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No. 27361

PART 2 OF 3

ENGLISH AND XHOSA



AIDS HELPLINE 0800-0123-22 Prevention is the cure

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GENERAL NOTICE

NOTICE 399 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO COMMENT ON THE DRAFT POLICIES CONCERNING THE ALLOCATION AND MANAGEMENT OF LONG TERM FISHING RIGHTS IN THE KWA-ZULU NATAL SARDINE BEACH SEINE, BEACH-SEINE (TREKNET) AND GILLNET (DRIFT-NET, SET-NET), OYSTER AND WHITE MUSSEL FISHERIES, 2005.

The Minister of Environmental Affairs and Tourism hereby issues for notice and comment a draft fisheries policy on the allocation and management of long term commercial fishing rights. Interested and affected parties are invited to submit written comment on these Draft Policies on the Allocation and Management of Long Term Fishing Rights 2005 in the manner provided for in this Notice.

1. Kwa-Zulu Natal Sardine Beach Seine (English - Annexure A, isiXhosa Annexure B)
2. Beach-Seine (Treknet) And Gillnet (Drift-Net, Set-Net) (English - Annexure C, isiXhosa - Annexure D)
3. Oysters (English - Annexure E, isiXhosa - Annexure F)
4. White Mussels (English - Annexure G, isiXhosa - Annexure H)

IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH AND isiXHOSA TEXT, THE ENGLISH TEXT PREVAILS

These fishery specific policies must be read with the Draft General Policy on the Allocation and Management of Long Term Fishing Rights, 2005. Interested parties may submit written comments to the Department by 17h00 on Monday 11 April 2005 in the manner described below.

In order to solicit comments from members of communities who may need special assistance in order to participate, a series of public meetings will be held where the applicable policies and their consequences will be explained, questions will be answered, written comments will be invited, oral comments will be recorded and views from member of the audience will be minuted.

Port Nolloth Venue: Port Nolloth City Hall Date: 2 March 2005 Time: 09h00	Hondeklipbaai Venue: Hondeklipbaai Community Centre Date: 2 March 2005 Time: 17h00	Ebenhaeser Venue: Ebenhaeser Community Centre Date: 3 March 2005 Time: 08h30	Doring Bay Venue: Doring Bay Community Hall Date: 3 March 2005 Time: 17h00	Lamberts Bay Venue: Lamberts Bay Recreational Centre Date: 4 March 2005 Time: 09h30	Elands Bay Venue: Elands Bay Community Hall Date: 4 March 2005 Time: 14h00
Laaipelek Venue: Laaipelek Community Hall Date: 5 March 2005 Time: 08h00	St Helena Bay Venue: St Helena Bay Hotel Date: 5 March 2005 Time: 12h00	Paternoster Venue: Paternoster Community Hall Date: 7 March 2005 Time: 08h30	Vredenburg Venue: Vredenburg Community Hall / Sports Ground Date: 7 March 2005 Time: 13h30	Saldanha Bay Venue: Diazville Community Hall Date: 8 March 2005 Time: 09h00	Langebaan Venue: Langebaan Community Hall Date: 8 March 2005 Time: 14h00
Yzerfontein Venue: Civic Centre Date: 9 March 2005 Time: 09h00	Atlantis Venue: Community Hall (Saxon C) Date: 9 March 2005 Time: 14h00	Simonstown Venue: Simonstown Civic Centre Date: 10 March 2005 Time: 09h00	Hout Bay Venue: Recreational Centre Hout Bay Date: 10 March 2005 Time: 14h30	Cape Town Venue: Civic Centre Seapoint Date: 11 March 2005 Time: 09h00	Ocean View Venue: Ocean View Multipurpose Centre Date: 11 March 2005 Time: 14h30
Kalk Bay Venue: Holy Trinity Hall Date: 14 March 2005 Time: 09h00	Strand Venue: Strand Civic Centre Date: 14 March 2005 Time: 14h00	Macassar Venue: New Macassar Civic Centre Date: 15 March 2005 Time: 09h00	Kleinmond Venue: Civic Centre Date: 15 March 2005 Time: 14h00	Hawston Venue: Hawstania Inn Date: 16 March 2005 Time: 09h00	Hermanus (Mount Pleasant) Venue: Grobelaar Hall Date: 16 March 2005 Time: 14h00
Gansbaai Venue: NG Kerk Date: 17 March 2005 Time: 09h00	Buffelsjag Venue: Owis Recreational Centre Uitenkraalmond, Buffelsjag Date: 17 March 2005 Time: 15h00	Struisbaai Venue: Library Stuisbaai Date: 18 March 2005 Time: 09h30	Arniston Venue: Die Vissers Unie Saal Date: 18 March 2005 Time: 14h30	Vermaaklikheid Venue: Vermaaklikheid Restaurant Date: 19 March 2005 Time: 09h00	Stilbaai Venue: Stilbaai Community Hall Date: 19 March 2005 Time: 15h00

Mossel Bay Venue: Delmade Community Hall Date: 2 March 2005 Time: 09h30	Klein Brak River Venue: Reebok Community Hall Date: 2 March 2005 Time: 14h30	Knysna Venue: Honley Civic Hall Date: 3 March 2005 Time: 09h00	Plettenberg Bay Venue: Simuney Hall Date: 3 March 2005 Time: 14h00	Jeffrey's Bay Venue: Pellsrus Community Hall Date: 7 March 2005 Time: 09h30	Port Elizabeth Venue: PE Civic Hall Date: 7 March 2005 Time: 15h00
Port Alfred Venue: Jawuka Hall Date: 8 March 2005 Time: 09h00	Hamburg Venue: Hamburg Community Hall Date: 8 March 2005 Time: 15h00	East London Venue: East London City Hall Date: 9 March 2005 Time: 09h00	Centana Venue: Centane Town Hall Date: 10 March 2005 Time: 09h30	Coffee Bay Venue: Kwa Tshezi Lodge Date: 10 March 2005 Time: 16h30	Port St Johns Venue: Port St Johns Town Hall Date: 11 March 2005 Time: 09h00
Port Edward Venue: Nkululekweni Community Hall Date: 11 March 2005 Time: 17h30	Umnini Venue: Umnini Hall Date: 14 March 2005 Time: 09h00	Shelley Beach Venue: The Boat Club Date: 14 March 2005 Time: 14h30	Durban Venue: DLI Hall Date: 15 March 2005 Time: 10h00	Stanger Venue: Stanger Hall Date: 16 March 2005 Time: 09h00	Richard Bay Venue: Bay Hall Date: 16 March 2005 Time: 17h00

Participants will be required to register on arrival at the venue, and are requested to arrive half an hour prior to the start of the meeting.

Interested parties may also submit written comments to the Department by 17h00 on Monday 11 April 2005 in the following manner:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General Fishery* Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery* Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General Fishery* Policy Comments
		By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery* Policy Comments

*Please specify which fishery you are commenting on.

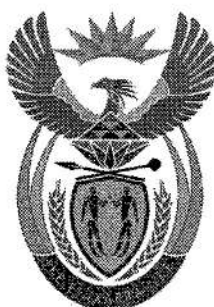
Copies of all of the draft policies are also available on the Department's official website www.mcm-deat.gov.za. Hard copies may also be collected from the Department's fishery control offices along the coast. More information regarding the Long Term Rights Allocation Process can be obtained from the following helpline: 0861 123 626

Please note that comments received after the closing date may be disregarded.

Telephonic queries regarding the submission of comments may directed to the Rights Verification Unit at (021) 670-3669.

ANNEXURE A

DRAFT



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE OYSTER FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT GENERAL
POLICY ON THE ALLOCATION AND MANAGEMENT OF LONG
TERM COMMERCIAL FISHING RIGHTS: 2005 (available at
www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the Oyster Commercial Fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*the Department*) for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long Term Commercial Fishing Rights: 2005 (*the General Fisheries Policy*).

As stated in the General Policy, the Department will hold public hearings and roadshows as widely as possible in order to consult with the public in general, and interested and affected parties in particular, concerning this policy. Written or verbal comments will be invited at these meetings and assistance will be provided, if necessary. Written comments must be given to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: (021) 402-3362

Attention: The Deputy Director-General
Oyster Policy Comments

By Mail

The Department of Environmental Affairs and
Tourism
Private Bag X2, Roggebaai, 8012
Attention: The Deputy Director-General
Oyster Policy Comments

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial oyster harvesting rights. Many of these considerations are not new. They have been applied by the Department in the past when allocating rights and managing this fishery and to an extent this policy represents a codification of those considerations.

Certain post rights allocation management policy considerations are broadly elaborated on in this policy. An Oyster Fishery Management Manual will be finalised with all right holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial Oyster fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 (*the MLRA*) to a senior official of the Department.

2. Biological Status of Oysters

The Cape Rock oyster, which is targeted in this fishery, has an extensive geographic distribution occurring on rocky reefs from Cape Agulhas to Mozambique. These oysters are found in the intertidal zone and up to about 6m water depths. The Cape Rock oyster is found naturally and is sold as "wild oysters" in South Africa restaurants. A cheaper oyster is the Pacific oyster which is imported and widely used in mariculture.

Oysters along the KwaZulu-Natal coast have been found to take 33 months (almost 3 years) to reach marketable size (60 mm Right Valve Length). Oysters are broadcast spawners. Oysters along the KwaZulu-Natal coast spawn throughout the year with peaks during spring and summer. Harvesting takes place during spring low tides and traditionally was restricted to the intertidal zone, however in recent years there has been a gradual expansion of harvesting depth towards the fringes of the subtidal zone. This is due to a decline in oyster density in the intertidal zone and a gradual increase in gear efficiency (*"creeping effort"*). Oysters are dislodged from rocks by means of a pointed steel crowbar.

3. Sector Profile

The oyster fishery was previously managed as two separate fisheries related to their areas of operation, namely the KwaZulu-Natal coast and the Southern Cape coast. Since 2002 the oyster fishery has been managed as a single national fishery. Under the new management system, four commercial oyster-harvesting areas were officially recognised, namely KZN North, KZN South, Port Elizabeth and the Southern Cape. Differences between the regulations and harvesting patterns in the regions continue to exist.

In KwaZulu-Natal (North and South coasts), the management approach previously adopted by the KwaZulu-Natal Provincial Government was retained. This entailed maintaining a system of

effort limitations whereby the numbers of pickers are restricted and a daily bag limit of 190 oysters per picker per day is enforced. Moreover, the KZN North and South coasts are further sub-divided into five zones each, which are harvested on a rotational basis. This requires that zones remain fallow for at least three years at a time (the optimal length of time required for oyster recruits to reach marketable size) thereby allowing for recovery of the oyster stock. This system applies to both the commercial and recreational sectors.

The oyster fishery along the Southern Cape coast is not managed by means of rotational harvesting, but by means of limiting the number of pickers, with no daily bag limit. Furthermore, effort has been split across areas according to the extent of accessible oyster reef. The southern Cape fishery is controlled by a closed season from 15 December – 05 January. The closed season has been imposed to limit conflict between holidaymakers and the commercial oyster sector. In Port Elizabeth, no harvesting of the oyster beds is practised, and only washed-up oysters are being collected.

The Total Applied Effort ("TAE") for the oyster fishery is currently not informed by scientific considerations or even the status of the resource, but is based on pre-2002 effort levels. Advancements in research and stock assessments for the oyster resource are required in order to properly determine sustainable harvesting levels. The current TAE (2005 season) is set at 145 pickers and is apportioned as follows:

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

The TAE along the southern Cape coast is further divided across zones, based on the extent of accessible oyster reef, and as follows:

- Heidelberg ("Witsand"): 10 pickers;
- Riversdale/Mossel Bay: 58 pickers; and
- George/Knysna: 34 pickers.

Limited commercial oyster rights were allocated in 2002 to empower a number of former subsistence fishers who were previously prevented from selling the subsistence harvests.

4. The Medium Term Rights Allocation Process

In 2002 commercial rights to harvest oysters were awarded to 34 applicants employing a total of 114 pickers. Of these, 88% were allocated limited commercial rights. Rights have been awarded mainly to individuals. Individuals hold 91%, close corporations 3% and companies 6% of the rights.

Black persons hold only 25,8% of the individual rights, which is extremely poor for a fishery that is easily accessible, and requires minimal gear and capital outlay. Moreover, only 25,8% of the individual right holders are women.

Although the TAE was set at 145 pickers, only 114 pickers currently harvest oysters.

5. Over-all Sectoral Objectives

Read with the General Fisheries Policy, the purpose of this policy is to determine the criteria in terms of which oyster fishing rights will be allocated. The objectives of allocating commercial fishing rights in this fishery are to:

- Significantly improve the transformation profile of this fishery;
- Allocate oyster rights to those who depend on oyster harvesting for their livelihood;
- Empower oyster pickers;
- Ensure that rights are allocated in all the areas where oysters can be harvested; and
- Support the economic viability and environmental sustainability of the fishery.

The Department is aware and concerned about certain monopolistic tendencies in this sector *(see further paragraph 9 below)*.

6. Duration of Rights

Commercial fishing rights will be allocated for a period not exceeding three (3) years. Long-term rights will only be considered once there is sufficient information on the status of the resource and the transformation profile of the sector has improved significantly. The Department will institute a socio-economic study in this fishery during the three year period in an attempt to correct present imbalances in the sector.

7. New Entrants

Although the fishery as a whole is currently overexploited, a number of oyster harvesting areas are currently not exploited at all. The Department requires that these areas be exploited in order to gain valuable information about the oysters in those areas. In addition, the sector is untransformed and dominated by a few persons to the detriment of others operating in the sector.

The Department will therefore endeavour to allocate rights to new entrants in the areas where no medium term commercial oyster right were allocated (and a TAE was set for these areas) and where the introduction of new entrants will improve the transformation profile of the sector.

8. Evaluation criteria

Applications for commercial oyster rights will be evaluated in terms of a number of exclusionary and balancing criteria.

8.1 Exclusionary Criteria

In addition to the exclusionary criteria stated in the General Fisheries Policy relating to improper lodgments and material defects, the following exclusionary criteria will be applied to both right holder applicants and new entrant applicants:

- (a) **Form of the Applicant:** Only natural persons (ie. individuals) may apply for rights.
- (b) **Applications from families:** In general, only one right will be allocated per family. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family where applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA (leading, for example, to a sentence of imprisonment without the option of the payment of a fine) will not be allocated a right. Applicants that have had any fishing right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. Other breaches of the Marine Living Resources Act will adversely affect the evaluation of applications, will be negatively scored, as set out below.
- (d) **Paper Quotas:** A paper quota as defined in the General Policy will be excluded.
- (e) **Non – utilisation:** Those right holders that have failed to utilise their medium term commercial oyster right between 2002 and 2004 will not be re-allocated a right.
- (f) **Non – dependants:** Persons (such as lawyers, teachers, police officers, undertakers and so forth) that derive any of their income from sources outside of the fishing industry will be excluded.
- (g) **Personal Involvement:** Applicants will have to involved on a full-time basis in the harvesting of oysters.

8.2 Balancing Criteria

Although the following criteria will generally be applied to both right holder applicants and new entrant applicants, the weighting that will be applied to each category will differ.

(a) Transformation

The Department will affirm black applicants as the transformation profile of this sector is particularly poor. In addition, the Department will also seek to affirm women by applying gender as a tie-breaking factor, if necessary.

(b) Investment in the Fishery

The Department will consider what investments, if any, applicants have made in this sector, whether in the form of processing or in the form of marketing, locally and internationally.

(c) Harvesting Performance

Right holder applicants will be assessed having regard to their oyster harvesting performance and record during the medium term rights allocation process.

New entrant applicants will be assessed having regard to their ability, knowledge and skills to harvest oysters.

(d) Reliance on Oysters

The Department will prefer applicants who rely on oyster harvesting for 75% and more of their gross annual income. As stated above, applicants who earn any income from sources outside of the fishing industry will be excluded.

(e) Local Economic Development

The Department will prefer to allocate rights to those applicants who live near the area where the oysters are harvested. In this regard, the Department will require the applicant to have lived in that area for a minimum period of four years.

(f) Compliance

Right holders, who are currently being investigated for breaches of the Marine Living Resources Act will not be allocated an oyster right until the outcome of the investigation is known.

Minor infringements of the Marine Living Resources Act, including its Regulations, by the applicant will be negatively scored.

9. Monopolies and the Registration of Buyers

The Department is of the view that the potential of this sector has not been fully achieved due to the monopolisation of this sector by one or two groupings.

Not only has the growth of this sector been detrimentally affected as a result of the existing of monopolies, but pickers have been exploited. The existence of monopolies in this sector is unacceptable and will not be allowed to continue.

Accordingly, all persons intending to purchase oysters from right holders (pickers) will be required to register with the Department. The Department will not register buyers who have had a right or permit cancelled or revoked under the Marine Living Resources Act or been convicted of an offence under the Marine Living Resources Act. Should the Department determine that registered buyers are colluding in the setting of prices for oysters, the Department shall intervene and act as the sole purchaser of oysters from oyster pickers.

10. Harvesting Oysters

Right holders and pickers will be allowed to harvest oysters using:

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

Right holders and pickers may not use:

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

11. Application Fees

Application fees for this sector will not be more than R500. The Department is currently assessing the cost of the allocations process for this sector. The Department will inform right holders and interested parties once it has determined an application fee.

12. Provisional Lists

Before the Department makes a final decision on who will be allocated oyster rights, it will issue a provisional list of successful applicants on an area basis to each area. People in these areas may then inform the Department if any persons who historically harvested oysters have not been included on the provisional list.

13. Permit Conditions

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. These may be amended annually after consulting with right holders in the fishery. Right holders and interested parties are invited to comment on these permit conditions.

ANNEXURE B

UYILO



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO
ICANDELO LOLAWULO LOLWANDLE NONXWEME**

**UMGAQO NKQUBO WOLWABIWO KUNYE NOLAWULO LOSHISHINO
LWAMALUNGELO OKULOB A K WINDAWO ZOKULOB A IIMBAZA : 2005'**

**UMGAQO NKQUBO OSAYINIWEYO MAYIFUNDWE KUNYE
NOMGAQO NKQUBO WOLAWULO OSETYENZISIWEYO
KULWABIWO KUNYE NOLAWULO LOSHISHINO LWAMALUNGELO)
OKULOB A www.mcm-deat.gov.za**

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1. Intshayelelo

Lo mgaqo nkqubo wolwabiwo kushishino lokuloba iIMbaza ukutshwe licandelo lezendalo okusingqongileyo kunye nokhenketho :ISebe eliLawula iMarine and coastal ("Icandelo") izimvo zoluntu.Lo mngaqa nkqubo mawufundwe kunye nedrafti yomgaqa nkqubo wajikelele wolwabiwo kunye nolawulo lwamalungelo okushishina ngokuloba lowama:2005.

Njengoko kutshiwo kumgaqa nkqubo wajikelele, ngokukhawuleza okukhulu iSebe liyakubamba usasazo lwezimvo kuluntu nemiboniso endleleni ukwenzela bakwazi ukuhlanguana noluntu jikelele, ingakumbi amaqela anomdla nachaphazelekayo ngokubhekiselele kulo mgaqa nkqubo.Izimvo ezibhaliweyo okanye ezingabhalwanga phantsi ziyakwamkeleka kwezintlanganisano kwaye uncedo luyakufumaneka xa kuyimfuneko. 2005.Izimvo ezobhaliweyo mazisiwe kwiSebe ngowe-11 kuTshaziimpunzi koma-2005.Izimvo ezifakwe emva kwalo mhla aziyi kwamkeleka . Izimvo mazifakwe ngoluhlobo lulandelayo:

Nge Fax: Fax Number: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments	Nge Mail: Qaphela: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery (Please specify which fishery) Policy Comments	Nge E-mail: RVU@deloitte.co.za Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments Nge Sandla Qaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments
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Injongo yalenkqubo kukwenza imiba eyakuthi isebenze kulwabiwo loshishino ngeembaza nelungelo lokuzivuna. Eminye imiba ayimitshanga apha. Ibisele isetyenzisiwe liSebe kwixesha elidlulileyo xa kwakusabiwa amalungelo kunye nolawulo lweli shishini kwaye ubukhulu bale nkqubo bubonisa ukubhalwa kwemithetho ngokulandelelanayo kwale miba .

Amanye amalungelo asele edlulile olwabiwo nolawulo lwemiba yenkqubo icaciswe ngokubanzi kulo mgaqa nkqubo.Ulawulo lwesikhokelo Nnkqubo yoShishino ngeemaza iyakuqunjelwa ngawo onke amalungu anelungelo ngexesha lalenkqubo ngowama-2006.Esi sikhokelo siyakunika inkcazelo emisa ulawulo lolwazi lwenkqubo kunye nenkqubo yendawo ekulotywa kuyo.

Umphathiswa wezeNdalo okusiMgqongileyo noKhenketho uzimisele ukonyula icandelo le-18 elinamandla lokwaba ushishino lokuloba iimbaza ngokwemiqathango yecandelo 79 yoMthetho we-18 ka-1998 weMarine ("MLRA") ezibubutyebi bendalo obuphilayo.

2. Imvelaphi yeembaza

Imbaza icape Rock, ekujoliswe kuyo kwindawo ekulotywa kuzo, isasazeke ngokubanzi iyafumaneka kumatye angaphandle ukusuka kulwandle icape Agulhas ukuya eMozambique. Ezi mbaza zifumaneka kwindawo ebizwa ngokuba inamanzi amancinci okanye amaninzi anobunzulu obuqikelelwa kubunzulu obuyi-6m.

Olu hlobo lwembaza lolwendalo kodwa kwindawo zokutya eMzantsi Afrika ithengiswa njengeyona nto yakha yanexabiso elikhulu. Eyona mbaza inexabiso eliphantsi yimbaza efumaneka kunxweme iPacific ize ithunyelwe kwamanye amazwe ize isetyenziswe njengezona zityo zaselwandle zithandwayo.

Iimbaza kunxweme laseThekwini kufumaniseke ukubea zithatha iinyanga ezingama-33 (iminyaka emithathu) ukuze zibe kwixabiso lokuthengiswa (zibe bubukhulu obuyi-60 mm bubude obufanelekileyo). Iimbaza zisasaza amaqanda. Iimbaza kunxweme laseThekwini zizala unyaka wonke zizale ngakumbi entwasahlobo nasehlotyeni.

Zivunwa ngexesha apho amanzi akwiqondo elisezantsi kwaye ngokwesiko bezinomda ngokwendawo enamanzi okanye engenawo nangona kunjalo kwiminyaka esandula ukudlula bekusoloko kunyuka ubunzulu bokuvuna ngakumda okwindawo apho amanzi abamaninzi okanye abemancinci. Yenziwa kuphela kokuxinana kwembaza kwindawo esenokuba namanzi amaninzi okanye amancinci kunye nokunyuka okukhawulezileyo kwindlela yokuqhubela phambili (inzame ezicothayo) iimbaza ziyasuswa ematyeni ngosebenzisa ngolugxa.

3. Amacandelo ahlukeneyo

Ushishino lwembaza lwangaphambili lwalusebenza njengeendawo ezimbini zokuthengisa ezahlukeneyo zinxulumene ngokwezo ndawo unxweme oluseThekwini kunye nonxweme olukumazantsi Kapa. Ukususela kowama-2002 ushishino lolawulo lweembaza

lwabanjengentengiso yesizwe. Phantsi kwenkqubo yolawulo entsha amaziko ama-4 oshishino ngeembaza neendawo zokuvuna zavunya ngokusemthethweni, kunxweme ulosemantla nolusemazantsi eTheku, oluseBhayi kunye nolusemazantsi eKapa. Umahluko phakathi kwemiqathango kunye neendlela zokuvuna kwiziphaluka iyaqhubeka iyasebenza.

EThekwini (kunxweme olusemantla nolusemazantsi), indlela yolawulo lwangaphambili yasetyenziswa yaze yagcinwa nguRhulumente wePhondo waseThekwini. Oku kwenzelwa ukuzama ukukhusela iinzame zokunqanda apho amanani abakhi zimbaza banomlinganiselo wengxowa enye enembaza aziyi-190 ngosuku lonto inyanzelakile. Unxweme olusemantla nolusemazantsi eThekwini lohlulwe lwaba yimimandla emihlanu unxweme lulunye, athi avunwe ngamaxesha ohlukeneyo. Lento yenza ukuba ezinye indawo zibe zizikhulela indalo yazo ngexesha kusavunwa ezinye iindawo ixesha elingangeminyaka emithathu (ingaba lixesha elifanelekileyo lokukhula de zifikelele kwixabiso lokuthengiswa) kungoko kufuneka kunikwe ixesha lokukhula kwezikhondo zeembaza. This system applies to both the commercial and recreational sectors. Ie nkqubo isebenza macala omabini elentengiso nakwi candelo lolwakheko ngokutsha.

Unxweme olukumazantsi eKapa alilawulwa ngendlela yokuvuna ejikelezayo akukho namlinganiselo wosuku kodwa zikhona iindlela zokunqanda abakhi beembaza, ngaphezulu lemizamo inwenwele nakwezinye iindawo lonto yandisa ukutyeba kwendawo ekhula iimbaza. Indawo yokuloba ekunxweme elikumazantsi weKapa lilawulwa lixesha lokonwaba ukususela ngowe-15 kweyoMnga ukuya kowe-5 kuJanyuwari. Olu valo lelisesha lonyaka lwanyanzeliswa ukunqanda ingxabano phakathi kwabachongi beeholide kunye necandelo loshishino ngeembaza. Ebhayi, iimbaza azivunwa zisekomandlalo kuqokelelwa ezo zisuswe ngamanzi kuphela.

INzame eziSetyenziswayo ziPhelele ("TAE") yokuloba iimbaza okwangoku ayikaziswa ngabe zinzululwazi yemiba okanye iwonga lobutyebi, libhekiselele kumngangatho womzamo ophambi kowama-2002. Inkqubela kuphando kunye nokunikwa kwamaxabiso kwembaza, kuyimfuneko ukwenzela ukumisa uphuhliso lomngangatho wokuvuna. I(TAE) ekhoyo kowama-2005 yenzelwe abakhi bembaza abangama-145 kwaye babelwe ngoluhlobo lulandelayo:

- KZN North (25 abavuni);
- Umntla weThekwini (bali-25 abakha iimbaza)
- KZN South (15 abavuni);
- UMzantsi weThekwini (bali-15 abakha iimbaza)
- Mzantsi Ntshona (102 abavuni); ne
- Port Elizabeth (3) abavuni.
- Umzantsi weKapa (bali-102 abakha iimbaza) kunye
- NeBhayi ba-3 abakha iimbaza

I-TAE kunxweme olusemazantsi eKapa iqhubela phambili ngokwahlula phakathi imimandla, libhekiselele kubukhulu bokufikelelwa kwendawo ezifanelekileyo zeembaza kunye nezindawo zilandelayo

- Heidelberg ("Witsand"): 10 abavuni;
- eHeidelberg ("Witsand"): bali-10 abakha iimbaza
- Riversdale/Mossel Bay: 58 abavuni; and
- eRiversdale/Entla kwebhayi: bali-58 abakha iimbaza
- George/Knysna: 34 abavuni.
- eGeorge/eKnysna: bali-34 abakha iimbaza

Amathuba ambalwa oshishino abiwa ngowama-2002 kunikwe igunya iqaqobana labalobi bakudala abangazange bavunyelwe ukuthengisa izivuno ukuze baziphilise.

4. Inkqubo yolwabiwo ephakathi yegunya lamalungelo

Ngowe-2002 amalungelo oshishino okuvuna iimbaza anikezelwa kubaceli mvume abangama-34 bagesha abavuni abali-114. Ezi zipesenti ezingama-88 zabelwa amathuba ambalwa oshishino.

Amalungelo anikezelwa kubantu abathile. Abantu abafumana iipesenti ezingama-91 zeclose corporation iipesenti ezi-3 kunye nenkampani iipesenti ezi-6 zamalungelo.

Abantu abamnyama banepesenti ezingama-25,8 kuphela zamalungelo, bubuhlwempu obugqithileyo kwishishini lokuloba elifikeleleka lula, kwaye ke kucelwa ubuncinane bezixhobo kunye nemali yendleko. Nangona iTAE yayenzelwe abantu abali-45 abangabakhi beembaza, bali-114 kuphela abantu abavuna iimbaza.

5. Injongo zelicandelo loluntu ziqulathe konke

Funda ngenkqubo yabalobi jikelele, injongo yalengkqubo kukumisa indlela esisigqibo samalungelo okuloba ezakunikezelwa. Injongo zokwabiwa kwamalungelo okushishina kule ndawo yokuloba.

- Okubalulekileyo kukuphucula inguqulelo zembali yale ndawo yokushishina;
- Ukunikezelwa kwamagunya kwabo baxhomekeke ekuvuneni iimbaza ukuze baphile;
- Ukunika abavuni bembaza amagunya
- Uqinisekisa ukuba amalungelo abelwe zonke iindawo apho iimbaza zingafumaneka khona ;kunye
- Nokuxhasa ukubakho koqoqosho kunye nobume bemeko yendalo yokuphuhlisa lendawo.

iSebe liyawuqonda kwaye liyazikhathaza ngomkha wabantu abaxhamla bodwa kwelicandelo (khangela istanza 9 ngasezantsi)

6. Ubude bexesha ekuvunyelenwe ngalo

Amalungelo okuloba abiwa kwixesha elingadluliyo kwiminyaka emithathu. Ilungelo lexesha elide liyakujongwa xa kukho ulwazi olwaneleyo kwiwonga lobutyebi kunye nenguqulelo yembali yeli candela iphuculwe ngokucacileyo. ISebe lizakuqalisa izifundo ezingemiba enxulumene noluntu

kunye noqoqosho kwixesha leminyaka emiyathu yorhwebo yokuzama ukulungisa ukungalingani kwelicandelo.

7. Abangeneleli abatsha

Nangona olushishino lulonke luxhatshazwa, indawo ezimbalwa zesivuno azizange zaqaliswa ukuxhatshazwa. ICandelo licela ukuba ezindawo mazixhatshazwele ukufumana ulwazi olubalulekileyo ngembaza. Ukongeza icandelo alinazinguqu kwaye zivelelwa ngabantu abambalwa ukonakalisa kwezinye indawo ezisebenzayo.

ICandlo liyakuzama ukwaba amalungelo abantu abatsha apho kungekho mthetho wolawulo ophakathi kwamalungelo amashishini awayenikezelwe (kwaye TAEyayenzelwe ezi ndawo) kwaye kulapho intshayelelo yabantu abatsha iyakuphucula inguqulelo yembali yelicandelo

8. Indlela zokuhlola

Izicelo mvume zoshishino ngeembaza ziyakuhlolwa ngokwendlela zokukhetha nokulingana kohlobo.

8.1 Imiqathangoyo yokukhutshelwa ngaphandle

Ukwangeza kwimiqathango yokukhutshelwa ngaphandle icaciswe kwinkqubo yorhwebo jikelele ngokubhikiselele kwindawo zokuhlala ezingafanelekanga kunye nokulahla kwento engaluncedo kwenye into, lemiqathango ilandelayo yokukhutshelwa ngaphandle iyakusebenza kubo bobabini abaceli mvume abanelungelo nabaqalayo.

- (a) Uhlobo lomntu omakenze isicelo:** ngabantu nje (umntu oyedwa) angenza isicelo semvume samalungelo .
- (b) Izicelo ezivela kwintsapho:** Linye ilungelo eliyakuthi linikwe usapho. Ukuba kuthe kwafunyanwa izicelo ezingaphezulu kwesinye zivela kumalungu osapho

ahlala emzini omnye, zonke ezo zicelo aziyikwamkeleka. Xa kuthe kwabelwa amalungu osapho olunye ngaphezu kwesinye kufuneka abaceli mvume babonakalise ngokucacileyo ukuba banamashishini asakhulayo awohlukeneyo .

- (c) **Ukuthobela:** abacelimvume abafumaniseke benamatyala anobuzaza eMLRA (isikhokelo, somzekelo, isigwebo sangaphakathi entolongweni unganikwa lungelo lakuzikhulula) abanakunikwa lungelo.
Okunye okophulwa kwemithetho yeMrine Living Resources Act kuyakuchaphazela ngakumbi ukuhlolwa kwezicelo, ziyakufumaneka zingafanelekanga njengoko kubonisiwe ezantsi
- (d) **Iphepha lesabelo:** Iphepha lesabelo njengoko lichaziweyo inkqubo yomgaqo jikelele bayakukhutshelwa ngaphandle .
- (e) **ukungasetyenziswa kwamalungelo:** abantu abanelungelo abangakwazanga ukusebenzisa lomthetho woshishino phakathi kowama-2002 kunye nowama-2004 abayi kunikwa lungelo.
- (f) **. Abanengeniso eyenye:** Abantu (abanjengamaqhwebha ,ootitshala amapolisa abancwabi kunye nezinye) ezithi zifumane ingeniso engenye ngaphandle koshishino lokuloba bayakukhutshelwa ecaleni.
- (g) **Ukuzibandakanya ngokupheleleyo:** Umntu ofake isicelo kufuneka azibandakanye ngokupheleleyo kuvuno lweembaza.

8.2 Imiqathango yomiselo kungelelwaniso

t holder applicants and new entrant applicants, the weighting that will be applied to each category will differ. Nangona imiqathango emiselweyo iyakuthi isetyenziswe ngofanayo kumalungu afanelekileyo kunye nabo bangenela okokuqala ,ubunzima obuyakusetyenziswa kwicala ngalinye buyakwahluka.

(a) Inguqulelo

ICandelo liyakuvumela izicelo zabantu abamnyama njengengotshintsho lembali yelicandelo ebisoloko incinane. Ukongeza isebe lifuna ukunika abafazi invume ngokubenzela isicelo ngokokwesini njengomvula-ndlela wenani elithile.

(b) Ingeniso yeshishini

Isebe liyakuqwalasela ukuba hlobo luni lwengeniso, umntu owenza isicelo ayakulwenza kwelicandelo, mhlawumbi ngendlela yokuqhubekeka okanye indlela yokuthengisa apha nakuzwe lonke.

(c) Indlela yokuvuna

Abacelimalungelo bayakuvavanywa ngokwendlela abavunangayo i oyster nenkqubo kwixesha eliphakathi lokunikezelwa kwamalungelo.

Abangeneleli abatsha bayakugocwagocwa malunga nesakhono sabo, ulwazi kwakunye nobugcisa ekuvuneni ioysters.

(d) Ukuxhomekeka kwi Oysters

ICandelo liyakukhetha abafaki zicelo abaxhomekeke ekuvuneni ioyster kangange 75% nangaphezulu kwinzuzo yabo yonyaka. Njengoko sekutshiwo apha ngasentla, abafaki zicelo abanenzuzo kwindawo ezingaphandle koshishino lokuloba bayakukhutshelwa ecaleni

(e) phuhliso loqoqosho ekuhlaleni

ICandelo likhetha ukwabela amalungelo abo bacela invume behlala ecaleni lendawo ezivunwa kuzo iimbaza. Ngokwale meko yokuqwalasela iCandelo liyakufuna ukuba abaceli mvume babe nexesha elingangeminyaka emine behlala kwezo ndawo.

(f) Ukuthobela

.Amalungu afanelekileyo, asephantsi kophando lokwaphula umthetho wemarine Living Resources Act abayi kwabelwa lungelo de kubuye iziphumo zophando.

Utshabalaliso olungephi loMthetho weMarine Living Resources, odibanisa imiqathango,

9. Abaxhamli wedwa nokuBhaliswa kwabaThengi

ICandelo linezimvo zokuba injongo zelicandelo azikafumaneki ngenxa yokuxhamla kwamanye amacandelo elinye okanye ibe ngamaqela amabini.

Elicandelo aliphazanyiswanga kuphela ngabantu abaxhamla bodwa , kodwa abavuni basetyenzisiwe. Ubukho bokuxhamla wedwa kwelicandelo ayamkelekanga kwaphela kungasayi kuze kuvumeleke iqhubekeke.

Ngako oko, bonke abantu abafuna ukuthenga imbaza kubagcinimalungelo (pickers) bayakucelwa ukuba babhalise kwiCandelo. ICandelo alisayi kubabhalisa abathengi ababekhe banamalungelo okanye abaxuthelwa imvume zabo phantshi kwe Marine Living Resources Act okanye babekwa ityala phantshi kwe Marine Living Resources Act. Ukuba iSebe licinge ukuba abathengi ababhaliseweyo bophula umthetho wokuthengiswa kwe mbaza, iCandelo liyakungenelela.

10. Ukuvunwa kwe Oysters

Abanini malungelo nabavuni bayakuvunyelwa ukuba bavune ioysters basebenzise:

- impahla zamanzi ;
- Ibhanti ebangela ubunzima
- masks; ne

- Isigqumathelo sobuso
- snorkels.
- umbhobho wokuphefumla xa uphantsi kwamanzi

Amalungu kunye nabavuni abavumelekanga ukusebenzisa:

- amaphiko okudada;
- izixhobo zokuphefumla
- nezixhobo zokudada.

11. Imali ebhatalwayo xa ucela imvume

Imali yesicelo ayibi ngaphantsi kwama-500 eranti. ICandelo okwangoku yenza isigqibo ngexabiso lenkqubo yokwabiwa okwenzekayo kwelicandelo. ICandelo liyakwazisa amalungu afanelekileyo kunye namaqela anomdla xa sele kuvunyelwene ngemali yesicelo yemvume

12. Uluhlu lwethutyana

Phambi kokuba icandelo lenze isigqibo ngalowo uzakunikwa imvume kuyakukhutshwa uluhlu lwabaceli mvume abaphumeleleyo kwindawo esisiseko kwenye indawo. Abantu kwezindawo bayakwazisa iCandele ukuba kukho ubani obekade engumvuni weembaza ongafakwanga kolu luhlu lolungiselelo.

13. limeko zokuvumelana

Imeko zemvumelwano kule ndawo yokuloba ziyakukhutshwa qho ngonyaka limeko zovumelwano ziyafumaneka kolu shishino lomnyaka wama-2005zincanyathelisiwe njenge **Sihlomelo A.** kufanele ukuba zingeniswe qho ngonyaka emva kokuhlangana namalungu

afanelekileyo kushishino lokuloba. Amalungu kunye namaqela anomdla bayamenywa ukuba avakalise izimvo zawo kwezi meko zovumelwano.

ANNEXURE C

DRAFT



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF
COMMERCIAL FISHING RIGHTS IN THE KWAZULU-NATAL
SARDINE BEACH-SEINE COMMERCIAL FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT GENERAL
POLICY ON THE ALLOCATION AND MANAGEMENT OF LONG-
TERM COMMERCIAL FISHING RIGHTS: 2005 (available at
www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the KwaZulu-Natal (KZN) sardine commercial beach-seine fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*"the Department"*) for public comment. This fishery will also be referred to as the KwaZulu-Natal sardine beach-seine fishery. This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*"the General Fisheries Policy"*).

As stated in the General Policy, the Department will hold public meetings at coastal venues to consult with the general public and interested and affected parties in particular, with respect to this draft KZN sardine beach-seine policy. At these public meetings, comments on this policy will be invited. Written comments may be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General KZN Sardine Beach-Seine Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 KZN Sardine Beach-Seine Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General KZN Sardine Beach-Seine Policy Comments
		By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont KZN Sardine Beach-Seine Policy Comments

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial KZN sardine beach-seine fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A KZN beach-seine Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

2. Biology and resource dynamics

The KwaZulu-Natal commercial sardine beach-seine fishery is highly seasonal. During the winter months when large shoals of sardines (*Sardinops sagax*) enter the waters of KwaZulu-Natal from the south. This classical spawning migration is referred to as the KZN "sardine run".

The annual sardine run corresponds with an offshore movement of the warm Agulhas Current in the region of the Wild Coast during autumn through to winter and its replacement by a cool, narrow band of water inshore. This event provides a corridor for cold-water-loving sardines to migrate northward in large shoals that may be 15 kilometres long, three kilometres wide and 40 metres deep. The shoals attract thousands of predators such as gannets, dolphins and sharks.

The KZN sardine beach-seine fishery relies entirely on the sardine run. Moreover, KwaZulu-Natal's tourism industry is geared towards capitalizing on the spectacle of the sardine run, including the excitement of beach-seine operations. There are, however, years when the intrusion of cold water does not occur or sardines do not appear inshore. Catches in the KwaZulu-Natal sardine beach-seine fishery have been close to zero in some years.

The KZN sardine beach-seine fishery has been regulated since the 1970s. Prior to the Marine Living Resources Act (1998), permits were issued by the KZN Fisheries Licensing Board. A maximum of 35 permits were allocated annually. Permits, and nowadays rights, were issued exclusively for the capture of sardines; all other fish had to be returned to the water alive.

3. Sector profile

The commercial sardine beach-seine fishery is restricted to KwaZulu-Natal. Due to it being a short, seasonal fishery which is only activated during the sardine run, most of the participants are employed in other fishing sectors for the remainder of the year.

Although sardines are a TAC-controlled species, targeted predominantly by the pelagic fishing industry, the KZN beach-seine fishery is managed on the basis of Total Applied Effort (TAE). This is because the biomass landed by beach-seines in KZN is less than 0.1 percent of the total national catch. Effort is not restricted to any particular beaches or areas, thereby allowing the Draft Sardine Beach-seine Fishing Policy: March 2005

fishers to follow the sardines along the coast and catch the fish as they move inshore. Gear restrictions apply and fishing in marine protected areas is prohibited. The TAE (the number of nets that may be used), is set by the Minister each year.

The sardine beach-seine nets are laid using converted ski-boats. Teams of fishers - approximately 20 per net - then haul the net shoreward by hand. Sardines are sold locally by the right-holder, or buyers purchase the contents of the net while it is still on the beach. The bulk of the catch is used for bait but a limited amount of sardines are consumed by the locals. In years when the sardine run occurs, an average of 20 000 crates or 500 tons are landed, with a catch value of between R1.5 and R2 million.

The present right-holders are mainly commercial fishers, split equally among Blacks and Whites. In the past few years, two rights have been fished by squid right-holders from the Eastern Cape. These right-holders have introduced more technologically advanced procedures to the fishery. Their use of a spotter plane and superior fishing gear has resulted in them out-competing the other fishers. All teams employ temporary labour during the season. Consequently, approximately 700 workers may be employed for a one- to two-month season each year.

4. The medium-term rights allocation process

The sardine beach-seine fishery has not changed much since before the revision of the TAE and the allocation of rights in 2001. Medium-term fishing rights introduced a degree of stability to the fishery, whereas in previous years permit-holders entered or exited the fishery each year. The TAE was set at 35 right-holders in 2001. Only 27 applications were received, 26 of which were granted.

This fishery is relatively capital intensive due to the capital outlay required for a powered ski-boat, beach-seine net and 4X4 vehicle, as well as the risk associated with the short, unpredictable sardine season. The fishery is currently 50 percent black-owned and managed.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the sardine beach-seine fishery are to:

- Increase the transformation profile of this fishery;
- Allocate rights to sardine beach-seine fishers who are traditionally reliant on sardines and resident in KZN;
- Sustain the economic viability of the fishery
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, the Department will allocate commercial fishing rights for a period of ten years (01 January 2006 – 31 December 2015). Every right-holder will, however, be tested at regular intervals against predetermined performance criteria. These criteria will be discussed with right-holders during 2006.

7. New entrants

Surplus effort is available for allocation in this fishery. The Department will seek to accommodate new entrants. It will also replace non-performing right-holders and untransformed entities.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter weighted in terms of a set of "*comparative balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of the applications and material defects, the Department will exclude applicants that fail to meet the following requirements:

- (a) **Form of right-holder:** Although the General Policy prohibits companies and close corporations from applying in the Cluster D fisheries, the KZN Beach-seine fishery is an exception. The Department will in this fishery (and only this Cluster D fishery) permit individuals and close corporations (not companies) to apply for a KZN beach-seine commercial fishing right. As far as individuals are concerned, more than one right will not be granted to a family. In addition, a right will not be granted to a close corporation and members or employees separately.
- (b) **Traditional sardine beach-seine:** Rights will only be allocated to traditional sardine beach-seine fishers. The Department considers a traditional sardine beach-seine fisher to be someone who has been active in the fishery for the past ten years.
- (c) **Access to nets and boats:** Applicants will be required to demonstrate that they have access to the appropriate nets and a suitable boat required to operate in this fishery.
- (c) **Compliance:** Applicants that perpetrated serious infringements of the MLRA or the Regulations will be excluded.
- (d) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts for paper quota, regardless of the merits of individual applications. The onus will be on the applicants to provide sufficient proof that they are not fronts for paper quotas.
- (e) **Non-utilisation:** Right-holders who did not regularly utilise their right during the period 2002 to 2004 will be excluded.

- (f) **Multi-sector involvement:** Applicants who hold rights in other commercial fisheries, or who have interests - including shares and membership interests - in right-holders in other commercial fisheries will be excluded. Beneficiaries of trust applicants will also be excluded.
- (g) **Personal involvement in harvesting of the resource:** Applicants will have to have been involved in the sardine beach-seine fishery during the fishing season and have participated in the operation of the business.
- (h) **Dependency on the resource:** Whilst the Department recognises the limited season, unpredictability and risk associated with this fishery, applicants will be required to demonstrate their historical dependency on the sardine beach-seine fishery for their livelihoods.
- (i) **KZN residents:** Commercial rights in this fishery will only be allocated to persons who live in, or whose business is registered in KwaZulu-Natal.

8.2 Comparative balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

- (a) **Transformation:** To improve the transformation profile of the KZN sardine beach-seine fishery, applicants will be scored on whether or not they are black (includes Africans, Coloureds and Indians). Applicants that are close corporations will be assessed and scored on:
 - The percentage black and women representation at ownership and management levels;
 - Whether employees are members in the applicant and the extent of their benefits;
 - Affirmative procurement;
 - The representivity of blacks and women at the various levels below executive management;
 - Compliance with the Employment Equity Act 55 of 1998; and

- Corporate social investment.

- (b) **Jobs:** Right-holder applicants who can demonstrate that they have provided employment - temporary or permanent - will be rewarded. With regard to applicants that are close corporations, regard will be had as to whether employees are provided with:
- Full-time employment;
 - Medical aid and pension;
 - Any other employment benefits; and
 - Safe working conditions.
- (c) **Historical involvement:** the Department will consider how long an applicant has been involved in the sardine beach-seine fishery.
- (d) **Fishing performance:** Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to fish using nets.

- (e) **Compliance:** Minor infringements of the MLRA, the Regulations and permit conditions, will be negatively scored. Right-holder applicants who cannot demonstrate that they comply with the Skills Development Act 97, of 1998, and the Skills Development Levies Act 9 of 1999 and the Occupational Health and Safety Act, 1993, and the Compensation for Occupational Injuries and Diseases Act, 1993, may be negatively scored where these laws are applicable.

9. Provisional lists

Before the Department makes a final decision on who will be allocated commercial sardine beach-seine rights, it will issue a provisional list of successful applicants. People in KwaZulu-Natal may then inform the Department if any commercial sardine beach-seine fishers have not, or should not, have been included on the provisional list.

10. Management and co-management of the KZN sardine beach-seine fishery

The commercial sardine beach-seine fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy, which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years.

11. Application fees

Application fees for this sector will not be more than R500. The Department is currently assessing the cost of the allocations process for this sector. The Department will inform right-holders and interested parties once it has determined an application fee.

12. Vehicle use in the coastal zone

Many right-holders in the KZN sardine beach-seine fishery have sought permission to use vehicles in the coastal zone following the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline).

Right-holders in the KZN sardine beach-seine fishery must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if a vehicle is required for fishing.

Application forms for vehicle use in the coastal zone will be made available, along with the application forms for rights in the KZN sardine beach-seine fishery. These application forms are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. Right-holders and interested parties are invited to comment on these permit conditions.

ANNEXURE D

ISIYILO



ISEBE LEZOBUME BENDALO NOKHENKETHO

ULAWULO LWESEBE LEZOLWANDLE NONXWEME

UMGAQO-NKQUBO WOKUNIKEZWA NOKULAWULWA
KWAMALUNGelo EXESHA ELIDE OKURHWEBA NGOKULOBA
INTLANZANA NGEMINATHA YASELWANDLE EKWAZULU-NATAL:

2005

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

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

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1. Intshayelelo

Lo mgaqo- nkqubo omalunga nokunikezwa nokulawulwa kwamalungelo okurhweba kushishino lokuloba kwabeminatha yaselwandle yaseKwaZulu-Natal (KZN) ikhutshwe liSebe lezoBume beNdawo noKhenketho: UkuLawulwa kweSebe lezoLwandle noNxweme ("iSebe") esenzelwe izimvo zoluntu. Olu shishino lokuloba kuza kubhekiselelwa kulo njengoshishino lokuloba ngeminatha yaselwandle lakwa KwaZulu-Natal. Le nkqubo mayifundwe ndawonye ne Siyilo-Nkqubo Jikelele amalunga noLwabiwo nokuLawulwa kwaMalungelo exesha elide orhwebo ngokuloba. : 2005("iNkqubo Jikelele yamaShishini okuLoba").

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

Nge Fax: Fax Number: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments	Nge Mail: Qaphela: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery (Please specify which fishery) Policy Comments	Nge E-mail: RVU@deloitte.co.za Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments Nge Sandla Qaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments
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Injongo yalo mgaqo-nkqubo kukubhengeza iingcamango eziyakuthi zisetyenziswe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba ngeminatha yaselwandle eKZN. Uninzi lwezingcamango azintshanga. Sele zikhe zasetyenziswa liSebe kunikezelo lwamalungelo kwixesha eligqithileyo. Lo mgaqo-nkqubo uziqulathile ezi ngcamango, kodwa ibandakanya iinguqu ezimbalwa kunye nezongezelelo.

Imigaqo-nkqubo ethile yokunikezwa kwamalungelo yexesha elidlulileyo ichaziwe kwesi siyilo somgaqo-nkqubo. IManyuwali yoLawulo loShishino ngokuloba ngeminatha yaselwandle yeKZN izakugqityezelwa kunye nabo bonke abanini-malungelo ngonyaka ka 2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazi-nkqubo yolawulo nemigaqo yolushishino lokuloba.

2. Ibhayoloji nentshukumo zobubutyebi bendalo:

Ushishino lokuloba ngeminatha yaselwandle eKwaZulu-Natal liqhubeka ngamaxesha athile onyaka. Ngexesha leenyanga zobusika xa intlaninge enkulu yeentlanzana (*Sardinops sagax*) ingena kumanzi aKwaZulu-Natal ivela emazantsi. Le mfuduko yesithethe sokuzalelwa kwamaqanda ibizwa ngokuba yi"sardine run" yaseKZN.

Olu gxalathelwano lweentlanzana lonyaka ngamnye lungqamelana nentshukumo yakude nonxweme yeAgulhas Current efudumeleyo kummandla weWild Coast ngexesha lasekwindla ukuya kutsho ebusika kunye nokusunduzwa kwayo ngumcwana womsinga opholileyo wamanzi elunxwemeni.

Esi siganeko sibonelela ngendlela kwiintlanzana ezithanda amanzi abandayo yokuba zifudukele ngasentla ziyintlaninge esenokuba ngangekhilomitha ezilishumi elinesihlanu (15) ubude, iikhilomitha ezintathu (3) ububanzi nobunzulu ubungangeemitha ezingamashumi amane (40). Ezi ntlaninge zibiza amawaka abaqwengi abanjengemikhlonjane, amahlengesi nookrebe.

Ushishino lokuloba iintlanzana ngeminatha yaselwandle luxhomekeke ngokupheleleyo kolugxalathelwano. Ngaphezu koko, ishishini lokhenketho lubhekiselelwe ekumiseni ngalo mboniso wogxalathelwano lweentlanzana, kunye nochulumanco lwenkqubo yokuloba ngeminatha erhuqwayo yaselwandle. Nangona kunjalo, ikhona iminyaka apho ungenelelo lwamanzi abandayo lungenzekiyo okanye iintlanzana zingabonakali elunxwemeni. Ukubanjiswa kweentlanzana kolushishino lokuloba ngeminatha erhuqwayo KwaZulu-Natal ikhe isondele kunothi (zero) kweminye iminyaka.

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle yaseKZN isalawulwa ukususela kwiminyaka yoo 1970. Phambi koMthetho we Marine Living Resources (ka1998), iimvume zazikhutshwa yi KZN Fisheries Licensing Board. Ubuninzi obungamashumi amathathu anesihlanu (35) eemvume zazinikezwa ngonyaka ngamnye. Iimvume, kungokunje ekuthiwa

ngamalungelo, zazikhutshelwa kuphela ukubambisa iintlanzana: zonke ezinye iintobo zeentlanzi kwakufuneka zibuyiselwe emanzini ziphila.

3. Inkcazo emfutshane ngeli candelo

Urhwebo ngoshishino lokuloba iintlanzana ngeminatha erhuqwayo lulungiselelwe ukuba lwenziwe KwaZulu-Natal kuphela. Ngenxa yokuba ilushishino lokuloba oluthatha ixesha elincinci, ngexesha elithile lonyaka elithi lenzeke kuphela ngexesha logxalathelwano lweentlanzana, uninzi lwabathathi nxaxheba baqeshwe kumanye emacandelo okuloba kwintsalela yonyaka.

Nangona iintlanzana ziludidi olulawulwa yiTAC, oluchongwa ngamandla ngamashishini okuloba e"pelagic", ushishino lokuloba ngeminatha erhuqwayo yaseKZN lulawulwa ngokwe Total Applied Effort (TAE). Oku kungenxa yokuba umthamo wobunzima oziswa emhlabeni ngeminatha eKZN ungaphantsi kune 0.1 yepesenti xa kuthalekiswa nobambiso kuzwelonke Imigudu ayithintelwanga kumalwandle okanye iingingqi ezithile kuphela, ngako oko kuvunyelwa abalobi ukubabazilande ezi ntlanzana nangaselunxwemeni ze bazibambise xa zisondela ngaphakathi elunxwemeni. Uthintelo lwezixhobo luyanyanzeliswa kwaye nokuloba kwiindawo ezithile zolwandle ezikhuselweyo akuvumelekanga. I TAE (inani leenethi ezinokusetyenziswa) imiselwa nguMphathiswa ngonyaka ngamnye.

linethi zeminatha erhuqwayo yaselwandle yokuloba iintlanzana zondlalwa kusetyenziswa amaphenyane aguquliweyo. Amaqela abalobi – malunga nama 20 ngenethi nganye – bathi bayitsalele ngaselunxwemeni iminatha ngezandla. Intlanzana zithengiswa kwakuloo ngingqi ngumnini-lungelo, okanye abathengi bathenga konke okuqulethwe enethini kwangeli xesha iinethi ziseselwandle. Ubuninzi bokubanjisiweyo kusetyenziswa njengesithiyelo kodwa inani elincinci leentlanzana lityiwa ngabahlali. Kwiminyaka apho ugxalathelwano lweentlanzana lwenzekayo yi –avareji yeebhokisi zamaplanga ezingama 200 000 okanye iitoni ezingama 500 eziziswa emhlabeni, ezinokuxabisa phakathi kwe R1.5 ne R2 million.

Ababanini-malungelo abakhoyo ngoku ikakhulu ngabalobi abangabarhwebi, bohlulelene ngokulinganayo phakathi kwabaMnyama nabaMhlophe. Kule minyaka imbalwa idlulileyo, amalungelo amabini athathwa ngabanini-malungelo eskwidi abavela eMpuma Koloni. Ababanini malungelo bazise iindlela zokusebenza ezinobuchwepheshe obongeziweyo. Ukusebenzisa kwabo iinqwelomoya zokuqwalasela nezixhobo zokuloba ezikumgangatho ophezulu kukhokelele

ekubeni babogqithe abanye abalobi. Onke amaqela aqasha abasebenzi bethutyana ngexesha lokuloba. Ngenxa yoko, malunga nama 700 abasebenzi angaqashwa ithuba lenyanga okanye ezimbini ngonyaka ngamnye.

4. Inkqubo yokunikezwa kwamalungelo exesha eliphakathi

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle alikatshintshi kangako ukusukela phambi kokuhlaziywa kwe TAE nokunikezwa kwamalungelo ngo 2001. Amalungelo okuloba exesha eliphakathi azisa iqondo elithile lozinzo kolu shishino lokuloba, noxa kwiminyaka edlulileyo abanini-malungelo bebengena okanye beziphumela kolu shishino ngonyaka ngamnye. I-TAE yamiselwa kuma 35 abanini-malungelo ngo 2001. Kwafunyanwa kuphela ama 27 ezicelo, ezingama 26 kuzo zavunyelwa.

Olu shishino lugxininise kakhulu ekubeni ubenenkunzi yemali ngenxa yenkunzi yemali edingekayo ukuthenga iphenyane elinamandla, iminatha erhuqwayo yaselwandle kunye nenqwelomafutha eyi 4X4, kunye nobungozi obunxulunyaniswa nelixesha lonyaka leentlanzana lifutshane nelinemeko esenokutshintsha nanini. Olu shishino ukuza kuthi ga ngoku lunabanini nabalawuli abamnyama abakuma 50 epesenti.

5. Iinjongo zecandelo eziqakayo

Iinjongo zokunikezwa kwamalungelo exesha elide kushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle koku;

- Ukunyusa inkcazo ngotshintsho kolushishino lokuloba;
- Ukunikezwa kwamalungelo kubalobi beentlanzana abasebenzisa iminatha erhuqwayo abaxhomekeke kwiintlanzana behlala e KZN;
- Ukuxhasa ukuqhubeka ngezemali koshishino lokuloba; kunye
- nokugcinwa kobume nemeko yoshishino.

6. Ubude bexesha lamalungelo

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

7. Abangeneli abatsha

Intsalela yemigudu iyafumaneka ukuze inikezelwa kolu shishino. Isebe lizakukhangela ukufaka abangeneli abatsha. Kwakhona lizakususa abanini-malungelo abangasebenzi kakuhle kunye namashishini angaguqukiyo.

8. Inqobo yokulinganisa yokuvavanya

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

8.1 Inqobo yokulinganisa yokukhetha

Ngaphandle kwenqobo yokulinganisa echazwe kwinkqubo jikelele engqamene nokungeniswa kwelizicelo neziphene ekwenziweni kwazo, iSebe liyakubakhuphela ngaphandle abafaki zicelo abathe abaziphumelela ezi mfuneko zilandelayo:

- (a) **Uhlobo loMfaki-sicelo:** Nangona uMgaqo-Nkqubo ungazivumeli iinkampani nee"close corporations" ekufakeni izicelo kumashishini okuloba akuClusterD, ushishino ngokuloba ngeminatha erhuqwayo yaselwandle lwaseKZN inxaxhile kuwo. Kolu shishino lokuloba, iSebe liyakubavumela (kolu shishino lukuCluster D kuphela) abantu abazimeleyo nee"close corporations" (hayi iinkampani) ukuba bafake izicelo zokufumana ilungelo lokurhweba ngokuloba ngeminatha erhuqwayo.

Ngokunokwabo abantu abazimeleyo, akunakukhutshwa ngaphezu kwelungelo elinye kusapho. Ukongeza apho, ilungelo aliya kunikezwa kwi "close corporation" namalungu okanye abasebenzi ngokwahlukeneyo.

- (b) **Iminatha erhuqwayo yokuloba yaselwandle eqhelekileyo:** Amalungelo aya kunikezwa kubalobi beminatha erhuqwayo yokuloba yaselwandle abaqhelekileyo. ISebe libona umlobi weminatha erhuqwayo yokuloba yaselwandle oqhelekileyo njengomntu osebenze kolu shishino kule minyaka ilishumi igqithileyo.
- (c) **Ilungelo lokusebenzisa iinethi namaphenyane:** Abafaki zicelo bayakunyanzeleka babonise ukuba banazo iinethi ezifanelekileyo nephenyane elikulungeleyo ukusebenza kolushishino.
- (d) **Ukuthobela:** abafaki zicelo abakhe baphula umthetho weMLRA ngendlela eqatha okanye imiqathango abayi kukhethwa.
- (e) **Izimiselo sobungakanani bamaphepha:** Izimiselo zobungakanani bamaphepha (njengoko kucacisiwe kuMgaqo-Nkqubo Jikelele) aziyi kubandakanywa. Amaqela amakhulu ezicelo ezifana nqwa okanye eziyeleleneyo ezimelwe ngabacebisi okanye iinkampani zorhwebo ngokuloba nezinye iimbumba aziyi kubandakanywa njengabameli kwizimiselo zobungakanani bamaphepha.
- (f) **Ukungasetyenziswa:** Abanini malungelo abangawasebenzisanga rhoqo amalungelo abo ngexesha eliphakathi kuka 2002 ukuya ku 2004 abayi kukhethwa.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki-zicelo ababambe amalungelo kwamanye amashishini orhwebo ngokuloba, okanye abanomdla – kuquka izabelo nemidla yobulungu – kubanini-malungelo abakwamanye amashishini orhwebo ngokuloba abayikubandakanywa. Abaxhamlayo kubafaki-zicelo ze trasti nabo abayi kukhethwa.
- (h) **Ukuthatha inxaxheba ngokunokwakho ekuvuneni obu butyebe bendalo :** Abafaki-zicelo bayakunyanzeleka ukuba babe bakhe bathatha inxaxheba kushishino

lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle ngexesha lonyaka lokuloba baze bazibandakanye ekuqhubeni olu shishino

- (i) **Ukuxhomekeka kobu butyebe bendalo:** Noxa iSebe libuqonda ubufutshane beli xesha lonyaka, ukutshintsha kweemeko kunye nobungozi obunxulunyaniswa nolu shishino lokuloba, abafaki-zicelo bazakufuneka babonise imbali yokuxhomekeka ekuphileni kwabo kolu shishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle.
- (ii) **Abemi baseKZN :** Amalungelo okurhweba kolu shishino lokuloba ayakunikwa kuphela abantu abahlala, okanye abanamashishini abo abhaliswe KwaZulu-Natal.

8.2 Inqobo yokulinganisa yolungelelaniso nothelekiso

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

- (a) **Inguqu:** Ukuphucula inguqu kwimbali ngoshishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle eKZN, abafaki-zicelo baya kunikwa amanqaku, ngokuba bamnyama (kuquka abaNyama, amaLawu namaNdiya). Abafaki-zicelo abazi "close corporations" bayakuvavanywa banikwe amanqaku ngezi zinto:

- Ngepesenti yabamnyama nabafazi abamele ubunini okanye abakwiqondo lesebe labalawuli;
- Ngokuba ingaba abaqeshwa bangabanini zabelo kumfaki sicelo kunye nobungakanani kwamalungelo abo okuxhamla;
- I- Affirmative procurement;
- Ukumelwa kwabamnyama nabafazi kumaqondo ngamaqondo angezantsi kwesebe lolawulo;
- Ukuthobela uMithetho weEmployment Equity, kwakunye nomthetho omalunga nokuphuhliswa kwezakhono neerhafu zokuloba. Abafaki zicelo abangayithobeliyo le mithetho basenokwalelwa ilungelo lokurhweba; kunye
- Notyalo zimali lwamashishini ekuhlaleni.

- (b) **Imisebenzi:** Abafaki-zicelo zobunini-malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi – okwethutyana okanye isigxina – baya kuvuzwa. Ngokubhekiselele kubafaki-zicelo abazi "close corporations", kuya kuthathelwa ingqalelo ukuba ingaba babonelela abasebenzi babo *ngoku* –
- Umsebenzi osisigxina;
 - iMedical aid kunye nomhlalaphantsi;
 - Nazo naziphina ezinye izibonelelo zomsebenzi; kunye
 - Neemeko zomsebenzi ezikhuselekileyo.
- (c) **Imbali ngokubandakanyeka:** iSebe liyakuthathela ingqalelo ukuba umfki-sicelo unexesha elingakanani na ezibandakanye kolu shishino lokulobaiintlanzana ngeminatha erhuqwayo yaselwandle
- (d) **Intsebenzo ekulobeni:** Abafaki- zicelo zobunini-malungelo baya kuvavanywa ngokubhekiselele kwintsebenzo yabo kwisithuba sexesha eliphakathi. Abafaki-zicelo abangabangeneli abatsha bayakuvavanywa ngokubhekiselele ekubeni banganakho na, banalo ulwazi kunye nobuchule bokuloba besebenzisa iinethi.
- (e) **Ukuthobela:** Ukungathobeli umthetho we MLRA okungabheke ndawo, imiyalelo yawo, kunye nemiqathango yemvume kuyakubangela ukohluthwa kwamanqaku. Abanini-malungelo abangenakho ukubonisa ukuba bathobela uMthetho 97 wokuPhuhliswa kweZakhono ka 1998, noMthetho 9 weeRhafu wokuPhuhliswa kweZakhono ka 1999 noMthetho we Occupational Health and Safety ka 1993 kunye noMthetho we Compensation for Occupational Injuries and Diseases , ka 1993 kungakhokelela ekubeni umfaki sicelo ohluthwe amanqaku apho ingena khona le mithetho.

9. Uluhlu lwethutyana

Phambi kokuba iSebe lithathe isigqibo malunga nokuba ngubani oyakunikwa amalungelo okurhweba nokuloba iintlanzana ngeminatha urhuqwayo yaselwandle, liya kukhupha uluhlu lwethutyana labafaki zicelo abaphumeleleyo. Abantu baKwaZulu-Natal banakho ke ngoko ukuchazela iSebe malunga nabalobi beentlanzana ngeminatha erhuqwayo abangafakwanga okanye abangafanelanga kufakwa kuluhlu lwethutyana.

10. Abaphathi nabancedisi babo kushishino lokuloba isardine ngebeach-seine eKZN

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle eKZN luyakulawulwa ngokungqamene nendlela yokuphathwa koshishino lokuloba yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke ekwaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle. i Operational Management Plan entsha yolu shishino lokuloba izakuqalisa ukusetyenziswa kule minyaka mibini okanye mithathu izayo.

11. Imirhumo yokufaka izicelo

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

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

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

lifomu zokucela imvume yokusebenzisa isithuthi kwingingqi yonxweme, kwakunye neefomu zokucela zokunikwa amalungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo eKZN. Ezifomu zokucela zikwafumaneka e www.mcm-deat.gov.za.

13. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume esebenzayo kolushishino lokuloba yonyaka ka 2005 incanyathiselwe njenge **Annexure A**.

Abanini-malungelo namaqela anomdla ayamenywa ukuba aveze ezawo izimvo kule miqathango yemvume.

ANNEXURE E

DRAFT



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF
COMMERCIAL FISHING RIGHTS IN THE BEACH-SEINE (TREKNET)
AND GILLNET (DRIFT-NET, SET-NET) COMMERCIAL FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT GENERAL
POLICY ON THE ALLOCATION AND MANAGEMENT OF LONG-
TERM COMMERCIAL FISHING RIGHTS: 2005 (available at
www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the commercial beach-seine (treknet) and gillnet (drift-net, set-net) fisheries is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*"the Department"*) for public comment. (These fisheries will also be referred to as the beach-seine and gillnet fisheries). This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*"the General Fisheries Policy"*). A separate policy is issued for the KwaZulu-Natal beach-seine fishery.

As stated in the General Policy, the Department will hold public meetings at coastal venues to consult with the general public, and interested and affected parties in particular, with respect to this beach-seine and gillnet fisheries policy. At these public meetings, comments on this policy will be invited. Written comments must be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

<u>By Fax:</u> Fax Number: (021) 670-1782 Attention: The Deputy Director-General Beach-Seine and Gillnet Policy Comments	<u>By Mail:</u> Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Beach-Seine and Gillnet Policy Comments	<u>By E-mail:</u> RVU@deloitte.co.za Attention: The Deputy Director-General Beach-Seine and Gillnet Policy Comments
		<u>By Hand</u> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Beach-Seine and Gillnet Policy Comments

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial beach-seine and gillnet fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A Beach-Seine and Gillnet Fishery Management Manual will be finalised with all right-holders

during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial beach-seine and gillnet fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department.

2. Biology and resource dynamics

The beach-seine and gillnet fisheries are South Africa's oldest commercial fisheries, having been established in the early 1700's and mid 1800's respectively. Besides a minimum mesh size and an area restriction that was originally designed to reduce conflict between beach-seine and gillnet fishers, there were no controls in the fishery until the early 1970's. Since then, both fisheries have been restricted to catching harders (*Liza richardsonii*) and St Joseph sharks (*Callorhynchus capensis*), with a limited by-catch allowance of linefish species. In False Bay, however, right-holders in the beach-seine fishery are entitled to target certain linefish species.

3. Sector profile

The gillnet fishery is restricted to Yzerfontein northwards whereas the beach-seine fishery is restricted to the west of Gordon's Bay. The estuarine gillnet fishery (namely Olifants Estuary) will be phased out over a five- to 10-year period.

As part of the management strategy, the coast and Total Applied Effort ("TAE") is subdivided into "beach-seine and gillnet" areas, effort is limited by gear restrictions and fishing by means of nets is prohibited in Marine Protected Areas. Essentially, the beach-seine and gillnet fishery is set a TAE (number of nets that may be used in each area along the west and south east coasts) on an area basis by the Minister each year.

Prior to the 2001 medium-term right allocation process, the fishery landed approximately 6 000 tons of fish per annum, of which only 1 400 tons were reported on compulsory monthly catch return forms.

A survey of more than 50 percent of permit-holders revealed that less than 10 percent regarded themselves as beach-seine or gillnet fishers while only eight percent were *bona fide*, full-time netfishers who acquired more than 50 percent of their income from this fishery. Permit holders in most areas operated at a loss of between R1 900 and R5 500 per annum, the exceptions being the gillnet fishery in Saldhana-Langebaan, where 50 percent of operators were full time net fishers and the beach-seine fishery in False Bay, where 70 percent of operators were full time netfishers.

The main target species, the harder, is currently over-exploited. There is a direct negative correlation between the degree of effort and stock status. The export market for the secondary target species, St Joseph shark has collapsed, but there is potential for a local market. There is a substantial linefish by-catch comprising mostly over-exploited or collapsed species. Consequently, the management of the netfishery cannot be considered separately from the line fishery.

There exists a substantial illegal gillnet fishery directed at high value species throughout the west, south and east coasts. Illegal gillnetting on the west coast is mostly directed at galjoen (*Dichistius capensis*) and smooth-hound shark (*Mustelus mustelus*) in the sea and harders, springer / flathead mullet (*Mugil cephalus*) and elf (*Pomatomus saltatrix*) in estuaries. Illegal gillnetting on the south and east coasts is largely confined to estuaries and directed at, amongst others, dusky kob (*Argyrosomus japonicus*), spotted grunter (*Pomadasys commersonnii*) and a range of mullet species.

4. The medium-term rights allocation process

Prior to the revision of the TAE and allocation of rights in 2001, the fishery was completely over-subscribed with 147 beach-seine and 293 gillnet permits issued between Port Nolloth on the west coast and Nature's Valley on the south coast. There were a further 120 and 100 gillnet permit-holders in the Olifants and Berg River estuaries respectively. Consequently, effort had to be reduced to levels that would facilitate the recovery of the harder stock and ensure economically viable ventures for the remaining *bona fide* full-time fishers. The TAE was accordingly set at 58

beach-seine rights and 162 gillnets. In the 2001 medium-term rights allocation process, 12 beach-seine net rights and 55 small net (gillnet) rights were allocated. A further 58 netfishers were granted exemptions to fish.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the beach-seine and gillnet fishery are to:

- Increase the transformation profile of this sector;
- Allocate rights to traditional beach-seine and gillnet fishers in traditional fishing areas along the west and southeast coasts;
- Manage the fishery in a way that ensures that the main target species caught by beach-seines and gillnets, such as harders and St Joseph sharks, recover from current levels of over-exploitation;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, the Department will allocate commercial fishing rights for a period of 10 years (01 January 2006 to 31 December 2015) and subject to regular review against predetermined performance criteria, including the attainment of agreed transformation goals

7. New entrants

Although the beach-seine and gillnet fishery is oversubscribed, with many more netfishers than nets available for allocation, the Department may replace a number of non-performing netfishers with traditional netfishers who were not allocated medium-term rights.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter weighted in terms of a set of "*comparative balancing criteria*". A cut-off score or rank will then be determined to select the successful applicants.

8.1 *Exclusionary criteria*

Apart from the criteria described in the General Policy pertaining to the lodgement of the applications and material defects, the Department will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Only natural persons will be considered. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) will have to apply in their individual capacities, but will be considered to be "*right-holders*" for purposes of the allocation process.

A nuclear family (comprising a couple, their parents and their children) may not be granted more than one right so as to avoid monopolies and to broaden access to the netfish resource. Applicants may be required to disclose their relationship to applicants in other commercial fisheries. If more than one member of a household applies for a right, all the applications from the family may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (b) **Traditional beach-seine & gillnet fishers:** Rights will only be allocated to traditional netfishers. The Department considers a traditional netfisher to be someone who netfishes for a living and has done so for at least the past ten years.
- (c) **Access to nets:** applicants will be required to demonstrate that they have access to the appropriate nets and boats required to operate in this fishery.

- (c) **Compliance:** Applicants that perpetrated serious infringements of the MLRA or the regulations will be excluded.
- (d) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications. The onus will be on the applicants to provide sufficient proof that they are not fronts for paper quotas.
- (e) **Non-utilisation:** Right-holders who did not regularly utilise their right during the medium-term period (2002 to 2004) will be excluded.
- (f) **Multi-sector involvement:** Applicants who hold rights in other commercial fisheries, or have interests - including shares and membership interests - in right-holders in other commercial fisheries will be excluded. Applicants who are the beneficiaries of right-holder trusts will be excluded.
- (g) **Personal involvement in harvesting of the resource:** Applicants will have to have been involved on a full-time basis in beach-seine or gillnet fishing and accordingly have participated in the operation of the business.
- (h) **Dependency on the resource:** Right-holder applicants who are currently not dependant on beach-seine or gillnet fishing for at least 75 percent of their annual gross income will be excluded. Potential new entrants will be required to demonstrate their historical dependence on beach-seine or gillnet fishing for a livelihood. Applicants that derive any of their income from sources outside the fishing industry (except pensions or annuities) will be excluded.
- (i) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights will be excluded. Applicants will be required to demonstrate that they have lived adjacent to the fishing zone for at least four years. Commercial beach-seine and gillnet fishing rights will only be granted to residents who live adjacent to

a fishing zone or area. Successful right-holders in the beach-seine and gillnet fishery will be restricted to designated fishing zones or areas.

8.2 Comparative balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application:

- (a) **Transformation:** In order to improve the transformation profile of the beach-seine and gillnet fishery, black applicants (includes Africans, Coloureds and Indians) will score additional points
- (b) **Jobs:** Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.
- (c) **Historical involvement:** the Department will consider how long an applicant has been dependent on the beach-seine and gillnet fishery for a living.
- (d) **Fishing performance:** Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to fish using nets.

- (e) **Compliance:** Minor infringements of the MLRA, the regulations and permit conditions, will be negatively scored. Right-holder applicants who cannot demonstrate that they comply with the Skills Development Act 97, of 1998, and the Skills Development Levies Act 9 of 1999 and the Occupational Health and Safety Act, 1993, and the Compensation for Occupational Injuries and Diseases Act, 1993, may be negatively scored where these laws are applicable.

9. Provisional lists

Before the Department makes a final decision on who will be allocated rights to participate in the beach-seine and gillnet fishery, it will issue a provisional list of successful applicants. The provisional list will be circulated to each fishing area. Interested and affected parties in these areas may then inform the Department if any persons who historically participated in the beach-seine and gillnet fishery have been excluded from the provisional list.

10. Management and co-management of the net fisheries

The beach-seine and gillnet fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries is a holistic and integrated policy which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years. It is the intention of the Department to promote co-management of the resource by re-enforcing the TURF (Territorial User Rights Fishery) system.

11. Application fees

Application fees for this fishery will not be more than R500. The Department is currently assessing the cost of the allocations process for this sector. The Department will inform right-holders and interested parties once it has determined an application fee.

12. Vehicle use in the coastal zone

Many beach-seine sought permission to use vehicles in the coastal zone since the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and

Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline).

Beach-seine fishers must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if a vehicle is required for fishing.

Application forms for vehicle use in the coastal zone will be made available along with the application forms for commercial fishing rights in the beach-seine and gillnet fishery. These application forms are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. These may be amended annually after consulting with right-holders in the fishery. Right-holders and interested parties are invited to comment on these permit conditions.

ANNEXURE F

DRAFT



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE WHITE MUSSEL FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT GENERAL
POLICY ON THE ALLOCATION AND MANAGEMENT OF LONG-
TERM COMMERCIAL FISHING RIGHTS: 2005 (available at
www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the white mussel commercial fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*"the Department"*) for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*"the General Policy"*).

As stated in the General Policy, the Department will hold public meetings at coastal venues to consult with the general public, and interested and affected parties in particular, with respect to this draft white mussel policy. At these public meetings, comments on this policy will be invited. Written comments must be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

<u>By Fax:</u> Fax Number: (021) 670-1782 Attention: The Deputy Director-General White Mussel Policy Comments	<u>By Mail:</u> Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 White Mussel Policy Comments	<u>By E-mail:</u> RVU@deloitte.co.za Attention: The Deputy Director-General White Mussel Policy Comments
		<u>By Hand</u> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont White Mussel Policy Comments

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial white mussel fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A White Mussel Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial white mussel fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department.

2. Biology and resource dynamics

White mussels (*Donax serra*) occur between northern Namibia and the Wild Coast. They are present in high numbers on the sandy beaches of the west and south coasts of South Africa. The zonal distribution of the mussel changes with the tidal cycle. On the west coast, juveniles are found high up on the beach, whereas adults are distributed around and below the mean spring low tide mark. On the east and south coasts, adults are found in the mid-tide region.

White mussels are dominant burrowers on sandy beaches, favouring temperate shores. They are bivalve molluscs that filter-feed and grow to a shell length of 60 millimetres in about five years. The mussels migrate up and down the beach in response to tidal cycles, with juveniles migrating more frequently than the adults.

Commercial exploitation is limited to the west coast where white mussels are particularly abundant owing to the nutrient rich Benguela Current that washes these shores.

3. Sector profile

Commercial harvesting of white mussels is limited to seven areas along the west coast. The fishery started in the late 1960's but in 1966 it was negatively affected by a red tide that caused massive mortalities of white mussels. The recovery of the population took more than 10 years and led to a dramatic reduction in catch per unit effort ("CPUE"). The total number of white mussels harvested per year has declined steadily since the 1980's. This has largely been as a result of the fishery's lack of economic viability. Surveys conducted in 1988 and 1989 showed that the annual landings amounted to less than one percent of the standing biomass in the relevant areas. Preliminary results from surveys undertaken in 2003 and 2004 support these findings. The resource is therefore considered to be under-exploited.

Currently, commercial right-holders are permitted to collect 2 000 white mussels per month. White mussels are harvested as bait and not for human consumption. A market for human consumption needs to be investigated.

The white mussel fishery is catch- and effort-controlled. A Total Applied Effort ("TAE") of seven right-holders, with bag limits of 2 000 per month and a minimum legal size of 35 millimetres, is enforced. The right-holders either own retail outlets or sell their catch to retail outlets where white mussels realise a price of between R1.00 and R1.50 each.

4. The medium-term rights allocation process

Currently, there are seven commercial right-holders located in seven areas along the west coast. Each right-holder is permitted to harvest 2 000 mussels per month. Each right-holder employs between six and eight harvesters who are paid between R0.15 and R0.80 per mussel, depending on the number of oysters harvested.

5. Over-arching sectoral objectives

The over-arching objectives of allocating commercial fishing rights in the white mussel fishery are to:

- Significantly increase the transformation profile of the fishery;
- Allocate white mussel rights to those individuals who depend on white mussel harvesting for their livelihood;
- Encourage the development of a market for the human consumption of white mussels;
- Ensure that rights are allocated in all the areas where white mussels can be harvested;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Commercial fishing rights for white mussels will be allocated for a period not exceeding two years. Long-term rights will only be considered once there is sufficient information on the status of the resource and greater clarity about the marketability of white mussels for human consumption.

7. New entrants

The resource is not optimally exploited in a number of areas. The Department requires these areas to be exploited in order to gain valuable information about white mussels in those areas. In addition, the fishery is untransformed.

Therefore, the Department will endeavour to allocate rights to new entrants in the areas where a TAE was set, but no commercial white mussel rights were allocated in the medium-term rights allocation. Furthermore, the Department will allocate rights to new entrants who will improve the transformation profile of the fishery.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter weighted in terms of a set of "*balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 *Exclusionary criteria*

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the Department will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Only natural persons (i.e. individuals) may apply for rights in the white mussel fishery. If a white mussel harvester who is employed

by an existing right-holder would like to apply for a white mussel fishing right, he/she should ensure that he/she is not listed as a harvester on the application of his/her current employer.

- (b) **Applications from families:** In general, only one right will be allocated per family. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family where applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious infringement of the MLRA (leading, for example, to a sentence of imprisonment without the option of the payment of a fine) will not be allocated a right. Applicants that have had any fishing right cancelled or revoked in terms of the MLRA will also not be allocated a right. Other breaches of the MLRA will adversely affect an application.
- (d) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications.
- (e) **Non-utilisation:** Those right-holders that have failed to utilise their medium-term commercial white mussel right between 2002 and 2004 will not be re-allocated a right.
- (f) **Dependence on the resource:** Right-holder applicants who are not dependent on the harvesting of white mussels for at least 75 percent of their annual gross income will be excluded. Applicants that derive any of their income from sources outside the fishing industry will be excluded.

8.2 Balancing criteria

Although the following criteria will generally be applied to both right-holder applicants and new entrant applicants, the weighting that will be applied to each category will differ.

(a) Transformation

In order to improve the transformation profile of the white mussel fishery, applicants will be scored on whether or not they are black. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

(b) Investment in the fishery

The Department will consider what investments, if any, applicants have made in the fishery.

(c) Harvesting performance

Right-holder applicants will be assessed by having regard to their performance in the white mussel fishery over the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to their ability, knowledge and skills to harvest white mussels.

(d) Reliance on white mussels

The Department will prefer applicants who rely on white mussel harvesting for 75 percent and more of their gross annual income. As stated above, applicants who earn any income from sources outside the fishing industry will be excluded.

(e) Local economic development

The Department will prefer to allocate rights to those applicants who live adjacent to those areas where white mussels are harvested. Applicants will be required to demonstrate that they have lived adjacent to the white mussel harvesting area for at least four years.

(f) Jobs

White mussel harvesters who are employed by an existing right-holder may apply for a right. Applicants who intend to employ people to harvest their white mussel allocation will be preferred if they provide, or intend to provide:

- Full-time employment for harvesters;
- Medical aid and pension;
- Any other benefits; and
- Safe working conditions.

(g) Non-payment of levies

The Department requires every right-holder to pay a levy on the white mussels harvested.

Where the levies have not been paid, the right-holder applicant will be negatively scored. However, should right-holder applicants still qualify for a right, a permit will not be issued until the total amount of levies payable (plus interest) has been paid to the Department.

(h) Compliance

Right-holders, who are being investigated for breaches of the MLRA, whether criminal or administrative, will not be allocated a white mussel right until the outcome of the investigation is known.

Minor infringements of the MLRA, including its regulations, by the applicant, will be negatively scored.

9. Application fees

Application fees for this fishery will not be more than R500. The Department is currently assessing the cost of the allocations process for this fishery and will inform right-holders and interested parties once it has determined an application fee.

10. Provisional lists

Before the Department makes a final decision on who will be allocated rights to participate in the commercial white mussel fishery, it will issue a provisional list of successful applicants. The provisional list will be circulated to each harvest area. Interested and affected parties in these areas may then inform the Department if any persons who historically harvested white mussels on a commercial basis have been excluded from the provisional list.

11. Permit Conditions

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. These may be amended annually after consulting with right-holders in the fishery. Right-holders and interested parties are invited to comment on these permit conditions.

ANNEXURE G

UYILO



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

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

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

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

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1. Intshayelelo

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

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

Nge Fax: Fax Number: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments	Nge Mail: Qaphela: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery (Please specify which fishery) Policy Comments	Nge E-mail: RVU@deloitte.co.za Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments Nge Sandia Qaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments
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Injongo yale nkqubo kukuseka phandle iingcamango eziya kuthi zingene kwisiseko sethuba elide lamalungelo oshishino lwembaza ezimhlophe. Uninzi lwezi ngcamango ziqhelekile. Bezikhe zavezwa liSebe ngoko bekusekwa amalungelo ngapahmbili. Le nkqubo iqulathe ezi ngcamango, kodwa kufakwe utshitsho oluncinane kwaye nezongezelelo.

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

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

2. Ibhayoloji nentshukumo zobutyebi bendalo

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

Imbaza ezimhlophe zezona zihamba phambili kwindawo ezinesanti zikhetha indawo ezinamaqondo ashushu. Zitya zikhule zide zibe nobude obulingana nemilimitha eyi-60 kwisithuba seminyaka emihlanu. Ezi mbaza zihambe zihlala zisihla zinyuka ulwandle kuba zihambisana nokutshitsha kolwandle, ezi zincinci zezona zifuduka qho ngaphezu kwezindala.

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

3. Amcandelo ahlukeneyo

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

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

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

4. Inkqubo yokunikazelwa kwamalungelo aphakathi

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

5. Injongo zecandelo eziqakayo

Injongo eziqakayo zokunikezelwa kwamalungelo oshishino ngokuloba imbaza ezimhlophe ku:

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

6. Ixesha lamalungelo

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

7. Abangeneleli abatsha

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

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

8. Uhlobo lovavanyo

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

8.1 Uhlobo lokukhutshwa kwabathile

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

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

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

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

8.2 Inkqubo elinganayo

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

(a) Inguqu

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

(b) Utyalo-mali kiushishino lwentlanzi

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

(c) Indima edlaliwayo ekulobeni

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

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

(d) Ukuxhomekeka kwimbaza ezimhlophe

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

(e) Ukuphucula urhwebo lwangaphakathi.

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

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

(f) Imisebenzi

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

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

(g) Ukungahlawulelwa kwerhafu

ISebe lifuna wonke umnini malungelo ahlawule irhafu ekuvuneni imbaza ezimhlophe.

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

(h) Ukuthobela

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

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

9. Intlawulo yezicelo

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

10. Uluhlu lwethutyana

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

11. Imigaqo yemvume

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

ANNEXURE H

ISIYILO



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

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

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

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

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1. Intshayelelo

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

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

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

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

2. iBhayoloji neentshukumo zobutyebi bendalo

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

3. Inkcazo emfutshane ngecandelo

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

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

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

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

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

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

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

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

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

4. Inkqubo yokunikezwa kwamalungelo exesha eliphakathi

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

5. Iinjongo zecandelo eziqakayo

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

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

- nokugcinakala kobume nemeko yoshishino.

6. Ubude bexesha lamalungelo

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

7. Abangeneleli abatsha

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

8. Inqobo yokulinganisa yokuvavanya

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

8.1 Inqobo yokulinganisa yokukhetha

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

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

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

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

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

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

8.2 Inqobo yokulinganisa yokulungelelanisa nokuthelekisa

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

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

9. Uluhlu lwethutyana

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

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

10. Abaphathi nabancedisi baphathi kushishino lokuloba ngeenethi

Ushishino lokuloba ngee beach-seine neegillnet luyakulawulwa ngokungqamene nendlela yokuphathwa kushishino lokuloba yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle.

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

11. Imirhumo yezicelo

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

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

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

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

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

13. Imiqathango yemvume

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

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