizixhobo ezamkelekileyo zoMgaqo-Nkqubo.

Umongo, amanqanaba olwazi nendlela ezi zicwangciso ezizakuphuhliswa zamkelwe ngazo zizakugqitywa kwimiqathango (izicwangciso zomthetho ovunyiweyo / obhaliweyo), okanye kwizalathiso (ekulula ukuzitshintsha nezinokuguqulwa). Izicwangciso zokwenza zifanele zongeze ixabiso kwizinto eziphilayo zolwandle nokwandisa ukuphuhliswa kwamaziko entengiso zoluntu. Kukhuthazwa ukuba ezi zicwangciso zokwenza mazifane neziCwangciso zoPhuhliso eziHlangeneyo zeziCwangciso zoLawulo loNxweme lo masipala bokuhlala nabo bengingqi (Local and District's Coastal Plans).

Izicwangciso zolawulo zifanele apho kufanelekileyo zinike izalathiso ngendlela yokunika abantu abayimfuneko nabatsha abanomdla abaneminyaka engaphantsi kwe 18, ingakumbi abo bazinkokheli zentsapho. Ezi zicwangciso mazilungise imiba zokungalingani ngesini okwenzeka ekuhlaleni nokuqinisekisa nendlela zokhuselo nenkcukacha zokusebenza nokubhalwa kwentlanzi ezikhutshiweyo.

5.1.4 Ubugcisa bendlela zolawulo

UMgaqo-Nkqubo ucebisa ukuba kwenziwe indlela zobugcisa bolawulo ezohlukeneyo eziyakuxhomekeka ngokohlukana kwengingqi ekulawuleni izinto eziphilayo zolwandle kwicandelo labalobi abakhasayo. Ezi ndlela ziquka ezi, ngokunga bophelelekanga, umlinganiselo wesivuno ovumelekileyo (Total Allowable Catches / TAC) ne zinzame ngokupheleleyo (Total Applied Efforts / TAE); indawo ezivaliweyo namaxesha okuvala; imilinganiselo nenali elivumelekileyo; ukuchaza ngendlela nezixhobo zokuloba; ukuqaphela nokubhala iinkcukacha zeentlanzi.

5.1.5 Izivumelwano

Ukuqinisekisa ukusebenza kolawulo lobambiswano lo Mgaqo-Nkqubo ukhutaza ukuba izibophelelo zobambiswano ngolawulo zenziwe ukulawula unxibelelwano phakathi koRhulumente nabalobi abakhasayo ekulawuleni izinto eziphilayo zolwandle. Umsebenzi weqela ngalinye uchazwe ngokupheleleyo. Ezi zigqibo zolawulo lobambiswano mazenziwe ngendlela engazu kudlela indlela kwinzuzo uluntu labalobi abakhasayo nengazukuphazamisa indlela eziphila ngayo into zolwandle kananjalo inike inxaso kwimbono zalo Mgaqo-Nkqubo. Izivumelwano / izigqibo zobambiswano lolawulo mazibandakanye umkhomba-ndlela womthetho ofanelekileyo, zichazele noku kulandelayo:

- a) imisebenzi nezibophelelo zamaqela;

- b) ukungena, nokusetyenziswa kwezinto eziphilayo, indawo zoluntu labalobi bokuhlala abakhasayo nemimandla evaliweyo;
- c) ukuvelisa izithuba zemisebenzi, ingakumbi kumaqela ahlelelekileyo;
- d) inxaso mali ekuqinisekiseni ukusebenza nokuvelisa izivumelwano zobambiswano zolawulo;
- e) ixesha lezi zivumelwano;
- f) ukophulwa kwezi zivumelwano; kunye
- g) nendlela zokusombulula ungquzulwano

Apho kukho imfuneko khona amaqumrhu asemthethweni angavunyelwa angene kwizivumelwano nabamelwane bokuhlala ngoko mthetho wamaqumrhu amalungelo abalobi abakhasayo abiwe khona ukunika ilungelo lokuwela imida okanye ukukhupha olunye uhlobo lwentlanzi ngokomgaqo. Noxa kunjalo, phambi kokuzibophelela isebe malixelwe ukuze linike imvume yoko apho kungazu kubakho ukuxhatshazwa kweentlanzi. Akukho zivumelwano makungenwe kuzo isebe lisala.

Ukuphumelela kokumiselwa kwamaqumrhu oluntu nobambiswano ngolawulo kuxhomekeke kwindlela ezithile nongenelelo lukaRhulumente noemibutho engekho phantsi kuka Rhulumente. Oku kuyachatshazelwa apha ngezantsi.

5.2 Izicwanciso zamaqela

UMgaqo-Nkqubo ukhuthaza ukuba kuveliswe kobuchwepheshe bezakhono ezohlukeneyo eziquka abameli kumacandelo ohlukeneyo kaRhulumente nabalobi abakhasayo; ezenzelwe amaqumrhu oluntu.

5.2.1 Ucwango lwemeko ezahlukeneyo

UMgaqo-Nkqubo ukhuthaza ukuba kuveliswe kobuchwepheshe bezakhono ezohlukeneyo eziquka iindlela zolawulo ezohlukeneyo. Kwinqanaba likaRhulumente kaZwelonke ikomiti yokuhlenganisa iingcebiso nokumisela uMthetho weZinto eziPhilayo zoLwandle., nezakucebisa kwizinto ezichaphazela abalobi abakhasayo. Kwinqanaba elilandelayo kusekwe ikomiti ezinikeleyo esebenzayo yolawulo ezakuqinisekisa intsebenziswano phakathi kwabalobi abakhasayo neSebe. Kwinqanaba lasekuhlaleni kukhuthazwa ukuba kusekwe ikomiti yobambiswano ngolawulo namaqumrhu oluntu asemthethweni azakujongana nokusekwa nezinto ezijongene nabalobi nendawo zabo.

5.2.2 Ukumisela amaqumrhu asekuhlaleni

Iqumrhu elisemthethweni loluntu

UMgaqo-Nkqubo ucebisa ukuba indawo nganye enabalobi iseke iqumrhu elisemthethweni apho abalobi bayakusebenza khona. Undoqo wala maqumrhu kukuzibandakanya nekomiti yolawulo lokuhlala, ilungise nobambiswano ngolawulo nendlela yoluntu njengoko usitsho uMgaqo-Nkqubo. Ezikomiti zizakuqinisekisa ukuba izinto eziphathelene nokuloba nolawulo lwezinto eziphilayo zolwandle zilawulwa ngendlela. Oku kuquka indima yokhuselo lwentlanzi nendlela ekulotywa ngazo. Ezi komiti ziyakudlala indima enkulu ekuqinisekiseni injongo zequmrhu loluntu nokunonophela indlela eziphila ngayo iintlanzi. Amaqumrhu oluntu azakunika abalobi abakhasayo indawo yokubeka iminqweno nemfuno zabanemiceli mingeni abajongene nayo.

Uhlobo lequmrhu loluntu olusemthethweni lakuxhomekeka kubalobi bokuhlala nakwindlela ekhankanya imfuno nemfuno zalo ndawo. Iqumrhu elisemthethweni lifanele ngokwecandelo 21 lokumiselwa kwamaqumrhu okanye naluphi uhlobo, ingaliqumrhu lamabango okanye ukopolotyeni.

Iqumrhu loluntu olusemthethweni liyakuxhas amalungu alo ngokukwazi ukuthatha izigqibo ukuba ngubani phakathim kwamalungu alo onokuvunyelwa asebenzise ilungelo elinikezelwa liqumrhu; bazakuzithengisa njani izivuno zabo; amalungu wabo azakuchaphazeleka njani ekunyuseni ixabiso. Xa ezimeko sezisenzeka kucetyiswa ukuba ingqwalasela eyodwa inikwe abasetyhini.

likomiti zobambiswano ngolawulo

Kufuneka kusungulwe iikomiti zobambiswano ngolawulo ukuze kufezekiswe indlela echazwe kwisahluko 4.4, sobambiswano ngolawulo Ezikomiti kufuneka ziqulethe abameli bayo yonke imigangatho yoburhulumente namalungu afenekileyo emibutho esemthethweni yasekuhlaleni yolawulo lobambiswano. Ulawulo oludibeneyo kwiindawo ezikufutshane neendawo ezikhuselekileyo zaselwandle kufuneka luquke nabameli lolawulo lolondolozo-ndalo.

5.2.3 Ukwahlula imisebenzi noxanduva

Isebe linoxanduva lokuphuhlisa uMgaqo-Nkqubo; ukubonisana nabo bonke abachaphazelekayo; ukuphanda izicelo zamalungelo okuloba (ukuhlola amaqumrhu oluntu asemthethweni); ukuvavanya izicelo; ukuhloba inkcukacha zokufaka izicelo (ikuvelisa iinkcukacha zokufaka izicelo, ukubhengeza iinkcukacha zobhaliso, ukunikezela ngezicelo) kunye nokukhupha amalungelo namaphepha mvume okuloba. Isebe liza kwabelana ngoxanduva lokulawula izinto eziphilayo zolwandle nequmrhu loluntu olusemthethweni kwikomiti yokwabelana ngolawulo. Lemibutho isemthethweni yasekuhlaleni kulindeleke ukuba izalisekise izigqibo ezithathwe yikomiti yolawulo abambiseneyo.

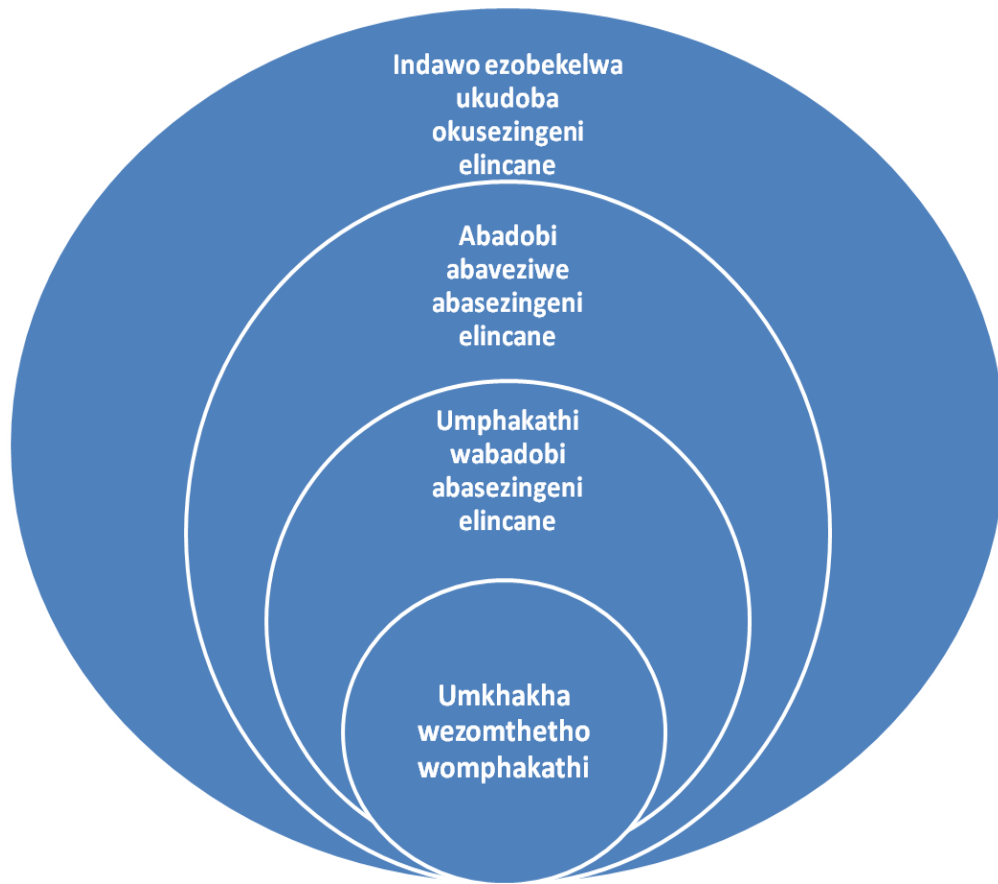
6 UKWABIWA KWAMALUNGelo ABALObI ABAKHASAYO

6.1 Ukufumana ilungelo

Lo Mgaqo ucebisa ukuba amalungelo abalobi abakhasayo unikwe amaqumrhu oluntu asemthethweni kulo ndawo inembali yabalobi abakhasayo. Akukho malungelo ayakunikwa kwiziqu, iziqu ezikumaqumrhu oluntu asemthethweni emiselwe ngokomgaqo nkqubo oyakuzuza ngelungelo elihlangeneyoleloqumrhu. Izinto eziphilayo zolwandle zizakulawulwa yikomiti yolawulo lobambiswano. Amanqanaba amaqumrhu asemthethweni afanele awalandele ukuze anikwe ilungelo achaziwe kwicandelo lendlela yokwabiwa kwamalungelo (6.2.5).

Indlela yokufumana ilungelo kwabalobi abakhasayo ngokwalo Mgaqo-Nkqubo ichazwa ngokupheleleyo kulo mzobo ongezantsi. Isangqa esingaphandle simele indawo elihlala neliloba kuyo uluntu labalobi abakhasayo; isangqa sesibini simele indawo abalobi abakhasayo abaquka abantu abanembali yokuloba, abalobi abangotata nabasetyhini (kuquka nentsapho zabo nabachaphazelekayo ekusebenzeni) abahlala nabaloba kule ngingqi; isangqa sesithathu simele abalobi abakhasayo abakwaziyo ukuveza ubungqina bokuba ngabalobi abakhasayo ngale ndlela kuchazwa ngayo kulo Mgaqo-Nkqubo; kanti sona isangqa esingaphakathi simele iqumrhu loluntu olusemthethweni labalobi abakhasayo (abanikwa ilungelo lokuloba).

Unxibelelwano lobunini malungelo luboniswa kumzobo ongezantsi



6.2 Ukwabiwa kwamalungelo abalobi abakhasayo

Esi sahluko sichaza utshintsho kwindlela elithathwa ngayo elicandelo labalobi, nehlonyelwe kuloMgaqo-Nkqubo exoxwe ngentla kwicandelo 4. Olutshintsho lufakela indlela entsha neyamkela ibe kwiindlela zamandulo zokuloba nokonga iintlanzi nezinye izinto eziphilayo zaselwandle. Kwangokunjalo iindlela entsha ufuna ukulungisa indlela eziphila ngayo izinto zolwandle ezilotywa nezilawulwa ngayo, inkqubela-phambili kwezokuhlala nezoqoqosho namalungelo abantu okuchaphazela uqoqosho lwezindawo. Utshintsho loMgaqo-Nkqubo lubandakanya imiba eyahlukeneyo kodwa eyalamanayo ekuka oku:

- a) utshintsho nembuyekezo yempathombi kwelicandelo;
- b) iindlela eyamkelekileyo ekusetyenzisweni kwegunya kwezokuloba; kunye
- c) iindlela zokulawula icandelo.

LoMgaqo-Nkqubo undulula ukwahluka kulawulo lwendeb' endala, ephakamisa egxile ekuqheliseni uluntu olulobayo nolusungula iindlela nemibuthoyasekuhlaleni ukuloba nokuphatha izinto eziphilayo zaselwandle licandelo, nokwabela abalobi abakhasayo amalungelo okuloba. Olu tshintsho lusemkhondweni wendlela ethe xaxe yehlabathi ebonisa ukutshintshela kulawulo lwezokuloba ethathela ingqalelo ukuthatha inxaxheba kwabalobi, nabaququzeleli basekuhlaleni nokwabelana ngothatho zigqibo. Utshintsho lwaloMgaqo-Nkqubo lwenzelelela abalobi

nezontsapho zibonisa imbali yokubandakanyeka kwelicandelo nokusebenzisa iindlela zamandulo zokuloba.

6.2.1 Ukwabiwa kwamalungelo abalobi abakhasayo

Amalungelo abiwe ngokwemimiselo yaloMgaqo-Nkqubo enzelwe ukuxhanyulwa nokunyuswa koluntu oluthile okanye uluntu ngokubanzi. Amaxwebhu afanelekileyo ehlabathi, amalungelo oluntu njengoko eboniswa kuMgaqo-siseko nakwimimiselo neenjongo zoMthetho wokuLawulo lweZinto eziPhilayo zaseLwandle (MLRA) nakuMgaqo-Nkqubo ziyakuthathelwa ingqalelo ukuqinisekisa amalungelo oqoqosho loluntu labalobi abakhasayo, ulinganiso lwelungelo lokuloba nophuhliso lwamaqela ahlumayo. Ngenxa yoku makunyuswe amalungelo amaqela ahlelekileyo.

6.2.2 Indlela yokwabiwa kwamalungelo esekezelwe eluntwini

Amalungelo okuloba amele abelwe amaqumrhu oluntu asemthethweni. La maqumrhu oluntu asemthethweni azakusekwa ziziqu ezikwaziyo ukunika ubungqina bokuba ngabalobi abakhasayo ngokwalo Mgaqo-Nkqubo nabakwaziyo ukubandakanyeka kwiqumrhu loluntu olusemthethweni. Iimpawu zokuba ungumlobi okhasayo nolilungu kweliqumrhu lisemthethweni zidandalazisiwe kwicandelo 6.2.4.

Isebe kufuneka lisungule iindlela zokuqinisekisa ubulungu kwaye apho kunembambano ngokwamkeleka ukubandakanywa njengelungu loluntu lwabalobi abakhasayo, loombambano kufuneka ithunyelwe kwisebe liyisombulule.

Isebe linika ilungelo lokuloba okanye apho kukho imfuneko khona, elokusebenzisa indawo yokugcina iintlanzi kwiqumrhu loluntu olusemthethweni omiselwe ngokwasemthethweni ilungelo lokuloba apho uluntu lumiselwe njengabalobi abakhasayo. Emva kokudlana indlebe noluntu lalondawo oluchaphazelekayo uRhulumente uthatha isigqibb ngendlela eyakusetyeziswa nokuba liyakusetyenziswa njani ilungelo elinikezelwe nguMphathiswa ukuze lisetyenziswe phakathi kwamalungu ombutho wasekuhlaleni omiselwe ngokwasemthethweni. Isebe kufuneka libambe udliwano-ndlebe ngokubanzi namalungu achaphazelekayo elicandelo lokuloba kwesi sigaba.

Abasetyhini nabantu abazizidalwa bangabekwa phambili kuluhlu lokuncedwa. Asinguye wonke umntu okuluntu olukwelicandelo lokuloba oyakufumana imvuma yokungena athathe inxaxheba nakuyiphi na intshukumo elwandle. Akukho malungelo ayakunikwa iziqu. Abalobi abakhasayo abanamalungelo ngokwemiqathango yamalungelo exesha ezabelo ezide nabangathathi nxaxheba kumaqumrhu oluntu asemthethweni abazukuvumeleka ukuba namalungelo ngokwemiqathango yalo Mgaqo-Nkqubo.

Intengiso nokutya ekuhlaleni kuyimfuneko. ISebe lakukhuthazwa ukuphuhliswa kwendawo zentengiso zasekuhlaleni apho inzuzo enkulu kufuneka ivele kubalobi abakhasayo. Oku

kuyakuquka inxaso mali yokukhuthaza intengiso yasekuhlaleni nokukhulisa amandla abalobi abakhasayo. Indlela ezithile zokuncedisa abasetyhini ziza kuveliswa ukuphuhlisa ixabiso lwezinto ezohlukeneyo.

6.2.3 Indlela esekelezwe kwiintlobo-ngeentlobo zeentlanzi

Isebe liyithathela ingqalelo eyokuba elicandelo labalobi belisakusebenzisa iindlela zemvelo zokuloba iintlobo ngeentlobo zentlanzi. Ezintlobo ziyakinikwa ingqwalasela ngokunika abalobi ilungelo lokukhupha iintlobo ngeentlobo zeentlanzi kwindawo ethile ebekelwe bucala. Isigqibo sokuba kwabiwe eziphi iintlobo zeentlanzi sakuxhomekeka ebuninzini bezinto eziphilayo zaselwandle endawo, nomlinganiselo wesivuno ovumelekileyo kunye ne zinzame ezipheleleyo zohlobo oluthile lwentlanzi. Ukudityaniswa kweentlobo ngeentlobo zeentlanzi koluhlelo kuyakuxhomekeka phakathi kwezinye izinto ezinje ngezi:

- a) ubukho nemveliso yohlobo oluthile lweentlanzi;
- b) ubukho beentlanzi ezityelelayo kwezindawo zichaphazela abalobi boluntu abakhasa nenzame sesivuno. Akuzukuba lula ukwabela amaqumrhu oluntu labalobi abakhasayo abasebenza kwindawo thile yabalobi boluntu abakhasayo uhlobo lweentlanzi ezibakho ngamaxesha athile xa ujonge indlela le ziyiyo. Ukwabiwa kohlobo ulungahlali kwindawo enye luzakunikezelwa apho kuyo yonke imida yabalobi yoluntu labakhasayo iphinde yabiwe ngoko Bukho bentlanzi leyo kwaba bantu bachaphazelekayo;
- c) imo nobungakanani bokuxhaphazeka kwazo;
- d) Isimo soluhlobo lentlanzi njengoko kudala ixhatshazwa ngokwezabelo zamalungelo exesha elide;
- e) Ukufumaneka kweentlobo ezithile zentlanzi apho umlinganiselo wesivuno ovumelekileyo ngenxa yezivumelwano zendawo ngokudibanisa nezabelo zamanye amaqela abalobi (anjenga bezoshishino nolonwabo) ukuqinisekisa ukuba izabelo azigqithi kumlinganiselo wesivuno ovumelekileyo; nokwanda kwexabiso lentlanzi xa ithengiswa; kunye
- f) nendalo, uhlobo nembali yokuloba kulo ngingqi.

Ezi zezinye zengongoma ekufanele iSebe liziqwalasele xa lifuna ukugqiba ngohlobo lweentlanzi emazabelwe amaqumrhu labalobi abakhasayo. Umzekelo, inani lamalungu ayinxenye yequmrhu labalobi abakhasayo abasemthethweni endaweni okanye kulo ndawo kulotywa kuyo, ekufanele asebenzise ilungelo lokuloba, iyakunikwa ingqwalasela indlela aloba ngayo ibe yekhuselekileyo. Apho kufanelekileyo, iSebe liyakunika ingqwalasela into yokwaba uhlobo olutsha lweentlanzi olufumanekayo kubalobi abakhasayo.

6.2.4 Imiqathango yokwabiwa kwamalungelo

Imiqathango yokwabiwa kwamalungelo okuloba nawokuba nendawo yokugcina iintlanzi zabalobi abakhasayo nokukhangela umahluko wabalobi abakhasayo noluntu lwabalobi abakhasayo kwabanye abantu basekuhlaleni ichazwa apha ngezantsi.

Ukongezelela kwezindlela zikhankanywe ngezantsi xa kuthathwa isigqibo sokuba ngubani okuluhlu lwabalobi abakhasayo umntu othatha isigqibo kufuneka athathele ingqalelo ezinye iingongoma eziquka ezi:

- a) ukunika abantu abatsha abanomdla (abaphakathi kweminyaka eli 18 nengama 35 abayinxenye yoluntu labalobi abakhasayo) ithuba lokungena kolu hlobo lwabalobi, noxa bengakwazi ukunika ubungqina bamava ali 10 eminyaka beloba; kunye
- b) ukujongana nezicelo zabantu abangenabungqina bobumi bomZantsi Afrika, abayiphumelelayo imiqathango edweliswe apha ngaphantsi, abafanelekileyo ukuba bangayinxenye yoluntu labalobi abakhasayo.

IIMIQATHANGO YOKUBA LIQUMRHU LOLUNTU EMTHETHWENI (UMNIKAZI LUNGELO)	IIMIQATHANGO YOKUBA LILUNGU LEQUMRHU LOLUNTU OLUSEMTHETHWENI
Ukwamkelwa kwabalobi boluntu abakhasayo	Mayibe ngabemi boMzantsi Afrika (amadoda nabasetyhini) abayinxenye yabalobi boluntu abakhasayo
Iqumrhu elisemthethweni labalobi boluntu abakhasayo	Mayibe ngabantu abaqala kwiminyaka eli 18 ubuncinane (kwikhaya eliphethwe ngabantwana, makuchongwe umntu wasekuhlaleni owaziwa njengommeli wabo bantwana bangamalungu equmrhu)
Uluhlu lwabalobi abachongwe njengabavunyiweyo	Mabakwazi ukuloba ngokwabo kungenjalo babandakanyeke kulo msebenzi imihla ngemihla, ngaphandle kokuba bakhubazekile
	Mabakwazi ukubonisa imbali yokubandakanyeka koludidi lwabalobi (ngokobungqina obubonisa amava e 10 leminyaka nangaliphi ixesha, hayi kwiminyaka eli 10 edlulileyo elandelelanayo kuphela)
	Mababonakalise ukubandakanyeka ekusebenziseni iindlela zemveli zokuloba ezibandakanya ukuloba, ukulungisa iintlanzi nokuthengisa izinto eziphilayo zolwandle
	Mababonakalise ukuxhomekeka kwabo ekulobeni ukuveza amacebo okuphila nokusebenzisa amacebo emveli ukubonisa ukuxhomekeka kwabo kwizinto eziphilayo zolwandle, ukuze babe nokuziphilisa
	Bangabi ngabantu abanemisebenzi esisigxina
	Maka chaphazeleke ekulobeni okanye ekuthengiseni okanye kwinkqubo ephambi kokuthengisa

6.2.5 Imiqathango yokwazi ngamalungelo okuhlala

Uluntu labalobi abakhasayo lufaka izicelo zokwamkelwa kuMphathiswa. Phambi kokoba kufakwe izicelo luluntu labalobi abkhasayo iSebe lizakuxelela indawo eziselunxwemeni ngemiqathango elandelwayo, izizathu zokuba yinxenye yoluntu labalobi abakhasayo kunye neziphumo zokuvunywa ngokwalo Mgaqo-Nkqubo. ISebe malikuqaqambise oku kuluntu lokuhlala ngokubamba indibano zokunika ulwazi nokwazisa kumaphepha ndaba kwinkqubo zika nomathotholo okanye kusetyenziswe naziphi indlela ezifanelekileyo zokwazisa uluntu.

Ngokwalo Mgaqo-Nkqubo uluntu labalobi abakhasayo lufaka izicelo zokwamkelwa kuMphathiswa. Ukubonisana phakathi koluntu labalobi olukhasayo neSebe phambi kokuba kufakwe izicelo kuMphathiswa kunyanzelekile. Oku kukuqinisekisa ukuba abantu bayaziqonda iziphumo zokwamkelwa njengo mlobi woluntu okhasayo. Inkqubo idandalazisiwe apha ngezantsi nakumfanekiso okhoyo.

- a) UMphathiswa uqinisekisa ukuba ngenene eli qela yinxenye yoluntu labalobi abakhasayo, emva koko avume ukuba ngenene ngabalobi boluntu abakhasayo.

Emva kokuba abalobi boluntu abakhasayo befake isicelo kuMphathiswa, uyasihlola isicelo eso ngokwendlela ehazwa ngayo nemiqathango yoMgaqo-Nkqubo. Ukuba uMphathiswa ukuba aba bantu bayinxenye yabalobi boluntu abakhasayo uyavuma. Ukuvunywa nokwamkelwa kwabalobi boluntu abakhasayo bufanele bubhengezwe kuMqulu kaRhulumente (Government Gazette) nakwi phepha-ndaba laskuhlaleni apho le ndawo ikhoyo.

- b) Abalobi boluntu abakhasayo bachonga abalobi abakhasayo abakwaziyo ukubonakalisa iimpawu zokuba yinxenye yequmrhu loluntu elisemthethweni ze olo luhlu lamagama ligqithiselwe kuMphathiswa.

Luxanduva loluntu oluyinxenye yabalobi abakhasayo ukuchonga nokubona abalobi abakhasayo nabakwaziyo ukubonakalisa iimpawu ngoko Mgaqo-Nkqubo ukuze babe yinxenye yequmrhu loluntu elisemthethweni. Imibutho engekho phantsi kuka Rhulumente ingancedisa uluntu ukuqinisekisa ukuba imiqathango ilandelwa ngokufanelekileyo ukuze uluhlu lube nabalobi abakhasayo boqobo.

Ubizo lamagama abantu abakuluntu olulobayo oluyakusungulwa kwingingqi luyakwenziwa ngokuwadwelisa kwisaziso esiyakukhutshwa kwiphepha elijikelezayo lengingqini ecaphazelekayo okanye ngolunye uhlobo eluluthatha ngokuba lulungile isebe kwezomeko. Amalungu olu luntu labalobi abakhasayo lucetywayo kufuneka ahlomle kolo luhlu lwamagama lwethutyana ngokwe miqathango ebekiweyo yobulungu bequmrhu yoluntu olusemthethweni. Uluntu labalobi abakhasayo livelisa uluhlu labalobi abakhasayo kule ngingqi. Olo luhlu lugqithiselwe kuMphathiswa.

Umlobi ngamnye angangena elwandle alobe ukuba ukhona kuluhlu, yaye uloba ngokwemiqathango ekuvunyelwene ngayo liqumrhu elisemthethweni xa beligqiba ngokuba ngubani onokusebenzisa eli lungelo, kulotywe ngokwemiqathangoyokukhutshwa kwephepha-

mvume yokuloba. Iqumrhu elisemthethweni labalobi abakhasayo lixanduva lalo ukulungisa uluhlu, koko lazise isebe ngezilungiso.

- c) UMphathiswa, iSebe okanye umntu ozimeleyo / ongakhethi cala uzaqwalasela uluhlu ngokwemiqathango. Emva koko azise abalobi abkhasayo ukuba bangamisela iqumrhu loluntu olusemthethweni.

Amagama abantu abakuluhluakuluhlu azakuthelekiswa nemiqathango esetyenziswe luluntu labalobi abakhasayo kulo ngingqi. UMgaqo-Nkqubo undula ukuba uhlolo lamagama lenziwe ngumntu ozimeleyo. Le ndlela iqinisekisa ukuba imiqathango ilandelwe ngokufanelekileyo yaye abalobi boluntu lokuhlala boqobo bazakuba ngamalungu eqela loluntu labalobi abakhasayo abasemthethweni. Apho iqumrhu elisemthethweni lilungise uluhlu, lo magama kufuneka ahlolwe kwakhona.

- d) Ukumiselwa kwequmrhu loluntu olusemthethweni.

Emva kokuhlolwa koluhlu lwamagama equmrhu elisemthethweni lingamiselwa. Eliqumrhu lisemthethweni linabalobi abakhasayo abangabandakanyi kuphela abantu abachaphazeleka ekulobeni kodwa naba bachaphazeleka ekulungiseni izinto eziphilayo zolwandle. ISebe ukuze likwazi ukuncedisa abalobi noluntu ngendlela efanelekileyo lifanele liqinisekise ukumiselwa kwala maqumrhu asemthethweni, libambe indibano zokunika ulwazi licacise kubalobi noluntu kananjalo libacebise ngequmrhu elisemthethweni alungele uluntu. Abalobi noluntu bafanele bagqibe ngequmrhu elifanele imfuno zabo. ISebe ngoncedo lwamanye amaSebe linganika uqeqesho lokunceda ezindawo zichaphazelekayo zizo kukwazi ukuthtatha izigqibo ezifanelekileyo ngawona maqumrhu asemthethweni afanelekileyo.

Kwintlanganiso ekukho amalungu amaninzi abalobi abakhasayo boluntu ngokugqiba ngequmrhu elisemthethweni, likhethe uhlobo lequmrhu, eloqumrhu malimiselwe ngokusemthethweni. Intlanganiso elolohlobo ingachotshelwa liSebe, elinye iSebe lase buRhulumenteni okanye ngummeli wombutho ongekho phantsi kuka Rhulumente. Ikomiti yePhondo mayonyulwe ekuqinisekiseni ukuba iqumrhu limiselwe labhaliswa ngokwemithetho yokumiselwa kwamaqumrhu.

Iqumrhu loluntu labalobi abakhasayo lingamiselwa libe ngaphezu kwesinye kwindawo enye apho isebe libona imfuneko khona. Ilungelo lokuloba okanye lokuba nendawo yokulungisa iintlanzi linikwa iqumrhu loluntu olusemthethweni olunabalobi abakhasayo (oku kuquka abantu abachaphazelekayo ekuthengiseni nasekulungiseni iintlanzi). Amalungelo amalungu equmrhu elisemthethweni makakhuselwe kwimiqulu yenkcukacha zequmrhu.

- e) Iqumrhu loluntu olusemthethweni lilungisa uluhlu lamalungu anokusebenzisa isabelo aphinde afake isicelo selungelo lokuloba, apho kukho imfuneko nelungelo lokuba nendawo yokulungisa iintlanzi.

Iqumrhu loluntu elisemthethweni lilungisa uluhlu labalobi abanokuya kuloba besebenzisa isabelo esinikwe iqumrhu elisemthethweni. Akukho malungelo anikwa iziqu njengengo iqumrhu linikwa ilungelo. Kusenokungabilula ukuba bonke abalobi abanamagama akuluhlu ukuba balobe

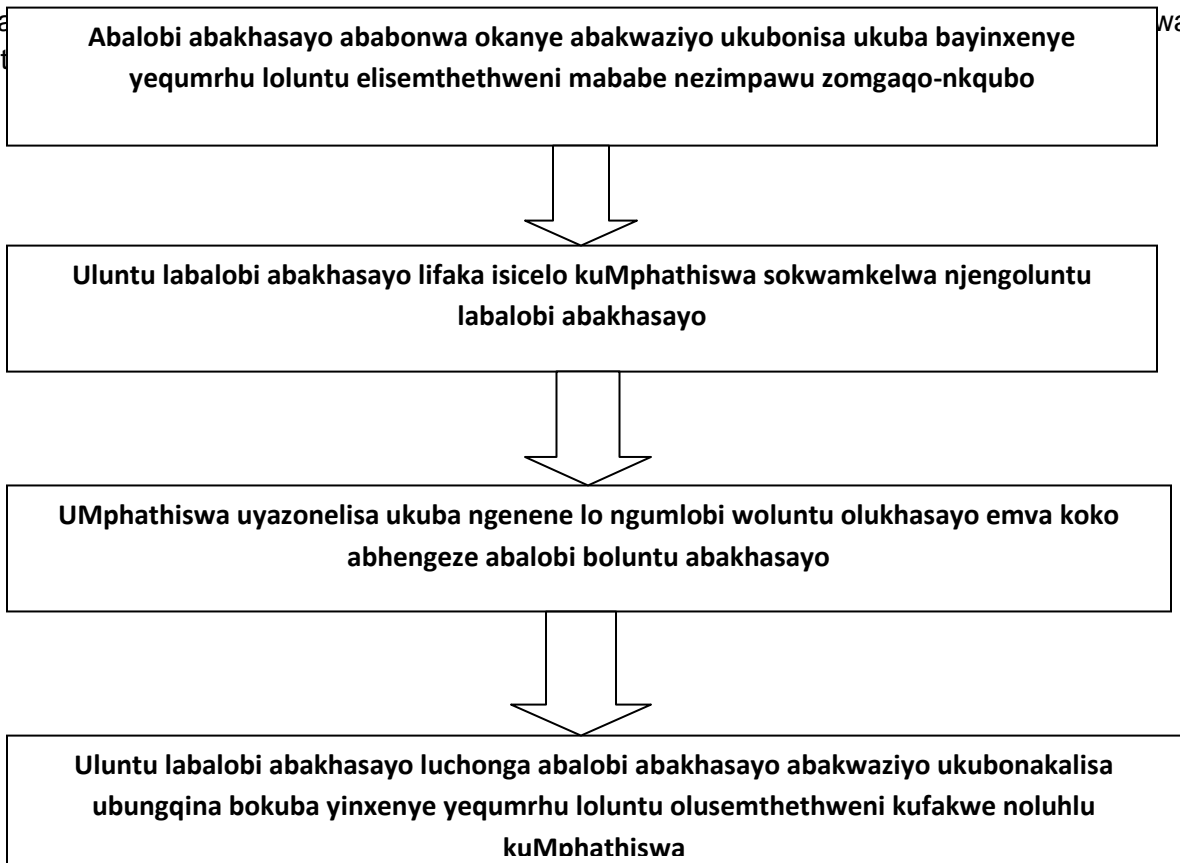
bonke. Lo nto ingabangelwa phakathi kwezinto ngumlinganiselo ophantsi wesivuno ovumelekileyo (Total Allowable Catches / TAC) ne zinzame ngokupheleleyo (Total Applied Efforts) owabelwe iqumrhu elisemthethweni ekungekho sizathu sokuba onke amalungu equmrhu angaya elwandle. Iqumrhu elisemthethweni lingasebenzisa indlela yokutshintshana ngamaxesha okuyo, okanye indlela elula eqinisekisa ukuba abalobi abangafuniyo ukuya elwandle ngelo xesha bavumelekile.

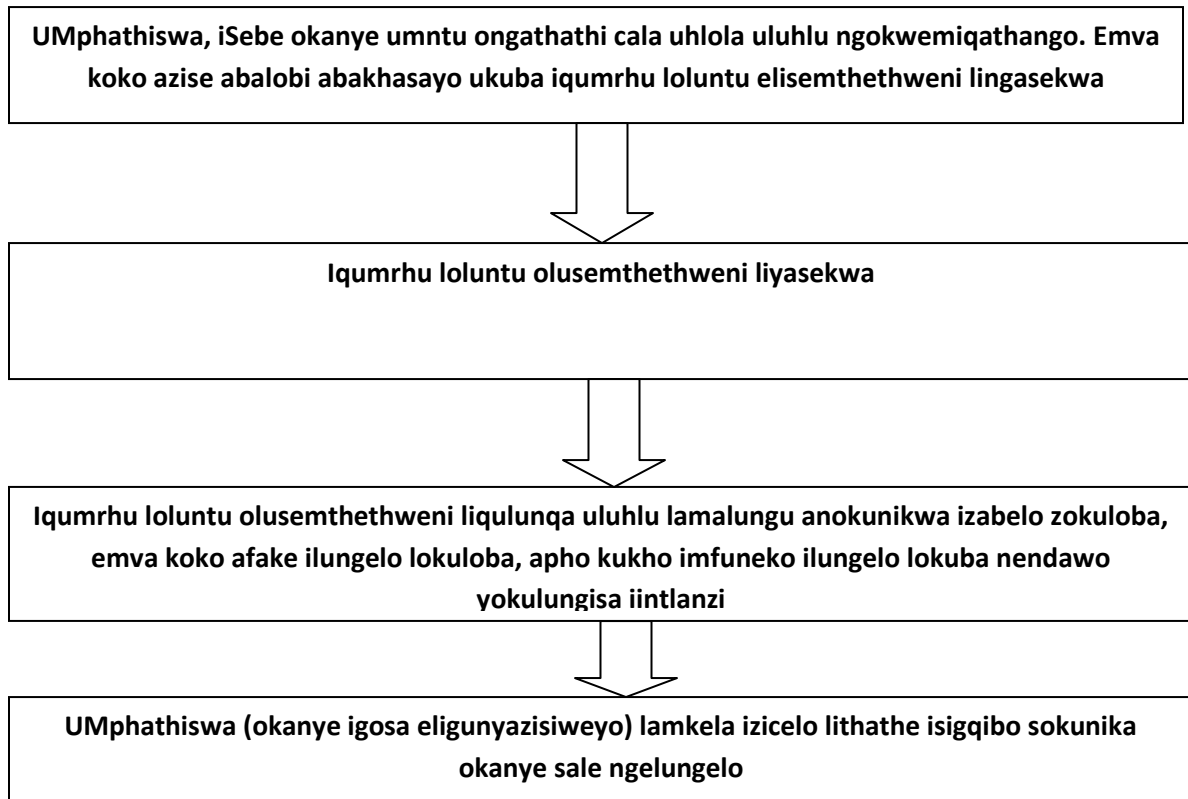
Inkcukacha ezibonisa ukuba bazakufumana ntoni abalobi ngeentlanzi abazibambileyo mayigqitywe noxa izakumana itshintshwa. Inkcukacha ezibonisa ukuba abalobi bazakuvuzwa ngokwentlanzi abazibambileyo, okanye ngokuhlawulwa njengabaqeshwa okanye babelane ngenzuzo efumaneka kwixabiso lengeniso sentlanzi. Ezi nkcukacha zimele zifumaneke kumaxwebhu angokusekwa kwequmrhu loluntu olusemthethweni.

Emva kokulungiswa koluhlu lokuloba izinto eziphilayo zaselwandle iqumrhu elisemthethweni lifaka isicelo selungelo lokuloba, apho kukho imfuneko khona isicelo sokulungisa iintlanzi.

- a) UMphathiswa (okanye igosa eligunyazisiweyo) lijonga inkcukacha zesicelo lakugqiba linike ilungelo kungenjalo lale ukunika ilungelo.

UMphathiswa (okanye igosa eligunyazisiweyo) unika kungenjalo ale ukunika ilungelo. Ukuba igosa athat





6.2.6 Ixesha lamalungelo

Amalungelo abalobi abakhasayo azakuthatha elixesha liseleyo lamalungelo exesha elide lokuloba. Oku kwenzelwa ukunika iSebe ithuba lokuphanda ukuba loluphi uhlobo lweentlanzi olunokwabelwa abalobi abakhasayo. Oku kuyakunceda ukunika ithuba lokuba lo Mgaqo-Nkqubo ulungelelaniswe nezinye iinkqubo zolwabiwo ngokunxulumana nabantu abanamalungelo.

6.2.7 Izibheno

Nabani na ochatshazelwa sisigqibo sakhe nabani na asithathe ngegunya alinikwe phantsi komthetho woLawulo lweZinto eziPhilayo zaseLwandle (MLRA) okanye phantsi kwecandelo 238 (umz. Ubumeli okanye ukugunyaziswa) ngo Mgaqo-Siseko woMzantsi Afrika, angenza isibheno kuMphathiswa.

Apho uMphathiswa anikezele amagunya amalungelo olwabiwo (njengoko kuchaziwe kwisiqendu 6.3.2) izibheno zingafakwa xa benganelisekanga sisigqibo segosa esithatyathwe phantsi kwe MLRA esosigqibo singasiwa kuMphathiswa njengesibheno. Akukho sibheno sinokuziswa apho uMphathiswa athathe isigqibo khona. Izigqibo ezinokusiswa kwizibheno ziquka ezi zilandelayo:

- a) ukungamkelwa njenge luntu labalobi abakhasayo;
- b) ukucandwa kwemida enokusetyenziswa luluntu labalobi olukhasayo;
- c) ukwala ukunikezela ngelungelo kwiqumrhu loluntu labalobi abakhasayo; okanye
- d) xa iqumrhu loluntu elisemthethweni lingangoniselikanga sisabelo esenziweyo.

Apho kufakwe khona isibheno kuMphathiswa isigqibo siyarhoxiswa de uMphathiswa athathe isigqibo kwakhona.

6.2.8 Indlela zokusombulula ungquzulwano

Xa kunengxabano phakathi kwamalungu abalobi boluntu akhasayo kufuneka isonjululwe ngokweendlela zangaphakathi ezilungiselelwe oko nekuvunyelenwe ngazo ngamalungu ngexesha lokusekwa kwequmrhu lalondawo. Akukho sibheno sinokuza noMphathiswa. Apho ubani olilungu lombutho anganelisekanga sisigqibo sombutho akukho zicwangciso zakubhena phantsi koMthetho weZinto eziPhilayo eLwandle (MLRA).

Umlawuli-Jikelele ngokwakhe okanye ngokucelwa ngabalobi / iqumrhu loluntu labakhasayo anganyula umxolelanisi ovunywa ngawo omabini amacala anengxabano ukuncedisa ekufumaneni isisombululo salo ntsinda-badala. Iingxaki anokuzisombulula ziquka ezi zilandelayo:

- a) ubulungu beziqumrhu ezingamalungu equmrhu loluntu olusemthethweni;
- b) amalungiselelo okanye ukwamkelwa koMgaqo-Siseko;
- c) ungquzulwano / imbambano phakathi koluntu lwabalobi abakhasayo;
- d) ungquzulwano / imbambano phakathi koluntu lwabalobi abakhasayo nequmrhu loluntu elisemthethweni;
- e) ungquzulwano / imbambano phakathi kwequmrhu loluntu olusemthethweni;
- f) ungquzulwano / imbambano phakathi kwequmrhu loluntu olusemthethweni namalungu alo okanye phakathi kwamalungu okanye amalungu ekomiti yala maqumrhu.

Umlawuli-Jikelele unelungelo ngokuthanda kwakhe okanye ngokucelwa lelinye iqela kula achaphazelekayo lokuchonga umntu ophum' izandla ekusombululeni iingxaki zoluntu apho amaqela anengxaki angakwaziyo ukuvumelana ngomntu onokuba ngumsombululi-imbambano.

6.2.9 Abanelungelo lokuloba

Abalobi abanamalungelo exesha elide lokuloba ngokwendlela yokwabiwa kwamalungelo exesha elide nabakwaziyo ukumelana nemiqathango yabalobi abakhasayo bengankonya amalungelo abo ngeloxesha lamalungelo exesha elide. Apho liphelelwa khonailungelo lexesha elide umlobi okhasayo angabandakanywa kulo Mgaqo-Nkqubo ukuba uyamelana nemiqathango yokuba ngumlobi okhasayo yaye ukwalilungu lequmrhu loluntu olusemthethweni.

Umlobi ozizalisekiso iimfuno zokuba ngumlobi okhasayo ekwayinxenye yoluntu labalobi abakhasayo okanye yequmrhu loluntu olusemthethweni enelungelo lokuloba ngokoMgaqo-Nkqubo wamalungelo exesha elide angazikhethela ukufaka kulo Mgaqo-Nkqubo. Ngenxa yoko akayikuvumeleka ukuba aqhubeke nokuba nelungelo lokugcina ilungelo lokuloba lexesha elide ekhutshwe phantsi koMthetho (General Fishery Policy on the Allocation and Management of Long-Term Commercial Rights 2005). Umphathiswa angasebenzisa igunya lakhe adibanise umlinganiselo wesivuno ovumelekileyo (Total Allowable Catches / TAC) ne zinzame

ngokupheleleyo (Total Applied Efforts / TAE) yabalobi bamalungelo exesha elide abakhethe ukufakwa kulo Mgaqo-Nkqubo.

Kunamanqanaba ahlukeneyo abanini malungelo kuluhlu lamalungelo akhutshwa phantsi ko Mgaqo-Nkqubo wexesha elide labalobi (Long-Term Fishery Policy) anokuzisa imiceli mingeni yasemthethweni enzima ekuphuhliseni lo Mgaqo-Nkqubo. Umzekelo, abantu abaninzi abanokuba ngabalobi abakhasayo ngokwalo Mgaqo-Nkqubo bavumela ukuba amagama nenkcukacha zezazisi zabo zisetyenziswe ekumiseleni amaqumrhu amakhulu (companies) anamalungelo ezoshishino. Nangoko kunjalo, banye bababalobi zange bahlawulwe isigxina okanye imali esisigxina yenza lo nto bahlale bexhomekeke kubalobi abakhasayo ukuze bakwazi ukuziphilisa. Aba balobi kufuneka benikezele ngamagama abo ukuba bafakwe kuluhlu lwethutyana xa kufike ixesha loko. Kananjalo kufuneka banikezele ngenkcukacha zamaqumrhu amakhulu (companies) abanezabelo nabangamalungu azo nobungqina obubonisa imali abayifumanayo ngexesha lezabelo okanye bebangamalungu ala maqumrhu. ISele lingenza uphando lithathe namanyathelo afanelekileyo.

6.3 Indawo yokulungisa nokulondoloza imveliso yentlanzi

Akukho namnye unelungelo lokuseka iziko lokulungisa nokulondoloza inyama okanye imveliso yentlanzi ngaphandle kokuba imvume yoko ayinikwe nguMphathiswa. Iintshukumo ezizakuthatyathwa liqumrhu loluntu labalobi abakhasayo zingoyamana nendawo zokulungisa nokugcina iintlanzi njengoko zichazwa nguMthetho weZinto eziPhilayo zoLwandle (MLRA). Oku kuthetha ukuthi ngaphezu kwelungelo lokuloba kufuneka nelungelo lokusebenzisa iziko lokulungisa nokulondoloza. Makugxininisiswe nangakumbi kubantu basetyhini bathathe inxaxheba.

ISebe kufuneka likhumbuze abafaka izicelo zokuloba kubandakanywa nemibutho yabo ukuba bafake nezokuseka amaziko okulungisa nokulondoloza intlanzi njengoko kuzakufuneka intlanzi yabo ilungiswe, ilindolozwe kwiziko elithile. Le yindlela elula yokuqaphela iintlobo ezithi zentlanzi neyenza lula ukuqokelela intlanzi ebanjwayo, nokwahlulwa kwemali ezuzwa kwintengiso yentlanzi. Oku kunganzima ukwenziwa kuzo zonke iingingqi.

6.4 Ukusetyenziswa kweemvume, imirhumo, neentlawulo

6.4.1 Iimvume, imirhumo kunye neentlawulo

ISebe lizama ngokusemandleni ukuqinisekisa ukufikeleleka kolawulo lwalo ngokuphathelele ekuthatyathweni kwezigqibo namaphepha mvume azakudandalaziswa, apho kufanelekileyo luluse ebantwini ulawulo. Isebe libuthathela ingqalelo ubunzima namaxabiso aphakamileyo ahlawulwe ngabalobi kwixa elidlulileyo, nengxaki abafuna ukuzidlulisela ngaphambili nekufuneka zisiwe iso. Ukusungulwa kwemibutho esekelezwe eluntwini ngokwasemthethweni nolawulo oludibeneyo zingasombulula zonke ezingxaki nezazifunyanwa ngabalobi kwixa elidlulileyo. Lo mgaqo-nkqubo uzakuqinisekisa ukuba abalobi banendawo ekufutshane enokusonjululwa kuyo iingxaki zabo. Nolwazi olukhoyo luzakuncedana nabalobi.

Amaqumrhu oluntu olusemthethweni azakuhlawula imali engayanga phi xa befaka izicelo zamalungelo abalobi abakhasayo, nentlawulo iyakuqingqwa emva kodliwano-ndlebe nabachaphazelekayo xa uMgaqo-Nkqubo sele uphunyezwa. Isebe lingahlawulisa imirhumo kuhlobo oluthile oluhlawulelwayo lwentlanzi xa ikhutshwa elwandle. Nayo le mirhumo isezakuqingwa.

6.4.2 Imeko zamalungelo namaphepha mvume abalobi abkhasayo

ISebe lingabandakanya imiqathango xa linikezela ngamalungelo okanye amaphepha-mvume afanele abalobi abkhasayo.

ISebe lingaba amalungelo ngokwale miqathango ilandelayo:

- a) kungasukwa kwindlela ekuvunyelwane ngayo;
- b) kobakho amasolotyawodwa abasetyhini, abakhubazekileyo nabantu abaluphelelo;
- c) uqikelelo luyagcinwa luthunyelwe rhoqo esebeni; okanye
- d) imirhumo iyahlawulwa xa kufanelekile

Le yimiqathango ebandakanywa kwiphepha-mvume

- e) uhlobo omalusetyenziswe lomkhumbi
- f) izixhobo emazisetyenziswe zokuloba
- g) indawo apho makulotywe khona
- h) indawo apho kunokothulwa intlanzi khona
- i) indawo intlanzi emayithengiswe kuyo
- j) indlela yokhuseleko likutya
- k) kubekho indlela yokhuselo ngokwemithetho yabasebenzi

6.5 Ukunikezela ngamalungelo okuloba

Ilungelo loluntu labalobi abakhasayo linganikezelwa komnye umntu kwimeko ezinyanzelekileyo kuphela yaye linganikezelwa kwiqumrhu loluntu olusemthethweni elisekwe phantsi kwalo Mgaqo-Nkqubo kuphela. Ukunikezelwa kwala malungelo okuloba makube nxamnye nemiqathango nemigqaliselo yalo Mgaqo-Nkqubo.

Isicelo sokuguqulwa kwesicelo makwenziwe kuMphathiswa kuphela. UMphathiswa uthatha isigqibo sokufaneleka nokungafaneleki kokuguqulwa kwelungelo. Ngokwenza njalo, uMphathiswa uqwalasela imiqathango echaziweyo kulabiwo lamalungelo abalobi abakhasayo nendlela uluntu labalobi abakhasayo okanye iqumrhu loluntu olusemthethweni apho ilungelo lizakutshintshelwa khona liyithobela ngayo le miqathango.

UMphathiswa angacela izimvo kuluntu labalobi abakhasayo, iqumrhu loluntu olusemthethweni kulo ngingqi okanye umntu walo ndawo kuzakusetyenziswa eli lungelo khona phambi okanye xa eqwalasela esi sicelo sokuguqulwa kwelungelo lokuloba.

7 UHLAZIYO LOMGAQO-NKQUBO

Ekugqibeleni kubalulekile ukuba xa kusamkelwa kwaye kuphunyezwa lo Mgaqo-Nkqubo kubenesibhambathiso esithe rhoqo kuhlaziyo lwawo oluqinisekisa imfezeko ukwenzela ukuba kuphuculwe ulondolozo lwemvelo neemfuno zozoqosho loluntu nabalobi. Uphando luka Rhulumente namahlakani noqaphelo oluthe rhoqo zizakudlala indima ebalulekileyo ekufumaniseni ubuthathaka namakhwiniba kuMgaqo-Nkqubo nasekuphunyezweni kwawo.

Uphando lwenzululwazi novavanyo olwenziwa rhoqo nguRhulumente nabantu abachaphazelekayo bayakudlala indima ebalulekileyo ekuboneni iimpazamo kulo Mgaqo-Nkqubo nasekuphunyezweni kwawo.

Isebe lizakumisela inkqubo yohlolo nocwaningo ukuqinisekisa ukuba uRhulumente namahlakani akhe ufumana ingxelo elulutho nethembekileyo. Le nkqubo kufanele ukuba ihlole nemingcipheko, efana nokulawulwa kwemali ngabaniki-zinkonzo nabaxhasi, ubungakanani benkxaso yeenkonzo nemiba yezendalo. Uphicotho-zincwadi, lwempahla nemali, luzakwenziwa ngendlela ecwangcisiweyo. Iindlela zokuvavanyo nokuhlola zifanele zijonge inkqubo neziphumo zol uphuhliso, umzekelo, ngokusebenzisa ezi ndlela zilandelayo:

- a) inkqubo elungiselelweyo yolawulo lwengcombolo ukwenzela ukuqokelela ilungise isiqalo nenkqubela yengcombolo ngokwenziwayo ukulungisa amakhwiniba, abo bamelwe kukuxhamla nenkqubela yabanikezela ngeenkonzo;
- b) ukuqwaselwa ngendlela abamele ukuxhamla kumaxesha-ngamaxesha, ngeenjongo zokuphonononga iingxaki zale nkqubo;
- c) uvavanyo lwamaxesha-ngamaxesha olwenziwa kwiqelana labaxhamlayo kumgangatho wamashishini norhwebo, ngeenjonga zokunceda ukuseka inzuzo kumgangatho worhwebo woluphuhliso;
- d) uvavanyo olwenziwa rhoqo kwabo baxhamlayoukuncedisa ekusekeni urhwebo olunenzuzo kolu phuhliso; kunye
- e) nocwaningo olululo legalelo lomgaqo-nkqubo kubantu abahlala kwindawo ojoliswe kuzo;

Uhlalutyo olungqongqo lwenzululwazi luyakuthatyathwa ngokupheleleyo ukubonisa impumelelo okanye ukoyisakala kwaloMgaqo-Nkqubo. Olu vavanyo nohlalutyo luyakubonisa ezona zinto zingu ndoqo ukuba ziyaphunyezwa kusini na ngokukodwa impumelelo nokusetyenziswa kwezinto zolwandle ngononophelo.

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