

WED. J. WENTZEL
HOWENS
10 FRICKER ROAD
111 010 BOULEVARD
JOHANNESBURG 2196



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

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

**THIS POLICY MUST BE READ WITH THE 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 commercial fishing rights in the hake longline fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). Interested and affected parties are advised that this policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial hake longline fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A Hake Longline 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 intends to delegate the section 18 power to allocate hake longline commercial 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. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Profile of the fishery

When compared to the South African hake trawl fishery, the hake longline fishery is relatively new. Longlining started in 1982. Between 1985 and 1990 much of the long line activity was re-directed from hake to kingklip as the latter was significantly more valuable. Due to concerns about the status of hake stocks, longlining for hake was terminated in 1990. Hake longlining was reintroduced as an experimental fishery in 1994. Commercial fishing rights under the MLRA were issued in 1999 and 2000, but these allocations were set aside by the courts. Stability was achieved in 2001 with the allocation of four-year commercial hake longline fishing rights.

The hake longline fishery generates some 3 600 permanent jobs and a further 3 200 part-time jobs. Historically disadvantaged persons occupy more than 90 percent of these jobs. The average annual income for crew is R38 500.

The hake longline fishery is not a highly capital intensive fishery. The longline industry lands predominantly prime quality hake for export to Europe and the value of prime quality hake is approximately 50 percent higher than trawled hake. The total value of fish landed in the hake longline fishery is estimated to be worth approximately R280 million per annum. The market value of vessels operating in the fishery is estimated to be about R750 million.

The Department manages the hake longline fishery as part of a "hake" collective. In terms of the MLRA, a "global" total allowable catch ("TAC") for hake is set annually by the Minister. The hake longline and handline fisheries share 10 percent of the global TAC. The hake deep sea trawl fishery is allocated 83 percent of the TAC and the balance is allocated to the hake inshore trawl fishery. Until 2004, 1 000 tons was set aside for foreign fishing. This allocation will be discontinued.

Hake longline fishing takes place along the west and south east coasts. The fishery operates out of harbours from Port Nolloth to Port Elizabeth. The fishery operates in offshore and inshore waters. Inshore hake longlining is restricted to the use of no more than 4 000 hooks per line. Offshore longlining may only take place in depths greater than 110 metres and is restricted to the use of no more than 20 000 hooks per line. Vessels and operating costs differ between inshore and offshore operations.

Hake stocks are currently managed according to a conservative strategy. The TAC for hake has been reduced each year since 2003 and further reductions may be necessary.

3. The medium-term rights allocation process

The hake longline fishery was identified in 2001 as a fishery that was ideally suited for the empowerment of small and medium enterprises and historically disadvantaged fishers. In 2001 and 2002, the Department allocated 141 commercial hake longline rights for a four year period. After the medium term rights allocation process, 89 percent of right-holders in this fishery were black-owned, historically disadvantaged persons controlled 90 percent of the TAC and 80 percent of right-holders were small- and medium-sized enterprises. The objectives with regard to the empowerment of historically disadvantaged persons and small- and medium-sized enterprises were achieved in this allocation process.

4. Over-arching sectoral objectives

The objectives of allocating long-term fishing rights in this fishery are to:

- Improve the quality of the transformation in the fishery;

- Promote investment in vessels (to modernise or replace ageing vessels) and infrastructure and to promote job security;
- Reduce by-catch and eliminate bird strikes;
- Facilitate further research into the impact of longlining on hake stocks;
- Continue to affirm applicants that operate from the Eastern Cape; and
- Support the economic viability and environmental sustainability of the fishery.

5. Duration of rights

Having regard to –

- the transformation profile of the fishery;
- the number of full time jobs provided (and to further promote the conversion of part-time employment into permanent jobs);
- the need to maintain the economic stability that currently prevails in the fishery; and
- the fact that the hake resource is well managed with reliable and current data,

commercial rights will be allocated for a period of 15 years (1 January 2006 to 31 December 2020). The Department will regularly evaluate right holders against predetermined performance criteria (**see Paragraph 13 below**).

6. New entrants

South Africa's hake stocks are presently managed in terms of a conservative management plan as there are concerns that the current level of fishing effort may not be sustainable in light of decreasing catch rates and increasing catch efficiency. In the longline fishery, the accommodation of large numbers of new entrants has also resulted in much uncertainty and a lack of substantial investment in infrastructure and human resources.

The level of transformation in the fishery is satisfactory and a large number of small and medium sized enterprises ("SMEs") operate in the fishery. However, new entrant applicants may be selected over right holder applicants that have, amongst others, failed to transform qualitatively, have not performed adequately or have not adhered to the MLRA, its regulations or permit conditions.

7. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*". New entrant applicants and previous right-holder applicants will thereafter be separately assessed in terms of a set of weighted "*comparative balancing criteria*". A cut-off score will then be determined to select the successful applicants. A proportion of the TAC will be allocated to each successful applicant in terms of a set of "*quantum criteria*".

7.1 Exclusionary criteria

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

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973. Natural persons (i.e. individuals or sole proprietors) will not be granted rights. Current natural person right holders must apply in the form of a close corporation or company and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General policy.
- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholders has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, the applicant will not be allocated a hake longline fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if an applicant (or its members, directors or controlling shareholders) is being investigated for a breach of the MLRA.

Right-holders are required to pay a levy on targeted fish landed. Right-holders that have under-reported catches to avoid the payment of levies will be excluded. Right-holders that have not paid levies will be penalised in the comparative balancing process as set out below.

Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper quotas:** A paper quota as defined in the General policy will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 8 below*).
- (e) **Non – utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise its medium-term commercial hake longline right between 2002 and 2004.

7.2 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. The criteria stated below must be read with the corresponding criteria in the General Policy for further detail. This applies in particular to the “transformation” criterion.

(a) Transformation

One of the objectives during the process of allocating long-term fishing rights in this fishery is to improve the quality of transformation in this sector. Applicants will be assessed on –

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;
- Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes;
- Enterprise development; and

- Corporate social investment.

(b) Investment in the fishery

Applicants will be evaluated having regard to investments made.

As far as right-holder applicants are concerned, the delegated authority will consider:

- Investments in suitable vessels and other fixed assets. In respect of vessels, investment in the form of shareholding will also be considered. Right-holder applicants will not be rewarded for concluding purchase agreements.
- Investments in processing and marketing infrastructure. The delegated authority may reward right-holder applicants that have invested in hake processing and marketing.

As far as new entrant applicants are concerned, the delegated authority will consider investments made in other sectors in the form of vessels and fixed assets, marketing and processing.

(c) Fishing performance

Right-holder applicants will be assessed by having regard to their hake longline fishing performance and record during the medium-term rights allocation period (2002 to 2004).

All new entrant applicants will be required to demonstrate that they have the capacity, knowledge and skill to participate in the Hake Longline fishery.

(d) By-Catch and Dumping

The amount of by-catch, particularly of kingklip (*Genypterus capensis*), harvested by participants in the hake longline fishery remains of concern to the Department. Measures to limit the catches of the high value by-catch species such as kingklip are necessary because it is inevitable that such species will be subjected to some degree of targeting. Assessments of the status of the Kingklip resource indicate that current catches are above sustainable levels, and that kingklip abundance on the South Coast is particularly low.

The maximum annual by-catch allowance for kingklip has been set at 3 000 tons. This by-catch allowance shall apply to the hake fishery as a whole. Applicants will be required to demonstrate what by-catch mitigation and reduction measures they have been implementing, or would invest in, to ensure adherence with the above by-catch limitation.

The dumping of fish is prohibited and right-holders that are found to be dumping fish may not have a right allocated or if allocated a right, the right may be revoked in terms of section 28 of the MLRA.

(e) **Local economic development**

Investment in South Africa's smaller coastal towns should be promoted. The delegated authority may reward those applicants that have invested in smaller coastal towns outside of the large metropolitan areas of Port Elizabeth and Cape Town. Hake longline right holders that have invested in facilities in Cape Town and Port Elizabeth will not be negatively scored.

(f) **Jobs**

Job creation and increases in jobs as a result of the allocation of medium term fishing rights may be taken into account, and in particular, applicants that have provided their employees with –

- Full time employment;
- Medical aid and pension; and
- Safe working conditions.

Jobs created per ton of fish allocated during the medium-term rights allocation period will be assessed.

(g) **Reliance on hake longlining**

The delegated authority will positively score applicants who rely on hake long line fishing for a significant proportion of their gross annual income.

(h) **Non-payment of fish levies**

Right holder applicants will be penalised if their levies payable to the Department are outstanding for a period longer than 60 days at the date of application.

(i) **Compliance**

If the applicant, its members or its directors or controlling shareholders have been convicted of a minor infringement of the MLRA, the regulations, permit conditions or other fishery related offences, during the medium-term right period, or paid admission of guilt fines for contraventions of the MLRA, its regulations or permit conditions, the applicant will be penalised.

7.3 Quantum criteria

As far as right-holder applicants are concerned, the basis for the allocation of quantum will be the allocations made to right-holders for the 2005 fishing season. If the fishery remains transformed after the allocation of rights, and comprises a significant percentage of small businesses, the delegated authority may disregard these criteria when considering re-distribution of quantum. The delegated authority may then redistribute quantum based on other criteria, such as performance. Should the delegated authority decide to redistribute the TAC for this fishery, applicants shall be consulted once all applications have been evaluated and the successful applicants have been identified.

8. Suitable vessels

A suitable vessel in the hake longline fishery is a vessel that:

- has a maximum SAMSA registered length of approximately 30 metres;
- has a functioning vessel monitoring system;
- has an approved streamer line (tori line) which must be flown during the setting of each longline. The streamer must be deployed directly above the main line, provided that where two streamers are used, each streamer must be deployed on either side of the main line; and
- is modified in a way that ensures offal is dumped on the opposite side from where lines are hauled. Vessels that are not modified may not be issued with their vessel

licences in terms of the MLRA until such time as the modifications have been completed.

9. Multi-sector involvement

Right-holders in the hake longline fishery are not precluded from holding rights in any fishery in the Cluster A and Cluster B fisheries. Right-holders in the hake longline fishery (including their members, controlling shareholders or members (in the case of close corporations) and members of their executive management team) will not be permitted to hold commercial fishing rights in the Cluster C and Cluster D fisheries, and the traditional line fishery.

10. Application fees and levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

11. Management measures

The management measures set out below reflect a number of the Department's principal post- right allocation management intentions for this fishery.

11.1 Ecosystem approach to fisheries management

The 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 recognising that fishing and various land-based activities impact on the broader marine environment. This part of the hake longline fishing policy does not attempt to provide a policy statement on EAF in the hake fisheries. The EAF in the hake fisheries will be detailed further in the Fishery Management Manual for

the hake longline fishery. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries, including hake.

11.2 Fisheries management areas

The hake longline fishery targets two species of hake along a substantial part of the coastline. Currently, an offshore and inshore component is permitted to operate on the southern coast. The expansive area in which they operate, coupled with a significant decline in the catch per unit effort, has resulted in hake longliners increasingly sharing fishing grounds with hake trawlers. The sharing of fishing grounds is problematic.

Section 15 of the MLRA makes provision for the declaration of fisheries management areas. The Department will consider declaring fisheries management areas in an attempt to manage the pressures being placed on hake and kingklip stocks and to reduce user conflict between longliners and trawlers.

11.3 Consolidation of participants

Subsequent to the allocation of the 15 year commercial fishing rights in this fishery, the Department will facilitate the consolidation of the number of right-holders active in the fishery. Right-holders may want to consolidate their respective business operations where:

- Right-holders share the same shareholders, offices or management team; or
- Smaller right-holders opt to consolidate their business operations.

Consolidation of right-holders is, however, subject to the Department's approach to monopolies (*see paragraph 11.5 below*).

11.4 Vessels and fishing effort

There are presently some 60 hake longline fishing vessels that operate in South African waters. As many right-holders do not own the vessels they use, the Department anticipates that many right-holders will seek to introduce further vessels after the allocation of long-term fishing rights. The fishing stock is already subjected to unsustainable effort levels. The Department will therefore carefully evaluate the cumulative effect of the introduction of further and new vessels into the fleet. Right-holders will not be permitted to introduce vessels capable of expending effort far in excess of their

allocations. In addition, the Department may consult the Fishery Industrial Body on all applications to introduce further or new vessels into the fishery.

11.5 Monopolies

While the Department will encourage the consolidation of right-holders in this fishery, the Department is opposed to monopolies which may operate to the detriment of smaller right-holders. The Department will not at this stage determine a maximum level of the TAC that any one right-holder may hold or control but will monitor whether any larger right-holder acts in a manner contrary to fair competition practices.

11.6 TAC Ratios – Trawl:line

The current TAC ratio of trawl:line will by and large be maintained. The ratio, however, will be reviewed once further data becomes available on the relative impacts of trawling and longlining.

12. Performance Measuring

The Department will undertake formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first set of performance measuring exercises will take place two years after the allocation of rights, and thereafter every four years.

Although the Department will finalise the precise criteria against which right-holders will be measured after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels and gear;
- sustainable utilisation, and in particular by-catch mitigation and reduction and the biological and ecological impacts of longlining;
- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

13. Observer Programme

The Department's current observer programme will be expanded to include compliance observation. In addition, the Department will progressively increase the observer coverage of this fishery. Right-holders will be required to bear the costs of the observer programme.

14. Permit Conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



**DEPARTEMENT VAN OMGEWINGSKE EN TOERISME
TAK MARIENE- EN KUSBESTUUR**

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE STOKVISLANGLYN-VISSERY: 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
AANGAANDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN
KOMMERSIËLE VISVANGREGTE: 2005 (beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van kommersiële visvangregte in die Stokvis langlyn vissery word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene beleid").

Die doel van hierdie beleid is om die oorwegings wat van toepassing sal wees op die toekenning van langtermyn kommersiële visvangregte vir die bodemhaaivissery uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerhede van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur (die "Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die Stokvis langlyn vissery sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in fyn besonderhede die bestuursmetodes en -prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18-magte in terme waarvan kommersiële visvangregte in die Stokvis langlyn vissery toegeken word ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 (die "WLMH") aan 'n senior beampte van die Departement te delegeer. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Sektorale profiel

Indien dit vergelyk word met die Suid-Afrikaanse stokvistreilvangs vissery, is die stokvislanglyn vissery van redelike onlangse oorsprong. Langlynvangs het in 1982 begin. Tussen 1985 en 1990 is baie van die langlynaktiwiteite weggelei van stokvis na koningklip aangesien laasgenoemde aansienlik meer waardevol was. Asgevolg van kommer oor die stand van stokvisbronne, is stokvislanglyn afgeskaf in 1990. Stokvis langlynvangs is heringestel as 'n eksperimentele vissery in 1994. Kommersiële visvangregte in terme van die WLMH is uitgereik in 1999 en 2000, maar hierdie toekennings is deur die howe tersyde gestel. Stabiliteit is verkry in 2001 met die toekenning van vier jaar kommersiële stokvislanglynvisvangregte.

Die stokvis langlynvisserij genereer ongeveer 3 600 permanente werkseleenthede en 'n verdere 3 200 deeltydse werkseleenthede. Meer as 90% van hierdie werkseleenthede word gevul deur voorheen benadeelde persone. Die gemiddelde jaarlikse inkomste vir bemanning is R38 500.

Die stokvislanglyn visserij is nie 'n hoogs kapitaal intensiewe visserij nie. Die stokvis langlyn visserij land oorwegend prima kwaliteit stokvis vir uitvoer na Europa en die waarde van prima kwaliteit stokvis is ongeveer 50% hoër as stokvis wat met treilvangs gevang word. Die totale waarde van vis wat geland word in die stokvislanglyn visserij word geskat om ongeveer R 280 miljoen per jaar te wees. Die markwaarde van vaartuie wat werksaam is in die visserij word geskat om ongeveer R 750 miljoen te wees.

Die Departement bestuur die stokvis langlyn visserij as deel van 'n "stokvis" kollektief. In terme van die WLMH, word a "globale" totale toelaatbare vang (TTV) jaarliks vasgestel deur die Minister. Die stokvislanglyn en handly visserij deel 10% van die globale TTV. Daar word 83% van die TTV aan die diepsee stokvistreilvangs visserij toegeken en die balans word toegeken aan die stokviskustreilvangs visserij. Tot 2004 was 'n 1000 ton gereserveer vir buitelandse visvangs. Hierdie toekenning sal gestaak word.

Stokvislanglynvangs vind plaas langs die westelike en suid-oostelike kuslyne. Die visserij is werksaam vanuit die hawens van Port Nolloth tot by Port Elizabeth. Die visserij is werksaam in afluandige en aanlandige waters. Aanlandige stokvislanglynvangs word beperk tot die gebruik van nie meer as 4000 vishoeke per lyn nie. Afluandige langlynvangs mag slegs plaasvind op dieptes van meer as 110 meter en is beperk tot die gebruik van nie meer as 20 000 vishoeke per lyn. Vaartuig en bedryfskoste verskil tussen die afluandige en aanlandige bedrywe.

Stokvisvoorrade word tans volgens 'n konserwatiewe strategie bestuur. Die TTV vir stokvis is nog elke jaar sedert 2003 verminder en verdere vermindering mag nodig wees.

3. Medium-termyn regtetoekennings proses

Die stokvis langlyn visserij is in 2001 geïdentifiseer as 'n visserij wat ideaal geskik is vir die bemagtiging van klein en medium grote ondernemings en historiese benadeelde vissermanne. In 2001 en 2002 het die Departement 141 kommersiële stokvis langlynregte vir 'n vier jaar periode toegeken. Na die afloop van die medium-termyn regtetoekennings proses, was 89 persent van die regtehouers in hierdie visserij in swart besit, voorheen benadeelde individue het 90 persent van die TTV beheer en 80 persent van die regtehouers was klein- en medium grote ondernemings. Die doelstellings met betrekking tot die bemagtiging van voorheen benadeelde individue en klein- en medium grote ondernemings was in hierdie toekennings proses bereik.

4. Oorkoepelende sektorale doelwitte.

Die doelwitte met die toekenning van langtermynvisvangregte in hierdie vissery is om:

- Die kwaliteit van transformasie in hierdie vissery te verbeter;
- Belegging in vaartuie (om verouderde vaartuie te vervang of te moderniseer) en infrastruktuur aan te moedig en om werksekuriteit aan te moedig;
- Byvangste te verminder en voëlvangs te elimineer;
- Die verdere navorsing oor die impak van langlynvangs op stokvisbronne te fasiliteer;
- Aan te hou om aansoekers van die Oos-Kaap te ondersteun; en
- Die ekonomiese lewensvatbaarheid en omgewingsvolhoubaarheid van die vissery te ondersteun.

5. Tydsduur

Met inagneming van -

- die transformasieprofiel van die vissery; en
- die aantal permanente werkseleenthede wat geskep is (en om die omskakeling van deeltydse indiensname na permanente werkseleenthede verder te bevorder);
- die behoefte om die ekonomiese stabiliteit wat tans heers in hierdie vissery in stand te hou; en
- die feit dat die stokvisbron goed bestuur word met data wat betroubaar en op datum is

sal kommersiële regte vir 'n tydperk van 15 jaar toegeken word (1 Januarie 2006 tot 31 Desember 2020). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (*sien paragraaf 13 hieronder*).

6. Nuwe inkomelinge

Suid Afrika se stokvisbronne word tans bestuur in terme van 'n konserwatiewe bestuursplan aangesien daar kommer is dat die huidige vlakke van vangspoging nie volhoubaar mag wees nie in die lig van dalende vangskoerse en toenemende vangsoeltreffendheid. In die langlynvissery, het die akkomodasie van 'n groot

aantal nuwe inkomelinge groot onsekerheid asook 'n gebrek aan wesentlike belegging in infrastruktuur en menslike hulpbronne tot gevolg gehad.

Die vlak van transformasie in die visserij is bevredigend en 'n groot aantal klein en mediumgrote ondernemings ("KMMO's") is werksaam in die visserij. Nuwe inkomeling aansoekers mag egter bo regtehouer aansoekers verkies word wat, onder andere, versuim het om kwalitatief te transformeer, wat nie voldoende presteer het nie of wat nie voldoen het aan die WLMH, die regulasies of permitvoorwaardes nie.

7. Evaluasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Nuwe inkomeling aansoekers en bestaande regtehouer aansoekers sal daarna apart evalueer word in terme van 'n stel gelaai "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal. 'n Gedeelte van die TTV sal toegeken word aan elke suksesvolle aansoeker in terme van 'n stel "*kwantum kriteria*".

7.1 Uitsluitingskriteria

Behalwe vir die kriteria beskryf in die algemene beleid aangaande die indiening van die aansoeke en wesenlike tekortkominge, sal die volgende uitsluitingskriteria toegepas word op beide regtehouer aansoekers en nuwe inkomeling aansoekers:

- (a) **Vorm van aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies 69 van 1984 en die Maatskappywet 61 van 1973 sal oorweeg word. Regte sal nie toegeken word aan natuurlike persone (d.w.s. individue of eenmansake) nie. Natuurlike persone wat bestaande regtehouers is moet aansoek doen in die vorm van 'n beslote korporasie of maatskappy en sal as medium termyn regtehouers behandel word indien hulle aan die riglyne uiteengesit in die Algemene Beleid voldoen.
- (b) **Wetsnakoming:** Indien 'n regtehouer aansoeker of sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige misdryf ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige visserij verwante misdrywe gedurende die mediumtermyn regteperiode sal daar nie 'n stokvislanglyn visvangreg aan die aansoeker toegeken word nie. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Regte sal ook nie toegeken word aan 'n aansoeker indien die aansoeker of sy lede,

direkteure of beherende aandeelhouders se visvangregte gekanselleer, opgeskort of ingetrek is ingevolge die WLMH of indien daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdad 121 van 1998 of die WLMH nie.

Besluite mag gereserveer word oor aansoeke indie die aansoekers (of die aansoeker se lede, direkteure of beherende aandeelhouders) ondersoek word vir oortredings van die WLMH.

Daar word van regtehouers vereis om 'n heffing te betaal op die geteikende vis wat geland word. Regte houters wat vangste onder-gerapporteer het ten einde die betaling van heffings te vermy sal uitgesluit word. Regtehouers wat nie heffings betaal het nie sal gepenaliseer word in die vergelykende balanseringsproses soos hieronder uiteengesit. Sou sodanige aansoeker egter nietemin vir 'n reg kwalifiseer, sal 'n visvangpermit nie uitgereik word alvorens die uitstaande gelde aan die Departement betaal is nie.

- (c) **Papier-kwotas:** Papier-kwotas, soos gedefinieer in die Algemene beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle 'n reg van toegang tot 'n geskikte vaartuig het (*sien paragraaf 8 hieronder*).
- (e) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om tussen 2002 en 2004 sy medium-termyn kommersiële stokvislanglynvisvangreg ten volle te benut.

7.2 Vergelykende balanseringskriteria

Regtehouer aansoekers, asook potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal. Die kriteria hieronder uiteengesit moet saamgelees word met die ooreenstemmende kriteria in die Algemene beleid vir verdere besonderhede. Dit is in besonder van toepassing op die "transformasie" kriterium.

(a) Transformasie

Een van die doelwitte tydens die proses van toekennig van langtermyn visvangregte in hierdie visserij is om die kwaliteit van transformasie in hierdie sektor te verbeter. Aansoekers sal evalueer word op -

- Die persentasie swart en vroue eienaarskap en swart en vroue verteenwoordiging op top salarisvlakke, die direksie en senior beampste en bestuursvlakke;
- Of werknemers (anders as top salaristrekkers) voordeel trek uit 'n werknemeraandeleskema;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998 en die verteenwoordigheid van swart persone en vroue op die verskillende diensvlakke. Die gedelegeerde owerheid mag ook die verskil in besoldigingsvlakke tussen die hoogste en laagste betaalde werknemers in ag neem.
- Nakoming van wetgewing oor vaardigheidsontwikkeling en die bedrae spandeer op die opleiding van swart persone en deelname aan leerskapprogramme;
- Ondernemingsontwikkeling; en
- Korporatiewe maatskaplike belegging.

(b) Belegging in die visserij

Aansoekers sal evalueer word met inagneming van beleggings wat gemaak is.

Met betrekking tot bestaande regtehouers, sal die gedelegeerde owerheid die volgende oorweeg:

- Beleggings in geskikte vaartuie en ander vaste bates. Met betrekking tot vaartuie sal beleggings in die vorm van aandeelhouding ook in aanmerking geneem word. Regtehouer aansoekers sal nie beloon word vir die sluit van kooporeenkomste nie.
- Belegging in prosessering en bemarkinginfrastruktuur. In hierdie verband sal die gedelegeerde owerheid aansoekers beloon wat in stokvisprosessering en bemarking belê het.

Wat nuwe inkomeling aansoekers betref, sal die gedelegeerde owerheid oorweging gee aan beleggings gemaak in ander sektore in die vorm van vaartuie en vaste bates, bemaking en prosessering.

(c) Visvangprestasie

Regtehouer aansoekers sal evalueer word deur ag te slaan op hulle stokvislanglyn visvangprestasie en rekord oor die medium-termyn periode (2002 tot 2004).

Daar sal van alle nuwe inkomeling aansoekers vereis word om aan te toon dat hulle die vermoë, kennis en vaardigheid het om deel te neem aan die stokvislanglyn visserij.

(d) Byvangste en storting

Die hoeveelheid byvangste, in besonder van koningklip (*Genypterus capensi*) geoes deur deelnemers in die stokvis langlyn visserij bly 'n bron van kommer vir die Departement. Maatreëls om die vangs van hoë-waarde byvangspesies soos koningklip te beperk is nodig aangesien dit onvermydelik is dat sulke spesies onderworpe sal wees aan 'n mate van teikening. Bepalings van die status van die koningklipbron toon aan dat huidige vangste bo volhoubare vlakke is en dat koningklip talrykheid aan die Suidkus besonder laag is.

Die maksimum jaarlikse byvangs toelating vir koningklip is vasgestel op 3000 ton. Hierdie byvangs toelating sal van toepassing wees op die stokvisvisserij as 'n geheel. Daar sal van aansoekers vereis word om aan te toon watter byvangste mitigasie en verminderings maatreëls hulle in werking gestel het, of in sal belê, ten einde nakoming van die bogenoemde byvangs beperking te verseker.

Die storting van vis is verbode en daar mag nie regte toegeken word aan regtehouers wat gevang word dat hulle vis stort, of indien 'n reg wel toegeken is mag die reg ingetrek word in terme van artikel 28 van die WLMH.

(e) Plaaslike ekonomiese ontwikkeling

Belegging in Suid Afrika se kleiner kusedorpie behoort bevorder te word. Die gedelegeerde owerheid mag daardie aansoekers beloon wat belê het in kleiner kusedorpie buite die groot metropolitaanse

gebiede van Port Elizabeth en Kaapstad. Daar sal nie negatiewe punte toegeken word aan stokvislanglyn regtehouers wat belê het in fasiliteite in Kaapstad en Port Elizabeth nie.

(f) Werksgeleenthede

Werkskepping en die vermeerdering van werksgeleenthede as gevolg van die toekenning van mediumtermynregte mag in ag geneem word, en in besonder, aansoekers wat hulle werknemers voorsien het met–

- Voltydse werk;
- Mediese fonds en pensioen; en
- Veilige werksomstandighede.

(g) Afhanklikheid van stokvislanglyn

Die gedelegeerde owerheid sal positiewe punte toeken aan aansoekers wat staatmaak op stokvislanglyn vir 'n wesentlike gedeelte van hulle bruto jaarlikse inkomste.

(h) Nie-betaling van heffings

Regtehouer aansoekers sal penaliseer word as hul heffings betaalbaar aan die Departement vir 'n tydperk langer as 60 dae agterstallig is op die datum van aansoek.

(i) Wetsnakoming

Indien die aansoeker, sy lede of direkteure of beherende aandeelhouers skuldig bevind is aan geringe oortredings van die WLMH, sy regulasies, permitvoorwaardes of ander vissery verwante oortredings, gedurende die medium-termyn regteperiode, of indien 'n skulderkenningsboete betaal is vir oortredings van die WLMH, sy regulasies of permitvoorwaardes, sal die aansoeker penaliseer word.

7.3 Kwantumkriteria

Met betrekking tot regtehoueraansoekers sal die basis vir die toekenning van kwantum die toekennings wees wat gemaak is aan regtehouers gedurende die 2005 visvangseisoen. Indien die vissery getransformeer bly na die toekenning van regte en 'n wesentlike persentasie klein ondernemings bevat, mag die gedelegeerde

owerheid hierdie kriteria buite rekening laat wanneer die herverdeling van kwantum oorweeg word. Die gedelegeerde owerheid mag dan kwantum verdeel gebaseer op ander kriteria, soos prestasie. Sou die gedelegeerde owerheid besluit om die TTV te herverdeel vir hierdie vissery, sal oorleg gepleeg word met aansoekers nadat alle aansoeke nagegaan is en die suksesvolle aansoekers geïdentifiseer is.

8. Geskikte vaartuie

'n Geskikte vaartuig in die stokvis langlyn vissery is 'n vaartuig wat -

- 'n maksimum SAMVO geregistreerde lengte van ongeveer 30 meter het;
- 'n werkende vaartuigmoniteringstelsel het;
- 'n goedgekeurde wimpellyn ("streamer", "tori line") het wat wapper tydens die stel van elke langlyn. Die wimpel moet ontplooi word reg bokant die hooglyn, tensy twee wimpels gebruik word, in welke geval hulle aan beide kante van die hooflyn ontplooi moet word; en
- aangepas is op 'n wyse wat verseker dat afval gestort word op die teenoorgestelde kant van waar die lyne getrek word. Vaartuie wat nie aangepas is nie se vaartuiglisensies mag nie in terme van die WLMH uitgereik word nie alvorens sulke aanpassings nie afgehandel is nie.

9. Multi-sektorale betrokkenheid

Regtehouers in die stokvis langlyn vissery word nie verhinder om regte in enige ander vissery in Groepe A en B visserye te hou nie. Stokvislanglyn regtehouers, insluitende hulle beherende aandeelhouers of lede (in geval van beslote korporasies) en lede van hulle uitvoerende bestuurspan sal nie toegelaat word om kommersiële visvangregte in Groepe C en D visserye en die tradisionele lynvisvissery, te hou nie.

10. Aansoekgelde en heffings

Die aansoekgelde vir hierdie vissery sal bepaal word met inagneming van:

- Die koste van die hele regtetoekenningsproses, met inbegrip van oorlegpleging, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersienings; en
- Die waarde van die vis wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat met ingang 1 Januarie 2006 betaalbaar is, sal vasgestel word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

11. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word, weerspieël sommige van die Departement se hoofvoornemens vir die bestuur van hierdie vissery nadat regte toegeken is.

11.1 Ekosisteembenadering tot bestuur van vissery

Hierdie vissery sal bestuur word ooreenkomstig die ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erken dat visvang en verwante aktiwiteite op land die breë mariene omgewing beïnvloed. Hierdie deel van die beleid vir die stokvis langlyn vissery, poog nie om 'n beleidsverklaring te voorsien oor EBV in die stokvis langlyn vissery nie. Die EBV in die stokvis langlyn vissery sal verder uitgestippel word in die Bestuurshandleiding vir die Stokvis langlyn vissery. Suid-Afrika bly verbind tot die teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye.

11.2 Visserybestuursgebiede

Die stokvis langlyn vissery teiken twee spesies stokvis langs 'n aansienlike stuk van die kuslyn. Huidiglik word 'n aanlandige en afluiddige komponent toegelaat om werkzaam te wees langs die suidelike-kus. Die uitgebreide area waarin hulle werkzaam is, gekoppel met 'n aansienlike afname in die vangs-per-eenheid-poging, het tot gevolg dat stokvislanglynvissers toenemend visvanggronde moet deel met treilvissers. Die deel van visvanggronde is problematies.

Artikel 15 van die WLMH maak voorsiening vir die verklaring van visserybestuursgebiede. Die Departement sal dit oorweeg om visserybestuursgebiede te verklaar in 'n poging om die druk wat op stokvis- en koningklipbronne geplaas word te beheer en om verbruikerskonflik tussen langlynvissers en treilvissers te verminder.

11.3 Konsolidasie van deelnemers

Na die toekenning van kommersiële visvangregte vir 15 jaar in hierdie vissery, sal die Departement die konsolidasie van die aantal regtehouers wat aktief is in die vissery fasiliteer. Regtehouers mag hulle onderskeie besigheids ondernemings wil konsolideer waar:

- Regtehouers dieselfde aandeelhouers, kantore of bestuurspan deel, of
- Kleiner regtehouers verkies om hul sakebedrywighede te konsolideer.

Die konsolidasie van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë (*sien paragraaf 11.5 hieronder*).

11.4 Vaartuie en vangspoging

Daar is tans sowat 60 stokvislanglyn vaartuie wat werkzaam is in Suid-Afrikaanse waters. Aangesien baie regtehouers nie eienaars is van die vaartuie wat hulle gebruik nie, voorsien die Departement dat baie regtehouers sal poog om addisionele vaartuie in te bring na die toekenning van langtermyn visvangregte. Die visbron is reeds onderworpe aan onvolhoubare vlakke van vpoging. Die Departement sal dus die stapeleffek van nuwe en addisionele vaartuie in hierdie vissery versigtig evalueer. Regtehouers sal nie toegelaat word om vaartuie in te bring wat in staat is om vangspoging te ontplooi wat baie groter is as hulle toekennings nie. Bykomend, mag die Departement oorleg pleeg met die Visserybedryfsliggaam oor alle aansoeke om addisionele of nuwe vaartuie in die vissery in te bring.

11.5 Monopolië

Terwyl die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, is die Departement gekant teen monopolieë wat tot nadeel kan werk vir kleiner regtehouers. Die Departement sal nie op hierdie stadium 'n maksimum vlak van die TTV wat een enkele reghouer oor mag beskik of beheer, vasstel nie, maar sal die situasie monitor om te verseker dat geen groter reghouer optree op 'n manier wat strydig is met billike mededingingspraktyke nie.

11.6 TTV Verhoudings – Treil : Langlyn

Die huidige TTV verhouding van treil:langlyn sal grotendeels gehandhaaf word. Die verhouding sal egter hersien word sodra verdere data beskikbaar word oor die relatiewe impak van die treil- en langlynvangs.

12. Prestasiemeting

Die Departement sal 'n aantal formele prestasiemetingoefeninge instel vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste stel prestasiemetingoefeninge twee jaar na die toekenning van regte sal plaasvind, en daarna elke vier jaar.

Alhoewel die Departement die presiese kriteria waaraan die regtehouers na die toekenning van kommersiële visvangregte gemeet sal word sal finaliseer na die toekenning van kommersiële visvangregte, en na oorlegpleging met regtehouers, mag die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- volhoubare benutting, en in besonder die mitigasie en vermindering van byvangste en die vermindering van die biologiese en ekologiese impak van langlynvangs;
- nakoming van toepaslike wette en regulasies.

Die oogmerk met prestasiemeting sal wees om te verseker dat die doelstellings van die vissery bereik word en dat bestuursmetodologie en prosedures geskik is en op datum bly vir die vissery.

13. Waarnemerprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om waarneming vir wetstoepassingsdoeleindes in te sluit. Die Departement sal verder die dekking van waarneming van hierdie vissery progressief uitbrei. Daar sal van regtehouers verwag word om die koste van die waarnemingsproses te dra.

14. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie vissery en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



ISEBE LEMICIMBI YEZENDALO NOKHENKETHO

ISEBE LOLAWULO LOLWANDLE NAMANXWEME

**UMGAQO-NKQUBO WOLAWULO NOLWABIWO LWAMALUNGELO
ORHWEBO OKULOBA I-HAKE LONGLINE: 2005**

**LO MGAQO- NKQUBO UMELE UFUNDWE KUNYE NOMGAQO-NKQUBO
JIKELELE WOKWABIWA NOKULAWULWA KWENKQUBO YEXESHA ELIDE
YAMALUNGELO ORHWEBO LOKULOBA: 2005 (iyafumaneka ku-[www.mcm-
deat.gov.za](http://www.mcm-deat.gov.za))**

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuloba i-hake longline ukhutshwe nguMpathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela iingcamango eziyakuthi zisetyenziwe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba i-hake longline . Uninzi lwezincamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namaNxweme ("iSebe") ngethuba bekunikezelwa amalungelo kwixesha elidlulileyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo Uxwebhu olusikhokhelo loLawulo loShishino ngokuloba i-hake longline luza kugqityezelwa kunye nabo bonke abanini –malungelo phakathi kunyaka ka 2006. Olu xwebhu lusikhokhelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari.

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba i-Tuna njengoko kusekiwe kwicandelo lomthetho ka 79 weMarine Living Resources Act 18 ka 1998 ("the MLRA") kwi gosa eliphezulu leSebe. Eli xwebhu lomgaqo-nkqubo liza kukhokela lowo ugunyazisiweyo ekwenzeni iziqibo kwizicelo zabalobi.

2. Ubume balefishari

Xa ithelekiswa nefishari ye-hake trawl yaseMzantsi Afrika, ifishari ye-hake longline isentsha noko. I-longline yaqala ngonyaka ka-1982. Phakathi konyaka ka-1985 nonyaka ka-1990 ingqalelo yasuka kwi-hake yajoliswa kwi-kingklip kuba yayinexabiso elithe vetshe noko. Ngenxa yokuxhalabela ubume bestokwe se-hake , ukusetyenziswa kwe-longlining kwi-hake kwapheliswa ngonyaka ka-1990. I-hake longlining yaphinda yaqaliswa xa kulingwa ukuba ingasebenza njengefishari ngowe-1994. Amalungelo orhwebo lokuloba phantsi kweMLRA anikezwa ngo-1999 naku-2000, kodwa olunikezelo lwathi lwamiswa ziinkundla. Izinto zaqala ukuzinza ngo-2001 xa kwanikezwa amalungelo eminyaka emine okurhweba ngokuloba i-hake longline.

Ulobo lwe-hake longline luveze imisebenzi engama-3 600 esisigxina kunye nabangxungxayo abangama-3 200. Abantu ababengafumani mathuba ngaphambili baphethe ngaphezu kwepesenti ezingama-90 yale misebenzi. Abalobi bafumana malunga neR38 500 ingeniso ngonyaka.

Ukuloba kulefishari ye-hake longline akufuni inkunzi eninzi. Eli shishini le-longline lizisa ubukhulu becala i-hake ekumgangatho ophezulu eza kuthengiswa e-Europe kwaye ixabiso le-hake esemgangathweni ophezulu limalunga nama-50 epesenti ngaphezulu kwe-trawl hake. Ixabiso lentlanzi elotywa nge-longline lilinganiswa malunga ne-R280 million ngonyaka. Ixabiso lasemarikeni lemikhumbi esebenza kulefishari lilinganiswa malunga ne-R750 million.

ISebe lilubopha ngebande elinye ushishino lwe-hake longline ngokuthi yi-“hake” qwaba. Ngokomthetho we-MLRA, inani leentlanzi ezibanjiswa (“TAC”) “ngokubanzi” liqingqwa minyaka le nguMphathiswa. I-hake longline ne-handline zabelana nge-10 pesenti ye-TAC yomhlaba jikelele. I-hake elotywa emzantsi olwandle inikezwa i-83 lepesenti lweTAC ze intsalela yabelwe fishari ye-hake inshore trawl. Kude kube ngo-2004 iitoni ezili-1 000 yabekelwa bucala ukuloba kwamanye amazwe. Olu nikezelo luza kupheliswa.

Ulobo lwe-hake longline luthi lwenzeke elunxweme lwasentshona nasemsantsi mpuma. Ukuloba kwenzeka ngaphandle kumazibuko asukela ePorth Nolloth ukuya Ebhayi. Ukuloba kwenzeka ngaphakathi kumanzi akufutshane nakude elunxwemeni. Amanzi akufutshane e-hake longlining ithintelwe ukusetyenziswa hayi ngaphezulu lwe 4 000 amagwegwe elayini. Ngaphandle ilonglining ingathatha qha ubunzulu obungaphezu kwe-110 lemitha kwaye ithintelwe ukusetyenziswa hayi ngaphezulu kwamagwegwe angama 20 00 ngelayini. Imikhumbi e nemali yokusebenza ziyahlukana phakathi kwangaphakathi nangaphandle kwamanzi.

Isitokwe se-hake ngoku silawulwa ngobuchule bakudala. I-TAC yehake iyacuthwa minyaka le kwaye olunye ucutho olungaphezulu lungafuneka.

3. Inkqubo yokunikezelwa kwamalungelo exeshana

Olu hlobo lokuloba lwaqala ngonyaka ka-2001, njengolobo lwabona lunokunceda ukuxhobisa amashishini amancinci naphakathi abantu abathi bacinezelwa ngaphambili. Phathathi kuka 2001 no 2002, isebe lanikezelwa malunga ne-141 lamalungelo orhwebo lwe-hake longline iminyaka emine. Emva kokunikezwa kwamalungelo okwexeshana, abangama-89 eepesenti kwabo banikwe amalungelo olu shishino ngabantsundu, abantu ababengafumani malungelo ngaphambili ngoku bebepethe ngaphezu kweepesenti ezingama-90 kwi-TAC yaye ama-80 eepesenti ayebanjwe ngamashishini amancinane naphakathi. Injongo zesebe ngokubhekisele ekuxhobiseni abantu ababengenamalungelo ngaphambili amashishini amancinci naphakathi ngokumlinganiselo ziphunyeziwe kule nkqubo yonikezelo.

4. linjongo eziqukayo kwelicandelo

linjongo zokunikezela ngamalungelo exesha elide okuloba l- hake longline zezi:

- Ukugcina nokuphucula ubume benguqu kulefishari
- Ukukhuthaza ngakumbi utyalo emikhumbini i (ukuphucula okanye ukutshintsha ezigugayo) kunye nezakhiwo nokukhuthaza imisebenzi ekhuseleke ngakumbi;
- Ukunciphisa ukubanjwa nokudutyulwa kweentaka
- Ukuqhubekela phambili ngophando olunefuthe kwi longlining lwestokwe sehake.
- Ukuqhubeka ukomeleza abafaki-zicelo abasebenzela eMpuma Koloni ;noku
- Ukuxhasa ukuqhubekela koqoqosho nokulondolozeka ngokwendalo kwalefishari .

5. Ixesha lamalungelo

Xa kuqatshelwe- –

- Ubume benguqu kulefishari;
- nenani lemisebenzi esisigxina (kwanokukhuthaza ukuba izingxungxo zitshintshwe zibe yimisebenzi esisigxina); ne
- Imfuneko yokugcina imo ezinzileyo yoqoqosho iqhubekela kulefishari ; kunye
- Amajelo e Hake Longline alawuleka ngesibalo esithembekileyo.

amalungelo orhwebo aya kunikezwa kangangesithuba seminyaka eli-15 (ukusukela ngo-01 Januwari 2006 ukuya 31 Desemba 2020). ISebe liya kubahlola rhoqo abanini malungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola (*jonga umhlathi we-13 ngezantsi*).

6. Abangeneli abatsha

Amathala aseMzantsi Afrika e-Hake kungoku nje alawulwa ngokweplani yolawulo lokuloba njengoko kukho uloyiko ngenqanaba lokuloba xa kungqanyaniswa nezinga lokuzirhiwula kunye nobuchule bendlela zokuzibamba. Kulefishari ye-hake longline ulwamkelo lamanani lwabangeneli abatsha luphembelele ukangaqiniseki, kwakunye nophunguko kwezotyalo zimali kwizakhiwo nengqesho .

Izinga lenguqu kulefishari liyancumisa kwaye kukho inani elikhulu lamashishini amancinane naphakathi athatha inxaxheba kulo. Noko ke, abafaki zicelo abatsha basenokukhethwa endaweni yabafaki-zicelo abasele benamalungelo abaye, phakathi kwezinye izinto, basilela ukwenza inguqu, abaye abasebenza ngokwaneleyo okanye ababambelela kwi-MLRA, imimiselo yayo, nemiqathango yemvume.

7. Indlela yokuvavanya

Izicelo zizakujongwa kusetyenziswa indlela yokuthintela ("exclusionary criteria"). Izicelo zabangeneli abatsha nezicelo zabo bebenamalungelo zizakuhlolwa ngokwahlukeneyo kusetyenziswa indlela elinganayo yokuthelekisa ("comparative balancing criteria") Amanqaku okanye udidi luzakumiswa ukuze kukwazi ukukhethwa izicelo eziphumeleleyo. Isiqingatha se TAE sizakwabelwa isicelo ngasinye esiphumeleleyo ngokwendlela ekuthiwa yi-"quantum criteria" (indlela yomlinganiselo).

7.1 Indlela yokuthintela

Ngaphandle kwale ndlela echazwe kuMgaqo Jikelele malunga nokufaka isicelo, nezo zinto zingalunga, igunya elithunyiweyo liya kuzirhoxisa ezo zicelo zithe zasilela kwezimfuno zilandelayo:

- (a) **Uhlobo lomfaki-sicelo:** Izicelo ezizakuqwalwaselwa zesisuka kumaziko amiselwe ngoMthetho wa-69 weClose Corporations ka 1984 (Close Corporation Act 69 of 1984) noMthetho wa-79 WeNkampani ka 1973 (Companies Act 79 of 1973). Izicelo ezisuka ebantwini (umzekelo umntu ozimeleyo okanye oshishina yedwa) nakwii-trust azisayi kuqwalaselwa. Abasele benamalungelo bengabantu abazimeleyo bafanele bafake isicelo besebenzisa i-close corporation okanye inkampani yaye baya kujongwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.

(b) Ukuthobela

Ukuba umfaki-sicelo, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (iishareholder) ababambe iintambo zakhe zafunyaniswa zinetyala lokwaphula ngokunzulu i-MLRA, imimiselo, imiqathango yemvume okanye olunye olwaphulo-mthetho olunokuthanani nezokuloba ebudeni bokuba nelungelo lokwexeshana, loo mfaki sicelo akayi kulunikwa ilungelo lokuloba idemersal-shark. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu,

abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababamb' iintambo bakhe bahluthwa okanye barhoxiselwa amalungelo okuloba ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yabo phantsi kumthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izigqibo zisenokumiswa kwizicelo ezo xa umfaki-sicelo (okanye amalungu, abalawuli okanye abafaki-mali abanamagunya) ephandwa mayela nokuphula imithetho ye-MLRA.

Abanikwe amalungelo kufuneka abahlawule irhafu yeentlanzi abazilobileyo. Abanamalungelo abangazichazi zonke iintlanzi abazilobileyo kuba bebaleka ukuhlawula ezi rhafu abazi kunikwa lungelo.

Abanamalungelo abangekazihlawuli iirhafu zabo baya kohlwaywa ngokwendlela yokuthalekisa andlalwe apha ngezantsi. Ukuba loomfaki-sicelo uyaphumelela ukufumana ilungelo, akayi kuyifumana imvume yokuloba de abe ubhetele ezo mali zingangenanga kwiSebe.

- (c) **Abafaki-zicelo abanganyanisekanga::** Abafaki-zicelo abanganyanisekanga (njengoko kuchaziwe kumthetho Jikelele) bayakukhutshwa.
- (d) **Ukufikeleleka kumkhumbi ofanelekileyo:**
abafaki-zicelo kufuneka babonise ilungelo lokufikeleleka kumkhumbi ofanelekileyo (jonga kumhlathi we-8 ongezantsi)
- (e) **Ukungasetyenziswa:** Igunya elithunyiweyo linokwala ukuphinda ukumnika ilungelo ukuba lowo ebenelungelo uye akaphumelela ukulisebenzisa ngokupheleleyo ilungelo lwethuba lexeshana lorhwebo nge-tuna pole phakathi konyaka ka 2002 no 2004

7.2 *Inkqubo elinganayo yokuthalekisa*

Abafaki-sicelo abasele benamalungelo nabazakuba ngabangeneli abatsha baza kuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye. Ezi mfaneleko zichazwe ngezantsi zimele zifundwe kunye neemfaneleko ezihambisana nazo kuMgaqo Jikelele ukuze ufumane iinkcukacha ezithe vetshe. Oku kusebenza ngakumbi kwimfaneleko "yenguqu".

(a) Inguqu

Enye yeenjongo zale nkqubo yokunikezwa kwamalungelo exesha elide kolu lobo kukuphucula umgangatho weenguqu kulefishari. Abafaki-zicelo bazakuhlolwa kujongwe kwezi nkalo - -

- Umlinganiselo (iipesenti) wabamnyama nabafazi abangabanini banashishini kunye nokumelwa kwabanyama nabafazi kwimivuzo ephezulu, kwibhodi yabalawuli (yee-director) noosomaqhuza (senior official) nabakuzinga lokuphatha;
- Ingaba abasebenzi (ngaphandle kwabo bafumana imivuzo ephezulu) bayafumana kuhlelo lwezabelo lwabasebenzi .
- Ukuthenga kumashishini abamnyama
- Ukuthobela umthetho we Employment Equity Act 55 yowe 1998 nokumelwa kwabamnyama namabhinqa kumanqanaba awahlukeneyo engqesho. Igunya elithunyiweyo lisenokuqwalasela nomahluko kwimivuzo yabasebenzi abakweyona mivuzo iphezulu nephantsi;
- Ukuthobela umthetho wokuphucula ubuchule kunye neemali ezichithwa kuqeqeshwa abantu abamnyama nenxaxheba kwiinkqubo zokufundisa;
- Uphuhliso lawmashishini; kwakunye
- Notyala-mali kwezasekuhlaleni.

(b) Utyalomali kulefisharishishino lokuloba

Izicelo ziya kuhlolwa ngokuthi kujongwe imali etyaliweyo. Ngokuphathelele kwabobafaki-zicelo banamalungelo, igunya elithunyiweyo liya kujongisisa oku .

- Ukutyala imali kwimikhumbi efanelekileyo nezinyo izinto ezisigxina. Ngokuphathelele kwimikhumbi ukutyala imali ngokuthi ube nezabelo kuyakuqwalaselwa. Abafaki-zicelo abanelungelo abayi kuvuzwa ngokuthi nje baqoshelise izivumelwano zokuthenga umkhumbi.
- Ukutyala imali kumsebenzi nakubuceducedu bokuthengisa. Igunya elithunyiweyo lisenokumvuza ofake isicelo oye watyala imali ekusetyenzweni nasekuthengisweni kwe-tuna.

Ngokuphathelele abafaki bezicelo abatsha, igunya elithunyelweyo liya kujonga imali etyalwe kwamanye amacandelo okuloba ngokuphathelele kwimikhumbi nempahla esisigxina, ukuthengiswa nokusetyenzwa kwemicimbi.

(c) Indlela yokusebenza

Izicelo zabanelungelo ziya kuhlolwa ngokuphonononga ukusebenza kwabo ngokuloba i-hake longline ngethuba lamalungelo xeshana (2002–2004).

Bonke abafaki-zicelo abatsha kuya kufuneka babonise ukuba banesakhono, ulwazi nobuchule bokuba nenxaxheba ekulobeni i-Hake Longline.

(d) Ukubambisela nokulahla

Umlinganiselo wokubanjiswa, ingakumbi kwe-kingklip (*Genypterus capensis*), evenwa ngabalobi kulefishari ye-hake longline usalixhalabisa iSebe. Amalinge okuphungula ukubanjwa kwezinga eliphezulu lokubambisela uhlobo lwentlanzi enjenge-kingklip aye ayimfuneko kuba ezi ntlobo ziyea zilotywe. Ukuhloliswa kobuncwane be-kingklip bubonisa ukuba ukubanjiswa ngoku kungaphaya kwezinga elivumekekileyo, yaye i-kingklip ayisaxhaphakanga kakhulu kwi-South Coast.

Elona nani liphezulu livunyelweyo lokubambisa i-kingklip liye labekwa kwiitoni ezingama-3 000. Lo mnyinyiva uya kusebenza kwifishari ye-hake ngokubanzi. Abafaki zicelo kuya kufuneka babonise izinto ezibathethelelayo ekubambiseni kakhulu nendlela yokulinganisela abebeyisebenzisa, okanye abaza kutyala imali kuyo, ukuze baqinisekise ukuba olu bambiso lungasentla lusikelwa umda.

Ukulahlwa kwentlanzi akuvumelekanga yaye abo banamalungelo abafunyenwe belahla intlanzi basenokungalinikwa ilungelo okanye ukuba balinikiwe, elo lungelo labo lisenokuthathwa ngokomthetho ka-section 28 we-MLRA.

(e) Uphuhliso loqoqosho lwasekuhlaleni

Utyalo zimali kwidolophana ezincinci ezinxuse ulwandle kweli loMzantsi Afrika lufanele lukhuthazwe. Igunya elithunyiweyo lisenokubavuzwa abo bafake izicelo aba batyala imali

kumaziko akwidolophana ezincinci ngaphandle kwezixeko ezinkulu zaseBhayi naseKapa..
Abo banelungelo le-Hake Longline batyale kwizibonelelo eziseKapa naseBhayi abasayi
kohlwaywa.

(f) Imisebenzi

Ukwakha imisebenzi nokwandiswa kwemisebenzi ngenxa yokufumana amalungelo
okwexeshana aya kuvuzwa, kwaye ingakumbi, abafaki-zicelo ababonelele abasebenzi babo
ngoku kulandelayo:

- Umsebenzi osisigxina ;
- Isibonelo sikaGqirha (medical aid) nesomhlala-phantsi;
- Nokuba loluphi uhlobo lwesibonelelo somsebenzi; kwakunye
- Nokusebenza phantsi kweemo ezikhuselekileyo.

Imisebenzi edalwe ngetoni nganye yentlanzi ebekho ngexesha lamalungelo okwexeshana iya
kuhlolwa .

(g) Ukuxhomekeka kwi-hake longline

Igunya elithunyelweyo liya kunikezela amanqaku aphucukileyo kubabafaki-zicelo abangeniso
yabo yaminyaka le ixhomekeke kanobom ekulobeni i-hake long line.

(h) Ukungahlawulwa kwerhafu yentlanzi

Abafaki-zicelo abanikwe amalungelo baya kohlwaywa ukuba iirhafu zabo eziya kwiSebe
azihlawulwanga kangangethuba elingaphezu lkeeentsuku ezingama-60 ngexesha lokufaka
isicelo..

(i) Ukuthobela

Ukuba umfaki-sicelo, amalungu okanye abalawuli (ii-director) okanye abafaki-mali (ii-
shareholder) ababambe iintambo, bakhe bafunyaniswa benetyala lokwaphula imithetho
engephi ye-MLRA, imimiselo, imiqathango yemvume okanye eminye imithetho yokuloba,
ngoxa besenelungelo lokwexeshana, okanye bahlawule intlawulo yokuvuma ityala

yokwaphula i-MLRA, imimiselo yayo okanye imiqathango yemvume, loo mfaki-sicelo uya kohlwaywa.

7.3 Indlela yomlinganiselo Umlinganiselo oya kusetyenziswa

Ngokuphathelele abafaki-zicelo abanamalungelo, kuyakusetyenziswa umlinganiselo wolwabiwo ubusetyenziswe kwixeshalokuloba lika 2005 ukweba amalungelo.. Ukuba lefishari ihlala inenguqu emva kokunikezelangamalungelo, yaye inamashishini abonakalayo amancinane, igunya elithunyelweyo lisenokungayijongi lindlela xa liqwalasela ukwahlula umlinganiselo.. Igunya elithunyelweyo lisenokwahlula umlinganiselo ngokusekelwe kwenye indlela , njengendlela yokusebenza. Ukuba igunya elithunyelweyo ligqibe kwelokuba liyabe ngokutsha ii-TAC kulefishari , kuza kuboniswa nabafaki-zicelo emva kokuba izicelo zivavanyiwe kwaza kwafunyanwa abafaki-zicelo abaphumeleleyo. .

8. Imikhumbi efanelekileyo

Umkhumbi ofanekileyo kwifishari ye -Hake Longline ngumkhumbi:

- Onobukhulu bobude obubabhaliswe yi-SAMSA obumalunga neemitha eziyi-30;
- onobuchule bokujonga umkhumbi obusebenzayo (vessel monitoring system);
-
- Ine nesi-streamer line (tori line) ekufuneka sinhajisiwe ngexesha loluloba l-longline. I-Streamer masifakwe ngaphezu kwentombo engundoqo, ungakumbi xa kusetyenziswe I Streamer ezimbini. Istreamer ngasinye masifakwe kuwo onke amacala entambo engundoqo (mainline)
- Kwaye ilungiswe ukuqinisekisa ukuba I-afala ilahlwa kwelinye icala kwelo kufakwe kulo iintambo. Imikhumbi engalungiswanga inokungayinikwa imvume yomkhumbi ngokwe-MLRA de zibe zilungisiwe.

9. Ukuzibandakanya kumacandelo amaninzi

Abanamalungelo kwifishari ye-hake longline abazikuvalelwa ukuba bafumane amalungelo oshishino orhwebo lokuloba lweentlanzi akuLuhlu A (cluster A) nakuLuhlu B loshishino (cluster B). Amalungu efishari ye-hake landline kuquka bafaki-mali (ii-shareholders) abambe intambo okanye amalungu (xa iyi-close corporation)

namalungu amaqela abaphathi abaphezulu abayi kuvunyelwa ukuba babe namalungelo orhwebo lwentlanzi akuLuhlu C (cluster C) nakuLuhlu D (cluster D), nasekulobeni iintlanzi eziqhelekileyo (Traditional Line Fish).

10. Intlawulo yokufaka izicelo nerhafu

Imali yokwenza isicelo sokukuloba kulefishari iza kuqulunqwa kujongwe oku:

- Ixabiso lenkqubo yonke yolwabiwo lwamalungelo, kuquka ukucetyiswa, ukwamkelwa, uvavanyo lwezicelo, ukuqinisekiswa, izibheni nohlolo; kunye
- Nexabiso lentlanzi enikezelwayo ngelithuba lelungelo.

Irhafu yonyaka ehlawulwa ukusukela ngomhla woku-01 kuJanuwari 2006 iyakuqulunqwa emva kokubonisana nabo banamalungelo. Iirhafu ezihlawuliweyo ziya kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuthobela nokwenza uphando.

11. Imilinganiselo yolawulo

Le milinganiselo yokuphatha ichatshazelwe apha ngezantsi ibonisa imigaqo yeSebe yokulawula lefishari emva kokunikezela ngamalungelo okuloba.

11.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela 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- EAF kushishino lokuloba kwifishari ye-hake longline iyakuchazwa ngokuthe xhaxhe kwi-Hake Longline Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba

11.2 Ulawulo lwemimandla

Ulobo kefishari ye-hake longline lujolise kwindidi ezimbini ze-hake ezifumeneka ngamandla ngasexwemeni. Udididi lwaselunxwemwni nolwasezinzonzobileni olwandle llivumekile ukuba lisebenze kulwandle lwasentshona.. Lufumaneka ekupheleni enozobila yolwandle, kwaye kuvumelekile ukuba kuqhubeka ulobo ngakumbi emzantsi kulwandle lwase-Kapa. Ubukhulu bendawo elisebenza kuyo

kunye nokuhla ngamandla kok kubanjwayo ngenzame kwenze ukuba abalobi be-hake longline babelane nezikhephe (trawlers) ezinkulu ngendawo yokuloba. Oku kwabelana ngendawo yokuloba kuyingxaki. -

Icandelo le-15 le-MLRA linikizela ngamandla o okwazisa imimandla yolawulo leefishari.. ISebe liya kuqwalasela ukwazisa imimandla yolawulo lweefishari ukuzama ukulawula uxinezelelo olubekwe kwi kwizitokwe ze-hake ne-kingklip kunye nokwehlisa ungquzulwano phakathi kwe-longliners ne-trawlers.

11.3 *Ukuhlanganiswa kwabathathi nxaxheba*

Emva kokunikezela ngamalungelo orhwebo lokuloba iminyaka elishumi elinesihlanu kulefishari, iSebe lizakuncedisa ukuhlanganisa kwabo manamalungelo, basebanzayo kulefishari.. Abanamalungelo kungenzeka bahlanganise amashishini abo kunye nabanye.

- Apho abanamalungelo banezabelo ezifanayo neofisi okanye iqumrhu elilawulayo, okanye
- Apho abo banamalungelo amancinci bagqiba ekubeni bahlanganise amashishini abo.

Ukuhlanganiswa kwabanamalungelo kuxhomekeke kwindlela iSebe elijonge ngayo iimonopoli (**jonga kumhlathi 11.5 ngezantsi**).

11.4 *Imikhumbi nenzame*

Sithetha nje kukho ama60 yemikhumbi ye-hake longline) esebenzekwile wandle zoMzantsi Afrika. Njengokuba abaninzi kwabo banamalungelo bengengabo abanini bemikhumbi, iSebe lilindele ukuba aba banamalungelo bazakucela ukungenisa enye imikhumbi emva kokunikezelwa lwamalungelo exesha elide. Isitokwe sentlanzi sesiphantsi koxinizelelo lwenzame eziganyamezelekiyo. ISebe liyakuqwalasela ngubunono iziqhamo zokungenisa eminye kunye nemitsha imikhumbi kule seyikhona. Abo banamalungelo basayi kuvunyelwa ukuba bangenise imikhumbi enenzame (enokuloba) ezingaphezu kwamalungelo bawa nikiweyo. Ukongeza, iSebe liyakubonisana nemibutho yabalobi ngezicelo zokungenisa eminye imikhumbi kulefishari.

11.5 *Iimonopoli*

ISebe lizaku khuthaza ukuhlangu kwabo banamalungelo kulefishari, iSebe likuchasile ukuhlangu okuza kuba bubungangamsha obusebenzela ukusingela phantsi abo banamalungelo amancinci.

Okwa ngoku iSebe alizo kuxela ubuninzi be TAC obunokuphathwa okanye bulawule ngumntu omnye, kodwa lizakuqwalasela ukuba ngaba akukho mphathi-lungelo elikhulu oziphethe ngendlela engahambisani nokhuphiswano olonyulu.

11.6 Izabelo ngokwe TAC. –Trawl: Line

Izabelo ze TAC ze trawl:line e zizakugcinwa ziloluhlobo zilulo. Ezi zabelo ziyakunikwa inqgwalasela kwakube kufunyenwa onke amanani amayela ne trawling ne longlining.

12. Imilinganiselo yokusebenza

ISebe lizofaka indlela ezininzi zokuvavanya ukusebenza ngelithuba lamalungelo orhwebo olobo weentlanzi. Kujongwe ukuba ithuba lokuqala lokuvavanya indlela yokusebenza libe semva kweminyaka emibini, ze emva koko libe rhoqo emva kweminyaka emithathu.

Nangona iSebe liza kuyiqukumbela indlela yokuvavanya emva kokubonisana nabanini malungelo, lenkqubo imbhanxa ilandelayo isenokusetyenziswa:

- Inguqu;
- Utyalo-mali kwimikhumbi nakwizixhobo zokusebenza
- Ukuma–nokuzinza kosebenziso ngakumi u-Lobo olukhuselekileyo olungenanjongo yotshabalaliso ndalo nokunciphisa ifuthe le-biological ne-ecological kwilonglining;
- Ukuthotyelwa kwemithetho nemimiselo esebenzayo.

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye zilifanele eli shishini.

13. Inkqubo yokwakha umkhanyoUphononongo Lwenkqubo

Inkqubo yabakhi-mkhanyo beSebe izakwandiswa ukuze lifake abakhi-mkhanyo bokuthotyelwa komthetho. Ukongeza,iSebe lizoqhubekeka lisongeza abakhi-mkhanyo kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo

14. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokuba kukhe kwafakwan' imilomo nabasele benamalungelo kulefishari, kwaye iza kumana ihlolisiswa xa kuyimfuneko



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO WOKWABA NOKUPHATHWA KWAMALUNGELO OKUDOBA
KWABADIYISI KU-HAKE LONGLINE:2005**

**LOLU HLAKA LOMGOMO KUFANELE LUFUNDWE KANYE NOHLAKA
LOMGOMO OJWAYELEKILE WOKWABIWA NOKUPHATHWA
KWAMALUNGELO ESIKHATHI ESIDE OKUDOBA NGENJONGO
YEZENTENGISELWANO : 2005 (itholakala ku-www.deat.gov.za)**

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1. Isingeniso

Lolu uhloko lomgomo wokwabiwa nokuphathwa kwamalungelo abadobi abadayasayo, olwenziwe uNgqongqoshe Wezemvelo Nezokuvakasha ("uNgqongqoshe"). Abathintekayo kufanele lolu hloko balufunde baluhlanganise noHloko Lwemigomo Ejwayelekile Yokwabiwa Nokuphatha Amalungelo Abadobi Abadayisayo: 2005. (Imigomo Ejwayelekile)

Inhloso yalo mgomo ukubeka ngokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa imvume yesikhathi eside yokudobela inzuzo izinhlanzi zohlobo lwe-hake longline. Iningi lalezi zinhlelo azizintsha. Bezisetshenziswa uNgqongqoshe nezikhulu eziphathisiwe zoMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphathwa Kogu ("uMnyango") uma benikeza imvume esikhathini esedlule futhi ngezanga elithile le nqubo iphethe lokho kubonelelwa. Eminye imigomo emisha iyabalwa kulo loluhloko lwemigomo. Ibhuku lokuphathwa kwe Hake longline lizoqedwa kunyaka ka 2006. Lelo bhuku liyochaza kabanzi ngezindlela nemigudu yokuphatha ezokudoba.

UNgqongqoshe uhlose ukunikeza isikhulu sikaHulumeni ilungelo, namandla okuphatha umthetho 18 ngokwemithetho ka Section 79 we MLRA ka 1998. Izincwadi zenqubo ziyiqondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba.

2. Isakhiwo sokudoba

Uma kuqhathaniswa ukudoba itrawl, ihake longline intsha kakhulu ngoba iqale ngo 1982. Phalathi kuka-1985 no-1990 kwakugxilwe kakhulu ekudobeni ikingklip ngoba idula. Ngokukhalazela isitoko se-hake kwase kuvalwa ngo 1990. Kwabuye kwaqalwa ngo 1994, ngenhloso yokuhlola amalungelo okudobela ukudayisa. Amalungelo okudoba ngenhloso yokudayisa ngaphansi kwe MLRA asungulwa phakathi kuka-1999 no-2000. Ukuchuma nokuzinza kwasukela ngo-2001, ngoba kwanikwa ilungelo leminyaka emine.

Ukudoba kwakha imisebenzi engu-3600 yabaqashwe ngokugcwele, kanye nabangamato abangu-3200. Baningi ababecindezelwe abasebenzayo. Umkhumbi wabadobi uthola imali efika kuma-R38 5000 iholo ngonyaka.

Ukudoba ama-hake akunayo imali eningi. Kunomvuzo kakhulu uma isiwa phesheya ko-Europe, lapho inani cishe liba u-50%. Inani lofishi lilinganiselwa ku R280 million ngonyaka. Izikebhe zona zilinganiselwa kwinani elingu-750 million.

Umnyango kaHulumeni iwona ophethe ilungelo lokudoba ama-hake. Ngokomthetho ka MLRA inani linqunywa uNgqongqoshe minyaka yonke. Kuze kube u 2004 amathani angu 1000 ayebekwe eceleni ukuze kudobe izifiki. Lolu hlelo nokho luzovalwa.

Lolu hlobo lokudoba lwenziwa eNtshonalanga naphakathi neNingizimu Mpumalanga yogu. Ukudoba kwenzeka ngaphandle kwama habha ase Port Nolloth nase Port Elizabeth. Kwenzeka osebeni naphakathi nemifula. Phakathi akufanele amahuku adule u 4000 ulayini uwodwa. Osebeni amanzi kufanele ashone kangango 110 m, amahuku angeqi ku 20 000 ulayini umunye. Izikebhe nemali yokwenza lomsebenzi zehluka ngokuthi kusosebeni noma kuphakathi namanzi.

Izitoko zama hake ziphathwa ngendlela endala. Inani le hake belilokhu lincishiswa kusukela ngo 2003, lokho kuncishiswa kudingeka kuqhubeke.

3. Amalungelo okwaba esikhashana

Lolu hlobo lokudoba lwaqala ngo 2001, ukusiza osomabhezini abasafufusa nababengenalo ilungelo ekuqaleni. Phakathi kuka 2001 kuya ku 2002 uHulumeni wavula amalungelo angu-141 iminyaka emine. Ngemva kokukhishwa kwamalungelo okudoba isikhathi esijana, amaphesenti angu-89 abanikazi bawo kule mboni kwakungabantu abamnyama, abantu ababengenalo ilungelo banelungelo elingamaphesenti angu-90 manje emkhakheni wokudoba. Izifisa zoMnyango zokukhuphula izinga lababehlupheka zafezeka ngokuqala lenhlobo yokudoba.

4. Izinhloso zokwandisa abadobi

Izinhlobo zokunikeza amalungelo esikhathi eside, ilana:

- Ukuthuthukisa izinga lenguquko
- Ukugqogquzela ukutshala imali ezikebheni (ngokusebenzisa ezesimanje nokushintsha ezindala), ukutshala imali kwizingqalasizinda nokuvula imisebenzi ezinzile;

- Ukunciphisa ukudutshulwa kwezinyoni.
- Ukuqhuba ucwaningo ukubhekelela izitoko zofishi.
- Ukuqhubeka nokubhekelela labo abanamabhizinisi eMpumalanga Koloni.
- Ukugcina izinga lomnotho nendawo yokudoba.

5. Ubude besikhathi samalungelo

Ngokubhekelela:

- Ukwakheka komsebenzi wokudoba
- Inani lemisebenzi yokuqashwa ngokugcwele (nelokuqasha abetoho, babe abaqashwe ngokugcwele)
- Isidingo sokugcina izinga lomnotho elivela ekudobeni.
- Nanendlela okuphethwe ngayo, enhle kekhulu, ethembekile nenolwazi lwanamuhla.

amalungelo azonikezelwa iminyaka engama 15 (kusukela ngo-1 January 2006 kuya ku-31 December 2020). UMyango uyovivinya njalo abanikazi bamalungelo ngendinganiso ethile ebekiwe. (bheka isigaba 13 ngenzansi)

6. Abasha

Izitoko eNingizimu Afrika zigcinwe ngendlela endala ngoba kubukeka sengathi kungaba nokwehla kwamazinga okubamba ofishi kodwa kube kunokukhuphuka kobuciko. Ngenxa yobuningi babadobi abasha sekuvele ukungabaza, nanokunxipha kwezidingo zokusebenza.

Izinga loguquko liyenelisa kanye nezinga losomabhizinisi abasafufusa. Ukuqoka abasha kuyokwenziwa ezikhaleni zabanikazi bamalungelo abaye, phakathi kokunye, bahluleka ukuguquka ngokunenzuzo, abangazange benze ngokwanelisayo noma abangazange banamathele ku-MLRA, imithetho yayo noma izimo zemvume.

7. Indlela yokuhlola

Izicelo ziyohlolwa kusetshenziswa indlela yokuhlunga. Abasha nabadala bayohlingwa ngezindlela ezahlukene. Imiphumela iyona okuyokhethwa ngayo abaphumelele. Iloyo naloyo oyophumelela uyonikezwa ingxenye ye TAC.

7.1 Indlela yokuhlukanisa

Uhlelo lokuhlunga njengoba lushiwo ohlelweni olwejwayelekile labadobi olukhuluma ngokungakheki kahle, nezimpahla ezonakele. Lolu hlelo lokuhlunga luyokwenziwa kwabasha nabadala.

- (a) **Uhlobo lofaka isicelo:** Izicelo eziyokwamukelwa ezivela ezinkampanini, njengoba kuvela kumthetho 69 ka 1984, kanye nomthetho wezinkampani ongu 61 ka 1973. Izicelo ezivela kubantu ngabanye azisobe zamukelwe.
- (b) **Abafaka izicelo:** Izicelo ziyokwamukelwa kuphela uma zivela ezinhlanganweni ezingaphansi kwe-Close Corporations Act 69 of 1984 kanye ne-Companies Act 61 of 1973. Izicelo ezivela kubantu abangabodwa (okungukuthi, abantu abazimele noma osomabhezini abangabodwa) nama-trusts ngeke zicatshangelwe. Abantu (okungukuthi abantu ngabanye noma osomabhezini abazimele) ngeke banikwe amalungelo. Labo abanamalungelo manje kufanele bafake isicelo beyi-close corporation noma inkampani futhi bayobhekwa njengabafake izicelo zamalungelo esikhathi esijana uma behambisana neziqondiso eziseMqulwini Ovamile
- (c) **Ukwethembeka:** Uma inkampani efake isicelo, noma amalungu ayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana ngeke banikwe izimvume zokudoba i-hake longline. Lokhu akuhlanganisi ukukhokhwa kwenhlawulo yokuvuma icala. Lowo ofaka isicelo ngeke ayithole imvume uma leyo nkampani noma amalungu ayo noma abaphathi beye baphucwa amalungelo okudoba ngaphansi komthetho we-MLRA, noma kwathathwa izinto ngaphansi koMthetho Wokuvimbela Ubugebengu Obuhleliwe 121 Ka 1998 noma we-MLRA.

Izinqumo zingase zigodlwe ezicelweni uma inkampani efake isicelo (noma amalungu ayo, abaphathi noma abanamasheya abalawulayo) isaphenywa ngokwephula umthetho we-MLRA.

- (d) Abanamalungelo kudingeka bakhokhe imali yezindawo abafuna ukudoba kuzo. Labo abanamalungelo abaye babika izinhlanzi ezincane abazibambile ukuze babalekele ukukhokha ngeke bafakwe. Abanamalungelo abangakakhokhi bayojeziswa ngenqubo yokulinganisa ebekwe ngezansi. Nokho uma labo abafake isicelo bewathola amalungelo, ngeke banikwe incwadi yemvume yokudoba kuze kube yilapho sebekhokhe izimali ezisele eMnyangweni.
- (e) **Imiqulu yamaphepha:** Njengokuchazwa kumqulu womthetho, ayivunyelwe.
- (f) **Ukufinyelela esikebheni esifanelekile:** Abafaka izicelo kufanele bakhombise ukuthi banezikebhe ezifanelekile (**bheka kusigaba 8 ngenzansi**)
- (g) **Okungasetshenziswa :** Isikhulu esiphathisiwe singase senqabe ukuphinda sikiphe amalungelo uma laba ababenamalungelo okudoba isikhathi esijana bengakwazanga ukuwasebenzisa amalungelo abo phakathi kuka- 2002 kanye no 2004.

7.2 Indlela yokulinganisa

Abafake izicelo zamalungelo nabanye abangase bangene bazovivinywa ngale nqubo yokulinganisa, ezosetshenziswa ukuze kubonakale ukuthi isicelo ngasinye sinesisindo kangakanani. Le ndinganiso engezansi kumelwe ifundwe kanye nendinganiso ehambisana nayo eMqulwini Ojwayelekile ukuze kutholakale olunye ulwazi. Lokhu kusebenza kakhulu *kweyezinguqo*.

(a) Uguquko

Enye yezinhloso zikaHulumeni uma evulela amalungelo esikhathi eside, ukugcina nokuthuthukisa amazinga kule mboni. Abafaka izicelo bayohlolwa ngalokhu:

- Inani labamnyama nabesifazane abangabanikazi bezinkampani nabahola kakhulu, abaphethe noma abanezikhundla, abangamamenenja;

- Abasebenzi (ngaphandle kwalabo abahola kakhulu) banawo yini amalungelo okuba namasheya;
- Bonke abantu baqashwe njengoba umthetho usho na.
- Iyavumelana ne-Employment Equity Act 55 of 1998 nokuthi bakhona yini abantu abamnyama nabesifazane emazingeni ahlukahlukene ezisebenzi. Isikhulu esiphathisiwe singase sibheke nomehluko wamaholo phakathi kwabahola kakhulu nabahola kancane;
- Iyahambisana yini nomthetho wokuthuthukiswa kwamakhono, nemali esetshenziswa ekuqeqesheni abamnyama nokuhlanganyela ekufundeni;
- Wonke umuntu uyakwazi yini ukubhekelela ukuthuthuka komnotho.

(b) Izinga lomnotho ekudobeni

Abafaki zicelo bayohlolwa ngokubhekelela umnotho osekudobeni.

Kulabo abaphethe amalungelo isikhulu esiphathisiwe siyogxila :

- ukwakhelwa komnotho ezikebheni neminye imishini. Uma kuziwa ezikebheni, umnotho obhekele ukuthi umuntu unawo yini ama sheya uyocatshangelwa. Abafaka izicelo angeke bakhokhelwe ngokusayina izivumelwano zokuthenga ezinemibandela.
- Ukwakha umnotho kwezokudayisa. Isikhulu esiphathisiwe siyobaklomelisa labo abayobhekekela umnotho ezikhungweni zokudayisa *i-hake*.
Kulabo abasha, isikhulu esiphathisiwe siyocabangela ukutshalwa kwezimali kwezinye izimboni ngezikebhe nemishini nokuthengisa.

(c) Izinga lokudoba

Abafaki zicelo bayobhekwa ukusebenza kwabo, nanokuphatha kwabo amalungelo esikhashana.

Bonke abasha kuyodingeka babonise ukuthi banawo yini amandla, ulwazi nobuciko bokudoba *i-Hake Longline*.

(d) Ukubamba nokulahla

Inani lama kingklip ikakhulukazi elidotshwa abadobi liyawukhathaza uMnyango. Izindlela zokunciphisa ukubanjwa kwama kingklip zidingekile ngoba loluhlobo lwezinhlanzi luyathandwa abadobi. Ukuhlolwa kokuthi i-*Kingklip* isingakanani libonisa ukuthi izinga lokuzibamba likhulu, N okuthi sezinciphile, ikakhulukazi eNingizimu nogu.

Sekubekwe umthetho wokuthi ngonyaka kumele ezibanjwayo zibe amathani awu 3 000. Lendlela izolandelwa kuko konke ukudoba. Abadobi kumele bakhombise ukuthi ndlelani abayenzayo nabazoyenza ukuze ukudoba kube sezingeni elamukelekile, elingenhla.

Ukulahla kwezinhlanzi akuvumelekile. Laba abayotholakala bezilahla, angeke besanikwa amalungelo, uma bese banikwa amalungelo, bayophucwa ngokomthetho ka 28 ka MLRA.

(e) Ukwakha umnotho wendawo

Ukukhuphula izinga lomnotho emadolobhaneni asosebeni lolwandle kufanele kuthuthukiswe. Isikhulu esiphathisiwe singase siklomelise labo badobi abaye bakhuphula izinga lomnotho emadolobhaneni amancane angaphandle kwamadolobha amakhulu awo Port Elizabeth ne Kapa. Kodwa labo asebezenzele amabhizinisi amakhulu eKapa nase Port Elizabeth angeke bajeziswe.

(f) Imisebenzi

Ukuvula amathuba emisebenzi nokwandisa imisebenzi ngenxa yokukhishwa kwezimvume zokudoba zesikhathi esijana kungase kubhekwe, futhi ikakhulu, labo abafake izicelo abaye banikeza izisebenzi zabo lokhu-

- ukuqashwa ngokugcwele
- uxhaso kwezempilo kanye nezimpesheni
- indawo ephephile yokusebenza

Imisebenzi evela ngomsebenzi wamathani kafishi, ngokwamalungelo esikhashana, uyohlolwa ubuyekwezwe kahle.

(g) Ukuthembela ekudobeni

Isikhulu esiphathisiwe sincamela abadobi abathembela ekudobeni i-hake longline ukuze bathole ingxenye enkulu yenzuzo yabo yonyaka.

(h) Ukungakhokhwa kwezinhlawulo

Abafake izicelo zamalungelo bayohlawuliswa uma izimali abazikhokha eMnyangweni zisalele emuva ngaphezu kwezinsuku ezingu-60 kusukela bafaka isicelo

(i) Ukuvumelana

Uma inkampani efake izicelo, amalungu ayo noma abaphathi bayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphantelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana, noma bakhokha inhlawulo yokuvuma icala ngokwephula umthetho we-MLRA, imibandela yezimvume, bayohlawuliswa.

7.3 Indlela yokuhlukanisa

Mayelana nabanamalungelo, kuyosetshenziswa indlela ebekwe kubanikazi bamalungelo ngonyaka ka 2005. Uma indawo yokudoba ingashintshi ngemya kokunikezwa kwamalungelo, futhi isenenani eliphakeme lamabhizinisi amancane, isikhulu esiphethe singase singazinaki lezi zindinganiso lapho sicabangela ukubuye sihlukanis. Isikhulu esiphathisiwe singabe sesehlukana ngokusekelwe endinganisweni, njengezinga lokusebenza. Uma isikhulu esiphathisiwe sinquma ukuphinda sisakaze i-TAC yale ndawo yokudoba, abafake izicelo bayothintwa uma zonke izicelo sezihloliwe futhi sebetholakele abaphumele.

8. Izikebhe ezifanelekile

Izikebhe ezifanelekile ilezo ezi :

- ezinobude obubhalisiwe bulinganiselwa kumamitha angu-30.
- Ezinezinsimbi ezisebenza kahle lezi zokukhomba indawo lapho zikhona
- Ezinolayini abavumelekile abasetshenziswa uma sekudotshwa. Uma kusetshenziswa ababili, babe nxazombili zesikebhe.

- Ezesikhathi samanje, lapho uma kulahlwa udoti, uye nganxanye, hhayi ngalapho kudotshwa khona. Izikebhe ezingalungisiwe ngeke zikhishwe nezimvume zazo ngaphansi kwe-MLRA kuze kube yilapho sezilungiswe ngokuphelele.

9. Ukuhlangana kweningi

Abaphathi malungelo okudoba, abavinjelwe ukuba namanye amalungelo okudoba ko sigungu A no B. Kodwa ke labo badobi, abaphathi bamasheya abo, noma amalungu (uma kuyi-close corporation) kanye namamenenja, abavunyelwe ukuba namalungelo amanye aku sigungu C no D nasekudobeni inhlanzi evamile.

10. Izimali zokufaka izicelo nezinhlawulo

Izimali zokufaka izicelo ziyocatshangwa kunakiwe nokuthi :

- Izindleko zayo yonke inqubo yokunika amalungelo, kuhlenganise ukuxoxisana, ukwamukelwa, ukuhlolwa kwezicelo, ukuqiniseka, ukubuyezwa;
- Kuyobhekwa nanenani lofishi liqhathaniswa nesikhathi esibekiwe.

Izinhlawula zonyaka kuqala ku 1 January 2006 ziyokwaziwa ngemva kokuxoxisana nabanikazi bamalungelo. Izimali ezikhokhwayo ziyosetshenziswa uMnyango ukuze unciphise izindleko zaminyaka yonke zokuphatha, ukuhambisana nohlelo nocwaningo

11. Amazinga okuphatha

Lamazinga njengokuchazwa ngezansi, zikhomba ukwabiwa okuvela kuHulumeni ukuthi angathanda kuphathwe kanjani.

11.1 Imvelo yenzani ngokuphatheka kofishi

Ukudoba kuyophathwa kubhekwe imvelo (EAF).Lokhu kuveza ukuthi ukudoba kubalulekile futhi kuxhumene kangakanani nemvelo.Loluhlelo lwezokudoba ama hake aluzami ukudlulisela imigomo yalo kwabanye.Uhlelo lolu lemvelo ihlangene nokudoba, kuzochazwa kabanzi encwadini yakhona.

INingizimu Afrika ilokhu ihleli ngokukhulu ukuzimisela ngokuthi ngonyaka ka 2010 iyobe iqala ukuhlaziya ukuphathwa kofishi, kubandakanya l hake.

11.2 Izindawo ezibekelwe ukudoba

Abadobi bagxile kakhulu ezindaweni ezisosebeni. Okwamanje ukudoba osebeni naphakathi nendawo kusavumelekile naseNingizimu. Ukubhekelela indawo la bedoba khona kuqhathaniswa nokuthi ababambi lutho kangako, kenza bonke abadobi bahlangane, badobe ndawonye, lokhu okudala eziningi izinkinga futhi.

Umthetho ongu nombolo 15 we MLRA ubhekele izindawo eziklanywe zokudoba. Lokhu uMnyango uzokubhekisisa ngoba kudala ukuthi izitoko zama hake nama kinglip zinciphe kakhulu, lokho konciphisa nanengxabano.

11.3 Ukuhlanguana kwabathintekayo

Noma kwabelwe iminyaka engama 15 ukudobela ukudayisa, kodwa uMnyango uzophinde ubhekesise ukuthi bangaki abadobi abadobayo ngempela. Kungenzeka abadobi bafune ukuhlanguana amabhizinisi abo:

- ngoba abadobi baphathelwe amasheya abantu abaodwa, noma basebenzisa amahovisi awodwa, noma banamamenenja awodwa.
- Noma ke labo abangosomabhizinisi abancane bafuna ukuhlanguana benze into eyodwa enkulu.

Kodwa ke ukuhlanguana, kuncike ekuthini uMnyango uthini ngabantu asebezoba namalungelo amaningi yonke indawo.(bheka isigaba 11.5 ngenzansi)

11.4 Izikebhe namandla okudoba

Kumanje eNingizimu Afrika kunezikebhe zokudoba ezibalelwa ku 60. Njengoba abadobi bengenazo ezabo izikebhe, uMnyango ubona ukuthi uma sekuqalwe izimvume zesikhathi eside, ziningi izikebhe ezizokwanda. Kumanje izitoko zikafishi sezifike emazingeni amakhulu. Ngakhoke uMnyango uzozama ukubhekisisa imibandela engaba khona uma kwanda izikebhe, kulezi ezikhona vele. Abadobi angeke bavunyelwe ukuthi badise izikebhe eziyoba ngaphezulu kwezindawo ababelwe zona. Uhulumeni uyosebenzisana nomnyango obhekele ukudayiswa kofishi kuzo zonke izicelo zokufaka izikebhe ezintsha.

11.5 Ukuphatha konke

Noma ngabe uMnyango uyokuvumela ukuthi abadobi bahlanganise izinkapani zabo, kodwa angeke akuvumele uma kuzodala ukuthi osomabhizinisi abancane bacindezeleke. Njengamanje uMnyango kaHulumeni angeke ubeke imigomo yokuthi kuhlangukane kanjani, kodwa ngokuqhubeka kokuhlangukane uyobheke ukuthi ukuncintisana kubanelisa bonke yini abathintekayo.

11.6 Izigaba ze TAC-trawl

Njengamanje izigaba phakathi kwe trawl ne longline zizohlala zinjalo. Ziyohlaziywa uma sekutholakale ulwazi olunye olusha.

12. Izinga lokuhlola umsebenzi

Uhulumeni uyohlola ngokusemthethweni ukusebenza, kuphela nje uma kusaqhubeka amalungelo okudobela ukudayisa. Kubonakala ukuthi loluhlelo lokuhlola luyaqala ngeminyaka emibili emva kokunikwa kwamalungelo, bese kwenziwa njalo emva kweminyaka emine.

Noma ke uHulumeni esazozama ukubona ukuthi obani abazohlolwa emva kokuhlangukane nabo, kodwa okwamanje kungasetshenziswa lezindlela ezilandelayo :

- kuyobhekwa uguquko
- izimali ezifakwe ezikebheni nozo zonke izinto ezisetshenziswayo
- ubude besikhathi somsebenzi, nakho konke okuthintekayo ngalomsebenzi
- ukuvumelana nokulandela imithetho ebekiwe.

Inhloso yokukala izinga eliyilo iyoba ukuqinisekisa ukuthi imigomo yendawo yokudoba iyafinyelelwa nokuthi izindlela nezinqubo zokuphatha zihlala ziyilungele indawo yokudoba

13. Indlela yokuhlola

Umnango kaHulumeni uzokwandisa uhlelo lokuhlola afake nokubheka ukuvumelana. Uhulumeni uyophinde aqhubeke andise loluhlelo lokuhlola. Abadobi ibona abayokhokhela loluhlelo lokuhlola.

14. Imibandela yamaphemithi

Amaphemithi ayokhishwa minyaka yonke. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume futhi ziyobukezwa uma kudingeka.



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

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
HARVESTING RIGHTS IN THE SEAWEED SECTOR: 2005**

THIS POLICY MUST BE READ WITH THE 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 commercial harvesting rights in the seaweed sector is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General policy").

Many of the considerations in this policy are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

The Department will develop a Seaweed Sector Management Manual with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the sector.

The Minister intends to delegate the section 18 power to allocate seaweed rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Sector profile

Seaweed or kelp harvesting in South Africa is primarily directed at two species of large brown seaweeds, *Ecklonia maxima* and *Laminaria pallida*. These seaweeds are abundant in the cool, temperate waters between Cape Agulhas and Namibia. The South African coastline is, however, also home to a number of other species of seaweed. These include *Gelidium* and *Gracilaria*.

Beach-cast kelp of both species, *Ecklonia maxima* and *Laminaria pallida*, have been collected since at least 1953 in quantities that fluctuate with market demand, but reached a maximum of about 5 000 tons (dry weight) in 1977. Since then, an average of 1 312 dry weight tons have been collected with low yields between 1993 and 1995 reflecting strong international competition from Chinese alginate producers.

Beach-cast kelp is sun-dried, milled and exported mainly for the extraction of alginate. No commercial extraction occurs in South Africa due to strong international competition. Laboratory tests on South African kelps indicate alginate yields of between 22 percent and 40 percent. Recently, powdered kelp has been exported to Japan for use in formulated fish-feed. Fresh kelp has been harvested since 1979 in relatively small quantities for the production of a liquid plant-growth stimulant (Kelpak). The product contains cytokinins, that

have been shown to improve the growth and quality of various food and horticultural crops. The recent growth of the abalone farming industry has created further demand for freshly harvested kelp.

Commercially viable quantities of *Gracilaria gracilis* occur in Saldanha Bay and *Gracilariopsis* occurs in St Helena Bay.

Commercially viable quantities of *Gelidium* have been harvested in the Eastern Cape since at least 1957. Four species (*G. pristoides*, *G. abbottiorum*, *G. pteridifolium* and possibly some *G. capense*) are capable of being harvested from the intertidal and shallow subtidal zones of concession areas 1, 20, 21, 22 and 23. An attempt was made to extract agar in the Eastern Cape from 1978-1982 but this proved uneconomical. The present levels and methods of exploitation have a negligible ecological effect. Exploitation levels are essentially controlled by limiting effort to only one commercial operator per concession area and yields are monitored. Furthermore, this species is difficult to fully remove by picking.

The seaweed sector is managed in terms of both a total applied effort ("TAE") and a total allowable catch ("TAC"). However, the principal management tool is effort control and the number of right-holders in each seaweed harvesting area is restricted. Essentially, each concession area is limited to one right-holder. In addition, in certain areas limitations are placed on the amounts that may be harvested.

Seaweed is harvested on a per area basis. The Department has divided the South African coastline (between Port Nolloth and Port St Johns) into 23 harvesting areas.

Very few right-holders harvest seaweed and add value to it. Currently, many right-holders harvest seaweed for feed for abalone farms. In terms of value adding, seaweed is used in specialised "health-food" products, fertilizers, as part of aromatherapy products and for cosmetic products.

The seaweed sector nevertheless employs over 1 700 people (313 on a permanent basis and 1 450 on a seasonal basis). Average annual salaries are R38 500 in this sector. Of these jobs, 92 percent are held by historically disadvantaged persons. The majority of workers are women.

The start-up costs for a new entrant may range from approximately R250 000 to R10 million. The operations are labour intensive and wage costs for the various right-holders range from R50 000 per annum to R1 783 000 per annum. Certain right-holders also invest in research and development and these investments range from R60 000 to R600 000 per annum.

3. The medium-term rights allocation process

Between 2001 and 2003, commercial seaweed harvesting rights were allocated to 13 enterprises. One exemption in terms of section 81 of the MLRA was granted in 2003.

In 1997, the commercial seaweed sector was dominated by white-owned and managed enterprises. Today, six out of 14 right-holders are black-owned and managed. Accordingly, 42.8 percent of right-holders are black. Of the 14 right-holders, seven (or 50 percent) are small- and medium-sized enterprises.

Of the 23 commercial areas, seaweed in areas 2, 3, 20 and 22 are currently not exploited at all. A map of the concession areas is attached as part of **Annexure A**.

4. Over-arching sectoral objectives

The over-arching objectives of allocating long-term harvesting rights in the seaweed sector are to:

- Improve the transformation profile of the sector;
- Promote further investment in seaweed beneficiation;
- Expand the utilisation of the resource;
- Promote the involvement of local communities in the harvesting of seaweed;
- Support the economic viability of the sector; and
- Ensure the environmental sustainability of the sector.

5. Duration of rights

Having regard to –

- the transformation profile of the sector;
- the need to maintain the economic stability that currently prevails in the sector; and
- the fact that the seaweed resource is well managed in terms of reliable and current data,

commercial rights will be allocated for a period not exceeding 10 years (1 January 2006 to 31 December 2015). The Department will regularly evaluate right holders against predetermined performance criteria (*see Paragraph 13 below*).

6. New entrants

Although a large proportion of the available concession areas are fully subscribed, a number of concession areas (areas 2, 3, 20 and 22) are not being exploited at all. In addition, many right-holders are not fully exploiting their rights. Certain right-holders do not harvest the resource themselves. The present transformation profile of this sector is below the fishing industry average which is approximately 66 percent.

In light of the above, new entrants may be accommodated.

7. Evaluation criteria

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

7.1 Exclusionary criteria

Apart from the criteria described in the General policy pertaining to the lodgment of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973. Natural persons (i.e. individuals or sole proprietors) and trusts will not be granted rights. Current natural person and trust right holders must apply in the form of a close corporation or company and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General Policy.
- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholders has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, the applicant will not be allocated a seaweed right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if an applicant (or its members, directors or controlling shareholders) is being investigated for a breach of the MLRA.

Right-holders are required to pay a levy on seaweed harvested. Right-holders that have under-reported their harvest to avoid the payment of levies will be excluded. Right-holders that have not paid levies will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a permit will not be issued until the outstanding monies have been paid to the Department. Right-holders who have utilised vehicles in the coastal zone without authorisation will not be allocated a seaweed right.

- (c) **Paper quotas:** Paper quotas, as defined in the General Policy, will be excluded.
- (d) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise its medium-term seaweed right between 2002 and 2004.

7.2 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. The criteria stated below must be read with the corresponding criteria in the General policy for further detail. This applies in particular to the *"transformation"* criterion.

(a) Transformation

One of the objectives during the process of allocating commercial rights in this sector is to improve on the present levels of transformation. Right-holder applicants will be assessed on –

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;

- Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes; and
- Corporate social investment.

(b) Investment in the sector

As far as right-holder applicants are concerned, the delegated authority will consider:

- Investments in fixed assets, processing, marketing; and
- Investments in research and the development of marketable seaweed products.

New entrant applicants will have to show how they intend processing and marketing seaweed and whether they have invested in any research into the harvesting and marketing of seaweed.

(c) Ecosystem impacts

Although, the concept of by-catch is not directly applicable to this sector, right-holder applicants will be evaluated on what steps they have implemented to ensure that the surrounding environment (both fauna and flora) were not negatively affected during harvesting. In addition, the use of vehicles in the coastal zone must have been authorised and undertaken in accordance with the conditions set out by the Minister.

(d) Value-adding and enterprise development

The delegated authority may have regard to enterprise development and beneficiation and to the ability of applicants to add or indicate how they will add value to seaweed for both the local and international markets.

Beneficiation and value adding to seaweed is considered particularly relevant because –

- it may increase the number of jobs provided by the sector; and
- the South African seaweed industry is not internationally competitive.

(e) Local economic development and utilisation of the resource

There is potential for seaweed harvesting to occur along a substantial part of our coast. The delegated authority should endeavour to allocate at least one seaweed right in each of the 23 concession areas.

(f) Jobs

Although the the seasonal nature of the harvesting of seaweed is recognised, the the provision of permanent jobs or greater levels of job security for low skilled and unskilled staff are promoted.

Job creation and increases in jobs as a result of the allocation of medium term fishing rights will be rewarded, and in particular, applicants that have provided their employees with –

- Full time employment;
- Medical aid and pension; and
- Safe working conditions.

(g) Non-payment of levies

Right holder applicants will be penalised if their levies payable to the Department are outstanding for a period longer than 60 days at the date of application.

(h) Reliance on seaweed

The delegated authority will positively score applicants who rely on seaweed harvesting for a significant proportion of their gross annual income.

(i) Empowerment of local communities

The harvesting of seaweed presents opportunities for the empowerment of the inhabitants of coastal communities, particularly those who may not be able to benefit from harvesting fish stocks such as abalone or west coast rock lobster. To this end, the delegated authorities may favourably consider applications from close corporations or companies incorporated for the benefit of local communities for the harvesting of seaweed for abalone feed and beneficiation.

(j) **Compliance**

If the applicant, its members or its directors or controlling shareholders have been convicted of a minor infringement of the MLRA, the regulations, permit conditions or other fishery related offences, during the medium-term right period, or paid admission of guilt fines for contraventions of the MLRA, its regulations or permit conditions, the applicant will be penalised.

8. Concession areas and allocation

There are currently 23 concession areas. The number will be reduced to 22 by consolidating areas 11 and 12 into one concession area.

The delegated authority will continue to apply its policy of allocating one right per genus, per concession area. To date each area has been subjected to exploitation by a single right-holder. The exception has been area 11 where two right-holders share the area, exploiting different genus of seaweed. The delegated will not necessarily grant all the rights in a concession area to one applicant. The intention is to accommodate multiple entities harvesting different *genera* of seaweed in each concession area. This approach is intended to have a positive impact on job creation and the innovative exploitation of, and value-adding to seaweed. Applicants (and in particular new entrant applicants) are advised not only apply for their "first choice of seaweed" but also for alternative seaweeds in the same concession area. Applicants may apply for more than one concession area on the same application form.

9. Multi-sector involvement

Right-holders in the seaweed sector are not precluded from holding rights in any of the Cluster A and Cluster B fisheries. Right-holders in the seaweed sector will not be allowed to hold commercial fishing rights in the Cluster C and Cluster D fisheries. However, unlike in other Cluster A and B fisheries, shareholders (of a company) or members (of a close corporation) or a member of their management team may hold a commercial right in a Cluster C and D fishery.

10. Application fees and levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of seaweed being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

11. Management Measures

The management measures discussed below reflect a number of the Department's principal post-right allocation management intentions for this sector.

11.1 Ecosystem approach to fisheries management

This sector will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy recognising that fishing and associated land-based activities impact on the broader marine environment. This part of the seaweed policy does not attempt to provide a policy statement on EAF in the seaweed sector. The EAF in the seaweed sector will be detailed further in the Seaweed Sector Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries, including seaweed.

11.2 Consolidation of participants

Subsequent to the allocation of 10-year commercial rights in this sector, the Department will facilitate the consolidation of the number of right-holders active in the sector. Right-holders may consolidate their respective business operations:

- Where right-holders share the same shareholders, offices or management team;
or
- Where smaller right-holders opt to consolidate their business operations.

Consolidation of right-holders is, however, subject to the Department's approach to monopolies (*see paragraph 11.4 below*).

11.3 Vehicle use in the coastal zone

Many seaweed right-holders have sought permission to use vehicles in the coastal zone since the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline).

Seaweed operators 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 the harvesting of seaweed. The employment of more harvesters is preferred over the use of vehicles.

Application forms for vehicle use in the coastal zone will be made available along with the application forms for commercial seaweed harvesting permits. These application forms are also available from www.mcm-deat.gov.za.

11.4 Monopolies

While the Department will encourage the consolidation of right-holders in this sector, it is opposed to monopolies which may operate to the detriment of smaller right-holders.

The Department will not at this stage determine any maximum number of areas a right-holder may exploit, but will monitor whether any right-holder acts in a manner contrary to fair competition practices.

12. Performance measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial rights. It is envisaged that the first performance measuring exercise will take place after two years and thereafter every three years.

Although the Department will finalise the precise criteria against which right-holders will be measured after the allocation of commercial seaweed rights and after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in value-adding and marketing initiatives;
- sustainable utilisation of seaweeds; and

- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

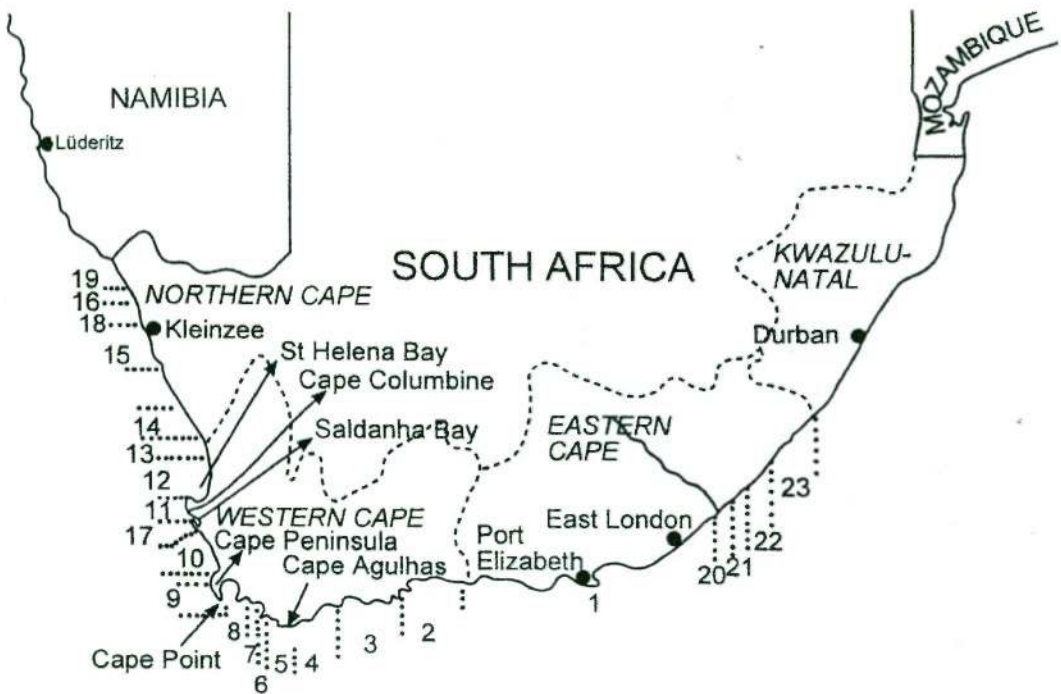
13. Observer and monitoring Programme

The Department's current observer and monitoring programmes will be expanded to include compliance observation. In addition, the Department will progressively increase the observer and monitoring coverage of this sector. Right-holders will be required to bear the costs of the observer and monitoring programmes.

14. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.

**ANNEXURE A
CONCESSION AREA MAP**





**DEPARTEMENT VAN OMGEWINGSKE EN TOERISME
TAK MARIENE- EN KUSBESTUUR**

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE SEEWIER VISSERY: 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
AANGAANDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN
KOMMERSIËLE VISVANGREGTE: 2005 (beskikbaar by [www.mcm-
deat.gov.za](http://www.mcm-deat.gov.za))**

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van kommersiële oesregte in die seewier sektor word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene beleid").

Baie van die oorwegings in hierdie beleid is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerhede van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur (die "Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Die Departement sal 'n Bestuurshandleiding vir die Seewier Sektor ontwikkel saam met al die regtehouers deur die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodes en - prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18-magte om seewier regte toe te ken ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 (die "WLMH") aan 'n senior beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Sektorale profiel

Die oes van seewier of kelp in Suid-Afrika is hoofsaaklik toegespits op twee spesies groot bruin seewier, *Ecklonia maxima* en *Laminaria pallida*. Hierdie seewiere is volop in die koel gematigde seewater tussen Kaap Agullas en Namibië. Die Suid-Afrikaanse kuslyn is egter ook die tuiste van 'n aantal ander spesies seewier, insluitende *Gelidium* en *Gracilaria*.

Uitgespoelde kelp van albei spesies, *Ecklonia maxima* en *Laminaria pallida*, word al reeds sedert 1953 versamel in hoeveelhede wat wissel met mark aanvraag, maar het 'n maksimum bereik van omtrent 5000 ton (droë gewig) in 1977. Sedertdien is daar 'n gemiddeld van 1 312 ton droë gewig ingesamel met lae opbrengste tussen 1993 en 1995 wat sterk internasionale mededinging van Chinese alginaat produsente weerspieël.

Uitgespoelde kelp word gedroog in die son, gemaal en uitgevoer hoofsaaklik vir die ekstraksie van alginaat. Geen kommersiële ekstraksie vind in Suid-Afrika plaas nie, as gevolg van sterk internasionale mededinging.

Laboratoriumtoetse op Suid-Afrikaanse kelp toon algi-naat opbrengste van tussen 22 en 40 persent. Meer onlangs is verpoeierde kelp na Japan uitgevoer vir gebruik in die produksie van geformuleerde visvoer. Vars kelp word sedert 1979 in klein hoeveelhede ge-oes vir die produksie van 'n vloeibare plantgroeistimulant (Kelpak). Hierdie produk bevat sitokinien wat al getoon het om die groei en kwaliteit van verskeie voedsel- en plantboukundige oeste te verbeter. Die onlangse groei in die perlmoenboerdery-industrie het 'n verdere vraag geskep vir vars ge-oeste kelp.

Kommersiële lewensvatbare getalle *Gracilaria gracilis* kom voor in Saldannabaai en *Gracilariopsis* kom voor in St. Helenabaai.

Kommersiële lewensvatbare hoeveelhede *Gelidium* word reeds sedert ten minste 1957 in die Oos-Kaap ge-oes. Dit is moontlik om vier spesies (*G. pristoides*, *G. abbottiorum*, *G. pteridifolium* en moontlik 'n hoeveelheid *G. capense*) te oes in die tussen-gety en vlak sub-gety sones van konsessie gebiede 1, 20, 21, 22 en 23. 'n Poging is aangewend om agar te onttrek in die Oos-Kaap van 1978 tot 1982, maar dit was nie ekonomies lewensvatbaar gewees nie. Die huidige vlakke en metodes van ontginning het 'n geringe effek op die ekologie. Ontginningsvlakke word in wese beheer deur vangspoging te beperk tot slegs een kommersiële operateur per konsessie area en opbrengste word gemonitor. Boonop is dit moeilik om hierdie spesie volledig te verwyder deur dit te pluk.

Die seewier sektor word bestuur in terme van beide 'n totale ontplooië vangspoging ("TOV") en 'n totale toelaatbare vangs ("TTV"). Die hoof bestuursmiddel is egter die beheer van vangspoging en die getal regtehouers in elke seewier oes-area word beperk. In wese, is elke konsessie area beperk tot een regtehouer. Bykomend, word daar in sekere areas beperkings geplaas op die hoeveelhede wat ge-oes mag word.

Seewier word ge-oes op 'n per area basis. Die Departement het die Suid-Afrikaanse kuslyn (tussen Port Nolloth en Port St. Johns) in 23 oesgebiede verdeel.

Baie min regtehouers oes seewier en voeg waarde daarby. Tans oes baie regtehouers seewier vir voer vir gebruik deur perlmoenplase. In terme van waarde toevoeging word seewier gebruik in gespesialiseerde "gesondheidskos" produkte, bemesting, as deel van aromaterapieprodukte en vir skoonheidsprodukte.

Desnieteenstaande verskaf die seewier sektor werksgeleenthede aan meer as 1 700 mense (313 op 'n permanente basis en 1 450 op 'n seisoenale basis). Gemiddelde jaarlikse salarisse in hierdie sektor beloop R38 500. Tans word 92 persent van hierdie poste beklee deur histories benadeelde individue. Die meerderheid van werkers is vrouens.

Die aanvangskoste vir nuwe inkomelinge mag wissel tussen R250 000 en R10 miljoen. Die bedrywe is arbeidsintensief en loonuitgawes vir die verskeie regtehouers wissel van R50 000 per jaar tot R1 783 000 per jaar. Sekere regtehouers belê ook in navorsing en ontwikkeling en hierdie beleggings wissel van R60 000 tot R600 000 per jaar.

3. Die Medium-termyn regtetoekennings proses

Tussen 2001 en 2003 is kommersiële seewier oesregte aan 13 ondernemings toegeken. Een vrystelling in terme van artikel 81 van die WLMH is in 2003 toegestaan.

In 1997 is die kommersiële seewier sektor gedomineer deur ondernemings in wit besit en onder wit bestuur. Tans word ses uit die veertien regtehouers deur swart persone besit en bestuur. Gevolglik is 42.8 persent van die regtehouers swart. Uit die 14 regtehouers is sewe (of 50 persent) klein- en medium grote ondernemings.

Uit die 23 kommersiële areas word seewier in areas 2,3,20 en 22 tans glad nie ontgin nie. 'n Kaart van die konsessie areas word aangeheg as deel van **Bylaag A**.

4. Oorkoepelende sektorale doelwitte.

Die oorkoepelende doelwitte met die toekenning van langtermynoesregte in die seewier sektor is om:

- Die transformasieprofiel van hierdie vissery te verbeter;
- Verdere belegging in seewier benefisiëring te bevorder;
- Die benutting van die bron verder uit te brei;
- Die betrokkenheid van plaaslike gemeenskappe in die oes van seewier te bevorder;
- Die ekonomiese lewensvatbaarheid van die sektor te ondersteun; en
- Die omgewingsvolhoubaarheid van die sektor te verseker.

5. Tydsduur

Met inagneming van -

- die transformasieprofiel van die sektor;
- die behoefte om die ekonomiese stabiliteit wat tans in die sektor heers te handhaaf; en

- die feit dat die seewierbron goed bestuur word in terme van data wat betroubaar en op datum is

sal kommersiële regte vir 'n tydperk van 10 jaar toegeken word (1 Januarie 2006 tot 31 Desember 2015). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (*sien Paragraaf 13 hieronder*).

6. Nuwe inkomelinge

Alhoewel 'n groot aantal van die beskikbare konsessieareas volskryf is, word 'n aantal konsessieareas (areas 2, 3, 20 en 22) glad nie ontgin nie. Bykomend is daar baie regtehouers wat nie hulle regte ten volle ontgin nie. Sekere regtehouers oes nie self die bron nie. Die huidige transformasie profiel van hierdie sektor is onder die visvangindustrie gemiddeld wat ongeveer 66 persent is.

In die lig van bogenoemde mag nuwe inkomelinge geakkommodeer word. Die beginsel in die Algemene beleid dat medium termyn regtehouers nie aandele mag hou in potensiële nuwe aansoekers nie, sal nie in hierdie sektor toegepas word nie.

7. Evaluasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Nuwe inkomeling aansoekers en bestaande regtehouer aansoekers wat aansoek doen sal daarna apart evalueer word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal.

7.1 Uitsluitingskriteria

Behalwe vir die kriteria beskryf in die Algemene beleid aangaande die indiening van die aansoeke en wesenlike tekortkominge, sal die gedelegeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies 69 van 1984 en die Maatskappywet 61 van 1973 sal in aanmerking kom. Regte sal nie toegeken word aan natuurlike persone (m.a.w individue of eenmansake) en trusts nie. Natuurlike persone en trusts wat bestaande regtehouers is

moet aansoek doen in die vorm van 'n beslote korporasie of maatskappy en sal as medium termyn regtehouers behandel word indien hulle aan die riglyne uiteengesit in die Algemene Beleid voldoen.

- (b) **Wetsnakoming:** Indien 'n aansoeker of sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige misdryf ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige vissery verwante misdrywe gedurende die mediumtermyn regteperiode sal daar nie 'n seewieroesreg aan die aansoeker toegeken word nie. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Regte sal ook nie toegeken word aan 'n aansoeker indien die aansoeker of sy lede, direkteure of beherende aandeelhouders se visvangregte gekanselleer of ingetrek is ingevolge die WLMH of indien daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdad 121 van 1998 of die WLMH nie.

Besluite mag gereserveer word oor aansoeke indien die aansoekers (of die aansoeker se lede, direkteure of beherende aandeelhouders) ondersoek word vir oortredings van die WLMH.

Daar word van regtehouers vereis om 'n heffing te betaal op seewier wat ge-oes is. Regtehouers wat hul oeste onder-rapporteer het ten einde die betaling van heffings te vermy sal uitgesluit word. Regtehouers wat nie heffings betaal het nie sal gepenaliseer word in die vergelykende balanseringsproses soos hieronder uiteengesit. Sou sodanige aansoeker egter nietemin vir 'n reg kwalifiseer, sal 'n oespermit nie uitgereik word nie alvorens die uitstaande gelde aan die Departement betaal is nie. Regtehouers wat voertuie in die kussone gebruik het sonder magtiging sal nie 'n seewier reg toegeken word nie.

- (c) **Papier-kwotas:** Papier-kwotas, soos gedefinieer in die Algemene beleid, sal uitgesluit word.
- (d) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om tussen 2002 en 2004 sy medium-termyn kommersiële seewier reg ten volle te benut.

7.2 Balanseringskriteria

Regtehouer aansoekers, asook potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal. Die kriteria hieronder uiteengesit moet saamgelees word met die ooreenstemmende kriteria in die Algemene beleid vir verdere detail. Dit is in besonder van toepassing op die "transformasie" kriterium.

(a) Transformasie

Een van die doelwitte gedurende die proses van toekenning van kommersiële regte in hierdie sektor is om op die huidige vlakke van transformasie te verbeter. Regtehouer aansoekers sal evalueer word op -

- Die persentasie swart en vroue eienaarskap en swart en vroue verteenwoordiging op top salarisvlakke, direksie en senior beampte en bestuursvlakke;
- Of werknemers (anders as top salaristrekkers) voordeel trek uit 'n werknemeraandeleskema;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998 en die verteenwoordigheid van swart persone en vroue op die verskillende diensvlakke. Die gedelegeerde owerheid mag ook die verskil in besoldigingsvlakke tussen die hoogste en laagste betaalde werknemers in ag neem.
- Nakoming van wetgewing oor vaardigheidsontwikkeling en die bedrae spandeer op die opleiding van swart persone en deelname aan leerskapprogramme; en
- Korporatiewe maatskaplike belegging.

(b) Belegging in die visserij

Met betrekking tot regtehouer aansoekers, sal die gedelegeerde owerheid die volgende oorweeg:

- Beleggings in vaste bates, prosessering, bemarking; en
- Belegging in navorsing en die ontwikkeling van bemarkbare seewier produkte.

Nuwe inkomeling aansoekers sal moet aantoon hoe hulle van plan is om seewier te prosesseer en te bemark en of hulle belê het in enige navorsing in die oes en bemarking van seewier.

(c) Impak op die Ekosisteem

Alhoewel die verskynsel van byvangste nie direk toepaslik is op hierdie sektor nie, sal regtehouers evalueer word op grond van die stappe wat hulle geïmplementeer het om te verseker dat die omringende omgewing (fauna en flora) nie negatief geïmpak is gedurende ooste nie. Bykomend, moes die gebruik van voertuie in die kussones gemagtig gewees het en onderneem gewees het in ooreenstemming met die voorwaardes uiteengesit deur die Minister.

(d) Waardetoevoeging en Ondernemingsontwikkeling

Die gedelegeerde owerheid mag oorweging skenk aan ondernemingsontwikkeling en benefisiëring en aan die vermoë van aansoekers om waarde toe te voeg of aan te toon hoe hulle waarde sal toevoeg aan seewier vir beide die plaaslike en internasionale markte.

Benefisiëring en waardetoevoeging tot seewier word geag besonder relevant te wees omdat:

- Dit die aantal werkseleenthede wat deur die sektor voorsien word mag vermeerder;
- Die Suid Afrikaanse seewier industrie nie internasionaal mededingend is nie.

(e) Plaaslike ekonomiese ontwikkeling en benutting van die bron

Daar is potensiaal vir die oes van seewier om plaas te vind langs 'n aansienlike deel van ons kus. Die gedelegeerde owerheid behoort te streef om ten minste een seewier reg in elk van die 23 konsessie areas toe te ken.

(f) Werkseleenthede

Alhoewel die seisoenale aard van die oes van seewier erken word, word die voorsiening van permanente werkseleenthede of groter vlakke van werksekeriteit vir werkers wat half-geeskool of ongeskool is, bevorder.

Werkseleening en die vermeerdering van werkseleenthede as gevolg van die toekenning van mediumtermynregte sal beloon word, en in besonder, aansoekers wat hulle werknemers voorsien het met—

- Voltydse werk;

- Mediese fonds en pensioen; en
- Veilige werksomstandighede.

(g) Nie-betaling van heffings

Regtehouer aansoekers sal penaliseer word as hul heffings betaalbaar aan die Departement vir 'n tydperk langer as 60 dae agterstallig is op die datum van aansoek.

(h) Afhanklikheid van seewier

Die gedelegeerde owerheid sal positiewe punte toeken aan aansoekers wat afhanklik is van die oes van seewier vir 'n wesentlike gedeelte van hulle bruto jaarlikse inkomste.

(i) Bemagtiging van plaaslike gemeenskappe

Die oes van seewier bied geleenthede vir die bemagtiging van die inwoners van kusgemeenskappe, in besonder diegene wat nie in staat mag wees om voordeel te trek uit die oes van visbronne soos perlemoen of weskuskreef nie. Vir hierdie doel, mag die gedelegeerde owerheid aansoeke van beslote korporasies of maatskappye, geïnkorporeer tot die voordeel van plaaslike gemeenskappe vir die oes van seewier vir perlemoen-voer en benefisiëring, positief beoordeel.

(j) Wetsnakoming

Indien die aansoeker, sy lede of direkteure of beherende aandeelhouers skuldig bevind is aan geringe oortredings van die WLMH, sy regulasies, permitvoorwaardes of ander visserij verwante oortredings, gedurende die medium-termyn regteperiode, of indien 'n skulderkenningsboete betaal is vir oortredings van die WLMH, sy regulasies of permitvoorwaardes, sal die aansoeker penaliseer word.

8. Konsessieareas en toekenning

Daar is tans 23 konsessie areas. Hierdie getal sal verminder word tot 22, deur areas 11 en 12 te konsolideer in een konsessiearea.

Die gedelegeerde owerheid sal een reg toeken per genus, per konsessie area. Tot op datum is elke area onderwerp aan ontginning deur 'n enkele regtehouer. Die uitsondering was area 11 gewees waar twee regtehouers die area deel, maar verskillende genus seewier ontgin. Die gedelegeerde owerheid sal nie

noodwendig al die regte in 'n konsessiearea aan een aansoeker toeken nie. Die bedoeling is om veelvuldige eniteite te akkommodeer wat verskillende *genera* seewier in elke konsessiearea oes. Hierdie benadering is bedoel om 'n positiewe impak op werkskepping en die innoverende ontginning van seewier, en toevoeging van waarde tot gevolg te hê. Aansoekers (en in besonder nuwe-inkomeling aansoekers) word aangeraai om nie slegs aansoek te doen vir hulle "eerste keuse van seewier" maar ook vir alternatiewe seewiere in dieselfde konsessie area. Aansoekers mag aansoek doen vir meer as een konsessiearea op dieselfde aansoekvorm.

9. Multi-sektorale betrokkenheid

Regtehouers in die seewier sektor word nie verhinder om regte in enige ander vissery in Groepe A en B visserye te hou nie. Regtehouers in die seewier sektor sal nie toegelaat word om kommersiële visvangregte in Groepe C en D visserye te hou nie. Anders as in ander Groep A en B visserye, mag aandeelhouers (van 'n maatskappy) of lede (van 'n beslote korporasie) of lede van hulle uitvoerende bestuurspan egter 'n kommersiële reg hou in 'n Groep C en D vissery.

10. Aansoekgelde en heffings

Die aansoekgelde vir hierdie vissery sal bepaal word met inagneming van:

- Die koste van die hele regtetoekenningsproses, met inbegrip van oorlegpleging, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersienings; en
- Die waarde van die seewier wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat met ingang 1 Januarie 2006 betaalbaar is, sal vasgestel word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

11. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word, weerspieël sommige van die Departement se hoofvoornemens vir die bestuur van hierdie vissery nadat regte toegeken is.

11.1 Ekosisteenbenadering tot bestuur van vissery

Hierdie sektor sal bestuur word ooreenkomstig die ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erken dat visvang en verwante aktiwiteite op land die breë mariene omgewing beïnvloed. Hierdie deel van die beleid vir die seewier sektor, poog nie om 'n beleidsverklaring te voorsien oor EBV in die seewier sektor nie. Die EBV in die seewier sektor sal verder uitgestippel word in die Bestuurshandleiding vir die Seewier Sektor. Suid-Afrika bly verbind tot die teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye insluitend die seewier sektor.

11.2 Konsolidasie van deelnemers

Na die toekenning van kommersiële visvangregte vir 10 jaar in hierdie sektor, sal die Departement die konsolidasie van die aantal regtehouers wat aktief is in die sektor fasiliteer. Regtehouers mag hulle onderskeie besigheids ondernemings konsolideer waar:

- Regtehouers dieselfde aandeelhouers, kantore of bestuurspan deel, of
- Kleiner regtehouers verkies om hul sakebedrywighede te konsolideer.

Die konsolidasie van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë (*sien paragraaf 11.4 hieronder*).

11.3 Gebruik van voertuie in die kussone

Menige seewier regtehouers het, sedert die verbod op ongereguleerde voertuiggebruik op strande in 2002 in werking getree het, toestemming gesoek vir die gebruik van voertuie in die kussone. In 2004 het die Minister die regulasies gewysig wat voertuiggebruik in die kussone beheer (sien www.mcm-deat.gov.za vir die Regulasies en Implementeringsgids).

Seewier operateurs moet aansoek doen by die Adjunk Direkteur-Generaal van Mariene en Kusbestuur vir 'n permit om 'n voertuig te gebruik in die kussone, indien die gebruik van 'n voertuig nodig is vir die oes van seewier. Die indiensneming van meer persone om te oes word verkies bo die gebruik van voertuie.

Aansoekvorms vir voertuiggebruik in die kussone sal beskikbaar gestel word saam met die aansoekvorms vir kommersiële seewier oes-permitte. Hierdie vorms is ook beskikbaar by www.mcm-deat.gov.za.

11.4 Monopoliëe

Alhoewel die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, is dit gekant teen monopolieë wat tot die nadeel van kleiner regtehouers kan werk.

Die Departement gaan nie op hierdie stadium 'n maksimum aantal areas vasstel wat 'n regtehouer mag ontgin nie, maar sal monitor of enige regtehouer optree op 'n manier strydig met billike mededingingspraktyke.

12. Prestasiemeting

Die Departement sal 'n aantal formele prestasiemetingoefeninge instel vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste stel prestasiemetingoefeninge twee jaar na die toekenning van regte sal plaasvind, en daarna elke drie jaar.

Alhoewel die Departement die presiese kriteria waaraan die regtehouers gemeet sal word sal finaliseer na die toekenning van kommersiële seewier regte en na oorlegpleging met regtehouers, mag die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in waardetoevoeging- en bemarkingsinisiatiewe;
- volhoubare benutting van seewiere; en
- nakoming van toepaslike wette en regulasies.

Die oogmerk met prestasiemeting sal wees om te verseker dat die doelstellings van die vissery bereik word en dat bestuursmetodologie en prosedures geskik is en op datum bly vir die vissery.

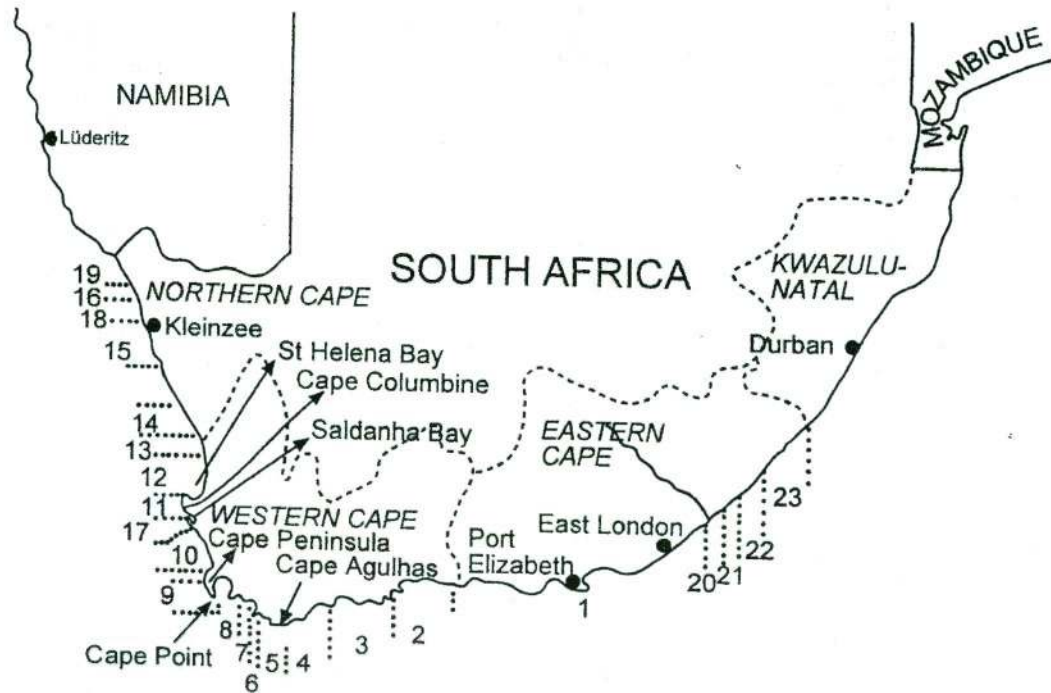
13. Waarnemer-en moniteringsprogramme

Die Departement se huidige waarnemer- en moniteringsprogram sal uitgebrei word om waarneming vir wetstoepassings-doeleindes in te sluit. Die Departement sal verder die dekking van waarneming en monitering van hierdie vissery progressief uitbrei. Daar sal van regtehouers verwag word om die koste van die waarnemer- en moniteringsprogramme te dra.

14. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie vissery en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.

AANHANGSEL A





**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO
ISEBE LOLAWULO LOLWANDLE NAMANXWEME**

**UMGAQO-NKQUBO WOLAWULO NOLWABIWO KWAMALUNGELO
OKURHWEBA NGOKUVUNA
I-SEAWEED: 2005**

**LO MGAQO- NKQUBO UMELE UFUNDWE KUNYE NOMGAQO-NKQUBO
JIKELELE WOKWABIWA NOKULAWULWA KWENKQUBO YEXESHA ELIDE
YAMALUNGELO ORHWEBO LOKULOBA: 2005 (iyafumaneka ku-www.mcm-deat.gov.za)**

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuvuna i-seaweed ukhutshwe nguMphathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela iingcamango eziyakuthi zisetyenziwe kunikezelo lwamalungelo exesha elide orhwebo ngokuvuna i-seaweed. Uninzi lwezingcamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namaNxweme ("iSebe") ngethuba bekunikezelwa amalungelo kwixesha elidlulileyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo. Uxwebhu olusikhokhelo loLawulo loShishino lwe-seaweeds luza kugqityezelwa kunye nabo bonke abanini –amalungelo phakathi kunyaka ka 2006. Olu xwebhu lusikhokhelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari.

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino lorhwebo lokuvuna i-seaweed njengoko kusekiwe kwicandelo lomthetho ka 79 weMarine Living Resources Act 18 ka 1998 ("the MLRA") kwi gosa eliphezulu leSebe. Eli xwebhu lomgaqo-nkqubo liza kukhokela lowo ugunyazisiweyo ekwenzeni izigqibo kwizicelo zabalobi.

2. Ubume belicandeloAmacandelo ahlukeneyo

Uvuno lwe-seaweed okanye lwe-kelp eMzantsi Afrika lujongise kwiindidi zohlobo olude olumdaka ngokombala lwe-seaweed, oluyi-*Ecklonia maxima* and *Laminaria pallida*. Ezi seaweeds zifumaneka ekupholeni kumanzi angcwengileyo phakathi kweCape Agulhas ne Namibia . Unxweme lo Mzantsi Afrika nalo lilikhaya kuninzi lwentlobo zeseaweeds. Ezi ziquka i-*Gelidium neGracilaria*.

I-Beach cast kelp yezi ntlobo, *Ecklonia maxima* and *Laminaria pallida* zombini iqokelelwe ukusuka malunga nomnyaka ka –1953 ubuninzi ohla unyuka kwimfuno yentengiso .Kodwa idlula ubuninzi be toni ezingama – 5000(ubunzima obumileyo) ngo –1997. Ukusukela ngoko umyinge we 1 312 itoni zobunzima obomileyo buqokelelwe nemveliso ephantsi phakathi konyaka ka 1993 no 1995 ibonisa ukomelela kokhuphiswano lwehlabathi oluvela kwi Chinese algininate producers.

Ibeach- casy kelp iyomiswa elangeni, isilwe ze ithunyelwe ukuze ikhutshwe ialginate Akukho rhwebo olukhutshwayo olwenzeka eMzantsi Afrika ngenxa yokomelela kokhuphiswano lwehlabathi . Ilwebhu yovavanyo yoMzantsi Afrika l-alginate ivelisa phakathi kwe 22 ne 40 lepesenti. Kutshanje, ikelp eyenziwe umgubo ithunyelwe eJapani ukuze isetyenziswe ukondla intlanzi. Ikelp ibivunwa ukususela nyonyaka ka-1979 ngokuthelekisa negcuntswana lemveliso lwe liquid -plant growth stimulant. Lemveliso iqulayhe ictyokinis, ebonisa ukuphucula uphawu lwentlobo ntlobo zokutya kunye nezinto ezilinyiweyo zezityalo. Ukukhula kwakutsha nje kweshishini le-abaloni kude imfuno ezingaphaya zeKelp entsha evuniweyo.

Urhwebo olu lulo lwempawu zeGracilaria gricilis lwenzeka eSaldanha olweGracilariopsis lwenzeka eSt Helena

Urhwebo olululo lweGelidium beluvenwa eMpuma Koloni ukususela ngo 1957. Iintlobo ezine (G.pristodes, G.abootiorum , G pteridifolium mhlawumbi ezainye iG capense) zinakho ukuvunywa kwi interdal nendawo zesubtidal ezingekho nzulu zemimandla enelungelo njengo 1,20,21,22, kunye no -23. Lilinge likhe lenziwe eMpuma koloni lokukhupha l-agar ukususela no ngo 1978 ukuya ngo 1982 kodwa labonisa ukungabi naqoqosho . Lo mgangatho wangoku kunye nokusebenzisa inokungakhathaleli imfuno ngezinto eziphilayo. Umgangatho wokutyenziswa ulawulwa yimizamo elinganiselweyo kurhwebo olunye lo mntu osebenza into ethile ngokommandla ovunyiweyo o nekuvelisa kuyajongwe . Nangaphezulu koku, ezintlobo kunzima ukuzisusa ngokupheleleyo ngoku zincothula.

Icandelo le seaweed lilawulwa ngokwesigqibo semizamo epheleleyo esetyenzisiweyo(TAE) kunye nemvume epheleleyo yokuloba (TAC). Kusenjalo undoqo wezixhobo sokulawula yimizamo yolawulo kunye namanani wabantu abanelungelo kwi seaweed nganye kummandla luyathintelwa. Ekuqaleni, ummandla ngamnye ovunyiweyo ibiphelela kumntu onelungelo kuphela, kwimandla ethile uthintelo belunikwa ngokwesimbuku esinokuvunwa.

ISeaweed ivunwa ngokwe mimandla. Icandelo lahlule unxweme loMzantsi (phakathi kwePort Nolloth ne Port St.Johns) yayimimandla yokuvuna engama 23.

Bambalwa kakhulu abantu abanelungelo abavuna l-seaweed nabathi bafake ixabiso kuyo. Ngoku, abantu abaninzi abanelungelo bavuna l-seaweed ukondla kwifama ze-abalone .Ngokongezwa kwexabiso, i-seaweed isetyenziswa ngobuchule njengemveliso "yokutya kwempilo" izichumiso, njengenxalenye yemveliso ye aromatheraph kunye nemveliso zecosmetic.

Icandelo le-seaweed kunjalo liqesha ngaphezulu kwe1700 labantu. (313 ngokusisigxina kunye ne 450 ngokwamaxesha athile). Umlinganiselo wemivuzo yaminyaka le kolu shishino uzii-R38 500. Kule misebenzi, ama 92 ithathwe ngababehlelekile ngaphambili. Uninzi lwabesebenzi ngamabhinqa.

Amaxabiso okuqala abo baqalayo lumalunga ne R250 000 ukuya R10million (lwezigidi). Ezi nkqubo zisebenza abasebenza kakhulu kwaye ludla indleko kubantu abanelungelo abaninzi ukusukela kwi-R50 000 ngonyaka ukuya kwi-R1 783 000 ngonyaka. Abanye abantu abanelungelo baye bazalisa imali kubaphandi nakuphuhiso kwaye olugcino mali luphakathi kweR60 000 ukuya kwi R600 000 ngonyaka.

3. Inkqubo yokunikezela ngamalungelo exeshana

Phakathi konyaka ka 2001 kunye no2003, icandelo linikeze ngamalungelo orhwebo okuvuna kumashishini ayi -13. Ngokomthethe wama 81 yeMLRA kwaanikezwa ngemvume enye ngo 2003.

Ngo 1997, icandelo lorhwebo lwe-seaweed lwaluzaliswe ngabanini abamhlophe belawula amashishini. Namhlanje, isithandathu kubantu abanelungelo abali-14 ngabanini abamnyama kwaye bayalawula . Ngokunjalo.i-42,8 lepesenti labantu anelungelo ngabantu abamnyama. Kubantu abayi-14 abanelungelo, isixhenxe (okanye i50 lepesenti) ngamashishini amancinci naphakathi ngobungakanani

Kuma- 23 emimandla yorhwebo, i- seaweed ikwimandla 2,3,20 no22 ngoku ayigxagxisa tu. Imephu yemimandla enelungelo nantsi njengenxalenye **yesihlomo A.**

4. Iinjongo eziqukayo ngelicandelo

Iinjongo zokunikezela ngamalungelo exesha elide okuvuna i-seaweed zezi:

- Ukuphucula ubume benguqu kwelicandelo;
- Ukukhuthaza utyalo-mali olunengeniso kwi-seaweed;
- Ukwandisa ukusetyenziswa kwe-seaweed ;
- Ukukhuthaza ukubandakanyeka kwabantu basekuhlaleni ekuvunweni kwe-seaweed;
- Ukuxhasa ukuqhubeka koqoqosho kwelicandelo; kunye
- Nokuqinisekisa ngokuqhubeka kobume belicandelo ngokwendalo.

5. Ixesha lamalungelo

Xa kuqatshelwe –

- Ubume benguqu yeli candelo;
- Imfuneko yokugcina uqoqosho luzinzile, olugqubayo ngoku kwicandelo; nokuba;
- Ubutyebi be-seaweed bulawulwa kakuhle ngokwengqiniseko nolwazi olusemgangathweni.

Amalungelo aza kunikezwa liSebe ixeshana leminyaka engadlulanga kwi- 10 (ukusuka 01 Januwari 2006 ukuya ku31 December 2015). ISebe liza kuhlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola (**jonga umhlathi 13 ngezantsi**).

6. Abangeneli abatsha

Nangona isixa semimandla a evunyiweyo igcwele egcwele, inani lwemimandla aevunyiweyone lungelo (imimandla 2,3,20 no22) ayikasetyenziswa tu. Ukongeza abantu abanamalungelo abavuni ngokupheleleyo, Abathile abaphathi malungelo abavuni butyebi ngokwabo. Ubume benguqu belicandelo bungaphantsi lweloshishino lweentlanzi ngepesenti ezimalunga nama- 66.

Ngenxa yoku kungentla, abangeni abatsha baya kuqwalaselwa.

7. Indlela yokuvavanya

Izicelo zizakujongwa kusetyenziswa indlela yokuthintela ("exclusionary criteria"). Izicelo zabangeneli abatsha nezicelo zabo bebenamalungelo zizakuhlolwa ngokwahlukeneyo kusetyenziswa indlela elinganayo yokuthlekisa ("comparative balancing criteria") Amanqaku okanye udidi luzakumiswa ukuze kukwazi ukukhethwa izicelo eziphumeleleyo.

7.1 Indlela yokuthintela

Ngaphandle kwenqobo yokulinganisa echazwe kwinkqubo Jikelele engqamene nokungeniswa kwezicelo neziphene igunya elithunyelweyo enkwenziweni kwazo, iSebe liyakubakhuphela ngaphandle abafaki zicelo bathe abaziphumelela ezi mfuneko zilandelayo:

- (a) **Uhlobo lomfaki-sicelo:** Izicelo eziyakuqwalaselwa zezisuka kumaziko amiselwe ngomthetho wa-69 weClose Corporations ka 1984 (Close Corporations Act 69 of 1984) noMthetho wa-79 weeNkampani ka 1973 Companies Act 61 of 1973. Abantu (umzekelo umntu ozimeleyo okanye oshishina yedwa) ii-trust azisayi kunikwa malungelo. Abantu abanamalungelo nee-trust bafanele bafake isicelo besebenzisa i-close corporation okanye inkampani yaye baya kujongwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.
- (b) **Ukuthobela:** Ukuba umfaki-sicelo, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-share-holder) ababambe iintambo zakhe zafunyaniswa zinetyala lokwaphula ngokunzulu i-MLRA, imimiselo, imiqathango yemvume okanye olunye olwaphulo-mthetho olunokuthanani nezokuloba ebudeni bokuba nelungelo lokwexeshana, loo mfaki sicelo akayi kulinikwa ilungelo lokuvuna i-seaweed. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababamb' iintambo bakhe bahluthwa okanye barhoxiselwa amalungelo okuloba ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izigqibo zisenokumiswa kwizicelo ezo xa umfaki-sicelo (okanye amalungu, abalawuli okanye abafaki-mali abanamagunya) ephandwa mayela nokuphula imithetho ye-MLRA.

Abanamalungelo kufuneka bahlawule irhafu yokuvuna i-seaweed. Abanamalungelo abangachazi konke ukuvuna kwabo kuba bebaleka ukuhlawula irhafu baya kugxothwa. Abanamalungelo abangekazihlawuli iirhafu zabo baya kohlwaywa ngokwemiqathango elingana nenkqubo echazwe ngezantsi. Ukuba loo mfaki-sicelo sekunjalo uyalifanelekela ilungelo, akayi kuyifumana imvume de abe uhlawule ezo mali kwiSebe. Abanamalungelo

abasebenzise izithuthi kummandla wonxweme ngaphandle kwemvume abayi kulifumana ilungelo le-seaweed.

- (c) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga (njengoko kuchaziwe kumthetho Jikelele) bayakukhutshwa.
- (d) **Ukungasetyenziswa :** Igunya elithunyiweyo linokwala ukuphinda ukumnika ilungelo ukuba lowo ebenelungelo uye akaphumelela ukulisebenzisa ilungelo lwethuba lexeshana lorhwebo ngokuvuna i-seaweed phakathi konyaka ka 2002 no 2004.

7.2 *Indlela elinganayo yokuthelekisa*

Abafaki-sicelo abasele benamalungelo nabazakuba ngabangeneli abatsha baza kuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye. Ezi mfaneleko zichazwe ngezantsi zimele zifundwe kunye neemfaneleko ezihambisana nazo kuMgaqo Jikelele ukuze ufumane iinkcukacha ezithe vetshe. Oku kusebenza ngakumbi kwimfaneleko “yenguqu”.

(a) **Inguqu**

Enye yenjongo zenkqubo yokunikezwa kwamalungelo orhwebo kulefishari kukuphucula izingalenguqu kwelicandelo. Abafaki-zicelo abanamalungelo bazakuhlolwa kujongwe kwezi nkalo:

- Umlinganiselo (iipesenti) wabamnyama nowamabhinqa angabanini bamashishini kunye nowokumelwa kwabamnyama namabhinqa kwimivuzo ephezulu, kwibhodi yabalawuli (yee-director) noosomaqhuzu (senior official) nabakwizinga lukuphatha
- Ingaba abasebenzi (ngaphandle kwabo bafumana imivuzo) bayafumana kuhlelo lwezabelo labasebenzi;
- Ukuthenga kumashishini abamnyama
- Ukuthobela uMthetho 55 we Employment Equity ka 1998; kunye nokumelwa kwabamnyama namaqazi kumanqanaba awahlukeneyo emsebenzini. Igunya elithunyiweyo lisenokuqwalasela nomahluko kwimivuzo yabasebenzi abakweyona mivuzo iphezulu nephantsi;

- Ukuthobela umthetho wokuphucula kobuchule kunye neemali ezichithwa ekuqeqesheni abamnyama nokuba nenxaxheba kwiinkqubo zokufundisa; kwakunye
- Notyalo-mali kwezasekuhlaleni

(b) Utyalo-mali kweli candelo

Izicelo zabomanamalungelo nabangeneli abatsha ziya kuhlolwa ngokuthi kujongwe imali etyaliweyo. Ngokuphathelele kwabobafaki-zicelo banamalungelo, igunya elithunyelweyo liya kujongisisa oku:

- Ukutyala imali kwimpahla ezisigxina, ukusetyenzeswa nokuthengiswa.; naku
- kuphando kunye nokuphuhlisa ukuthengisa kwemveliso ye-seaweed.

Abangeni abatsha kuza kufuneka babonise ukuba baza kusebenza kwaye bazakuyithengisa i-seaweed kunye nento yokuba batyale imali kuphando ngokusebenza nokuthengisa iseaweed.

(c) Impembelelo ye-“ecosystem”

Nangona, eli gama ukubamba alikho ngqo kweli candelo, abaphathi malungelo bayakuhlengiswa ngokwenyathelo abalenzileyo ukuqinisekisa okusingqingileyo (“fauna ne flora”) azikhange zichaphazeleke kakubi ngexesha lokuvuna. Ingakumbi, ukutshatyalaliswa kwelimpets akuvemelekanga. Ukusetyenziswa kwemoto elunxwemeni kufanele kubekwe ngokwemeko ezibekwe nguMphathiswa.

(d) Ukongeza ixabiso nokuphuhliswa kwamashishini

Igunye elithunyelweyo lisenokuqwalasela ukuphuhliswa kwamashishini nesakhono saba bafake izicelo sokongeza okanye ukubonisa indlela abaza kongeza ixabiso kwi-seaweed ukuthengisela kwiimakethe zasekuhlaleni nezamazwe ngamazwe.

Ingeniso nokongeza ixabiso kwi-seaweed kujongwa njengokubalulekileyo kuba-

- kunganyusa inani lemisebenzi enikwa leli candelo, nokuba

- ushishino lwe-seaweed eMzantsi Afrika luyakhuphisani namazwe angaphandle

(e) Uphuhliso lwoqoqosho lwasekuhlaleni

Kukho ukuvuna kwe-seaweed okunokwenzeka kwindawo ezithile kunxweme lwethu. Igunya elimiselweyo lifanele lizame ukunika ilungelo elinye le-seaweed kummandla ovunyiweyo ngamye kule inga-23.

(f) Imisebenzi

Nangona isebe likuqonda ukuba uvuno le-seaweed lolohlobo lwexeshana I , kukhuthazwa ukuba kuqeshwe ngokwesigxina abasebenzi okanye ukhuselelo lwabasebenzi abangenabuchule nabanobuchule luphakanyiswe.

Ukudalwa kwamathuba emisebenzi nokwandisa imisebenzi ngenxa yokusebenzisa amalungelo okwexeshana okuloba kuya kuvuzwa, kwaye ngokukhethekileyo, abafaki-zicelo abaye banika abaqeshwa babo-

- Umsebenzi osisigxina;
- Isibonelo sikaGqirha (medical aid) kunye nomhlala phantsi ; kwakunye
- Nokusebenza phantsi kwemo ezikhuselekileyo.

(g) Ukungahlawulwa kwerhafu yentlanzi

Abafaki-zicelo abanamalungelo baya kohlwaywa ukuba iirhafu eziya kwiSebe azihlawulwanga kangangethuba elingaphezu kweentsuku ezingama-60 ngexesha abafaka ngaso isicelo.

(h) Ukuxhomekeka kwi-seaweed

Igunya elithunyelweyo liya kubapha amanqaku aphucukileyo abafaki-zicelo abangeniso yabo yaminyaka le exhomekeke kanobom ekuvuneni i-seaweed.

(i) Ukuxhotyiswa koluntu lwasekuhlaleni

Ukuvunwa kwe seaweed kuveza ithuba lokuxhobisa uluntu oluhlala ngaselunxwemeni , ingakumbi abo bangenakufumana nto ekuvuneni isitokwe sentlanzi ezinjenge abalone okanye

iwest rock lobster. Ukuza kutsho ngoku, igunya elithunyiweyo liyakuzamkela ngezandla ezishushu izicelo ezisuka kwi-close corporation okanye kwinkampani ezimiselwe ukunceda uluntu lwasekuhlaleni kwaye zikhuthazwa ngabo manamalungelo bebeqhele ukungayisebenziseli ingeniso (beyisebenzisela ukodla i-abalone)i-seaweed.

(j) Ukuthobela

Ukuba umfaki-sicelo, amalungu okanye abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababambe iintambo, bakhe bafunyaniswa benetyala lokwaphula imithetho engephi ye-MLRA, imimiselo, imiqathango yemvume okanye eminye imithetho yokuloba, ngoxa besenelungelo lokwexeshana, okanye bahlawule intlawulo yokuvuma ityala yokwaphula i-MLRA, imimiselo yayo okanye imiqathango yemvume, loo mfaki-sicelo uya kohlwaywa.

8. Imimandla evunyiweyo kunye nokwabiwa

Kukho ngoku imimandla evunyiweyo engama -23. Eli nani liza kuncitshiswa liye kuma-22- ngokudibanisa ummandla we-11 kunye nowe-12 zibe ngummandla omnye ovunyiweyo.

Igunya elithunyelweyo lizakuqhubeka lisebenzisa inkqubo yokunikeza ilungelo elinye ngokodidi, ngommandla ngamye ovunyiweyo. Ukuza kutsho ngoku ummandla ngamye ubusetyenziswa ngumphathi lungelo omye. Umahluko ibingummandla we-11 apho abaphathi ababini babamalungelo bebesabelana ngommandla, bexhaphaza iindidi ezahlukeneyo ze- seaweed. Igunya elithunyelweyo alinyanzelekanga ukuba linike amalungelo kummandla ovunyiweyo kumfaki-sicelo omnye. Injongo kukubandakanya amaziko amaninzi avuna iintlobo ezahlukeneyo ze-seaweed kummandla ngamnye ovunyiweyo . Le ndlela yokwenza izinto kujongwe ukuba ibe nefuthe ekudaleni amathuba emisebenzi nokuxhaphaza ngobuchule, kwakunye nokufak' ixabiso kwi-seaweed. Abafaki-zicelo (kwaye ngokukhethekileyo abangeneli abatsha) bacetyiswa ukuba bangafaki zicelo ze-"seaweed elukhethe lokuqala" (ze-seaweed abayifunayo qha) labo qha kodwa bakhethe nezinye iintlobo ze-seaweed kwakummandla ovunyelweyo lowo. Abafaki-zicelo basenokucela ukusebenza kwimimandla evunyiweyo eyahlukeneyo kwifomu yesicelo enye.

9. Ukubandakanyeka kumacandelo amaninzi

Abamalungelo kwi-seaweed abazikuvallelwa ukuba bafumane amalungelo oshishino orhwebo lokuloba lweentlanzi akuLuhlu A (cluster A) nakuLuhlu B (cluster B).. Abo bamamalungelo kwicandelo le-seaweed

abayisayi kuvunyelwa ukuba babe namalungelo orhwebo lwentlanzi akuLuhlu C (cluster C) nakuLuhlu D (cluster D). . Kodwa, ngukuhlukileyo kwezinye iifishari ezikuluhlu A (cluster A) noluhlu B (cluster B), abafaki imali (benkampani) namalungu (e-close corporation) okanye ilingu leqela labaphathi linganalo ilungelo lorhwebo lwentlanzi ekuLuhlu C (cluster C) nakuLuhlu D (cluster D).

10. Intlawulo yokwenza isicelo nerhafu

Imali yokwenza isicelo sokukuloba kulefishari iza kuqulunqwa kujongwe oku:

- Ixabiso lenkqubo yonke yolwabiwo lwamalungelo, kuquka ukucetyiswa, ukwamkelwa, uvavanyo lwezicelo, ukuqinisekiswa, izibheni nohlolo; kunye
- Nexabiso le-seaweed enikezelwayo ngelithuba lelungelo.

I lrafu yonyaka ehlawulwa ukusukela ngomhla woku-1 Januwari ary 2006 ziya iyakuqulunqwa emva kokubonisana nabasele benamalungelo. Iirhafu ezihlawuliweyo ziya kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokuphatha, ukuthobela nokwenza uphando.

11. Imilinganiselo yokulawulo

Le milinganiselo yokuphatha ichatshazelwe apha ngezantsi ibonisa imigaqo yeSebe yokulawula lefishari emva kokunikezela ngamalungelo okuvuna.

11.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela 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- EAF kushishino lokuvuna i-seaweed fisheries iyakuchazwa ngokuthe xhaxhe kwi-Seaweed Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba, kuqukwa ne-seaweed

11.2 Ukuhlanganiswa kwabathathi nxaxheba

Emva kokunikezela ngamalungelo orhwebo lokuloba iminyaka elishumi kwicandelo le-seaweed, iSebe lizakuncedisa ukuhlanganisa kwabo manamalungelo, basebanzayo kulefishari.. Abanamalungelo kungenzeka bahlanganise amashishini abo kunye nabanye:

- Apho abanamalungelo banezabelo ezifanayo neofisi okanye iqumrhu elilawulayo, okanye;
- Apho abo banamalungelo amancinci bagqiba ekubeni bahlanganise amashishini abo. kulefishari

Ukuhlanganiswa kwabanamalungelo kuxhomekeke kwindlela iSebe elijonge ngayo iimonopoli (khangela kumhlathi 11.4 ngezantsi)

11.3 Izithuthi ezisetyenziswa elunxwemeni

Abanini malungelo abaninzi be seaweed benze bafune imvume yokusebenzisa izithuthi kwingingqi zonxweme njengoko umthetho ungakuvumeli ukusetyenziswa kwazo elwandle ku 2002. Ngo 2004, Umphathiswa wabeka umthetho olawula ukusetyenziswa kwezithuthi elunxwemeni (jonga www.mcm.dat.gov.za imithetho yokuyisebenzisa).

Abasebenzisi be- seaweed kufuneka benze izicelo kuSekela Mlawuli Jikelele WeSebe Lolawulo Lolwandle Namanxweme zemvume yokusebenzisa izithuthi elunxwemeni ukuba izithuthi ziyafuneka ukuze bakwazi ukuvuna i-sea weed. Ukuqeshwa kwabantu abangabavuni abangakumbi kuyakhetheka ngaphezu kokusebenzisa izithuthi.

Iifomu zokucela ukusebenzisa isithuthi kummandla oselunxwemeni ziya kufumaneka kunye neefomu zezicelo semvume yokuvuna i-seaweed. Ezi fomu zezicelo ziyafumaneka naku-www.mcm-deat.gov.za

11.4 Iimonopoli

ISebe lizaku khuthaza ukuhlangana kwabo banamalungelo kulefishari, iSebe likuchasile ukuhlangana okuza kuba bubungangamsha obusebenzela ukusingela phantsi abo banamalungelo amancinci. ISebe alizose kweli nqanaba lichaze ubuninzi benani lemimandla umnini lungelo angayisebenzisa, kodwa izakuqwalasela ukuba ngaba akukho mphathi lungelo likhulu oziphethe ngendlela engahambisani nokhuphiswano olonyulu.a.

12. Imlinganiselo yokusebenza

ISebe lizofaka indlela ezininzi zokuvavanya ukusebenza ngelithuba lamalungelo orhwebo ngentlanzi. Kujongwe ukuba ithuba lokuqala lokuvavanya indlela yokusebenza libe semva kweminyaka emibini, ze emva koko libe rhoqo emva kweminyaka emithathu

Nangona iSebe liza kuyiqukumbela indlela yokuvavanya emva kokubonisana nabanini malungelo, ledlela imbhanxa yokusebenza ilandelayo isenokusetyenziswa:

:

- Inguqu;
- Utyalo-mali kwimikhumbi nemisebenzi yokuthengisa nezixhobo;
- Ukusetyenziswa okuqhubekayo lwe-sea weeds;
- Ukuthotyelwa kwemithetho elawulayo nemiqathango

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye zilifanele eli shishini.

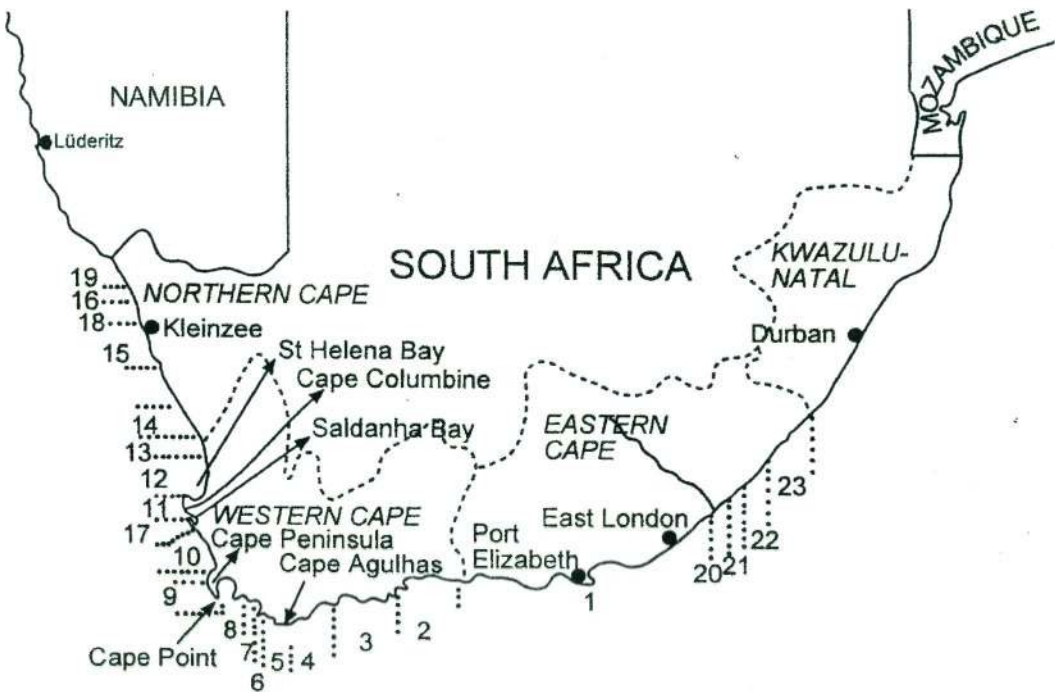
13. Inkqubo yokwakha uumkhanyo

Inkqubo yabakhi-mkhanyo beSebe izakwandiswa ukuze lifake abakhi-mkhanyo bokuthotyelwa komthetho. Ukongeza, iSebe lizoqhubekeka lisongeza abakhi-mkhanyo kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo

14. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokuba kukhe kwafakwan' imilomo nabasele benamalungelo kulefishari, kwaye iza kumana ihloliswa xa kuyimfuneko

ISHILOMELO A





**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZOKUPHATHWA NOKUGCINWA KOLWANDLE NOGU LWALO**

**INQUBO-MGOMOYOKUNIKEZA NOKUPHATHWA KWAMALUNGELO
KUBAHWEBI ABAVUNA BAHLOMULE EMKHAKHENI WEZIMILA
ZASOLWANDLE: 2005**

**LE NQUBO-MGOMO EHLONGOZWAYO KUMELWE IFUNDWE NE NQUBO-
MGOMO EHLONGOZWAYO YOKUNIKEZWA NOKUPHATHWA
KWAMALUNGELO OKUHWABA NGOKUDOBA OKUNESIKHATHI
ESENGEZIWE: 2005 (itholakala www.mcm-deat.gov.za)**

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1. Isingeniso

Lena yinqubo-mgomo ehlongozwayo yokunikezwa nokuphathwa kwamalungelo kubahwebi abavuna bahlomule embonini yezimila zolwandle ekhishwa uNgqongqoshe Wezemvelo Nezokuvakasha ("uNgqongqoshe"). Le nqubo mgomo kumelwe ifundwe nenqubo mgomo ehlongozwayo yokuphathwa nokunikezwa kwamalungelo okuhweba ngokudoba okunesikhathi esengeziwe: 2005 ("the General Policy").

Okuningi okukulo mthetho akukusha. Okuningi yilokhu osekuke kwasetsheziwa uMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphathwa Kogu ("uMyango") kamuva ekunikweni kwamalungelo futhi ngezinga elithile le nqubo iyakubhala lokho kubonelela.

Umnyango uzothuthukisa ngokwakha ibhuku elicacisa ngamalungelo emkhakheni wezokuphathwa kwezimila zasolwandle nabo bonke abanamalungelo kulo mkhakha onyakeni ka-2006.

UNgqongqoshe uhlose ukunikeza amandla ngokomthetho wesigaba 18, ukunikeza amandla ngezimila zasolwandle ngokomthetho u-section 79 we-Marine Living Resources Act 18 of 1998 ("the MLRA") Minister of Environmental Affairs and Tourism. La mandla azonikwa isiphathi-mandla esikhulu somnyango. Izincwadi zenqubo ziyogondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba

2. Incazelo ngemboni

Emzansi afrikha ukuvunwa kwezimila zasolwandle kusho ukuvunwa kwezimila ikakhulukazi ezimbili ezibizwa ngokuthi yi-*Ecklonia maxima* ne *Laminaria pallida*. Lezi zimila ziyatitilizwa emanzini aphilile atholakala phakathi kwe-Cape Agulhas ne-Namibia. Ugu lwethu liyikhaya lezinye izimila zasolwandle ezibandakanya i-*Gelidium* ne *Gracilaria*.

Lezi zimila ezikhafulwa wulwandle ze-*Ecklonia maxima* ne *Laminaria pallida*, selokhu zibuthwa kusukela ngo 1953 ngobuningi obuncike kubathengi bazo kodwa zaze zafika kumathani angu 5000(omisiwe) ngo-1977. Kusukela lapho, okungenani amathani angu-1 312 omisiwe avunwe ngendlela engatheni phakathi kuka-1993 no1995 lokhu okukhombisa ukuncintisana okukhulu phakathi kwamazwe omhlaba akhiqiza lolu hlobo lwezimila ikakhulukazi elaseShayina.

Lezi zimila ezikhafulwa wulwandle zonyiswa elangeni, zigaywe bese ziyiswa kwamanye amazwe ukuze zikhishwe noma zimuncwe i-*alginate*. Alukho uhwebo olwenzeka la Emzansi ngenxa yokwesaba umqudelwano wamazwe kwezohwebo. Ucwangingo lososanyensi Emzansi luthi i-*alginate* isinika amaphesenti

angu-22 no-40. Okusha i- *kelp* yenziwa impuphu iyiswe eJaphani ukuyokwenza ukudla kofishi. I-*kelp* isineminyaka ivunwa kusukela ngo 1979 ngokungatheni ukwenza izivundisi zitshalo (Kelpak). Lesi sivundisi sine *cytokinins*, esikhombisile ukusiza izitshalo. Ukwanda komkhiqizo we-*abalone* ngabalimi sekwenze kwaba nesidingo esikhulu sokuvuna i-*kelp*.

Ukudayiseka ngezindondla kwe- *Gracilaria gracilis* kwenzeka e-Saldanha Bay, kanti okwe *Gracilariopsis* kwenzeka St Helena Bay.

Ukudayiseka ngezindondla kwe-*Gelidium* selokhu kwavunwa eMpumalanga Kapa kusukela ngo-1957. Sekwake kwazanywa nokukhipha okusajeli esimileni i *agar* empumalanga kusukela ngo-1978-1982 kodwa lokhu akwenzanga mthelela omuhle ngakwezimali.. Izindlela ezisetsenziswa manje zinokunganaki nokudicilela phani emvelweni. Izinga lokusetshenziswa linganqandwa ngokuthi kwehliswe abantu abavunayo kuleso naleso sizinda, kube yinkampani eyodwa bese kugadwa umkhiqizo ngaleso sizinda. Okungaphezu kwalokho lolu hlobo lwezimila kunzima ukuluqeda ngokulicoshisa-nje kuphela.

Indlela yokunakekela lolu hlobo lwemboni ukuthi kugadwe inani lezinkampani nenani elivumelekile lokuvuna. Nomakunjalo, umgomo obalulekile ekuphatheni kwalezi zinhlelo ukuciphisa imizamo nenani lezinkampani ezisemthethweni esizindeneni ngasinye lapho kuvumeleke khona ukuvuna. Okubalulekile, indawo ngayinye kumele ivumele inkampani eyodwa esemthethweni. Kwezinye izindawo kubekwe imvimba-mgomo eyenqabela ukuthi kuvunwe inani elithize.

Izimila zasolwandle zivunwa ngokwendawo ngendawo. Unyango usuhlukanise ugu lwaseMzansi Afrikha izigabagaba (phakathi kwe Port Nolloth ne Port St Johns) izizinda zokuvuna ezingu 23.

Bancane kabi abanezimvume abavuna bese bethi ukuwuthuthukisa umkhiqizo wabo. Abanengi balabavuni bavunela ukudayiseka abalimi abalima i-*abalone*. Okunye osekuthuthukisiwe okusetshenziselwa izimila zasolwandle ukudla okuthile okunempilo okudayisayo, isivundisi nemikhiqizo yezimonyo.

Lo mkhakha uqashe abantu abangaphezu kuka 1 700 (313 abaqashwe ngokuqcele nabangu 1 450 abayitoho). Isilinganiso semali eholwa ngonyaka kule mboni ngu-R38 500. Kulo msebenzi ingamaphesenti angu 92 imisebenzi ephethwe yilabo bantu ababencishwe amathuba. Abasebenzi abanengi ngabantu besifazane.

Imali yokuqala kwabaqalayo kulelibhizinisi ingaqala ku R250 000 kuya ku R10 million. Ikakhulukazi, umsebenzi namaholo asukela ku R50 000 kuya ku R1 783 000 ngonyaka. Ezinye izinkampani kuleli bhizinisi zifaka imali yazo kwezocwaningo nokuthuthukisa. Le mali isukela ku R60 000 kuya ku R600 000 ngonyaka

3. Indlela yokunikezelwa kwamalungelo esikhashana esengeziwe

Phakathi kuka 2001 no 2003, kwanikezwa amalungelo okuvuna nokuhweba ngezimila zasolwandle ezinkampanini ezingu-13. Omunye umbandela ngokomthetho u- *section 81* we *MLRA* wakhishwa ngo-2003.

Ngo-1997, umkhakha wezokuhweba ngezimila zasolwandle wawuphethwe ngabamhlophe. Kunamhlanje, abayisithupha kwabayishumi nane abanamalungelo amabhizinisi abantu bamnyama. Amaphesenti angu-42.8 abahwebi abasemthethweni banyama. Kulaba abangu 14. abayisikhombisa (50%) osomabhizinisi abasafufusa nabaphakathi nendawo.

Kulezi zindawo ezingu 23 zokuhweba, izimila ezisezizindeni 2, 3, 20 no 22 azikaze zithintwe. Imephu yalezi zindawo ikhona iyingxenye ye **Annexure A**.

4. Izinhloso ngqangi ezimbadakanyayo

Izinhloso ngqangi zokunikeza amalungelo esikhathi eside sokuvuna kulomkhakha wezimila zolwandle yilawa:

- Ukuthuthukisa ushitsho kwababencishwe amathuba kulemboni;
- Ukukhuthaza ukutshalwa kwezimali okuzoletha inzuzo;
- Ukukhulisa ukusetshenziswa kwalo mkhakha;
- Ukhuthaza imiphakathi ukuthi ibe neqhaza ekuvuneni izimila zolwandle.;
- Ukusiza ukuthi le mbhoni ihlale ikhona futhi yenza nemali nokwe-
- nza isiqiniseko sokuthi lemboni iyakwazi ukuzimela nokugcina imvelo.

5. Ubude belungelo

Uma kubhekwa –

- ushintsho nezinguquko kulo mkhakha;
- isidingo sokugcina izinga elihle lezomnotho elisaqhubeka kulo mkhakha, kanye
- nokuthi izimila zethu zasolwandle zisagcinwe kahle ngokocwaningo lwethu olwethembekile.,

Kuzokhishwa amalungelo abahwebi esikhathi esiyiminyaka engevile kweyishumi (01 January 2006 to 31 December 2015). UMnyango uyovivinya njalo abanikazi bamalungelo ngendinganiso ethile ebekiwe. (***Buka i-Paragraph 13 ngezansi***).

6. Abasafufusa

Nakuba indawo eningi isinabantu bayo, ezinye izindawo(njengezizinda 2, 3, 20 no 22) azisetshenziswa muntu. Laba ababhaliswe ngokusemthethweni abazisebenzisi ngokwanele izindawo abanikwe zona. Futhi kulabo abanamalungelo abazivuneli ngokwabo. Izinguquko ezikhona kulomkhakha zingaphansi kwezinguquko ezenzeka embhonini yezokudoba ezithi azibe ngu 66%.

Ngalokhu osekubaliwe, abantu abasafufusa bangase bamukelwe.

7. Indlela yokuhlunga

Izicelo ziyobukwa ngokwemigomo yendlela yokuhlunga. Abasafufusa nalabo abebenamalungelo ngaphambili bayohlukaniswa behlungwe ngokwesisindo uma kuqhathaniswa nabanye. Kuyobe sekubekwa amaphuzu namazinga ukuze kutholakale ophumelele

7.1 Indlela yokuvinjelwa

Ngaphandle kwemigomo ebekiwe nechazayo etholakala enqubeni-mgomo yokufakwa kwezicelo, isikhulu esiphathisiwe ngeke sizamukele izicelo ezihluleka ukuhlangabezana nale migomo:

- (a) **Ifomu lofaka isicelo:** Izicelo ziyokwamukelwa kuphela abasebenza ngaphansi komthetho wokuhweba i-*Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973*. Abantu (okungukuthi abantu ngabanye noma osomabhizinisi abazimele) ngeke banikwe amalungelo. Abantu abazimele noma labo abayizindlalifa zama-trust kumelwe bafake isicelo beyi-close corporation noma inkampani futhi bayobhekwa njengabafake izicelo zamalungelo esikhathi esijana uma behambisana neziqondiso eziseMqulwini Ovamile
- (b) **Ukuhambisana nomthetho:** Uma inkampani efake isicelo, noma amalungu ayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphaathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana ngeke banikwe izimvume ze-seaweed. Lokhu akuhlanganisi

ukukhokhwa kwenhlawulo yokuvuma icala. Lowo ofaka isicelo ngeke ayithole imvume uma leyo nkampani noma amalungu ayo noma abaphathi beye baphucwa amalungelo okudoba ngaphansi komthetho we-MLRA, noma kwathathwa izinto ngaphansi koMthetho Wokuvimbela Ubugebengu Obuhleliwe 121 Ka 1998 noma we-MLRA.

Izinqumo zingase zigodlwe ezicelweni uma inkampani efake isicelo (noma amalungu ayo, abaphathi noma abanamasheya abalawulayo) isaphenywa ngokwephula umthetho we-MLRA.

Abanamalungelo kudingeka bakhokhe imali ye-*seaweed* evuniwe. Labo abanamalungelo abaye babika isivuno esincane ukuze babalekele ukukhokha ngeke bafakwe. Abanamalungelo abangakakhokhi bayojeziswa ngenqubo yokulinganisa ebekwe ngezansi. Labo abanamalungelo abaye basebenzisa izimo ogwini ngaphandle kokugunyazwa ngeke banikwe ilungelo le-*seaweed*.

- (c) **i-Paper quotas:** i-Paper quotas, njengoba ichaziwe enqubeni mgomo, ngeke inakwe.
- (d) **Ukungasetshenziswa kwamalungelo:** Isikhulu esiphathisiwe singase senqabe ukuphinda sikhiphe amalungelo uma laba ababefake isicelo smalungelo okuvuna bahluleka ukuwasebenzisa kusukela ngo 2002 kuya ku 2004.

7.2 Indlela yokuvivinya izicelo

Abafake izicelo zamalungelo nabanye abangase bangene bazovivinywa ngale nqubo yokulinganisa, ezosetshenziswa ukuze kubonakale ukuthi isicelo ngasinye sinesisindo kangakanani. Le ndinganiso engezansi kumelwe ifundwe kanye nendinganiso ehambisana nayo eMqulwini Ojwayelekile ukuze kutholakale olunye ulwazi. Lokhu kusebenza kakhulu "*kweyezinguquko*."

(a) Ushintsho

Enye yezinhloso zomnyango ekunikeni kwezimvume ukuthi ukhuthaze izinga lokuletha ushintsho kulomkhakha. Abanamalungelo okuvuna bayohlungwa ngalokhu-

- Amaphesenti abantu abanyama nabesifazane abangabanikazi bezinkampani nabahola kakhulu, abaphethe nabasezikhundleni eziphezulu;
- Ukuthi abasebenzi (ngaphandle kwalabo abahola kakhulu) banamasheya;

- Ukunikwa amathuba kulabo ababecindezelwe;
- Ukumeleka kwabantu abamnyama nabesifazane ezigabeni ezahlukahlukene ngaphansi kwezikhundla ezinkulu;
- Ukuhambisana nomthetho i-*Employment Equity Act 55 of 1998*; nokuba khona kwabantu abamnyama nabesifazane emisebenzini ehlukahlukene. Isikhulu esiphathisiwe singase sibheke nomehluko wamaholo kwabahola kakhulu nabahola kancane;
- Ukuhambisana nomthetho wokuthuthukisa amakhono ezisebenzi nemali esetshenziselwa ukuqeqesha abamnyama nokuhlanganyela ekufundeni;
- Ukunikela kwenkampani ekuthuthukiseni imiphakathi eyakhele indawo.

(b) Ukutshalwa kwezimali kulo mkhakha

Kulabo asebenamalungelo isikhulu esiphathisiwe siyobheka:

- Ukutshalwa kwezimali ekuthengeni imishini, ekwenzeni nasekudayiseni; noku-
- Tshalwa kwezimali ocwanigweni nokumaketha imikhiqizo eyenziwa ngezimila zasolwandle.

Abasafufusa kuyofanele bakhombise ukuthi bazosebenza kanjani nokuthi bazoyimaketha kanjani imikhiqizo yabo nokuthi futhi sebetshalile yini imali kwezocwaningo ngokuvunwa nokumakethwa kwezimila zolwandle.

(c) Ukuthinteka kwemvelo

Nakuba inani lokuvuna lingenamiphumela etheni kule mboni kuyofanele abafaka izicelo bakhombise ukuthi bayokuvimba kanjani ukuhlukumezeka kwezimila ezisemhlabeni owakhele leyo ndawo ngesikhathi sokuvuna. Ngaphezu kwalokho izimoto ezivumelekile ukusebenza ogwini lolwandle kufanele kube ezigunyaziwe futhi zihambisane nemigomo ebekwe nguNgqogqoshe.

(d) Ukuthuthukisa umkhiqizo

Isikhulu esiphathisiwe siyonaka nokuthi abafaka izicelo bazokwenza kanjani ukuthi bathuthukise umkhiqizo wabo nekhono labo lokuthuthukisa noma lokubonisa ukuthi bazoyithuthukisa kanjani i-seaweed ezothengiswa kuleli kanye nakwamanye amazwe.

Ukuthuthukiswa komkhqizo kubukeka kunembangela eku-

- Khuliseni inani lemisebenzi eyenziwa yile mboni nokuthi
- Imboni yethu yezimila ayikho emgangathweni.

(e) Ukuthuthukisa umnotho wendawo nokusetshenziswa kwalokhu

Kubukeka kunomfutho owanele ukuthi ukuvunwa kwalezi zimila kungenzeka ogwini lwethu. Isikhulu esiphathisiwe siyokwenza isiqiniseko sokunikeza ngezizinda ezingu 23 ezindaweni zokuvuna.

(f) Imisebenzi

Nakuba kubonakala ukuthi lo msebenzi wokuvuna wenzeka ngamasizini athize, kukhuthazwa ukunikezwa kwabantu imisebenzi iphelele noma enezinga elikhulu lokubhekeleka kwabasebenzi ebasebenzini abasemazingeni aphansi.

Ukuvula amathuba emisebenzi nokwandisa imisebenzi ngenxa yokukhishwa kwezimvume zokudoba zesikhathi esijana kungase kubhekwe, futhi ikakhulu, labo abafake izicelo abaye banikeza izisebenzi zabo lokhu-

- Umsebenzi ogcwele ongesilo itoho,;
- I-Medical aid nempesheni; kanye
-
- Nendawo ephephile yokusebenza.

(g) Ukungakhokhwa kwamalevi

Abafake izicelo zamalungelo bayohlawuliswa uma izimali abazikhokha eMnyangweni zisalele emuva ngaphezu kwezinsuku ezingu-60 kusukela bafaka isicelo

(h) Ukuthembela ezimileni zolwandle

Isikhulu esiphathisiwe siyokhetha abantu abafake izicelo abathembela ekuvuneni izimila zasolwandle ukuze bathole ingxenye enkulu yenzuzo yabo

(i) Ukuthuthukisa umphakathi owakhele

Ukuvuna izimila zolwandle kuyithuba lokuthuthukisa imiphakathi eyakhele ugu lolwandle ikakhulukazi leyo miphakathi engeke ikwazi ukuhlomula ekudobeni izinhlonhlobo zezinhlanzi zasolwandle. Ngakho-ke isikhulu esiphathisiwe siyovuna labo abafaka izicelo bengama-*close corporation* noma izinkampani kodwa behlanganisa imiphakathi ukuze izuze nayo ekuzuzeni izimila zasolwandle ukuze kondliwe i-*abalone*.

(j) Ukuhambisana nomthetho

Uma inkampani efake izicelo, amalungu ayo noma abaphathi bayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana, noma bakhokha inhlawulo yokuvuma icala ngokwephula umthetho we-MLRA, imibandela yezimvume, bayohlawuliswa.

8. Izizinda ezinamalungelo nokunikwa kwazo

Lezi zizinda zingu 23 okwamanje. Leli nani lizoncishiswa libe ngu 22 kuhlenganiswe isizinda 11 nesizinda 12 sibe yisizinda esisodwa.

Isikhulu esiphathisiwe sizoqhubeka nomgomo wokunika ilingelo ngalinye lokuvuna uhlobo oluthize ngesizinda ethize. Kumanje, indawo ngayinye isetshenziswa wumuntu oyedwa qwa. Isizinda sika 11 kuphela lapho kusebenza khona ababili abanezimvume zokuhweba, bona basebenza ngezinhlobo ezingafani zezimila zolwandle. Isikhulu esiphathisiwe ngeke sinikeze wonke amalungelo endaweni ethi umuntu oyedwa. Inhloso ukuhlanganisa izinhlangano eziningi ezivuna izinhlobo ezihlukene zezimila zasolwandle endaweni ngayinye. Le ndlela ihloselwe ukuba ibe negalelo elihle ekuvuleni amathuba emisebenzi nokuthuthukisa izimila zasolwandle. Abafaki-zicelo(kakhulukazi labo abasafufusa) belulekwa ukuba bangafaki izicelo nje kuphela zalolu hlobo lwezimila olulodwa abafuna ukulivuna kodwa babheke nezinye kuleyo ndawo. Abafaka izicelo bangafaka isicelo sezindawo ezingaphezu kweyodwa efomini elilodwa.

9. Ukusebenza okumbandakanyo uwonke wonke

Abanamalungelo kulomkhakha wezimila abavimbelekele ukuba namalungelo ku *Cluster A* no *Cluster B* kwezokudoba izinhlanzi. Futhi abanamalungelo kulemboni ngeke bavunyelwe ukuba namalungelo okudoba kulomkhakha wezimila ku-*Cluster C* no *Cluster D* kwezokudoba izinhlanzi. Nokho, ngokungafani nakwezinye

izindawo zokudoba ezino-Cluster A no- B fisheries, abanamasheya (enkampanini) noma amalungu (*e-close corporation*) noma ilungu leqembu eliphethe bangaba nelungelo ku-Cluster C no-D.

10. Ukufaka isicelo namademeshe akhokhwayo

Ukufaka isicelo kuyobhekelelwa ngalokhu:

- Ukubiza kokufaka isicelo, nokuxhumanisa nokulungiselela, ukusivivinya isicelo, nokubukeza;;
- Nenani lentengo yezimila zolwandle izinikiwe ngesikhathi esilingana nobude balelo lungelo.

Amademeshe akhokhwa ngonyaka ayokhokhwa kusukela ngo 01 January 2006 ayobe eseyabuyekizwa ngemva kokuthintana nabanikazi bamalungelo. Ayosetshenziswa uMnyango ukuze unciphise izindleko zokuphatha zaminyaka yonke nokuhambisana nohlelo nocwaningo.

11. Izindlela Zokongamela

Izindlela zokongamela zikhombisa inqubo yomNyango emva kokunika izimvume kule boni

11.1 Iqhaza emvelweni kwezokuphathwa kokudoba

Lo mkhakha uzophathwa ngokuhambisana nedlela yokuphathwa kwemvelo kwezokudoba (*ecosystem approach to fisheries -EAF*) Lena indlela evulelekile ebheka nokuthi ukudoba nezinye izinto ezenzeka ogwini lolwandle zinomthelela othize olwandle. Le nqubo-mgomo ayizami ukusho into ethize nge EAF emkhakheni wezimila zolwandle. I- EAF izocaciswa ngokuthe xaxa ebhukwaneni elizokwaziwa ngokuthi yi-*Seaweed Sector Management Manual*. Umzansi Afrika usazimisele ngokuthi kuthi kushaya u-2010 kube sekusebenza I- EAF kwezokuhweba ngofishi, kumbandakanya izimila zolwandle.

11.2 Ukuhlanganiswa kwababambe iqhaza

Ekunikweni kwamalungelo eminyaka eyishumi yokuhweba kule mboni, umNyango uzokwenza kube lula ukuhlanganisa abanamalungelo kulo mkhakha. Abanamalungelo bangawahlanganisa amabhizinisi abo.

- Lapho abanelungelo bengaphansi kwabantu ababodwa abanamasheya, amahhovisi nabaphathi ababodwa; noma
- Uma amabhizinisi amancane ekhetha ukuhlanganiswa

Ukuhlangasiswa kuncike endleleni umNyango ophatha ngayo udaba lokungamelwa wumuntu oyedwa umsebenzi (*buka isigaba 11.4 ngezansi*).

11.3 *Ukusetshenziswa kwezimoto ogwini lolwandle*

Izinkampani eziningi ezinamalungelo okuvuna sezafaka izicelo zokusebenzisa izimoto zazo selokhu kwavinjelwa ukusebenziswa kwezimoto emabhishi akuleli ngo 2002. Ngo 2004 uNgqongqoshe wachibiyela umthetho ophatha ukusetshenziswa kwezimoto ogwini lolwandle. (vakashela www.mcm-deat.gov.za ukuthola okuthe xaxa).

Abavuni bezimila kumele bafake izicela ku-Deputy Director-General of Marine and Coastal Management uma befuna ukusebenzisa izimoto ezidingekayo ekuvunweni kwezimila zolwandle. Kukhuthazwa ukuqashwa kwabavuni abaningi ngaphezu kokusebenziswa kwezimoto.

Amafomu okufaka izicelo zokusebenziswa kwezimoto ogwini lolwandle ayatholakala namafomu okufaka isicelo sokuhweba ngezimila zolwandle. La mafomu futhi ayatholakala lapha www.mcm-deat.gov.za.

11.4 *Ukongamela umsebenzi yinkampani eyodwa*

Nakuba umNyango ukukhuthaza ukuhlanganiswa kwabanamalungelo kulemboni, kodwa umNyango uyaphikisana nokongamelwa yinkampani eyodwa okulimaza amabhizinisi amancane asafufusa.

Okwamanje UmNyango ngeke ukwazi ukusho ukuthi zingaki izizinda ezingasetshenziswa yinkampani ngayinye, kodwa umNyango uzogada ukuthi kungabe ukhona yini osebenza ngendlela enciphisa ukuqhudelana.

12. *Ukukala izinga lokusebenza*

UmNyango uzoba nezindlela eziningi zokukala izinga lokusebenza ngesikhathi inkampani isenelungelo. Kunesifiso sokuthi ukukala izinga lomsebenzi kuyokwenzeka emva kweminyaka emibili emva kwalokho njalo emva kweminyaka emithathu.

Nakuba umNyango usazohlunganisa indlela okuzohlungwa ngayo ukukala izinga lomsebenzi emva kokuthi sekunikezwe amalungelo okuhweba kwaxhunyanwa nabo bonke abathintekayo, lo mgomo uzosetshenziswa:

- Unguquko ekunikweni kwamalungelo kubantu ababecindezelwe;

- Ukutshalwa kwezimali ekuthithukiseni umkhiqizo;
- Ukusebenzisa izimila ngendlela elondolozayo noku
- Hambisana nemithetho .

Inhloso yokukala izinga eliyilo iyoba ukuqinisekisa ukuthi imigomo yendawo yokudoba iyafinyelelwa nokuthi izindlela nezinqubo zokuphatha zihlala ziyilungele indawo yokudoba

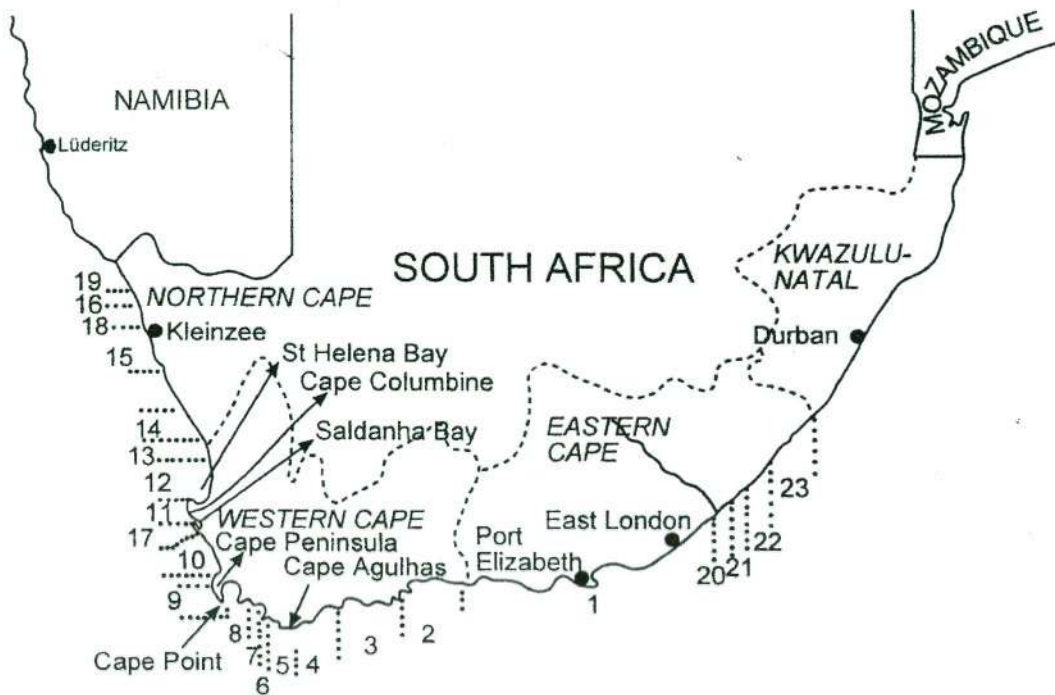
13. Ihlo lokhozi nokulandelela

Umnyango uzokwandisa izinhlelo zawo zehlo lokhozi ukumbandakanya abazobhekela ukuthi umthetho uyalandelwa. Futhi umNyango uzothuthukisa kancane kancane ibanga lezizinda elizogadwa. Abanamalaysensi kuyofanele bathwale izindleko zalokhu

14. Imibandela yamaphemithi

Imibandela yamaphemithi kulo mkhakha iyokhishwa njalo. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume futhi ziyobukezwa uma kudingeka.

Annexure A





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

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

**THIS POLICY MUST BE READ WITH THE 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 commercial fishing rights in the squid fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial squid fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities of Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A Squid 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 intends to delegate the section 18 power to allocate squid 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. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

The squid fishery targets chokka squid (*Loligo vulgaris reynaudii*), the most abundant squid in South Africa's coastal waters.

Chokka squid is found between Namibia in the west and the Wild Coast in the east. Like all squid, they complete their lifecycle within two years. Sexual maturity is attained one year after hatching. Maximum length is 46 centimetres (male) and 28 centimetres (female). Chokka squid spawn on the seabed, usually in inshore areas, but sometimes in deep water on the Agulhas Bank. Spawning occurs year round, but is most prolific in the summer months. Chokka squid prey on crustaceans and fish.

The abundance of chokka squid fluctuates substantially. The effects of fluctuations in predation, prey availability and the physical environment are more acutely felt by squid because their short life span offers little inter-annual continuity.

Presently, chokka squid abundance is at near-record levels, but experience suggests that substantial declines can be expected.

3. Profile of the fishery

Chokka squid (hereafter referred to as "squid") has been used as bait by linefishers for many years. The species is also landed as by-catch in the demersal trawl fisheries. In the 1960s and 1970s, the squid resource was heavily exploited by foreign fleets. During this period, squid was caught predominantly by trawlers from the Far East. Foreign activity was phased out in the late 1970's and early 1980's following South Africa's declaration of an Exclusive Economic Zone ("EEZ"). However, squid and other cephalopods, including a number of species of squid and octopus, continued to be taken by South African trawlers. The chokka by-catch in the demersal fishery fluctuates between 200 tons and 600 tons annually.

A dedicated jig fishery for chokka was initiated in 1984. The jigs are operated by handlines, making this a particularly labour-intensive fishery. The jig fishery registered its highest catch of approximately 12000 tons in 2003/2004. Average catches in the 1990's amounted to between 6 000 and 6 500 tons per annum. Squid is frozen at sea, usually in 10 kilogram blocks. It is generally landed at harbours between Plettenberg Bay and Port Alfred and exported whole to Europe. In 2002, when the South African Rand was at its lowest levels against the major currencies, the price of squid rose to almost R50 per kilogram. The average price of squid in 2004 was R30 per kilogram.

Between 1986 and 1988 a licensing system was introduced with a view to limiting the number of vessels participating in the fishery. The fishery is currently regulated in terms of a total applied effort ("TAE"). The squid fleet is divided into vessel categories and the maximum crew complement for the vessels in each category is fixed. Since 1988, the fishery has been closed once a year for four weeks in an attempt to counter the effects of "creeping effort". Increases in vessel efficiency and catch technology have led to increases in fishing efficiency.

The chokka squid fishery provides employment for approximately 3 000 people, including land-based personnel (approximately 2 400 sea-going). The landed catch is worth more than R180 million per year.

4. The medium-term rights allocation process

During the medium term rights allocation process, 128 commercial squid fishing enterprises were granted rights authorising them to use more than 2 400 crew to fish for squid on 138 vessels. Allocation records show that:

- 33 percent of right-holders are majority-owned by black persons;
- 61 percent of workers are black;
- almost all right-holders are small- and medium-sized enterprises ("SMEs").

The crew were allocated to vessels nominated by the successful applicants. The number of crew allocated to each vessel depended on the length of the vessels.

5. Over-arching fishery objectives

The over-arching objectives of allocating long-term fishing rights in this fishery are to:

- Notably improve the transformation profile of this fishery;
- Integrate the so-called "restricted rights" into the fishery;
- Affirm applicants who live in, or whose place of registered business, is the Eastern Cape;
- Promote further investment in vessels (to modernise or replace ageing vessels) and infrastructure and to promote job creation;
- Allocate rights to applicants who predominantly rely on squid for their income;
- Support the economic viability of the fishery;
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to –

- the transformation profile of the fishery; and
- the substantial fluctuations in resource abundance,

commercial rights will be allocated for a period of eight years (1 January 2006 to 31 December 2013). The

Department will regularly evaluate right holders against predetermined performance criteria (*see Paragraph 13 below*).

7. New entrants

Although the squid fishery is currently optimally exploited and there is no room for *additional* participants, new entrant applicants will be considered, *amongst others*, and may be preferred over existing right-holders if their inclusion will assist in the transformation of the squid fishery.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*". New entrant applicants and right-holder applicants will then be separately assessed in terms of a set of weighted "*comparative balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants. A proportion of the TAE will then be allocated to each successful applicant in terms of a set of "*quantum criteria*".

8.1 Exclusionary criteria

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

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 71 of 1973. Natural persons (i.e. individuals or sole proprietors) will not be granted rights. Current natural person right holders must apply in the form of a close corporation or company and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General Policy.
- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholder has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, the applicant will not be allocated a squid fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or

assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if an applicant (or its members, directors or controlling shareholders) is being investigated for a breach of the MLRA.

Right-holders are required to pay a levy on targeted fish landed. Right-holders that have under-reported catches to avoid the payment of levies will be excluded. Right-holders that have not paid levies will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper quotas:** Paper quotas as defined in the General policy will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 9 below*).
- (e) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise its medium-term commercial squid fishing right between 2002 and 2004.

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. The criteria stated below must be read with the corresponding criteria in the General Policy for further detail. This applies in particular to the “transformation” criterion.

(a) Transformation

The medium term rights allocation records suggest that this fishery is comparatively less transformed than other fisheries. Applicants will be assessed on –

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;
- Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes;
- Enterprise development; and
- Corporate social investment.

(b) Investment in the fishery

As far as right-holder applicants are concerned, the delegated authority will consider:

- Investments in suitable vessels and other fixed assets. In respect of vessels, investment in the form of shareholding will also be considered. Right-holder applicants will not be rewarded for having concluded vessel purchase agreements;
- Investments in processing and marketing infrastructure. The delegated authority may reward right holder applicants that have invested in squid processing and marketing.

As far as new entrant applicants are concerned, the delegated authority will consider investments made in other sectors in the form of vessels and fixed assets, marketing and processing.

(c) Performance

Right-holder applicants will be assessed by having regard to their squid fishing performance over the medium-term period (2002 to 2004).

All new entrant applicants will be required to demonstrate that they have the capacity knowledge and skill to participate in the squid fishery.

(d) Reliance on squid

The delegated authority will positively score applicants who rely on squid fishing for a significant proportion of their gross annual income.

(e) Local economic development

Investment in South Africa's smaller coastal towns should be promoted. The delegated authority may reward those applicants that have invested in smaller coastal towns outside of the large metropolitan areas of Port Elizabeth and Cape Town. Squid right holders that have invested in facilities in Cape Town and Port Elizabeth will not be negatively scored.

(f) Jobs

Job creation and increases in jobs as a result of the allocation of medium term fishing rights will be rewarded, and in particular, applicants that have provided their employees with –

- Full time employment;
- Medical aid and pension; and
- Safe working conditions.

(g) Non-payment of fish levies

Right holder applicants will be penalised if their levies payable to the Department are outstanding for a period longer than 60 days at the date of application.

(h) Compliance

If the applicant, its members or its directors or controlling shareholders have been convicted of a minor infringement of the MLRA, the regulations, permit conditions or other fishery related offences, during the medium-term right period, or paid admission of guilt fines for contraventions of the MLRA, its regulations or permit conditions, the applicant will be penalised.

8.3 Empowerment of squid fishers

The Department will require all fishing crew who are intending to work on squid boats to register on a Crew Register. Squid right holders will be required to select their crew members from among those who are listed on the Crew Register. The Department will only register persons on the crew register if they have successfully completed a SAMSA safety training course, demonstrate some reliance on squid fishing and historical involvement in squid fishing.

Crew will be registered free of charge and the registration process will commence in the last quarter of 2005. Registered crew may only fish from vessels authorised to catch squid. This does not mean that persons registered on the Crew List may not crew on vessels in other fisheries.

8.4 Effort allocations

Following the public consultation process, and consultations with the registered industrial body for this fishery, it was decided that effort will be allocated in accordance with the following broad principles:

- (a) The number of persons on board a fishing vessel will be restricted to the maximum crew stipulations determined per vessel category (see below);
- (b) The number of vessels engaged in the industry should not exceed the current number of active squid vessels, being 138;
- (c) The vessels nominated by an applicant are consigned to a length category which determines the maximum number of persons per vessel. The categories and the maximums are set out in the table below (lengths refer to the registered lengths according to the SAMSA Safety Certificate for vessels in excess of 25 tons and the recorded length on the licence certificate for vessels under 25 tons. Where a conflict of length does arise, the Department will allocate the vessel the shorter length).

Note: The reference to "maximum persons per vessel" does not entitle the successful applicant to the maximum number of persons.

Category of vessel	Maximum persons per vessel
Ski boat or non freezer vessel	7 persons
Vessels up to 13 metres	12 persons
Vessels from 13 to 15 metres	16 persons
Vessels from 15 to 17 metres	20 persons
Vessels from 17 to 19 metres	22 persons
Vessels over 19 metres	26 persons

- (d) If a right-holder is allocated a number of persons that is different from the number of persons permitted in respect of the nominated vessel's SAMSA safety certificate, the right-holder will be given three months from the date of the issue of the permit to have the safety certificate for the vessel altered to ensure that the maximum number of persons permitted on the vessel is equal to the number of persons allocated to it.
- (e) If two or more right-holders are allocated rights in respect of the same vessel, the delegated authority will require the respective right holders to agree on the proportional allocation of crew on that vessel.

Before a final decision is made on the allocation of effort, the delegated authority must consult with successful applicants on the allocation of effort.

9. Suitable vessels

A suitable vessel in the squid fishery is a vessel that:

- has a minimum SAMSA registered length of approximately eight metres. Smaller vessels may be considered on the basis of their squid fishing performance;
- has a functioning vessel monitoring system;
- is HACCP compliant; and
- is equipped for squid fishing using the jigging method.

Vessels will be disqualified if the length had been artificially increased by the right-holder in an attempt to increase its crew complement.

10. Multi-sector involvement

Right-holders in the squid fishery are not precluded from holding commercial fishing rights in the Cluster A and Cluster B fisheries. Squid right-holders, including their controlling shareholders or members (in the case of close corporations) and members of their executive management team will not be permitted to hold commercial fishing rights in the Cluster C and Cluster D fisheries and traditional line fish rights.

11. Application Fees and Levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Management measures

The management measures discussed below reflect a number of the Department's principal post-right allocation management intentions for this fishery.

12.1 Ecosystem approach to fisheries management

This 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. This part of the squid fishery policy does not attempt to provide a policy statement on EAF in the squid fishery. The EAF in the squid fishery will be detailed further in the Squid Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

12.2 Consolidation of participants

After the allocation of eight-year commercial fishing rights in this fishery, the Department will facilitate the consolidation of the number of right-holders active in the fishery, particularly where:

- Right-holders share the same shareholders, offices or management team; or
- Smaller right-holders opt to consolidate their business operations so as to improve the transformation profile of this fishery.

Consolidation of right-holders is, however, subject to the Department's approach on monopolies (*see paragraph 12.4 below*). In addition, consolidation will not be supported by the Department where it could result in the reduction of the transformation profile of the fishery.

12.3 Vessels and fishing effort

After the medium term rights allocation process, 138 vessels were permitted to be active in this fishery. Although the current vessel effort levels may be optimal, should the TAE be revised downward, the number of vessels may have to be reduced. The Department will, however, first aim to curtail effort in this fishery by, amongst others, reducing the use of lights, closing areas to fishing and lengthening the closed season.

12.4 Monopolies

While the Department will encourage the consolidation of right-holders in this fishery, the Department is opposed to monopolies which may operate to the detriment of smaller right-holders.

13. Performance measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after a year, and thereafter every three years.

Although the Department will finalise the precise criteria against which right-holders will be measured after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels and gear;
- squid catching performance;
- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

14. Observer programme

The Department's current observer programme will be expanded to include compliance observation. In addition, the Department will progressively increase the observer coverage of this fishery. Right-holders will be required to bear the costs of the observer programme.

15. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



**DEPARTEMENT VAN OMGEWINGSKE EN TOERISME
TAK MARIENE- EN KUSBESTUUR**

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE INKVIS VISSERY: 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
AANGAANDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN
KOMMERSIËLE VISVANGREGTE: 2005 (beskikbaar by www.mcm-deat.gov.za)**

INHOUDSOPGAWE

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van kommersiële visvangregte in die inkvis vissery word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene beleid").

Die doel van hierdie beleid is om die oorwegings uiteen te sit wat van toepassing sal wees by die toekenning van kommersiële inkvisregte. Baie van die oorwegings in hierdie beleid is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerhede van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. Die Departement sal 'n Bestuurshandleiding vir die Inkvis vissery ontwikkel saam met al die regtehouers deur die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodes en -prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18-magte om inkvis regte toe te ken ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 (die "WLMH") aan 'n senior beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Biologie en Brondinamika

Die inkvis vissery teiken tjokka inkvis (*Loligo vulgaris reynaudii*), die talrykste inkvis in Suid-Afrikaanse kuswaters.

Tjokka inkvis word aangetref tussen Namibië in die weste en die Wildekus in die ooste. Soos alle inkvis, voltooi hulle hul lewensiklus binne twee jaar. Seksuele wasdom word bereik binne een jaar na uitbroeiing. Die maksimum lengte is 46 sentimeter (manlik) en 28 sentimeter (vroulik). Inkvis bevrugting vind plaas op die seebodem, gewoonlik in vlakwater areas, maar soms in diep water op die Agullas seebank. Bevrugting vind plaas dwarsdeur die jaar, maar is mees algemeen gedurende die somer maande. Tjokka inkvis aas op skaaldiere en vis.

Die talkrykheid van tjokka inkvis wissel wesentlik. Die effek van fluktuasie in predasie, prooi beskikbaarheid en die fisiese omgewing word meer akuut ervaar deur inkvis, omdat hulle kort lewensduur min inter-jaarlikse kontinuïteit bied.

Tans is tjokka inkvis talrykheid na aan rekordvlakke, maar ervaring toon aan dat wesentlike afnames verwag kan word.

3. Sektorale Profiel

Tjokka inkvis (hierna na verwys as "inkvis") word reeds vir baie jare as aas gebruik deur lynvisser. Die spesie word ook geland as byvangs in die bodemtreilvisserie. In die 1960's en die 1970's was die inkvis bron swaar ontgin deur buitelandse vissersvloete. Gedurende hierdie periode was inkvis hoofsaaklik gevang deur treilers uit die Verre-ooste. Buitelandse aktiwiteite is uitgefaseer in die laat 1970's en vroeë 1980's, nadat Suid-Afrika 'n Eksklusiewe Ekonomiese Sone ("EES") verklaar het. Inkvis en ander kefalopode, insluitende 'n aantal spesies inkvis en seekat, is egter nog steeds deur Suid-Afrikaanse treilers gevang. Die tjokka byvangs in die bodemtreilvangvisserie wissel tussen 200 ton en 600 ton jaarliks.

'n Toegewyde jiggervisserie vir tjokka is in 1984 begin. Die jiggers word bedryf deur middel van handlyne wat dit 'n besondere arbeidsintensiewe visserie maak. Die jiggervisserie het sy hoogste vangs van ongeveer 12 000 ton in 2003/2004 aangeteken. Gemiddelde vangste in die 1990's het gewissel tussen 6 000 en 6 500 ton per jaar. Inkvis word ter see gevries, gewoonlik in 10 kilogram blokke. Dit word gewoonlik geland by hawens tussen Plettenbergbaai en Port Alfred en heel na Europa uitgevoer. In 2002, toe die Suid-Afrikaanse Rand op sy laagste vlak was teenoor die grootste geldeenheide, het die prys van inkvis gestyg tot amper R50 per kilogram. Die gemiddelde prys van inkvis gedurende 2004 was R30 per kilogram.

Tussen 1986 en 1988 is 'n lisensieringstelsel ingestel met die oogmerk om die aantal vaartuie wat deelneem aan die visserie te beperk. Die visserie word tans gereuleer in terme van 'n totale ontplooiëde vangspoging ("TOV"). Die inkvis vissersvloot is verdeel in vaartuig kategorieë en die maksimum toelaatbare getal van bemanning vir die vaartuie in elke kategorie is vasgestel. Sedert 1988 word die visserie eenmaal 'n jaar vir vier weke toegemaak in 'n poging om die effek van "kruipende poging" teen te werk. 'n Toename in die doeltreffendheid van vaartuie en vangstegnologie het gelei tot 'n toename in vangs oeltreffendheid.

Die tjokka inkvis visserie verskaf werksgeleenthede aan ongeveer 3 000 mense, insluitende land-gebaseerde personeel (ongeveer 2 400 seevarend). Die gelande vangs is meer as R180 miljoen per jaar werd.

4. Die Medium-termyn regtetoekennings proses

Gedurende die medium-termyn regtetoekennings proses is 128 kommersiële inkvisondernemings regte toegeken wat hulle magtig om 2400 bemanningslede te gebruik om te vis vir inkvis op 138 vaartuie. Toewysingsrekords toon aan dat:

- 33 persent van regtehouers is in swart meerderheids-besit;
- 61 persent van werkers is swart;
- amper al die regtehouers is klein- en mediumgrote ondernemings ("KMOs").

Die bemanning is toegewys aan vaartuie wat deur die suksesvolle aansoekers genomineer is. Die aantal bemanningslede wat aan elke vaartuig toegewys is het afgehang van die lengte van die vaartuie.

5. Oorkoepelende sektorale doelwitte.

Die oorkoepelende doelwitte met die toekenning van langtermyn visvangregte in hierdie sektor is om:

- Die transformasieprofiel van hierdie vissery merkbaar te verbeter;
- Die sogenaamde "beperkte regte" in die vissery te integreer;
- Aansoekers te ondersteun wat in die Oos-Kaap woon of wie se geregistreerde besigheidsadres daar is;
- Verdere belegging in vaartuie (om verouderde vaartuie te vervang of te moderniseer) en infrastruktuur en werkskepping te bevorder;
- Regte toe te ken aan aansoekers wat oorwegend op inkvis staatmaak vir hulle inkomste;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en
- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Tydsduur

Met inagneming van -

- die transformasieprofiel van die vissery;
- die wesentlike wisselings in bron talrykheid.

sal kommersiële regte vir 'n tydperk van 8 jaar toegeken word (1 Januarie 2006 tot 31 Desember 2013). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (*sien Paragraaf 13 hieronder*).

7. Nuwe inkomelinge

Alhoewel die inkvis visserij tans optimaal ontgin word en daar nie plek is vir *addisionele* deelnemers nie, sal nuwe inkomeling aansoekers oorweeg word en mag voorkeur geniet bo bestaande regtehouers, onder andere, indien hulle insluiting sal bydra tot die transformasie van die inkvis visserij.

8. Evaluasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Nuwe inkomeling aansoekers en bestaande regtehouer aansoekers sal daarna apart evalueer word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal. 'n Gedeelte van die TOV sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

8.1 Uitsluitingskriteria

Behalwe vir die kriteria beskryf in die algemene beleid aangaande die indiening van die aansoeke en wesenlike tekortkominge, sal die gedelegeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies 69 van 1984 en die Maatskappijwet 61 van 1973 sal oorweeg word. Daar sal nie regte aan natuurlike persone (m.a.w. individue of eenmansake) toegeken word nie. Natuurlike persone wat bestaande regtehouers is moet aansoek doen in die vorm van 'n beslote korporasie of maatskappy en sal as medium termyn regtehouers behandel word indien hulle aan die riglyne uiteengesit in die Algemene Beleid voldoen.
- (b) **Wetsnakoming:** Indien 'n aansoeker of sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige oortreding ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige visserij verwante misdrywe gedurende die mediumtermyn regteperiode sal daar nie 'n inkvisreg aan die aansoeker toegeken word

nie. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Regte sal ook nie toegeken word aan 'n aansoeker indien die aansoeker of sy lede, direkteure of beherende aandeelhouders se visvangregte gekanselleer of ingetrek is ingevolge die WLMH of indien daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdaad 121 van 1998 of die WLMH nie.

Besluite mag gereserveer word oor aansoeke indien die aansoeker (of die aansoeker se lede, direkteure of beherende aandeelhouders) ondersoek word vir oortredings van die WLMH.

Daar word van regtehouers vereis om 'n heffing te betaal op geteikende vis wat geland is. Regte houters wat hul vangste onder-rapporteer het ten einde die betaling van heffings te vermy sal uitgesluit word. Regtehouers wat nie heffings betaal het nie sal gepeenaliseer word in die vergelykende balanseringsproses soos hieronder uiteengesit. Sou sodanige aansoeker egter nietemin vir 'n reg kwalifiseer, sal 'n visvangpermit nie uitgereik word nie alvorens die uitstaande gelde aan die Departement betaal is nie.

- (c) **Papier-kwotas:** Papier-kwotas, soos gedefinieer in die Algemene beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle 'n reg van toegang tot 'n geskikte vaartuig het (*sien paragraaf 9 hieronder*).
- (e) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om tussen 2002 en 2004 sy medium-termyn kommersiële inkvis visvangreg ten volle te benut.

8.2 Balanseringskriteria

Regtehouer aansoekers, asook potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal. Die kriteria hieronder uiteengesit moet saamgelees word met die ooreenstemmende kriteria in die Algemene beleid vir verdere besonderhede. Dit is in besonder van toepassing op die "transformasie" kriterium.

(a) Transformasie

Die medium-termyn regtetoekenings rekords dui daarop dat hierdie visserij minder getransformeer is in vergelyking met ander visserij. Aansoekers sal evalueer word op -

- Die persentasie swart en vroue eienaarskap en swart en vroue verteenwoordiging op top salarisvlakke, direksie en senior beampste en bestuursvlakke;
- Of werknemers (anders as top salaristrekkers) voordeel trek uit 'n werknemeraandeleskema;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998 en die verteenwoordigheid van swart persone en vroue op die verskillende diensvlakke. Die gedelegeerde owerheid mag ook die verskil in besoldigingsvlakke tussen die hoogste en laagste betaalde werknemers in ag neem;
- Nakoming van wetgewing oor vaardigheidsontwikkeling en die bedrae spandeer op die opleiding van swart persone en deelname aan leerskapprogramme;
- Ondernemingsontwikkeling; en
- Korporatiewe maatskaplike belegging.

(b) Belegging in die visserij

Met betrekking tot regtehouer aansoekers, sal die gedelegeerde owerheid die volgende oorweeg:

- Beleggings in geskikte vaartuie en ander vaste bates. Met betrekking tot vaartuie sal belegging in die vorm van aandeelhouding ook oorweeg word. Regtehouer aansoekers sal nie beloon word vir die sluit van vaartuig-kooporeenkomste nie;
- Belegging in prosessering- en bemarkingsinfrastruktuur. Die gedelegeerde owerheid mag regtehouer aansoekers beloon wat belê het in inkvis prosessering en bemarking.

Met betrekking tot nuwe inkomeling aansoekers sal die gedelegeerde owerheid beleggings in ander sektore in die vorm van vaartuie en vaste bates, bemarking en prosessering in ag neem.

(c) Prestasie

Regtehouer aansoekers sal evalueer word met oorweging aan hulle inkvis visvangprestasie oor die medium-termyn periode (2002 tot 2004).

Daar sal van alle nuwe inkomeling aansoekers vereis word om aan te toon dat hulle die vermoë, kennis en vaardigheid het om deel te neem aan die inkvis visserij.

(d) Afhanklikheid van inkvis

Die gedelegeerde owerheid sal positiewe punte toeken aan aansoekers wat afhanklik is van inkvisvisvangs vir 'n wesentlike deel van hulle bruto jaarlikse inkomste.

(e) Plaaslike ekonomiese ontwikkeling

Belegging in Suid-Afrika se kleiner kusedorpieë behoort bevorder te word. Die gedelegeerde owerhede mag daardie aansoekers beloon wat belê het in kleiner kusedorpieë buite die groot metropolitaanse gebiede van Port Elizabeth en Kaapstad. Daar sal nie negatiewe punte toegeken word aan inkvis regtehouers wat belê het in fasiliteite in Kaapstad en Port Elizabeth nie.

(f) Werksgeleenthede

Werkseeping en die vermeerdering van werksgeleenthede as gevolg van die toekenning van mediumtermynregte sal beloon word, en in besonder, aansoekers wat hulle werknemers voorsien het met—

- Voltydse werk;
- Mediese fonds en pensioen; en
- Veilige werksomstandighede.

(g) Nie-betaling van heffings

Regtehouer aansoekers sal penaliseer word as hul heffings betaalbaar aan die Departement vir 'n tydperk langer as 60 dae agterstallig is op die datum van aansoek.

(j) **Wetsnakoming**

Indien die aansoeker, sy lede of direkteure of beherende aandeelhouders skuldig bevind is aan geringe oortredings van die WLMH, sy regulasies, permitvoorwaardes of ander visserij verwante oortredings, gedurende die medium-termyn regteperiode, of indien 'n skulderkenningsboete betaal is vir oortredings van die WLMH, sy regulasies of permitvoorwaardes, sal die aansoeker penaliseer word.

8.3 Bemagtiging van Inkvis vissers

Die Departement sal vereis dat alle visserbemannings wat van voornemens is om op inkvisbote te werk op 'n Bemanningsregister registreer. Daar sal van Inkvis regtehouers vereis word om hulle bemanning te kies uit diegene wat op die Bemanningsregister gelys is. Die Departement sal slegs persone registreer op die bemanningsregister indien hulle 'n suksesvol 'n SAMVO veiligheidsopleidingskursus voltooi het, 'n mate van afhanklikheid van inkvis visvangs kan aantoon asook historiese betrokkenheid in inkvis visvangs.

Bemannings sal gratis geregistreer word en die registrasie proses sal aanvang neem in die laaste kwartaal van 2005. Geregistreerde bemanning mag slegs visvang vanaf vaartuie wat gemagtig is om inkvis te vang. Dit beteken nie dat persone geregistreer op die bemanningslys nie vaartuie in ander visserij mag beman nie.

8.4 Vangspoging toekennings

Na afloop van die publieke deelname proses en konsultasies met die geregistreerde bedryfsliggaam vir hierdie visserij, is besluit dat vangspoging toegeken sal word in ooreenstemming met die volgende breë beginsels:

- (a) Die aantal persone op 'n visvangvaartuig sal beperk word tot die maksimum bemanningsvoorskrifte vasgestel per vaartuigkategorie (sien hieronder).
- (b) Die aantal vaartuie betrokke in die industrie moet nie die huidige aantal aktiewe inkvisvaartuie, wat 138 is, oorskry nie.
- (c) Die vaartuie genomineer deur 'n aansoeker word toegewys aan 'n lengtekategorie wat die maksimum aantal persone per vaartuig vasstel. Die kategorie en maksimum getalle word in

die tabel hieronder uiteengesit (lengte verwys na geregistreerde lengte volgens die SAMVO Veiligheidsertifikaat vir vaartuie groter as 25 ton en die vasgestelde lengte op die lisensiesertifikaat vir vaartuie onder 25 ton. Waar 'n konflik van lengtes ontstaan sal die Departement die korter lengte aan die vaartuig toeken).

Neem kennis: Die verwysing na "maksimum aantal persone per vaartuig" maak nie die suksesvolle aansoeker geregtig op die maksimum aantal persone nie.

Kategorie van vaartuig	Maksimum aantal persone per vaartuig
Ski-boot of vaartuig sonder bevrising	7 persone
Vaartuie tot 13 meter	12 persone
Vaartuie vanaf 13 tot 15 meter	16 persone
Vaartuie vanaf 15 tot 17 meter	20 persone
Vaartuie vanaf 17 tot 19 meter	22 persone
Vaartuie langer as 19 meter	26 persone

- (d) Indien daar aan 'n regtehouer 'n aantal persone toegeken word wat verskillend is van die aantal persone toegelaat in terme van die genomineerde vaartuig se SAMVO veiligheidsertifikaat, sal die regtehouer drie maande gegee word vanaf die datum van uitreiking van die permit om die veiligheidsertifikaat te laat wysig ten einde te verseker dat die maksimum aantal persone toegelaat op die vaartuig ooreenstem met die aantal persone wat aan die vaartuig toegeken is.
- (e) Indien daar aan twee of meer regtehouers regte toegeken is met betrekking tot dieselfde vaartuig, sal die gedelgeerde owerheid vereis dat die onderskeie regtehouers ooreenkom op die proporsionele toedeling van bemanning tot daardie vaartuig.
- (f) Voordat 'n finale beslissing gemaak word oor die toekenning van vangspoging, moet die gedelegeerde owerheid oorleg pleeg met die suksesvolle aansoekers oor die toekenning van vangspoging.

9. Geskikte vaartuig

'n Geskikte vaartuig in die inkvis vissery is 'n vaartuig wat -

- 'n minimum SAMVO geregisteerde lengte van ongeveer 8 meter het. Kleiner vaartuie mag oorweeg word op die basis van hulle inkvis visvangprestasie;
- 'n werkende vaartuigmoniteringstelsel het;
- aan HACCP vereistes voldoen;
- Toegerus is vir die vangs van inkvis met gebruik van die jiggermetode.

Vaartuie sal diskwallifiseer word as hulle kunsmatig verleng is deur die regtehouer in 'n poging om die bemannings-komplement te vermeerder.

10. Multi-sektorale betrokkenheid

Regtehouers in die inkvis vissery word nie verhinder om kommersiële visvangregte in enige ander vissery in Groepe A en B visserye te hou nie. Regtehouers in die inkvis vissery, insluitend hul beherende aandeelhouers of lede (in die geval van beslote korporasies) en lede van hulle uitvoerende bestuurspan sal nie toegelaat word om kommersiële visvangregte in Groepe C en D visserye en tradisionele lynvis te hou nie.

11. Aansoekfooi en heffings

Die aansoekfooi vir hierdie vissery sal bepaal word met inagneming van:

- Die koste van die hele regtetoekenningsproses, met inbegrip van konsultasie, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersienings; en
- Die waarde van die vis wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat met ingang 1 Januarie 2006 betaalbaar is, sal vasgestel word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word, weerspieël sommige van die Departement se hoofvoornemens vir die bestuur van hierdie vissery nadat regte toegeken is.

12.1 Ekosisteembenadering tot bestuur van vissery

Hierdie sektor sal bestuur word ooreenkomstig die ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde benadering wat erken dat visvang en verwante aktiwiteite op land die breë mariene omgewing beïnvloed. Hierdie deel van die beleid vir die inkvis vissery is nie daarop gerig om 'n beleidsverklaring te voorsien oor EBV in die inkvis vissery nie. Die EBV in die inkvis vissery sal verder uitgestippel word in die Bestuurshandboek vir die Inkvis Vissery. Suid-Afrika bly verbind tot die teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye.

12.2 Konsolidasie van deelnemers

Na die toekenning van kommersiële visvangregte vir 8 jaar in hierdie sektor, sal die Departement die konsolidasie van die aantal regtehouers wat aktief is in die sektor fasiliteer, veral waar:

- Regtehouers dieselfde aandeelhouers, kantore of bestuurspan deel, of
- Kleiner regtehouers verkies om hul sakebedrywighede te konsolideer om sodoende die transformasieprofiel van hierdie vissery te verbeter.

Die konsolidasie van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë (*sien paragraaf 12.4 hieronder*). Verder sal konsolidering nie deur die Departement ondersteun word waar dit kan lei tot die vermindering van die transformasieprofiel van die vissery nie.

12.3 Vaartuie en vangspoging

Na afloop van die medium-termyn regtetoekennings proses was 138 vaartuie toegelaat om aktief te wees in die vissery. Alhoewel die huidige vangspoging vlakke optimaal mag wees, mag die aantal vaartuie verminder word indien die TOV afwaarts aangepas sou word. Die Departement sal egter eerstens probeer om vangspoging in hierdie vissery te beperk, deur onder andere, die gebruik van ligte te verminder, areas te sluit tot visvangs en die geslote seisoen te verleng.

12.4 Monopolië

Alhoewel die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, is die Departement gekant teen monopolieë wat tot nadeel van kleiner regtehouers kan werk.

13. Prestasiemeting

Die Departement sal 'n aantal formele prestasiemetingoefeninge instel vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste stel prestasiemetingoefeninge een jaar na die toekenning van regte sal plaasvind, en daarna elke drie jaar.

Alhoewel die Departement die presiese kriteria waaraan die regtehouers sal finaliseer na oorlegpleging met regtehouers, mag die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- inkvis vangsprestrasie; en
- nakoming van toepaslike wette en regulasies.

Die oogmerk met prestasiemeting sal wees om te verseker dat die doelstellings van die vissery bereik word en dat bestuursmetodologie en prosedures geskik is en op datum bly.

14. Waarnemerprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om waarneming vir wetstoepassingsdoeleindes in te sluit. Die Departement sal verder die dekking van waarneming van hierdie vissery progressief uitbrei. Daar sal van regtehouers verwag word om die koste van die waarnemingsproses te dra.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie vissery en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO
ISEBE LOWAWULO LOLWANDLE NAMANXWEME**

**UMGAQO-NKQUBO WOLWABIWO NOLAWULO LWAMALUNGELO
ORHWEBO LOKULOBA I-SQUID : 2005**

**LOMGAQO-NKQUBO UMELE UFUNDWE KUNYE NOMGAQO-NKQUBO JIKELELE
WOKWABIWA NOKULAWULWA KWENKQUBO YEXESHA ELIDE YAMALUNGELO
ORHWEBO LOKULOBA:2005 (iyafumaneka ku www.mcm-deat.gov.za)**

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuloba i-squid ukhutshwe nguMphathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela iingcamango eziyakuthi zisetyenziwe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba i-squid . Uninzi lwezingcamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namanxweme ("iSebe") ngethuba bekunikezelwa amalungelo kwixesha elidlulileyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo Uxwebhu olusikhokhelo loLawulo loShishino ngokuloba i-Tuna Pole luza kugqityezelwa kunye nabo bonke abanini-malungelo phakathi kunyaka ka 2006. Olu xwebhu lusikhokhelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari.

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba i-Tuna njengoko kusekiwe kwicandelo lomthetho ka 79 weMarine Living Resources Act 18 ka 1998 ("the MLRA") kwi gosa eliphezulu leSebe. Eli xwebhu lomgaqo-nkqubo liza kukhokela lowo ugunyazisiweyo ekwenzeni izigqibo kwizicelo zabalobi.

2. Ibhiyoloji nentshukumo zobutyebi bendalo

Esona squid silotywa kakhulu yi-Chokka Squid (*Loligo vulgans reynandi*) esesona squid sixhaphakileyo kumanzi aselunxwemeni aseMzantsi Afrika.

Ichokka squid ifumaneka phakathi kweNamibia entshona nakwi Wild Coast eMpuma. Njengazo zonke ii-squid ziyayigqiba injikeleza yobomi bazo phakathi kwethuba leminyaka emibini. Ukukhula ngokokude ibesexabisweni lokuzala kuthatha ithuba lonyaka emva kokuqandusela. Obona bude ziisentimitha ezingama 46 (inkunzi) nama 28 sentimitha (imazi). Ichokka squid ibeka amaqanda ayo enyeleni lolwandle, amaxa amaninzi ngaselunxwemeni , kodwa ngamanye amaxesha kumanzi anzulu kwidonga lwe Agulhas. Olu beko

Iwamaqanda lwenzeka unyaka wonke kodwa luxhaphake kakhulu kwezanyaga zasehlotyeni. I-chokka squid iphila kukutya i-crustaceans kwakunye nentlanzi.

Ukuxhaphaka kwe-chokka squid akumanga ndaweninye ngamahla-ndenyuke. Lemeko yokungami ndaweninye ivakala ngakumbi kwi-squid ngenxa yobomi obufutshane ebuphilayo ethi ke ngoko kube nzima okokuba kuqisekwe okokuba ziyakwazi ukuqhubekeka unyaka lo.

Okwangoku, ukuxhaphaka kwe-chokka squid kukwiqondo eliphantse laphul' izikeyi, kodwa ulwazi lwangaphambili ludiza ukuba amaqondo azo angathi ehle kanobom.

3. Ubume belicandelo

Ichokka squid (ukususela ngoku esiza kuyibiza ngokuba si-"squid") ibikade isetyenziswa njengomnyiki ngabalobi iminyaka emininzi. Olu hlobo lwentlanzi lukwajongwa njengokubambisa okusecaleni ngabalobi abanininzi. Ebudeni beminyaka ye 1960 no 1970 i-squid ibisoloko ixhatshazwa kakhulu ziinqanawe zamanye amazwe. Ngeli xesha, i-squid besilotywa zizikhithshane ezisuka e-Far East. Olulobo lwabantu bangaphandle lwaye lwazanywa ukupheliswa phaya ekupheleni ko 1970 nasekuqalekeni ko 1980 emva kompoposho woMzantsi Afrika we-Exclusive Economic Zone (EEZ). Kodwa ke, i-squid nezinye iintlanzi ze-cephalopods, ziquka isininzi sohlobo lwe-squid ne-octopus, zaqhubekeka zilotywa ngabalobi boMzantsi Afrika. Ukulotywa kwe-chokka kuhla kunyuka phakathi kwama 200 ukuya kutsho kuma 600 eetoni minyaka le.

Isiqinisekiso esamkelekayo solobo lwe-chokka samiswa ngonyaka ka 1984. Olu hlobo lolobo belusetyenziswa ngezandla, into ke leyo eyenza umsebenzi wokuloba ubenzima kakhulu. Olu hlobo lokuloba lwafikelela kwelona nani liphezulu lokubambisa iintlanzi elimalunga neetoni ezili-12000 ngowe-2003/2004. Umyinge wokubamba iintlanzi ngo 1990 ubungama 6000 ukuya kwi 6500 zetoni gonyaka. I-squid siba ngumkhenkce elwandle, idla ngokuba ngamagaqa abubunzima obuziikilogram ezili 10. Idla ngokwathulwa kunxweme oluphakathi kwe-Plettenberg Bay ne-Port Alfred ize ithunyelwe e-Europe. Ngo 2002 ngexesha ixabiso namandla eRandi yase Mzantsi Afrika belikwiqondo elisezantsi kakhulu xa lithalekiswa namanye amaqondo emali, ixabiso le-squid, lenyuka laya kutsho ku R50 ikilogram. Ngo 2004 umyinge wexabiso le kilogram le-squid ibiyi R30.

Phakathi ko 1986 no 1988 kwamiselwa inkqubo yokukhupha iilayisenisi ukwenzela ukuqingqa inani leenqanawe ezilobayo. Ukuloba ngokwangoku kusalawulwa ngohlobo oluyi total applied effort ("TAE"). Intlaninge ye-squid yahlulwe ngokweenqanawe kwaye nenani labalobi kwinqanawe nganye liqingqiwe. Ukususela ngo 1988 ulobo beluvalwa kanye ngonyaka malunga neeveki ezine ngenjongo yokunqanda

"urhubuluzo". Ukwanda kobuchwepheshe bokwazi iinqanawe nendlela zokuloba kuye kwakhokelela kwisakhono sokuloba.

Ulobo lwechokka squid luzala amathuba emisebenzi kuluntu olumalunga nama 3000, luquka nabo bangekho lwandle (bamalunga nama-2400 abaya elwandle). Iintlanzi ezikhutshelwa emhlabeni ziba sisixa esingaphezu kwezigidi ezili R180 ngonyaka.

4. Inkqubo yokunikezelwa kwamalungelo okwexeshana

Ebudeni benkqubo yokunikezelwa kwamalungelo okwexeshana kwanikezelwa amalungelo ayi 128 kumashishini okuloba i-squid, ngoko ke enikwa ilungelo lokusebenzisa amaqela angaphezu kwama-2400 ukuba alobe i-squid kwimikhumbi eli 138. Ukwabiwa kubonakalisa oku:

- 33 pesenti yabanamalungelo ikakhulu ngabantu abamnyama;
- 61 pesenti yabasebenzi ngabantu abamnyama;
- Uninzi lwabanamalungelo ngamashishini amamcinci naphakathi;

Abalobi baye bahlulahlulwa bafakwa kwimikhumbi ezikhethwe ngabafaki-zicelo abaphumeleleyo. Inani labalobi kwinqanawe nganye lixhomekeka kubude benqanawe leyo.

5. Iinjongo eziqukayo kulefishari

Iinjongo zokunikezela ngamalungelo exesha elide okuloba kulefishari zezi:

- Ukunyusa ngokubonakalayo izinga lenguqu kulefishari ;
- Ukufaka oko kubizwa "ngamalungelo aqatha" kulefishari;
- Ukuxhobisa abafaki-zicelo abahlala okanye abashishina ngokusesikweni eMpuma Koloni;
- Ukukhuthaza utyalo-mali kwimikhumbi (ukuphucula okanye ukutshintsha iinqanawe ezigugayo) kunye neziseko zazo kwakunye nokuvula imisebenzi emininzi;
- Ukunika amalungelo abafaki-zicelo abaxhomekeke ngokuyintloko kwi-squid ukuze babe nengeniso;
- Ukuxhasa ushishino lokuloba ukuze luhlale lumile;
- Ukuqinisekisa ukugcinwa ngokwendalo ukuqhubekeka kwalefishari

6. Ixesha lamalungelo

Xa kuye kwajongisiwa –

- ubume benguqu kulefishari; kunye
- nokungazinzi okuthe xhaxhe kubuninzi besakhono,

amalungelo oshishino aya kunikezelwa kangangethuba leminyaka esibhozo (01 January 2006 ukuya ku 31 Disemba 2013). ISebe liza kubahlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola (**jonga uMhlathi 13 ngezantsi**).

7. Abanageneli abatsha

Noxa ulobo lwe-squid luthande ukugcwala kwaye kungekho thuba lokongeza abantu abafuna ukuloba, abafaki-zicelo abatsha baya kuqwalaselwa okanye kusenokukhethwa bona ngaphezu kwaba sebenamalungelo okuloba ukuba ukufakwa kwabo, phakathi kwezinye izinto, kuya kuncedisa ekwenzeni inguqu kulobo lwe-squid.

8. Indlela yokuvavanya

Izicelo zizakujongwa kusetyenziswa indlela yokuthintela ("exclusionary criteria"). Izicelo Izicelo zabasaqalayo nabo sebenelungelo lokushishina ziyakwahlulwa-hlulwa ngokwesiseko esikhokelela ekubeni "*kubekho ulingwano*". Amanqaku asikelweyo okanye inqanaba liya kuqwalaselwa ngenjongo yokukhetha izicelo eziphumelelayo. Inqanaba elithile le TAE liya kwabelwa umfaki sicelo ngamnye ngokungqamene nesixa se "*quantum criteria*".

8.1 Indlela yokuthintela

Ngaphandle kwale ndlela echazwe kuMgaqo-nkqubo Jikelele malunga nokufaka isicelo, nezo zinto zingalunga, igunya elithunyelweyo liya kuzirhoxisa ezo zicelo zithe zasilela kwezimfuno zilandelayo:

- (a) **Uhlobo lomfaki-sicelo:** Izicelo ezizakuqwalaselwa zesisuka kumaziko amiselwe ngomthetho wa-69 weClose Corporations ka 1984 (Close Corporations Act 69 of 1984) noMthetho wa-79 weNkampani ka 1973 Companies Act 61 of 1973. Abantu (umzekelo umntu ozimeleyo okanye oshishina yedwa) aluyi kunikwa amalungelo. Abantu abazimeleyo abasele benamalungelo bamele bafake izicelo besebenzisa i-close corporation okanye i-company kwaye baya kuthathwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.

- (b) **Ukuthobela:** Ukuba umfaki-sicelo, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-share-holder) ababambe iintambo bakhe bafunyaniswa benetyala lokwaphula ngokunzulu i-MLRA, imimiselo, imiqathango yamaphepha-mvume okanye olunye olwaphulo-mthetho olunokuthanani nezokuloba ebudeni bokuba nelungelo lokwexeshana, loo mfaki-sicelo akayi kulinikwa ilungelo lokuloba i-tuna pole. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu, abalawuli (ii-director okanye abafaki-mali (ii-shareholder) ababamb' iintambo bakhe bahluthwa okanye barhoxiselwa amalungelo okuloba ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izigqibo zisenokumiswa kwizicelo ezo xa umfaki-sicelo (okanye amalungu, ii-director okanye ii-shareholder ezinegunya) ephandwa mayela nokuphula imithetho ye-MLRA.

Abanikwe amalungelo kufuneka abahlawule irhafu yeentlanzi abazilobileyo. Abanamalungelo abangazichazi zonke iintlanzi abazilobileyo kuba bebaleka ukuhlawula ezi rhafu abazi kunikwa lungelo.

Abanamalungelo abangekazihlawuli iirhafu zabo baya kohlwaywa ngokwendlela yokuthelekisa andlalwe apha ngezantsi. Ukuba loomfaki-sicelo uyaphumelela ukufumana ilungelo, akayi kuyifumana imvume yokuloba de abe ubhetele ezo mali zingangenanga kwiSebe.

- (c) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga (njengoko kuchaziwe kumthetho Jikelele) bayakukhutshwa.
- (d) **Ukufikelela kumkhumbi ofanelekileyo:** Abafaki-zicelo kufuneka babonise ilungelo lokufikelela kumkhumbi ofanelekileyo. (jonga *umhlathi 9 ngezantsi*).
- (e) **Ukungasetyenziswa:** Igunya elithunyiweyo linokwala ukuphinda ukumnika ilungelo ukuba lowo ebenelungelo uye akaphumelela ukulisebenzisa ilungelo lwethuba lexeshana lorchwebo nge-squid phakathi konyaka ka 2002 no 2004.

8.2 *Inkqubo elinganayo yokuthelekisa*

Abafaki-sicelo abasele benamalungelo nabazakuba ngabangeneli abatsha baza kuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye. Ezi mfaneleko zichazwe ngezantsi zimele zifundwe kunye neemfaneleko ezihambisana nazo kuMgaqo Jikele ukuze ufumane iinkcukacha ezithe vetshe. Oku kusebenza ngakumbi kwimfaneleko "yenguqu".

a) **Inguqu**

Incwadi zokukhutshwa kwamalungelo okwexeshana zidiza ukuba olu hlobo lokuloba alukabi nalutshintsho xa luthlekiswa nezinye iintlobo zokuloba. Abafaka izicelo bazakuhlolwa kujongwe kwezi nkalo-

- Umlinganiselo (iipesenti) wabamnyama nabafazi angabanini bamshishini kunye nowokumelwa kwabamnyama nabafazi kwimivuzo ephezulu, kwibhodi yabalawuli (yee-director) noosomaqhuzu (senior official) nabakwizinga lokuphatha;
- Ingaba abasebenzi (ngaphandle kwabo bafumana imivuzo ephezulu) bayafumana kuhlelo lwezabelo lwabasebenzi;
- Ukuthenga kumashishini abamnyama ;
- Ukuthobela umthetho we Employment Equity Act 55 yowe 1998 nokumelwa kwabamnyama namabhinqa kumanqanaba awahlukeneyo engqesho. Igunya elithunyiweyo lisenokuqwalasela nomahluko kwimivuzo yabasebenzi abakweyona mivuzo iphezulu nephantsi;
- Ukuthobela nomthetho wokuphuculwa kobuchule kunye neemali echithwa ekuqeqesheni abamnyama nokuba nenxaxheba kwiinkqubo zokufundisa; kwakunye
- Notyalo-mali kwezasekuhlaleni

b) **Utyalo-mali kulefishari:**

Izicelo ziya kuhlolwa ngokuthi kujongwe imali etyaliweyo. Ngokuphathelele kwabobafaki-zicelo banamalungelo, igunya elithunyelweyo liya kujongisisa oku :

- Ukutyala imali kwimikhumbi efanelekileyo nezinye izinto ezisigxina. Ngokuphathelele kwimikhumbi ukutyala imali ngokuthi ube nezabelo kuyakuqwalaselwa. Abafaki-zicelo

abanelungelo abayi kuvuzwa ngokuthi nje baqoshelise izivumelwano zokuthenga umkhumbi.

- Ukutyala imali kumsebenzi nakubuceducedu bokuthengisa. Igunya elithunyelweyo lisenokumvuza ofake isicelo oye watyala imali ekusetyenzweni nasekuthengisweni kwe-squid

Ngokuphathelele abafaki bezicelo abatsha, igunya elithunyelweyo liya kujonga imali etyalwe kwamanye amacandelo okuloba ngokuphathelele kwimikhumbi nempahla esisigxina, ukuthengiswa nokusetyenzwa kwemicimbi.

c) Indlela yokusebenza

Izicelo zabanelungelo ziya kuhlolwa ngokuphonononga ukusebenza kwabo ngokuloba i-squid ngethuba lamalungelo xeshana (ukusuka ku 2002 ukuya 2004).

Izicelo zabangeneli abatsha ziyakuphononongwa ukuba ingaba banaso na isakhono, ulwazi nobuchule bokuthatha inxaxheba ekulobeni i-squid.

d) Ukuxhomekeka kwi-squid

Igunya elithunyelweyo liya kunikezela amanqaku aphucukileyo kubafaki-zicelo abangeniso yabo yaminyaka le ixhomekeke kanobom ekulobeni i-squid.

e) Uphuhliso loqoqosho lwasekuhlaleni :

Ukutyala imali kwiidolophu ezincinane eziselunxwemeni zaseMzantsi Afrika kumele kukhuthazwe. Igunya elithunyelweyo lisenokuvuza abafaki-zicelo abaye batyal' imali kwiidolophu eziselunxwemeni ngaphandle kwesixeko esikhulu saseBhayi naseKapa. Abo banamalungelo e-squid abatyale imali kwiindawo eziseKapa naseBhayi abayi kuphulukana namanqaku.

f) Imisebenzi

Ukwakha imisebenzi nokwandiswa kwemisebenzi ngenxa yokufumana amalungelo okwexeshana aya kuvuzwa, kwaye ingakumbi, abafaki-zicelo ababonelele abasebenzi babo ngoku kulandelayo-

- Umsebenzi osisigxina;
- Isibonelo sikaGqirha (medical aid) kunye nomhlala phantsi; kwakunye
- Nokusebenza phantsi kwemo ezikhuselekileyo.

g) Ukungahlawulwa kwerhafu yentlanzi

Abafaki-zicelo abanikwe amalungelo baya kohlwaywa ukuba iirhafu zabo eziya kwiSebe azihlawulwanga kangangethuba elingaphezu kweentsuku ezingama-60 ngexesha abafaka ngaso isicelo.

h) Ukuthobela

Ukuba umfaki-sicelo, amalungu okanye abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababambe iintambo, bakhe bafunyaniswa benetyala lokwaphula imithetho engephi ye-MLRA, imimiselo, imiqathango yemvume okanye eminye imithetho yokuloba, ngoxa besenelungelo lokwexeshana, okanye bahlawule intlawulo yokuvuma ityala yokwaphula i-MLRA, imimiselo yayo okanye imiqathango yemvume, loo mfaki-sicelo uya kohlwaywa.

8.3 Ukuxhotyiswa kwabalobi be-squid

ISebe liya kufuna ukuba onke amaqela abalobi afuna ukusebenza kwizikhitshane zokuloba i-squid abhalise kwi-Crew Register. Abo banamalungelo okuloba i-squid kuya kufuneka bakhethe amaqela abo kwabo babhaliswe kwi-Crew Register. ISebe liya kubhalisa kuphela abantu abakwi-crew register ukuba baye ngokuphumelelayo bafumana uqeqesho lokhuseleko lwe-SAMSA, babonise ukuxhomekeka okuthile ekulobeni i-squid kwakunye nembali yokubandakanyeka ekulobeni i-squid. Oku kubhalisa kwi-Crew Register akuthethi ukuthi lowo ubhalisileyo akasayi kukwazi ukusebenza kwezinye iifishari.

8.4 Ukwabiwa kwenzame

Emva kokufakan' imilomo nowonke wonke, kwanokufakan' imilomo nequmrhu lezoshishino lefishari, kuye kwagqitywa ukuba inzame (zokuloba) ikhutshwe ngokuvisisana nale migaqo ilandelayo ibanzi:

- (a) inani labantu abakwinqanawe yokuloba liya kupheleliselwa kwiqela labantu abamiselwe kuluhlu lwemikhumbi (bona okubhalwe ngezantsi);

- (b) inani lemikhumbi ezikolefishari azimele zibe ngaphezu kwenani elimiyo lemikhumbi ezisebenza ekulobeni i-squid, nani elo elili-138;
- (c) iinqanawe ezikhethwe ngumfaki-sicelo zifakwa kuluhlu lobude obuthile obuya kuthi bugqibe ngenani labantu abakhwela kumkhumbi ngamnye. Uluhlu nemilinganiselo iboniswe kolu ludwe lungezantsi (ubude bubhekisela kubude obubhalisiweyo ngokwe-SAMSA Safety Certificate eyenzelwe imikhumbi engaphezu kweetoni ezingama-25. Xa kukho ungquzulwano kubude, iSebe liya kunika loo mkhumbi ubude obufutshane.)

Qaphela: Ukuthetha “ngenani eliphezulu labantu emkhumbini ” akwenzi ofake isicelo abe nelungelo lokukhwelisa elona nani liphezulu labantu. .

Uhlobo lwenqanawe	Elona nani liphezulu labantu
Isikhitshane okanye iumkhumbi ongakhenciyo	abantu abasi-7
Umkhumbi ophela kwiimitha ezili-13	abantu abali-12
Umkhumbi esuka kwiimitha ezili-13 ukusa kwi-15	abantu abali-16
Umkhumbi osuka kwiimitha ezili-15 ukusa kwi-17	abantu abangama-20
Umkhumbi osuka kwiimitha ezili-17 ukusa kwi-19	abantu abangama-22
Umkhumbi eziimitha ezili-19	abantu abangama-26

- (d) ukuba onelungelo unikwe inani labantu elahlukileyo kwelo labantu abavumelekileyo kwelo likwisiqinisekiso se-SAMSA sokhuseleko somkhumbo lowoeyo, lowo unikwe ilungelo uya kunikwa iinyanga ezintathu ukususela kumhla anikwe ilungelo ngawo ukuze kutshintshwe eso siqinisekiso somkhumbi ukuqinisekisa ukuba inani labantu abavumeleke kuwo lilingana nenani labantu ababelwe wona;
- (e) ukuba abanikwe amalungelo banikwe ilungelo bababini okanye ngaphezulu kumkhumbi omnye, abathunywa abasemagunyeni baya kufuna ukuba abo banikwe ilungelo bavumelane ngesabelo sa maqela asebenza kuloo mkhumbi; kwaye

Ngaphambi kokuba kwenziwe isigqibo sokugqibela solwabiwo, abathunywa abasemagunyeni bamele badibane nabafaki-sicelo abaphumeleleyo ngokuphathelele ulwabiwo olo.

9. Imikhumbi efanelekileyo

Umkhumbi ofanelekileyo kulefishari:

- unobuncinane bobude obubhaliswe yi- SAMSA obuzimitha ezimalunga nesibhozo. Ezincinane ziya kuqwalaselwa ngokwentsebenzo yazo ekulobeni i-squid;
- onobuchule bokujonga umkhumbi obusebenzayo (vessel monitoring system);
- ngovisisana ne-HACCP; kwaye ngolungiselwe ukuloba i-squid kusetyenziswa uhlobo lokuloba oluyi-jigging

Ezo zithe zongezelelwa ngokungekho mthethweni ngumfaki-sicelo esenzela ukuba ithathe iqela elingakumba labantu ziyakunqunyanyiswa.

10. Ukubandakanyeka kumacandelo amaninzi

Abanamalungelo kwifishari ye-squid abazikuvalelwa ukuba bafumane amalungelo oshishino orhwebo lokuloba lweentlanzi akuLuhlu A (cluster A) nakuLuhlu B loshishino (cluster B). Abanamalungele e-squid , kuquka bafaki-mali (ii-shareholders) abambe intambo okanye amalungu (xa iyi-close corporation) namalungu amaqela abaphathi abaphezulu abayi kuvunyelwa ukuba babe namalungelo orhwebo lweentlanzi akuLuhlu C (cluster C) nakuLuhlu D (cluster D) , nasekulobeni iintlanzi eziqhelekileyo (Traditional Line Fish).

11. Intlawulo yokwenza isicelo ne rhafu

Imali yokwenza isicelo kulefishari iza kuqulunqwa kujongwe oku:

- Ixabiso lenkqubo yonke yolwabiwo lwamalungelo, kuquka ukucetyiswa, ukwamkelwa, uvavanyo lwezicelo, ukuqinisekiswa, izibheni nohlolo; kunye
- Nexabiso lentlanzi enikezelwayo ngelithuba lelungelo.

Irhafu yonyaka ehlawulwa ukusukela ngomhla woku-01 kuJanuwari 2006 iyakuqulunqwa emva kokubonisana nabo banamalungelo. Iirhafu ezihlawuliweyo ziya kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuthobela nokwenza uphando.

12. Imilinganiselo yokulawula

Le milinganiselo yokuphatha ichatshazelwe apha ngezantsi ibonisa imigaqo yeSebe yokulawula lefishari emva kokunikezela ngamalungelo okuloba.

12.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela 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- EAF kushishino lokuloba kwifishari ye-squid iyakuchazwa ngokuthe xhaxhe kwi-Squid Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kowo ka 2010 wokusetyenziswa kwe EAF kushishino lorchwebo ngokuloba.

12.2 Ukuhlanganiswa kwabathathi nxaxheba

Emva kokunikezela ngamalungelo orchwebo lokuloba iminyaka esibhozi kwi-tuna pole fishari, isebe lizakuncedisa ukuhlanganisa kwabo manamalungelo, basebanzayo kulefishari. Abanamalungelo kungenzeka bahlanganise amashishini abo kunye nabanye.

- Apho abanamalungelo banezabelo ezifanayo neofisi okanye iqumrhu elilawulayo, okanye;
- Apho abo banamalungelo amancinci bagqiba ekubeni bahlanganise amashishini abo ngenjongo yokuphucula imeko yenguqu kulefishari.

Ukuhlanganiswa kwabanamalungelo kuxhomekeke kwindlela iSebe elijonge ngayo iimonopoli (**khangela kumhlathi 12.4 ngezantsi**). Ukwaleka iSebe ngeze likuxhase ukuhlanganiswa kwala mashishini ukuba oko kuya kubangela ukuhla kwemo yenguqu kulefishari.

12.3 Imikhumbi nenzame zokuloba

Emva kwenqubo yokunikezela ngamalungelo exeshana kwavunyelwa imikhumbi eli-138 isebenze kulefishari.. Nangona ngoku imikhumbi ezama ukuloba yonele, ukuba i-TAE ingahlaziywa ze ihliswe, inani lemikhumbi kungafuneka lithotywe. iSebe liya kuqala lijolise ekuhlengahlengiseni umsebenzi

owenziwa ekulobeni ngokuthi, phakathi kwezinye izinto, lehlise ukusetyenziswa kwezibane livale iindawo ezithile zokuloba landise ixesha lokuvalwa kokuloba.

12.4 limonopoli

Nangona iSebe lizakukhuthaza ukuhlungana kwabo manamalungelo kulefishari, likuchasile ukuhlungana okuza kuba bubungangamsha obusebenzela ukusingela phantsi abo banamalungelo amancinci.

13. Imilinganiselo yokusebenza

ISebe lizofaka indlela ezininzi zokuvavanya ukusebenza ngelithuba lamalungelo orhwebo ngentlanzi. Kujongwe ukuba ithuba lokuqala lokuvavanya indlela yokusebenza libe semva konyaka omnye, ze emva koko libe rhoqo emva kweminyaka emithathu..

Nangona iSebe liza kuyiqukumbela indlela yokuvavanya emva kokubonisana nabanini malungelo, lendlela imbhanxa yokusebenza ilandelayo isenokusetyenziswa:

- Inguqu;
- Utyalo-mali kwimikhumbi nakwimpahla yokusebenza;
- Ubuchule ekulobeni i-squid;
- Ukuthobela imithetho ebhaliweyo.

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye zifanele eli shishini.

14. Inkqubo yokwakha umkhanyo

Inkqubo yabakhi-mkhanyo besebe izakwandiswa ukuze lifake abakhi-mkhanyo bokuthotyelwa komthetho. Ukongeza, iSebe lizoqhubekeka lisongeza abakhi-mkhanyo kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo.

15. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokuba kukhe kwafakwan' imilomo nabasele benamalungelo kulefishari kwaye iza kumana ihlolisiswa xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZOKUPHATHWA NOKUGCINWA KOLWANDLE NOGU LWALO**

**INQUBO YOKUNIKEZA NOKUPHATHAAMALUNGELO OKUDOBA
NGOHWEBO EMSEBENZINI WOKUBAMBA IZINGWANE: 2005**

**LE NQUBO EYISIPHAKAMISO ESISALUNGISWA KUMELE IFUNDWE
NENGQUBO EJWAYELEKILE EYISIPHAKAMISO MAYELANA NOKUNIKEZA
NOKUPHATHA AMALUNGELO OKUDOBA KOHWEBO ISIKHATHI ESIDE:
2005 (available at www.mcm-deat.gov.za)**

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1. Isingeniso

Lena yinqubo eyisiphakamiso esisalungiswa ngokunikeza nokuphatha amalungelo okudoba kohwebo emsebenzini wokubamba izingwane (squid) futhi enikezwe nguNgqongoshe Wezemvelo Nezokuvakasha ("uNgqongoshe"). Le nqubo kumele ifundwe neNqubo Ejwayelekile Eyisiphakamiso ekunikezeni nokuPhatha Amalungelo Okudoba Ngokuhwebo: 2005 ("the General Policy"). Abantu abathandayo nabathintekayo bangathula umbono obhaliweyo eMnyangweni ngomhlaka 4 ku-April 2005. Imibono iyokwethulwa kanje.

Inhloso yalenyqubo ukuhlela imicabango eyosetshenziswa ekunikezeni isikhathi eside samalungelo okudoba izingwane (squid) ngokuhwebo. Iningi lale micabango ayiyintsha. Yasetshenziswa nguNgqongoshe nezikhulu eziphathisiwe zoMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphatha Kogu (uMnyango) uma unikeza amalungelo ngokudlule futhi ngezinga elithile le nqubo ibhala lemi bono.

Amalungelo adlule athile ezinqubo zokunika ukuphatha ethulwe futhi yile nqubo eyisiphakamiso. Incwadi Yokuphatha Umsebenzi Wokubamba izingwane (squid) iyoqedelwa nabobonke abafanele abakulolu hlelo phakathi kuka 2006. Le ncwadi iyophawula ngokugcwele indlela yokuphatha nezinqubo zomsebenzi wokudoba.

UNgqongqoshwe ufisa ukunikeza isigaba 18 amandla ukwaba amalungelo okudoba izingwane ngokuhambisana nesigaba 79 womThetho 18 ka 1998 Wezemvelo Eziphila Olwandle (Marine Living Resources Act 18 of 1998) ("the MLRA") ezokhulwini eziphezulu zoMnyango. Izincwadi zenqubo ziyiqondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba.

2. Ulwazi uluphatha impilo nesiphethu samandla

Umsebenzi wokubamba/ukudoba izingwane (squid) uqonda uhlobo okuthiwa i chokka squid (*Loligo vulgaris reynaudii*), izingwane eziningi kakhulu ogwini lolwandle lwaseNingizimu ye-Afrika.

I Chokka squid itholakala phakathi kweNamibia entshonalanga neWild Coast empumalanga. Njengawo wonke ama-squid, aqeda yonke impilo yawo yokukhula eminyakeni emibili. Ukugcwala kokukhula kobulili kuphelela ngomnyaka muncyane ichanyuselwe. Ubude obugcwele ngu 46 amasentimitha (isilisa) bese kuba ngu 28 amasentimitha (isifazane). Ama-Chokka squid azalela inqwaba yamaqanda phakathi phansi kolwandle. Kuvamise ngaphakathi kosebe, kepha kwesinye isikhathi emanzini ajulile oSebeni lweAgulhas. Ukuzalela

amaqanda kwenzeka umnyaka wonke, kepha kwande kakhulu ngezinyanga zasehlobo. Ama-Chokka squid aphila ngokudla izinkalankala nezinhlanzi.

Ubuningi be-Chokka squid kuyashintshashintsha kakhulu. Imiphumela yokuguquguquka ekudleni ezinye izilwane nokuthi adliwe ezinye nendawo yemvelo ahlala kuyo yenza abesengcupheni yempilo emfushane yawo ngomnyaka.

Okwamanje, ubuningi be chokka squid kusemazingeni aphantsi, kepha ke ulwazi lubonisa ukuthi izinga lokuncipha kwawo kungalindeleka.

3. Uhlelo lokubamba izinhlanzi

I Chokka squid (ebuye ibizwe ngokuthi "ingwane") ibisetshenziswa njengebheyithi yokubamba izinhlanzi ngabadolobi abaphatha izindobo iminyaka eminingi. Uhlobo nalo lukhona njengobanjwa emsebenzini wokudoba ngamanethi (demersal trawl fisheries). Eminyakeni yo 1960 nabo 1970 isizinda sika-squid sasihlaselwa imikhumbi yabezizwe. Ngalesi sikhathi, ama-squid ayabanjwa ikakhulu abadobi ngamanethi besuka e Far East. Ukwenza kwabezizwe kwapheliswa kamuva eminyakeni yo 1970 nasekuqaleni kwabo 1980 kulandela ukuphawulwa yi South Afrika i Exclusive Economic Zone ("EEZ"). Nokho, amasquid nama cephalopods kulangene isibalo sezinhlobo zama-squid nama-octopus, aqhubeka ukuthathwa abadobi ngamanethi. Ama-chokka ngokubanjwa kwi-demersal fishery ayashintshashintsha phakathikuka 200 amathani no 600 amathani ngomnyaka.

Umsebenzi owenziwa ngokuthembeka ukudotshwa kwama-chokka ngokujikijelwa waqalwa ngo 1984. Okujikijelwayo kwenziwa ngezindobo zezandla kwenze ikakhulu umsebenzi onzima wokudoba. Lokhu kudoba ngokujikijelwa kwabamba izinhlanzi eziningi kakhulu ngo-2003/2004 ezilinganiselwa kumathani angu-12000. Ngo-1989 umsebenzi wokudoba ngokujikijela warejista inani eliphamele elalilibamba u 9 800 amathani. Inani elilingene elabanjwa lafinyelela phakathi kuka 6 000 no 6 500 amathani ngonyaka. I-squid ibandiswa olwandle, kuvamise u 10 kilogram ama-blokhi. Kuvamise ukwehliswa ezikhumulweni zemikhumbi phakathi kwasePlattenberg Bay ne Port Alfred futhi kuthunyelwe konke e Europe. Ngo 2002 iRand lase South Afrika laliphansi kakhulu kunezinye izinhlobo zezimali ezinkulu, intengo ye squid yenyuka cishe yaba ngu R50 ikilogram. Intengo elingene ye squid ngo 2004 yayingu R30 ikilogram.

Phakathi kuka 1986 no 1988 indlela yamalaysense yaqalwa kwenzelwa ukuncishiswa inani lemikhumbi elalisebenza ukudoba. Ukudoba okwamanje kuqhutshwa ngokuhambisana ne total applied effort ("TAE")-umzamo osetshenziswa wonke. Izikebhe zama-squid zihlukaniswe ngezigaba zezinqola futhi ubuningi

bezisebenzi ezingqoleni ngahlobo lunye bunquniwe. Kusukela ngo 1988 ukudoba bekuvalwa kanye ngomnyaka amasonto amane kwenzela ukuzama ukuvika imiphumela "yomzamo wokungena isinyenyela". Ukwanda kokusebenza kwezikebhe nolwazi lokubamba kuthuthaze ubuchwepheshe ekudobeni.

Umsebenzi wokudoba ama-chokka squid kudala ithuba lomsebenzi cishe u 3 000 abantu, kuhlangele nabasebenzi abazinze emhlabathini (babalelwa ku-2 400 abaya olwandle).

4. Indlela yokunikeza amalungelo esikhathi esilingene

Ngesikhathi kuunikezwa amalungelo esikhathi esilingene, angu 128 awamabhizinisi okudoba ama-squid, ngakhoke, kwagunyazwa ngaphezu kuka 2 400 abasebenzi badobe ama-squid ezikebheni ezingu 138. Amarekhodi okwaba akhombisa ukuthi:

- u 33 phesenti wabanamalungelo ngabansundu abanawo;
- u 61 phesenti wabasebenzi ngabansundu
- cishe bonke abanamalungelo ngabanamabhizinisi amancane nalingene ("SMEs").

Abasebenzi ba babelwa ezikebheni ezakhethwa ngabantu abaphumelela ngezicelo zabo. Inani labasebenzi abahlukaniselwe ngasinye isikebhe kwakuhambisana nobude bezikebhe.

5. Izinhloso zokuzuma okudlulele ukubamba izinhlanzi

Izinhloso zokuzuma okudlulele ekunikezeni amalungelo okudoba isikhathi eside kulokhu ukudoba zinj:-

- Kuthuthukisa kabanzi uhlelo lwenguquko ngomsebenzi wokudoba;
- Ukuhlenganisa okuthiwa "amalungelo anquniwe" emsebenzini wokudoba;
- Ukuqiniseka abenzi bezicelo abahlala phakathi, noma indawo yebhizinisi labo elirejistiwe, yi Eastern Cape;
- Ukukhuthaza okunye ukugcina amafa ezikebheni, (ukusebenzisa ezesimanje noma ukushintsha esezindala) nangokufaka izingqalasizinda nokwandisa amathuba emisebenzi;
- Ukunikeza amalungelo kubaceli abathembela kakhulu kuma-squid ngeholo labo;
- Ukuqiniseka ukabakhona njalo endaweni umsebenzi wokudoba.

6. Ithuba lamalungelo

Ukubheka-

- uhlelo lwenguquko yomsebenzi wokudoba; futhi
- ukushintshashintsha okunzulu kobuningi kwezinto

amalungelo ohwebo ayoba isikhathi esiyiminyaka eyisishiyagalombili (01 January 2006 kuya ku 31 December 2013). UMnyango uyobahlolanjalo abanikazi bamalungelo ngamazinga okusebenza okuvunyelwene ngawo (**bona IsiGaba 13 ngezansi**).

7. Abangenayo abasha

Nanxa umsebenzi wokudoba ama-squid okwamanje wenziwa ngezinga eliphezulu futhi asikho isikhala sabanye futhi abangawenza; abenza izicelo zokungena abasha bayocatshangwa kwabo kuyosiza ekwenzeni inguquko emsebenzini wokudoba ama-squid.

8. Amazinga ezincomo

Izicelo ziyocwaningwa ngokuhambisana nohlelo "lwamazinga okuhlukanisa". Abantu bezicelo abangenayo abasha nabenza izicelo abanamalungelo bayobesebehlolwa ngokuhlukanisana nohlelo lwesisindo "samazinga okulinganisa ukuqhathanisa". Umvuzo wesibalo esihlukanisayo (a cut-off score) noma isikhundla siyotholakalake ukuze kukhethwe abenze izicelo baphumelela. Inani le TAE liyobeselinikezwa ngamunye umuntu owenze izicelo waphumelela ngokuhambisana nohlelo "lwamazinga obuningi" ("quantum criteria").

8.1 Amazinga okuhlukanisa

Ngaphandle kwamazinga achazwe Enqubeni Ejwayelekile (General Policy) mayelana nokufaka izicelo nokukhubazeka kwezinto, isikhulu esiphathisiwe siyosusa abantu abenze izicelo bahluleka ukuhlangabezana nezidingo ezilandelayo:

- (a) **Uhlobo lwabantu abavumeleke ukufaka izicelo:** Izimvume zokudobela ukudayisa ziyonikezwa kuphela labo abakhona ngaphansi kohlelo lomthetho obizwa ngokuthi yi-Close Coporation Act 69 of 1984 kanye ne-Companies Act 71 of 1973. Abantu ngabanye (okungukuthi abantu abazimele noma osomabhizinisi abancane) ngeke banikezwe amalungelo. Labo abanamalungelo manje kumelwe bafake izicelo beyi-close corporation

noma beyinkampani futhi bayothathwa njengabafake izicelo zamalungelo esikhathi esijana uma bevumelana neziqondiso ezibekwe eNqubweni Ejwayelekile.

- (b) **Ukuhambisana nohlelo:** Uma inkampani efake isicelo, noma amalungu ayo, abaphathi noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana, ngeke banikwe izimvume zokudoba ama-squid. Lokhu akuhlanganisi ukukhokha inhlawulo yokuvuma icala. Futhi ofake isicelo ngeke anikwe amalungelo uma inkampani, noma amalungu ayo, abaphathi noma abanamasheya abalawulayo beye baphucwa ilungelo lokudoba ngokwe-MLRA, noma kwathathwa izinto ngaphansi koMthetho Wokuvimbela Ubugebengu Obhleliwe No 121 of 1998 noma kwe-MLRA.

Izinqumo zingase zigodlwe ezicelweni uma inkampani efake isicelo (noma amalungu ayo, abaphathi noma abanamasheya abalawulayo) isaphenywa ngokwephula i-MLRA.

Abanamalungelo kudingeka bakhokhe imali yezindawo abafuna ukudoba kuzo. Abanikazi bamalungelo ababike izinhlanzi ezimbalwa kwabazibambayo ukuze babalekele ukukhokha bayoshiywa ngaphandle. Abanikazi bamalungelo abangakakhokhi bayojeziswa ngenqubo yokulinganisa eboniswe ngezansi. Nokho, uma lowo ofake isicelo kufanele athole ilungelo, ngeke ikhishwe incwadi yemvume yokudoba kuze kube yilapho esekhokhe izimali ezisele eMnyangweni.

- (c) **Paper quotas:** Ama-paper quotas njengoba echazwe eNqubeni Ejwayelekile ayoyekwa.
- (d) **Ukungena esikebheni esifanele:** Abenzi bezicelo kuyomele bakhombise ilungelo lokungena esikebheni esifanele (*bona isigaba 9 ngezansi*)
- (e) **Ukungasebenziseki kwezimvume:** Isikhulu esiphathisiwe singase senqaba ukubuye sikhuphe ilungelo uma abafake isicelo bahluleka ukusebenzisa amalungelo abo okudoba ama-squid ngohwebo lwesikhathi esilingene phakathi kuka 2002 no 2004 ngeke baphinde banikezwe ilungelo lokudoba ama-squid.

8.2 Amazinga okulinganisa ngokuqhathanisa

Abafake izicelo zamalungelo kanye nabasha abangase bangene bayohlolwa ngale nqubo elandelayo, okuyohlolwa ngayo isisindo sesicelo ngasinye. Le nqubo ebhalwe ngezansi kufanele ifundwe nenqubo ehambisana nayo eNqubweni Ejwayelekile ukuze kutholakale olunye ulwazi. Lokhu kusebenza kakhulu kweyezinguquko.

(a) Inguquko

Irekhodi lamalungelo okudoba esikhathi esilingeni libonisa ukuthi le mboni yokudoba izinhlanzi iguquke kancane uma iqhathaniswa nezinye. Abafake izicelo bayohlolwa kulokhu-

- Amaphesenti abantu abamnyama kanye nabesifazane angabanikazi bezinkampani kanye nabamnyama nabesifazane abahola kakhulu, abangabaqondisi nabayizikhulu;
- Ukuthi abaqashwa (ngaphandle kwalabo abahola kakhulu) bayazuza yini ohlelweni lwamasheya;
- Ukunikwa kwamathuba kwalabo ababecindezelekile ngokomlando;
- Ukuvumelana ne- Employment Equity Act 55 of 1998 nokuba khona kwabamnyama nabesifazane emazingeni ahlukahlukene okusebenza. Isikhulu esiphathisiwe singase sibheke umehluko phakathi kwamaholo alabo abahola kakhulu nabahola kancane; Ukuhambisana nomthetho ekuthuthukiseni amakhona ezisebenzi nesikhathi esisetshenziswa kuqeqeshwa abansundu nokuhlanganyela ezinhlelweni zokufunda;
- Ukutshala imali emphakathini.

(b) Ukugcina amafa ekudobeni

Mayelana nabenzi bezicelo abanamalungelo, isikhulu esiphathisiwe ngokusemqoka siyocabanga:

- Amafa ezikebheni ezifanele neminye imishini. Mayelana nezikebhe, amafa ngohlelo lwamasheya ayocatshangwa. Abafaka izicelo zamalungelo ngeke bathole imivuzo ngokuthi baye benza izivumelwano zokuthenga ezinemibandela;
- Amafa ekwenziweni nezakhiwo zentuthuko ekuthengiseni. Mayelana nalokhu, isikhulu esiphathisiwe singase siklomelise onelungelo oye watshala imali ekulungiselelweni kwama-squid ukuthengisa.

- Mayelana nabenzi bezicelo abaqalayo, isikhulu esiphathisiwe siyocabanga ukuthi yimaphi amafa enziwe ngendlela yezikebhe, ukwenza nesakhiwo sentuthuko yokuthengisa okungezezelayo,

(c) Ukwenza/Ukusebenza

Abenzi bezicelo abanamalungelo bayohlolwa ngokuba nolwazi lokwenza/lokuqhuba ukudoba kwabo ama-squid ngethuba lenkathi elingene (2002 kuya ku 2004).

Bonke abenzi bezicelo abaqalayo kuyodingeka babonise ukuthi banalo ikhono, ulwazi namandla okuhlanganyela ekudobeni ama-squid.

(d) Ukuthembela kuma-squid

Isikhulu esiphathisiwe siyokhetha abenzi bezicelo abathembela ekudobeni ama-squid ukuze bathole ingxenye enkulu yemali engena ngonyaka.

(d) Ukuthuthuka komnotho wendawo

Kufanele kuthuthukiswe ukutshala imali emadolobheni aseNingizimu Afrika amancane angasogwini. Isikhulu esikhethiwe singase siklomelise labo abaye batshala imali emadolobhaneni amancane angaphandle kwamadolobha amakhulu anjenge-Port Elizabeth neKapa. Labo abanamalungelo okudoba i-squid abaye batshala imali ezindaweni eziseKapa nasePort Elizabeth ngeke babekwe icala.

(f) Imisebenzi

Ukuvulwa kwamathuba emisebenzi nokwandisa imisebenzi ngenxa yokukhishwa kwamalungelo okudoba esikhathi esilingene kuyovuzwa futhi ikakhulu labo abaye banika izisebenzi zabo lokhu:-

- Ukuqasha okugcwele
- Usizo Lokwelashwa nempesheni; futhi
- Izimo zokusebenza eziphephile.

(g) Ukungakhokhi intela yokudoba izinhlanzi

Abanikazi bamalungelo bayohlawuliswa uma bekhokha eMnyangweni sekudlule izinsuku ezingu-60 kusukela bafaka izicelo.

(h) Ukuvumelana

Uma inkampani efake isicelo, amalungu ayo noma abaphathi bayo noma abanamasheya abalawulayo beye baboshelwa ukwephula umthetho we-MLRA, izimo zemvume noma amanye amacala amayelana nokudoba ngesikhathi benelungelo lokudoba isikhathi esijana, noma bakhokho inhlawulo yokuvuma icala ngokuphambana nemithetho ye-MLRA, noma izimo zemvume, leyo nkampani iyohlawuliswa.

8.3 Ukunikezwa amandla abadobi bezingwane (*squid*)

Umnyango uyodinga bonke abadobi abafisa ukusebenza ezikebheni zezingwane (*squid*) babhalise eBhukwini Lezisebenzi. Labo abanamalungelo okudoba izingwane bayodingeka bakhethe amalungu abasebenzi babo kulabo ababhalwe eBhukwini Labasebenzi. UMnyango uyobhalisa abantu abasebhukwini labasebenzi kuphela uma beye baqeqeshelwa ukuphepha ngaphansi kwe-SAMSA, babonisa ukuthi bathembele ekudobeni izingwane futhi benomlando wokuthi baye bazidoba.

Abasebenzi bayobhaliswa mahhala futhi ukubhaliswa kuyoqala engxenyeni yokugcina ka-2005. Labo ababhalisile bangadoba kuphela ezikebheni ezigunyaziwe ukubamba izingwane.

8.4 Ukwaba Imizamo

Ngemva kwenqubo yokuxoxisana nomphakathi kanye nokuxoxisana nendikimba ebhalisiwe yezindawo zokudoba, kwanqunywa ukuthi imizamo izokwabiwa ngokwalezi zimiso ezibanzi:

- (a) inani labantu abasesikebheni esidobayo ngeke lidlule ku- inani lezisebenzi esikebheni ngasinye (bheka ngezansi);
- (b) inani lezikebhe ezisebenza embonini akufanele lidlule inani lamanje lezikebhe ezidoba izingwane, elingu- 138;

- (c) izikebhe ezikhethwe ofaka isicelo zifakwa esigabeni sobude kuye ngokuthi bangaki abagibeli esikebheni ngasinye. Izigaba nobukhulu kuhleliwe ngezansi elichaza inani labantu esikebheni ngasinye. Izigaba kanye nenani lokugcina kubhalwe etafuleni elingezansi (ubude bubhekisela ebudeni obubhalisiwe ngokweSitifiketi Sokuphepha Se-SAMSA sezikebhe ezingaphezu kwamathani angu-25 ubude obubhalisiwe esitifiketini semvume sesikebhe esinamathani anguphansi kuka-25. Lapho kuba nesixakaxaka ngobude, uMnyango uyonika lesi sikebhe isilinganiso sobude esifushane.)

Phawula: Ukuthi "inani lokugcina labantu abangangena esikebheni ngasinye" alisho ukuthi ofake isicelo waphumelela kumelwe agibele abantu abangako.

<i>Izigaba sesikebhe</i>	<i>Inani lokugcina labantu abangangena esikebheni ngasinye</i>
I-Ski boat noma isikebhe esingabi neqhwa	Abantu abangu-7
Izikebhe ezifika emamitheni angu-13	Abantu abangu-12
Izikebhe ezisuka emamitheni angu-13 kuya kwangu-15	Abantu abangu-16
Izikebhe ezisuka emamitheni angu-15 kuya kwangu-17	Abantu abangu-20
Izikebhe ezisuka emamitheni angu-17 kuya kwangu-19	Abantu abangu-22
Izikebhe ezingamamtiha angaphezu kuka-19	Abantu abangu-26

- (d) uma umnikazi welungelo enikwa inani labantu elihlukile kunalelo elivunyelwe kuleso sikebhe ngokwesitifikethi sokuphepha se-SAMSA, umnikazi welungelo uyonikwa izinyanga ezintathu kusukela kwakhishwa imvume ukuthi abe nesitifikethi sokuphepha saleso sikebhe esishintshiwe ukuze aqiniseke ukuthi inani lokugcina labantu abangangena esikebheni liyalingana nalelo elabelwe sona;
- (e) uma abanikazi bamalungelo ababili noma ngaphezulu benikezwa amalungelo ngesikebhe esifanayo, isikhulu esiphathisiwe siyodinga ukuba labo banikazi bamalungelo bavumelane ngokuba izisebenzi zabelwe ngokulinganayo kuleso sikebhe; futhi

Ngaphambi kokuba kwenziwe isinqumo sokugcina emzamweni wokwaba, isikhulu esiphathisiwe kufanele sixhumane nalabo abazicelo zabo ziphumelele emzamweni wokwaba.

9. Izikebhe ezifanele/ezikahle

Isikebhe esifanele emsebenzini wokudoba yisikebhe esi-

- Nobude obunquniwe be SAMSA encane obubhalisiwe obucishe bubengamamitha ayisishiyagalombili. Izikebhe ezincanyana zingacatshangelwa ngezinga lazo lokusebenza ekudobeni ama-squid;
- Nendlela yokuqaphela kwesikebhe ukusebenza;
- Siyavumelana ne-HACCP; futhi
- Sifakwe izinto zokudoba ama-squid zisebenzisa indlela yokujikijela.

Izikebhe ziyohoxiswa uma ubude bandiswe ngendlela okungeyona ngumnini welungelo ngokuzama ukwandisa inani labasebenzi.

10. Ukuhileleka Kwezikhungo Ezihlukene Embonini Yokudoba

Abanini bamalungelo omsebenzi wokudoba ngeke bashiye ngaphandle ekunikezweni amalungelo okudoba ngohwebo ku Cluster A no Cluster B ukudoba. Abanini bamalungelo ama-squid, kuhlenganise nabanamasheya abalawulayo noma amalungu (uma kungama-close corporation) kanye namalungu eqembu eliphethe, ngeke bavunyelwe ukuphatha amalungelo okudoba kohwebo ku Cluster C no Cluster D, noma ukudoba izinhlanzi ezivamile.

11. Imali nezintela zezicelo

Imali yesicelo somsebenzi wokudoba ama-squid iyohlelwa ngokubheka lokhu:

- Izindleko zokwenziwa ukunikeza amalungelo onke, kuhlangene ukubonisana, ukwenza amarisidi, ukuncoma izicelo, ukuqinisa, izikhalo ezidluliswayo nokubuyekeza;
- Inani lenhlanzi elinikezwa ngenkathi yelungelo.

Izintela zomnyaka ezikhokhwa kusukela ngo 01 January 2006 ziyobuyekwezwa, emva kokubonisana namaqembu athintekayo. Lezi zimali ezikhokhwayo ziyosetshenziswa umnyango ukuze unciphise izindleko zaminyaka yonke zokuphatha, ukuhambisana nohlelo nocwaningo.

12. Izigaba zokuphatha

Izigaba zokuphatha okubhungwe ngazo ngezansi zibonisa inani lezinhloso zokuphatha ukunikeza ilungelo lesikhundla esimqoka soMnyango ngomsebenzi wokudoba.

12.1 Indlela yokucatshangelwa kwezemvelo ngokuphathwa kwezezinhlanzi

Lo msebenzi wokudoba uyophathwa ngokuhambisana nendlela yokucatshangelwa kwezemvelo ngokuphathwa kwezezinhlanzi ngokudoba ("EAF"). Indlela yokucatshangelwa kwezemvelo ngokuphathwa kwezezinhlanzi ngokudoba iyinqubo ebumbene nehlange enaka ukuthi ukudoba nemisebenzi eyenzelwa emhlabathini ehambisana nayo inomthelela ngokubanzi endaweni yasolwandle. Le ngxenye yenquboyomsebenzi wokudoba ama-squid ayizami ukwenza isitatimende senqubo nge EAF ekudobeni ama-squid. I EAF ekudobeni ama-squid iyocaciswa kabanzi Encwadini Yokuphatha Ukudotshwa Kwama-squid. INingizimu Afrika (South Africa) ihlezi izimisele ngosuku olungu 2010 ukusebenzisa i EAF emsebenzini wokudoba ngohwebo.

12.2 Ukuhlanganiswa nababambise ngomsebenzi

Emva kokunikeza amalungelo okudoba ngohwebo iminyaka eyisishiyagalombili kuloku kudoba, uMnyango uyokhuthaza ukuhlanganisa ndawonye inani labanini bamalungelo abakhuthele ekudobeni, ikakhulu lapho;

- Abanini bamalungelo basebenzisana nabaninimasheya abafanayo; amahhovisi noma ithimu yabaphathimsebenzi; noma
- Abanini bamalungelo abancanyana bakhetha ukuhlanganisa ukusebenza kwamabhezini abo ukuze bandise ngaphezulu uhlelo lwenguquko kulo msebenzi wokudoba.

Ukuhlanganisa abanini bamalungelo kuyinto, nokho, ebhekene nendlela yoMnyango mayelana nokuzigombela kwesakho (monopolies) (*bona isigaba 12.4 ngenzansi*). Ngokungezezelayo,

ukuhlangana ngeke kusukelwe nguMnyango uma kungase kunciphise uhlelo lwenguquko emsebenzini wokudoba.

12.3 Izikebhe nomzamo wokudoba

Ngemva kokunikezwa kwamalungelo esikhathi esijana, zingu-138 izikebhe ezavunyelwa ukuba zisebenze kulo msebenzi wokudoba. Noma ngabe amazinga emizamo yezikebhe okwamanje iphakeme, uma I TAE ibuyekwezwa ngokunciphisa, inani lezikebhe lingase lincishiswe. UMnyango, nokho, uyoqale uzame ukunciphisa umzamo walo msebenzi wokudoba ngokuthi, kwezinye izinto, unciphise ukusetshenziswa kwezibani, kuvalwe izindawo mayelana nokudoba bese kwandiswa/kululwa isizini evaliwe.

12.4 Ukuzibambela umsebenzi

Phezu kokuthi uMnyango uyokhuthaza ukuhlanganisa kwabanini bamalungelo kulo msebenzi wokudoba, uMnyango awuhambisani nokuzibambela umsebenzi ongenza ukuthi abanini bamalungelo abancanyana basebenze ngokukhinyabezeka.

13. Ukulinganisa ukusebenza

UMnyango uyokwenza inani lokufundisa ukulinganisa ukusebenza ngendlela ngethuba lesikhathi samalungelo okudoba ngohwebo. Kucatshangwa ukuthi ukufundisa ukulinganisa ukusebenza kokuqala kuyokwenziwa emva komnyaka, bese kuthi emva kwalokho kanye eminyakeni emithathu.

Nanxa uMnyango uyoqedela ukwenza izimo zokunquma eziqondile okuyolinganiswa ngazo abanini bamalungelo emva kokunikeza amalungelo okudoba ngohwebo, futhi emva kokubonisana nabanini bamalungelo, ezilandelayo eziqumo zokulinganisa ukusebenza okuhlobene okubanzi zingasetshenziswa:

- inguquko
- amafa ngezikebhe nezimpahla
- ukwenza kokubamba ama-squid
- ukuvumelana nemithetho nemitheshwana esetshenziswayo.

Inhloso yokukala izinga eliyilo iyoba ukuqinisekisa ukuthi imigomo yendawo yokudoba iyafinyelelwa nokuthi izindlela nezinqubo zokuphatha zihlala ziyilungele indawo yokudoba.

14. Umholi wohlelo

Uhlelo lomhloli woMnyango lwamanje luyokwandiswa kuhlangele ukuhlola okuvumelekayo. Ngokungezezelayo, uMnyango uyokwandisa ngokuqhubekayo indima yomhloli yalokhu ukudoba. Abanini bamalungelo bayodingeka ukukhokha izindleko zohlelo lomhloli.

15. Izimo zemvume

Izimo zemvume zalokhu ukudoba ziyokhishwa kanye ngomnyaka. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume kule ndawo yokudoba futhi ziyobukezwa uma kudingeka.



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

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

**THIS POLICY MUST BE READ WITH THE 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 commercial fishing rights in the tuna pole fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial tuna pole fishing rights. Many of these considerations are not new. They have been applied by the Minister and the delegated authorities of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A Tuna Pole 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 intends to delegate the section 18 power to allocate tuna pole rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

Albacore (*Thunnus alalunga*) is predominantly a temperate water tuna. It is a pelagic species and, juvenile albacore of less than 90 centimetres in length typically form large schools near the surface of the water. Adult albacore occur much lower down in the water column and do not form large schools. Therefore, they are unavailable to the surface gear used by the poling fleet. In the Atlantic Ocean there are two stocks of albacore; the northern stock is separated from the southern stock at approximately 5°N. Albacore spawn in the western Atlantic in both hemispheres.

Albacore have a wide geographic distribution, occurring in all the major ocean basins. The South African poling fleet only operates along the west coast of South Africa, targeting the southern Atlantic albacore stock. Stocks of Indian Ocean albacore, which occur along the east coast of South Africa, are considerably less abundant. Large

quantities of southern albacore are also caught off the coasts of Namibia, Brazil and Argentina. Albacore are only caught in South African waters between October and June and therefore the tuna pole fishery is seasonal. The availability of the resource to the fishery is further determined by environmental conditions, which in some years concentrate fish and bring them closer to shore.

Due to its occurrence on the high seas, albacore is caught by many nations. The management of this species is the responsibility of regional fisheries management organisations ("RFMOs"), such as the International Commission for the Conservation of Atlantic Tunas ("ICCAT") and the Indian Ocean Tuna Commission ("IOTC"). The management of the stocks by the RFMOs are effected through stock assessments, the setting of Total Allowable Catches ("TACs"), the allocation of country quotas and the development of compliance and control measures.

3. Profile of the Fishery

The tuna pole fishery uses surface gear to target schooling juvenile albacore in the southeast Atlantic, largely for export to canning markets. Other tuna species that are landed include yellowfin and bigeye tuna, but these species make up less than five percent of the annual catch. However, some right-holders have started targeting these tunas for sale on the sashimi markets in Europe, the United Kingdom, the United States of America and Japan.

Southern Atlantic albacore has been commercially fished since the 1950's. Total landings had fluctuated around 24 000 tons between 1965 and 1985. Thereafter landings increased to approximately 30 000 tons.

The fishing nations that target albacore in the South Atlantic are Chinese Taipei (averaging 16 800 tons between 1998 and 2002), South Africa (6 200 tons), Brazil (4 000 tons) and Namibia (2 300 tons). The South Atlantic albacore stock is not over-exploited, despite catches exceeding the global TAC for several years.

As ICCAT has not issued country allocations for the South Atlantic albacore stock, the South African fishery is managed by the Department through a total applied effort ("TAE") of 200 vessels carrying a maximum of 3 600 crew.

Over the years, two types of vessels have emerged in this fishery. The first were large vessels with onboard freezers, capable of spending substantial periods at sea with a crew of 20 or more. The second type were smaller

vessels that carried less than 20 crew, spending no more than five days at sea.

Some 165 vessels are authorised to target tunas using the pole method. More than 2 700 crew are employed on these vessels. The fishery is not capital intensive, but locating and fishing for tuna using the pole method requires a skilled crew.

4. The medium-term rights allocation process

During the medium term rights allocation process, 152 commercial tuna pole fishing rights were allocated, thereby authorising 165 vessels and more than 2 700 crew to target tuna using the pole method. Of the rights allocated, 20.5 percent were allocated to black persons or black-owned and controlled entities. Ninety (90) percent of the workers in this fishery are black.

Only 29 percent of the right-holders in this fishery are legal entities. The remainder are natural persons (individuals).

5. Over-arching sectoral objectives

The objectives of allocating long-term fishing rights in the tuna pole fishery are to:

- Notably improve the transformation profile of the fishery;
- Promote investment in vessels (to modernise or replace ageing vessels), infrastructure and to promote job security;
- Improve South Africa's record of performance in the tuna fisheries;
- Allocate rights to small businesses who rely on the tuna pole fishery for a significant proportion of their income;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of Rights

Having regard to –

- the transformation profile of the fishery; and
- the need to increase the catch performance of right-holders,

rights will be allocated for a period of eight years (1 January 2006 to 31 December 2013). The Department will regularly evaluate right holders against predetermined performance criteria (*see Paragraph 13 below*).

7. New entrants

The tuna pole fishery is currently under-subscribed and the transformation profile of the fishery is unsatisfactory. Accordingly, there may be room for additional participants and new entrants.

8. Evaluation criteria

Applications will be screened in terms of a set of “*exclusionary criteria*”. New entrant applicants and previous right-holder applicants will then be separately assessed in terms of a set of weighted “*comparative balancing criteria*”. A cut-off score or rank will be determined in order to select the successful applicants. A proportion of the TAE will be allocated to each successful applicant in terms of a set of “*quantum criteria*”.

8.1 Exclusionary criteria

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

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973. Rights will not be granted to natural persons (i.e. individuals or sole proprietors) and trusts. Current natural person right holders and trust must apply in the form of a close corporation or company and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General Policy.

- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholder has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, the applicant will not be allocated a tuna pole fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if an applicant (or its members, directors or controlling shareholders) is being investigated for a breach of the MLRA.

Right-holders are required to pay a levy on targeted fish landed. Right-holders that have under-reported catches to avoid the payment of levies will be excluded. Right-holders that have not paid levies will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper quotas:** Paper quotas, as defined in the General policy, will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 9 below*).
- (e) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise its medium-term commercial tuna pole fishing right between 2002 and 2004.

8.2 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. The criteria stated below must be read with the corresponding criteria in the General policy for further detail. This applies in particular to the "transformation" criterion.

(a) Transformation

The medium term rights allocation records suggest that this fishery is comparatively less transformed than other fisheries. Applicants will be assessed on –

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;
- Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes; and
- Corporate social investment.

(b) Investment in the fishery

Applicants will be evaluated by having regard to investments made. As far as right-holder applicants are concerned, the delegated authority will specifically consider:

- Investments in suitable vessels and other fixed assets. In respect of vessels, investment in the form of shareholding will also be considered. Right-holder applicants will not be rewarded for having concluded vessel purchase agreements;
- Investments in processing and marketing infrastructure. The delegated authority may reward right holder applicants that have invested in tuna processing and marketing.

As far as new entrant applicants are concerned, the delegated authority will consider investments made in other sectors in the form of vessels and fixed assets, marketing and processing.

(c) Fishing performance

Right holder applicants will be assessed by having regard to their performance in the tuna pole fishery over the medium-term period. Right holder applicants that targeted traditional linefish stocks over tuna should be penalised.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to participate in the tuna fishery.

(d) Reliance on tuna

The delegated authority will positively score applicants who rely on tuna pole fishing for a significant proportion of their gross annual income.

(e) Value-adding and enterprise development

The delegated authority may have regard to enterprise development and to the ability of right-holder applicants to add value to tuna caught. New entrant applicants will be required to indicate how they intend to add maximum value to tuna caught. They will be scored on their fishing plans in particular.

(f) Local economic development

Investment in a number of South Africa's smaller coastal towns should be promoted. The delegated authority may reward those applicants that have invested in smaller coastal towns outside of the large metropolitan areas. Right holders that have invested in facilities in large metropolitan areas will not be negatively scored.

(g) Jobs

Job creation and increases in jobs as a result of the allocation of medium term fishing rights may be rewarded, and in particular, applicants that have provided their employees with –

- Full time employment;
- Medical aid and pension; and
- Safe working conditions.

(h) Non-payment of fish levies

Right holder applicants will be penalised if their levies payable to the Department are outstanding for a period longer than 60 days at the date of application.

(i) Compliance

If the applicant, its members or its directors or controlling shareholders have been convicted of a minor infringement of the MLRA, the regulations, permit conditions or other fishery related offences, during the medium-term right period, or paid admission of guilt fines for contraventions of the MLRA, its regulations or permit conditions, the applicant will be penalised.

8.3 Effort allocations

Due to the fact that the fishery was under-subscribed over the medium-term period, it was possible to allocate to each successful applicant the number of vessels nominated. If the fishery remains under-subscribed, the delegated authority may allocate to each successful applicant the number of vessels nominated. However, if the number of vessels nominated by successful applicants exceeds the effort available, the delegated authority should allocate one vessel to each successful applicant and the remaining vessels to those successful applicants that scored the highest for transformation, provided that such an applicant had nominated more than one vessel and the further vessels are either entirely owned by the applicant or the applicant owns a substantial share in the vessel.

9. Suitable vessels

A suitable vessel in the tuna pole fishery is a vessel that:

- has a minimum SAMSA registered length of approximately 10 metres. Smaller vessels may be considered, provided they can demonstrate a catch record in the tuna pole fishery;
- is certified by SAMSA to have a minimum operational range of 40 miles (Category B vessel);
- has a functioning vessel monitoring system; and
- is equipped with freezer or ice facilities.

10. Multi-sector involvement

Right holders in the tuna pole fishery are not precluded from holding commercial fishing rights in the Cluster A and Cluster B fisheries. Tuna pole right-holders, including their controlling shareholders or members (in the case of close corporations) and members of their executive management team will not be permitted to hold commercial fishing rights in the Cluster C and Cluster D fisheries, and traditional line fish rights.

11. Application fees and levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Management measures

The management measures discussed below reflect a number of the Department's principal post- right allocation management intentions for this fishery.

12.1 Ecosystem approach to fisheries management

This 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 that recognises that fishing and associated land-based activities impact on the broader marine environment. The EAF in the tuna fisheries will be detailed in the Tuna Pole Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

12.2 Consolidation of participants

Subsequent to the allocation of the eight-year commercial fishing rights in the tuna pole fishery, the Department will facilitate the consolidation of the right-holders active in the fishery. Right holders may want to consolidate their respective business operations –

- Where right-holders share the same shareholders, offices or management team; or
- Where smaller right holders opt to consolidate their business operations so as to improve the transformation profile of this fishery.

Consolidation of right-holders is, however, subject to the Department's approach to monopolies (see **paragraph 12.4 below**). Consolidation will not be supported by the Department where it could result in the reduction of the transformation profile of the tuna pole fishery.

12.3 Vessels and fishing effort

There are presently 140 tuna pole vessels in this fishery. The fishery is able to sustain 200 vessels and 3 600 crew. The fishery is therefore not optimally exploited.

12.4 Monopolies

While the Department will encourage the consolidation of right-holders in this fishery, the Department is

opposed to monopolies which may operate to the detriment of smaller right-holders.

13. Performance measuring

The Department will institute a number of performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after one year and thereafter every three years.

Although the Department will finalise the precise criteria against which right-holders will be measured after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels and gear;
- catch performance;
- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

14. Observer programme

The Department's current observer programme will be expanded to include compliance observation. In addition, the Department will progressively increase the observer coverage of this fishery. Right-holders will be required to bear the costs of the observer programme.

15. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery but subject to the requirements of any applicable regional fishery management organisation and will be subject to revision as and when it may be necessary.



DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE TUNA-PAAL VISSERY: 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
AANGAANDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN
KOMMERSIËLE VISVANGREGTE: 2005 (beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van kommersiële visvangregte in die tuna-paal vissery word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene beleid").

Die doel van hierdie beleid is om die oorwegings wat van toepassing sal wees op die toekenning van langtermyn kommersiële visvangregte vir die tuna-paal vissery uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerhede van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur (die "Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die Tuna-Paal Vissery sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in fyn besonderhede die bestuursmetodes en -prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18-magte in terme waarvan kommersiële visvangregte in die tuna-paal vissery toegeken word ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 (die "WLMH") aan 'n senior beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Biologie en brondinamika

Albakoor tuna (*Thunnus alalunga*) kom hoofsaaklik voor in gematigde water. Dit is 'n pelagiese spesie en jong albakoor korter as 90 sentimeter, vorm tipies groot skole naby die oppervlak van die water. Volwasse albakoor kom voor baie laer af in die waterkolom en vorm nie groot skole nie. Hulle is dus onbeskikbaar vir vangs met oppervlak-toerusting wat deur die paal-vloot benut word. Twee albakoor bronne kom in die Atlantiese Oseaan voor; die noordelike bron word geskei van die suidelike bron by ongeveer 5°N. Bevrugting vind plaas onder albakoor in die westelike Atlantiese Oseaan in beide halfbrondtes.

Albakoor het 'n uitgebreide geografiese distribusie en kom in al die hoof oseaankomme voor. Die Suid Afrikaanse paalvisvloot is slegs werksaam langs die weskus van Suid-Afrika, en teiken die suidelike Atlantiese albakoor bron. Bronne van Indiese Oseaan albakoor, wat langs die ooskus van Suid-Afrika voorkom, is

wesentlik minder talryk. Groot hoeveelhede suidelike albakoor word ook gevang langs die kuslyne van Namibië, Brasilië en Argentinië. Albakoor word slegs gevang in Suid-Afrikaanse waters tussen Oktober en Junie en die tuna-paal visserij is dus seisoensgebonde. Die beskikbaarheid van die bron, word verder bepaal deur omgewingsfaktore wat in sommige jare meebring dat vis gekonsentreer word en hul nader aan die kus bring.

Aangesien dit op die oopsee voorkom word albakoor deur baie lande gevang. Die bestuur van hierdie spesie is die verantwoordelikheid van streeksvisserijbestuurorganisasies ("SVBO's"), soos die Internasionale Kommissie vir die Bewaring van Atlantiese Tuna ("IKBAT") en die Indiese Oseaan Tuna Kommissie ("IOTK"). Die bestuur van die getalle deur die SVBO's word bewerkstellig deur bron bepalings en die vasstel van Totale Toegelate Vangste ("TTVs"), die toekenning van kwotas aan lande en die ontwikkeling van wetsnakoming- en beheermaatreëls.

3. Profiel van die Visserij

Die tuna-paal visserij gebruik oppervlak-toerusting om jong skole Albakoor in die suid-oostelike Atlantiese Oseaan te teiken, grootendeels vir uitvoer na tuna verblikingsmarkte. Ander tuna spesies wat geland word sluit geelfin- en grootoogtuna in, maar hierdie spesies maak minder as vyf persent van die jaarlikse vangs uit. Sommige regtehouers het egter begin om hierdie tuna te teiken vir verkoop op die sasjimi markte van Europa, die Verenigde Koninkryk, die Verenigde State van Amerika en Japan.

Suid-Atlantiese albakoor word kommersiële gevang sedert die 1950's. Totale gelande vangste het gewissel rondom 24 000 ton tussen 1965 en 1985. Daarna het gelande vangste toegeneem tot ongeveer 30 000 ton.

Die visvangstasies wat albakoor teiken het in die Suid-Atlantiese Oseaan is Sjinese Taipei (met 'n gemiddeld van 16 800 ton tussen 1998 en 2002), Suid-Afrika (6 200 ton), Brasilië (4 000 ton) en Namibië (2 300 ton). Die Suid-Atlantiese albakoor bron word nie oor-ontgin nie, ten spyte van die feit dat vangste die globale TTV reeds vir verskeie jare oorskrei.

Aangesien IKBAT nie nasionale kwotas toegeken het vir die Suid-Atlantiese albakoor bron nie, word die Suid-Afrikaanse visserij bestuur deur die Departement met 'n totale ontplooië vangspoging ("TOV") van 200 vaartuie wat 'n maksimum bemanning van 3 600 dra.

Deur die jare het twee soorte vaartuie te voorskyn gekom in hierdie visserij. Die eerste was groot vaartuie met vriesfasiliteite aanboord, wat in staat is om aansienlike periodes op see deur te bring met 'n bemanning van 20

of meer. Die tweede tipe was kleiner vaartuie wat 'n bemanning van minder as 20 gedra het en nie langer as 5 dae op see spandeer nie.

'n Getal van 165 vaartuie is gemagtig om tuna te teiken met gebruik van die paalmetode. Meer as 2 700 bemanning is werksaam op hierdie vaartuie. Die vissery is nie kapitaallintensief nie, maar om die tuna op te spoor en daarvoor te vis met die paalmetode, vereis 'n vaardige bemanning.

4. Medium-termyn regtetoekennings proses

Gedurende die medium-termyn regte toekennings proses was 152 kommersiële tuna-paal visvangregte toegeken, wat daardeur 165 vaartuie en meer as 2700 bemanning gemagtig het om tuna te teiken met gebruik van die paalmetode. Van die regte toegeken, is 20.5 persent toegeken aan swart persone of entiteite in swart besit en onder swart beheer. Negentig (90) persent van die werkers in hierdie vissery is swart.

Slegs 29 persent van die regthouers in hierdie vissery is juridiese persone. Die restant is natuurlike persone (individue).

5. Oorkoepelende sektorale doelwitte.

Die doelwitte met die toekenning van langtermynvisvangregte in die tuna-paal vissery is om:

- Die transformasie profiel van die vissery merkbaar te verbeter;
- Belegging in vaartuie (om verouderde vaartuie te vervang of te moderniseer) en infrastruktuur aan te moedig en om groter werksekuriteit te bevorder;
- Suid-Afrika se prestasierekord in die tuna vissery te verbeter ;
- Regte toe te ken aan klein besighede wat staatmaak op die tuna-paal vissery vir 'n wesentlike gedeelte van hulle inkomste;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en
- Die omgewingsvolhoubaarheid van die vissery te ondersteun.

6. Tydsduur

Met inagneming van -

- die transformasieprofiel van die vissery; en

- die behoefte om die vangsprestasie van regtehouers te vermeerder

sal kommersiële regte vir 'n tydperk van 8 jaar toegeken word (1 Januarie 2006 tot 31 Desember 2013). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (*sien paragraaf 13 hieronder*).

7. Nuwe inkomelinge

Die tuna paalvisbedryf is tans nie volskryf nie en die transformasieprofiel van die vissery is onbevredigend. Gevolglik mag daar ruimte wees vir addisionele deelnemers en nuwe inkomelinge.

8 Evaluasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Nuwe inkomeling aansoekers en bestaande regtehouer aansoekers sal daarna apart evalueer word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal. 'n Gedeelte van die TOV sal toegeken word aan elke suksesvolle aansoeker in terme van 'n stel "*kwantum kriteria*".

8.1 Uitsluitingskriteria

Behalwe vir die kriteria beskryf in die algemene beleid aangaande die indiening van die aansoeke en wesenlike tekortkominge, sal die gedelgeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies 69 van 1984 en die Maatskappywet 61 van 1973 sal oorweeg word. Regte sal nie toegeken word aan natuurlike persone (m.a.w individue of eenmansake) en trusts nie. Natuurlike persone en trusts wat bestaande regtehouers is moet aansoek doen in die vorm van 'n beslote korporasie of maatskappy en sal as medium termyn regtehouers behandel word indien hulle aan die riglyne uiteengesit in die Algemene Beleid voldoen.
- (b) **Wetsnakoming:** Indien 'n aansoeker of sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige misdryf ingevolge die WLMH, die regulasies,

permitvoorwaardes of ander ernstige vissery verwante misdrywe gedurende die mediumtermyn regteperiode sal daar nie 'n tuna-paal visvangreg aan die aansoeker toegeken word nie. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Regte sal ook nie toegeken word aan 'n aansoeker indien die aansoeker of sy lede, direkteure of beherende aandeelhouders se visvangregte gekanselleer of ingetrek is ingevolge die WLMH of indien daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdaad 121 van 1998 of die WLMH nie.

Besluite mag gereserveer word oor aansoeke indien die aansoeker (of die aansoeker se lede, direkteure of beherende aandeelhouders) ondersoek word vir oortredings van die WLMH.

Daar word van regtehouers vereis om 'n heffing te betaal op die geteikende vis wat geland word. Regte houders wat vangste onder-gerapporteer het ten einde die betaling van heffings te vermy sal uitgesluit word. Regtehouers wat nie heffings betaal het nie sal gepenaliseer word in die vergelykende balanseringsproses soos hieronder uiteengesit. Sou sodanige aansoeker egter nietemin vir 'n reg kwalifiseer, sal 'n visvangpermit nie uitgereik word nie alvorens die uitstaande gelde aan die Departement betaal is nie.

- (c) **Papier-kwotas:** Papier-kwotas, soos gedefinieer in die Algemene beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoeke sal moet aantoon dat hulle 'n reg van toegang tot 'n geskikte vaartuig het (*sien paragraaf 9 hieronder*).
- (e) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om tussen 2002 en 2004 sy medium-termyn kommersiële tuna-paal visvangreg ten volle te benut.

8.2 Balanseringskriteria

Regtehouer aansoeke, asook potensiële nuwe inkomelinge sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal. Die kriteria hieronder uiteengesit moet saamgelees word met die ooreenstemmende kriteria in die Algemene beleid vir verdere besonderhede. Dit is in besonder van toepassing op die "transformasie" kriterium.

(a) Transformasie

Die medium-termyn regtetoekenings rekords toon aan dat hierdie vissery minder getransformeer is in vergelyking met ander visserye. Aansoekers sal evalueer word op -

- Die persentasie swart en vroue eienaarskap en swart en vroue verteenwoordiging op top salarisvlakke, direksie en senior beampste en bestuursvlakke;
- Of werknemers (anders as top salaristrekkers) voordeel trek uit 'n werknemeraandeeskema;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998 en die verteenwoordigheid van swart persone en vroue op die verskillende diensvlakke. Die gedelegeerde owerheid mag ook die verskil in besoldigingsvlakke tussen die hoogste en laagste betaalde werknemers in ag neem.
- Nakoming van wetgewing oor vaardigheidsontwikkeling en die bedrae spandeer op die opleiding van swart persone en deelname aan leerskapprogramme; en
- Korporatiewe maatskaplike belegging.

(b) Belegging in die vissery

Aansoekers sal evalueer word met inagneming van beleggings gemaak.

Met betrekking tot bestaande regtehouers, sal die gedelegeerde owerheid die volgende oorweeg:

- Beleggings in geskikte vaartuie en ander vaste bates. Met betrekking tot vaartuie sal beleggings in die vorm van aandeelhouding ook in aanmerking geneem word. Regtehouer aansoekers sal nie beloon word vir die sluit van vaartuig-koop-ooreenkomste nie.
- Belegging in prosessering en bemarking infrastruktuur. Die gedelegeerde owerheid mag regtehouer aansoekers beloon wat in tuna prosessering en bemarking belê het.

Wat nuwe inkomeling aansoekers betref, sal die gedelegeerde owerheid oorweging gee aan beleggings gemaak in ander sektore in die vorm van vaartuie, vaste bates, bemarking en prosessering.

(c) Prestasie

Regtehouer aansoekers sal evalueer word deur ag te slaan op hulle prestasie in die tuna-paal vissery oor die medium-termyn periode. Regtehouer aansoekers wat tradisionele lynvisbronne bo tuna geteiken behoort penaliseer te word.

Nuwe inkomeling aansoekers sal evalueer word met verwysing na of hulle die vermoë, kennis en vaardigheid het om deel te neem aan die tuna vissery.

(d) Afhanklikheid van tuna

Die gedelegeerde owerheid sal positiewe punte toeken aan aansoekers wat afhanklik is van tuna-paal visvangs vir 'n wesentlike gedeelte van hulle bruto jaarlikse inkomste.

(e) Waardetoevoeging en ondernemingsontwikkeling

Die gedelegeerde owerheid mag oorweging gee aan ondernemingsontwikkeling en die vermoë van regtehouer aansoekers om waarde toe te voeg tot tuna wat gevang is. Daar sal van nuwe inkomeling aansoekers vereis word om aan te toon hoe hulle van voornemens is om maksimum waarde toe te voeg tot die tuna wat gevang word. Daar sal in besonder aan hulle punte toegeken word op grond van hulle visvangplanne.

(f) Plaaslike ekonomiese ontwikkeling

Belegging in 'n aantal van Suid Afrika se kleiner kusedorpieë behoort bevorder te word. Die gedelegeerde owerheid mag daardie aansoekers beloon wat belê het in kleiner kusedorpieë buite die groot metropolitaanse gebiede. Daar sal nie negatiewe punte toegeken word aan regtehouers wat belê het in fasiliteite in groot metropolitaanse gebiede nie.

(g) Werksgeleenthede

Werkskepping en die vermeerdering van werksgeleenthede as gevolg van die toekenning van mediumtermynregte mag in ag geneem word, en in besonder, aansoekers wat hulle werknemers voorsien het met–

- Voltydse werk;
- Mediese fonds en pensioen; en
- Veilige werksomstandighede.

(h) Nie-betaling van heffings

Regtehouer aansoekers sal penaliseer word as hul heffings betaalbaar aan die Departement vir 'n tydperk langer as 60 dae agterstallig is op die datum van aansoek.

(i) Wetsnakoming

Indien die aansoeker, sy lede of direkteure of beherende aandeelhouders skuldig bevind is aan geringe oortredings van die WLMH, sy regulasies, permitvoorwaardes of ander vissery verwante oortredings, gedurende die medium-termyn regteperiode, of indien 'n skulderkenningsboete betaal is vir oortredings van die WLMH, sy regulasies of permitvoorwaardes, sal die aansoeker penaliseer word.

8.3 Vangspogingtoekennings

As gevolg van die feit dat die vissery nie volskryf was gedurende die medium-termyn periode nie, was dit moontlik om aan elke aansoeker die aantal vaartuie wat genomineer was, toe te ken. Indien die vissery steeds nie volskryf word nie, mag die gedelegeerde owerheid aan elke suksesvolle aansoeker die aantal genomineerde vaartuie toeken. Indien die aantal vaartuie wat deur suksesvolle aansoekers genomineer is egter die beskikbare vangspoging oorskrei, behoort die gedelegeerde owerheid een vaartuig toe te ken aan elke suksesvolle aansoeker en die oorblywende vaartuie aan daardie suksesvolle aansoekers wat die hoogste puntetelling ontvang het vir transformasie, met dien verstande dat so 'n aansoeker meer as een vaartuig genomineer het en dat die verdere vaartuie òf uitsluitlik deur die aansoeker besit word òf die aansoeker 'n wesentlike aandeel in die vaartuig het.

9. Geskikte vaartuie

'n Geskikte vaartuig in die tuna-paal vissery is 'n vaartuig wat -

- 'n minimum SAMVO geregisteerde lengte van ongeveer 10 meter het. Kleiner vaartuie mag oorweeg word indien hulle 'n vangsprestasie in die tuna-paal vissery kan aantoon;
- Gesertifiseer is deur SAMVO om 'n minimum operasionele trefwydte van 40 myl te hê (Kategorie B vaartuig);
- 'n werkende vaartuig moniteringstelsel het; en
- Toegerus is met vries- of ys-fasiliteite.

10. Multi-sektorale betrokkenheid

Regtehouers in die tuna-paal vissery word nie verhinder om regte in enige ander vissery in Groepe A en B visserye te hou nie. Tuna-paal regtehouers, insluitende hulle beherende aandeelhouders of lede (in geval van beslote korporasies) en lede van hulle uitvoerende bestuurspan sal nie toegelaat word om kommersiële visvangregte in Groepe C en D visserye en die tradisionele lynvisregte te hou nie.

11. Aansoekgelde en heffings

Die aansoekgelde vir hierdie vissery sal bepaal word met inagneming van:

- Die koste van die hele regtetoekenningsproses, met inbegrip van oorlegpleging, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersienings; en
- Die waarde van die vis wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat met ingang 1 Januarie 2006 betaalbaar is, sal vasgestel word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word, weerspieël sommige van die Departement se hoofvoornemens vir die bestuur van hierdie vissery nadat regte toegeken is.

12.1 Ekosisteembenadering tot bestuur van vissery

Hierdie vissery sal bestuur word ooreenkomstig die ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erken dat visvang en verwante aktiwiteite op land die breë mariene omgewing beïnvloed. Hierdie deel van die beleid vir die tuna-paal vissery, poog nie om 'n beleidsverklaring te voorsien oor EBV in die tuna-paal vissery nie. Die EBV vir die tuna-paal vissery sal verder uitgestippel word in die Bestuurshandboek vir die Tuna-Paal vissery. Suid-Afrika bly verbind tot die teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye.

12.2 Konsolidasie van deelnemers

Na die toekenning van kommersiële visvangregte vir 8 jaar in hierdie vissery, sal die Departement die konsolidasie van die aantal regtehouers wat aktief is in die vissery fasiliteer. Regtehouers mag hulle onderskeie besigheidsondernemings wil konsolideer:

- Waar regtehouers dieselfde aandeelhouders, kantore of bestuurspan deel; of
- Waar kleiner regtehouers verkies om hul sakebedrywighede te konsolideer om sodoende die transformasieprofiel van die vissery te verbeter.

Die konsolidasie van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë (sien paragraaf 12.4 hieronder). Konsolidasie sal nie deur die Departement ondersteun word nie waar dit kan lei tot die vermindering van die transformasieprofiel van die tuna-paal vissery nie.

12.3 Vaartuie en vangspoging

Daar is tans 140 tuna-paal vaartuie in hierdie vissery. Die vissery is in staat om 200 vaartuie en 3600 bemanningslede te volhou. Die vissery word dus nie optimaal ontgin nie.

12.4 Monopolieë

Terwyl die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, is die Departement gekant teen monopolieë wat tot nadeel van kleiner regtehouers kan werk.

13. Prestasiemeting

Die Departement sal 'n aantal formele prestasiemetingoefeninge instel vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste stel prestasiemetingoefeninge een jaar na die toekenning van regte sal plaasvind, en daarna elke drie jaar.

Alhoewel die Departement die presiese kriteria waaraan die regtehouers gemeet sal word sal finaliseer na oorlegpleging met regtehouers, mag die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- vangsprestasie;
- nakoming van toepaslike wette en regulasies.

Die oogmerk van prestasiemeting sal wees om te verseker dat die doelstellings van die vissery bereik word en dat bestuursmetodologie en prosedures geskik is en op datum bly vir die vissery.

14. Waarnemerprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om waarneming vir wetstoepassingsdoeleindes in te sluit. Die Departement sal verder die dekking van waarneming van hierdie vissery progressief uitbrei. Daar sal van regtehouers verwag word om die koste van die waarnemingsprogram te dra.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie vissery en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO
ISEBE LOLAWULO LOLWANDLE NAMANXWEME**

**UMGAQO-NKQUBO WOLAWULO NOLWABIWO LWAMALUNGELO ORHWEBO
LOKULOB*A* I-TUNA POLE : 2005**

**LO MGAQO- NKQUBO UMELE UFUNDWE KUNYE NOMGAQO-NKQUBO
JIKELELE WOKWABIWA NOKULAWULWA KWENKQUBO YEXESHA ELIDE
YAMALUNGELO ORHWEBO LOKULOB*A*:2005
(iyafumaneka ku www.mcm-deat.gov.za)**

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuloba i-tuna pole ukhutshwe nguMpathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela iingcamango eziyakuthi zisetyenziwe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba i-Tuna Pole . Uninzi lwezingcamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namaNxweme ("ISebe") ngethuba bekunikezelwa amalungelo kwixesha elidlulileyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo Uxwebhu olusikhokhelo loLawulo loShishino ngokuloba i-Tuna Pole luza kugqityezelwa kunye nabo bonke abanini –malungelo phakathi kunyaka ka 2006. Olu xwebhu lusikhokhelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari.

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba i-Tuna njengoko kusekiwe kwicandelo lomthetho ka 79 weMarine Living Resources Act 18 ka 1998 ("the MLRA") kwi gosa eliphezulu leSebe. Eli xwebhu lomgaqo-nkqubo liza kukhokela lowo ugunyazisiweyo ekwenzeni izigqibo kwizicelo zabalobi.

2. Ibhayoloji nentshukumo zobutyebi bendalo

IAlbacore (*Thunnus alalunga*) yaziwa njenge-tuna yabushushu. Iluhlobo lwe-pelagic yaye i-juvenile albacore enobude obungaphantsi kweesentimitha ezingama 90 ithanda ukunyakazela ingumhlambi apha kufutshane naphezu kwamanzi. Ii-albacore ezindala zona zibangaphantsi kwamanzi zona azihambi zingumhlambi. Ngoko ke azifumaneki lula kwabo balobayo. KuLwandle lwe-Atlantic kukho iintlobo ezimbini ze-albacore, ezasemntla nezasemzantsi zisohlulwa yi 5N. Ialbacore Ihlala kwiNtshona yeAtlantic kwiimbombo zombini zeli eyasemantla neyasemazantsi.

li-Albacore zinendlela ezivela ngayo kuwo onke amalwandle. Abalobi baseMzantsi Afrika bona bagudla unxweme olusentshona loMzantsi Afrika, bencwase ukufumana istokhwe se-albacore yakumazantsi e-Atlantic. Ialbacore yakwi-Indian Ocean, ebonakala kunxweme lwasempuma lwaseMzantsi Afrika, ayininzanga kangako. Ininzi iAlbacore efumaneka kumzantsi wonxweme lwaseNamibia, eBrazil kunye naseArgentina. IAlbacore ilotywa apha eMzantsi Afrika kuphela ngo Oktoba nangoJuni kwaye oko kuthetha ukuba i-tuna ilotywa ngamaxesha athile enyakeni. Ziphinde ezi ntlanzi zifumaneke ngokulawulwa yimeko eziphila phantsi kwayo oko kukuthi kukho ixesha apha enyakeni apho zithi zize elunxwemeni.

Kumanzi olwandle aguguma ngamandla iAlbacore eninzi iyabanjiswa zizizwe ezininzi. Ukuphatheka kakuhle kwezi zilwanyana ngumsebenzi yemimbutho yolawulo lwefishari zenkqila (regional fisheries management organisations ("RFMOs"), njenge International Commission for the Conservation of Atlantic Tunas ("ICCAT") bedibene ne Indian Tuna Commission ("IOTC") I RFMO lqumrhu elilawulayo lilo elikhupha umlinganiselo womakulotywe (TAC) Izizwe zinikwa ikowuta zazo ngokophuhliso nangokophuhliso lwazo kwanolawulo olunazo.

3. Ubume balefishari

Ifishari ye-tuna pole isebenzisa impahla yokuloba ukufumana indawo ezikuyo ezi albacore zicinane kumzantsi weatlantic, ukuze ithengisele abo baza kuzifaka ezinkonkxeni. Ezinye izilwanyane zetuna ziquka iyellowfin, kunye nebigeye tuna kodwa ezi zenza nje iipesenti ezintlanu kwezo zilotywayo ngonyaka. Abanye abanamalungelo okuloba sebeqalile ukuzifunela amashishini okuthengisa ezi-tuna kumazwe aseEurope anjenge United Kingdom, United States of America naseJapan.

ISouthern Atlantic albacore yaqala ukulotyelwa ukuthengiswa ukusukela kwiminyaka yo1950. Olu lobo lunyuke laba ngama 24 000 eetoni phakathi kuka 1965 kunye no 1985. Emva koko anyuka aya kuma kuma 30 000 eetoni.

Izizwe ezilobayo nezifuna ialbacore ekuMzantsi weAtlantic ngamaChina Taipei (alinganiselwa kwiitoni ezikuma 16 800 phakathi kuka 1998 kunye no 2002) eMzantsi Afrika (6 200 eetoni), Brazil (4 000 yeetoni) kunye naseNamibia (2 300 eetoni) Isixa se Atlantic esezantsi asilotywa ngokungemthetho kakhulu nokuba ingedlula ukubanjwa okudlula I globa TAC eminyakeni emininzi.

Njengoko iICCAT ingenzi sigqibo ngokwabelana ngesixa sealbacore eSouth Atlantic, ifishari yaseMzantsi Afrika iphethwe liSebe ngokwomlinganiselo wenzame zokuloba (total applied effort ("TAE") yeemikhumbi engama200 kuze kubekho abasebenzi abangama 3 600.

Ekuhambeni kweminyaka kuveliswe iintlobo ezimbini zemikhumbi yokuloba olu hlobo lwentlanzi. Owokuqala umkhulu unazo nezikhenkcezi ngaphakathi kuwo kwaye ukwazi ukuhlala ixesha elide elwandle unabasebenzi abangama 20 nangaphezulu. Owesibini mncinane unabasebenzi abangaphantsi kuma 20 futhi lo awuhlali ngaphezu kweentsuku ezintlanu elwandle.

Imikhumbi eli-165 inelungelo lokufuna ituna isebenzisa i-pole method. Abasebenzi abakuma 2700 baqashiwe kule mikhumbi. Oku kuloba akunzimanga, kodwa kufuna abantu abanesakhono sokukhangela nokuloba i-tuna besebenzisa i-pole method.

4. Inkqubo yokunikezela amalungelo exeshana

Ebudeni bokwabiwa kwamalungelo okwexeshana okuloba i-tuna kwakhutshwa amalungelo ali 152, lo nto yakhokela ekubeni kuvumeleke imikhumbi eli 165 kunye nabasebenzi abakuma 2 700 aza kufuna ituna esebenzisa ipali. Kula malungelo anikiweyo I 20.5 yepesenti inikwe abantu abamnyama okanye iindawo abazilawulayo. Abantu abamnyama abayi 90 yeepesenti banga basebenzi kulefishari.

Ngama-29 epesenti kuphela yabo banamalungelo kulefishari azinkampani. Abanye abashiyekileyo ngabantu.

5. Injongo eziqakayo ngelicandelo

Iinjongo zokunikezela ngamalungelo exesha elide okuloba iTuna Pole zezi:

- Ukuphuculu ngokubonakalayo ubume benguqu kulefishari;
- Ukukhuthaza utyalo-mali kwimikhumbi (ukuphucula okanye ukutshintsha imikhumbi egugayo), ubucukubhede nokudala imisebenzi ekhuseleke ngakumbi;
- Ukunyusa izinga loMzantsi Afrika ekulobeni i-tuna.
- Ukunika amalungelo kumashishini amancinci axhomekeke ekulobeni i-tuna pole ekwenzeni ingeniso ebonakalayo;
- Ukuxhasa ezoqoqosho kwanokuloba;kwakunye

- Ukuqinisekisa ukuba ukuloba kuhambisana nokusingqongileyo.

6. Ixesha lamalungelo

Xa kuqatshelwe- -

- Ubume benguqu kulefishari
- Neemfuno zokwandisa ukubamba kwentlanzi ngabantu abanamalungelo.

Amalungelo aza kunikezwa ixeshana leminyaka esi-8 (ukusukela ngo 01 January 2006 ukuya kuDecember 2013). ISebe liza kubahlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola (jonga uMhlathi we 13 ngezantsi).

7. Abangeneli abatsha

Ifishari ye-tuna pole ayinabantu baninzi kwaye iinguqu zayo ziyakhwinisa. Ngenxa yoko, kusengangena abangeneli abatsha.

8. Indlela yokuvavanya

Izicelo zizakujongwa kusetyenziswa indlela yokuthintela ("exclusionary criteria"). Izicelo zabangeneli abatsha nezicelo zabo bebenamalungelo zizakuhlolwa ngokwahlukeneyo kusetyenziswa indlela elinganayo yokuthlekisa ("comparative balancing criteria") Amanqaku okanye udidi luzakumiswa ukuze kukwazi ukukhethwa izicelo eziphumeleleyo. Isiqingatha se TAE sizakwabelwa isicelo ngasinye esiphumeleleyo ngokwendlela ekuthiwa yi-"quantum criteria" (indlela yomlinganiselo).

8.1 Indlela yokuthintela

Ngaphandle kwale ndlela echazwe kuMgaqo Jikelele malunga nokufaka isicelo, nezo zinto zingalunga, igunya elithunyiweyo liya kuzirhoxisa ezo zicelo zithe zasilela kwezimfuno zilandelayo:

- (a) **Uhlobo lomfaki-sicelo:** Izicelo ezizakuqwalwaselwa zesisuka kumaziko amiselwe ngoMthetho wa-69 weClose Corporations ka 1984 (Close Corporation Act 69 of 1984) noMthetho wa-79

WeeNkampani ka 1973 (Companies Act 79 of 1973. Izicelo ezisuka ebantwini (umzekelo umntu ozimeleyo okanye oshishina yedwa) azisayi kuqwalaselwa. Abantu abazimeleyo abasele benamalungelo bamele bafake izicelo besebenzisa i-close corporation okanye i-company kwaye baya kuthathwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.

- (b) **Ukuthobela:** Ukuba umfaki-sicelo, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-share-holder) ababambe iintambo bakhe bafunyaniswa benetyala lokwaphula ngokunzulu i-MLRA, imimiselo, imiqathango yamaphepha-mvume okanye olunye olwaphulo-mthetho olunokuthanani nezokuloba ebudeni bokuba nelungelo lokwexeshana, loo mfaki sicelo akayi kulinikwa ilungelo lokuloba i-squid. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababamb' iintambo bakhe bahluthwa okanye barhoxiselwa amalungelo okuloba ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izigqibo zisenokumiswa kwizicelo ezo xa umfaki-sicelo (okanye amalungu, ii-director okanye ii-shareholder ezinegunya) ephandwa mayela nokuphula imithetho ye-MLRA.

Abanikwe amalungelo kufuneka bahlawule irhafu yeentlanzi abazilobileyo. Abanamalungelo abangazichazi zonke iintlanzi abazilobileyo kuba bebaleka ukuhlawula ezi rhafu abazi kunikwa lungelo.

Abanamalungelo abangekazihlawuli iirhafu zabo baya kohlwaywa ngokwamabakala andlalwe apha ngezantsi. Ukuba loo mfaki-sicelo usalifanelekela ilungelo, akayi kuyifumana imvume yokuloba de abe ubhatele ezo mali zingangenanga kwiSebe.

- (c) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga (njengoko kuchaziwe kumthetho Jikelele) bayakukhutshwa;
- (d) **Ukufikelelaka kumkhumbi ofanelekileyo:** Abafaki-zicelo kufuneka babonise ilungelo lukufikelela kumkhumbi ofanelekileyo. (jonga kumhlathi 9 ngezantsi).
- (e) **Ukungasetyenziswa:** Igunya elithunyiweyo linokwala ukuphinda ukumnika ilungelo ukuba lowo ebenelungelo uye akaphumelela ukulisebenzisa ilungelo lwethuba lexeshana lorhwebo nge-tuna pole phakathi konyaka ka 2002 no 2004

8.2 Indlela elinganayo yokuthelekisa

Abafaki-sicelo abasele benamalungelo nabazakuba ngabangeneli abatsha baza kuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye. Ezi mfaneleko zichazwe ngezantsi zimele zifundwe kunye neemfaneleko ezihambisana nazo kuMgaqo Jikele ukuze ufumane iinkcukacha ezithe vetshe. Oku kusebenza ngakumbi kwimfaneleko "yenguqu".

(a) Inguqu

Incwadi zokukhutshwa kwamalungelo okwexeshana zidiza ukuba olu hlobo lokuloba alukabi nalutshintsho xa luthlekiswa nezinye iintlobo zokuloba. Abafaki-zicelo bazakuhlolwa kujomgwe kwezi nkalo-

- Umlinganiselo (iipesenti) wabamnyama nabafazi abangabanini banashishini kunye nokumelwa kwabanyama nabafazi kwimivuzo ephezulu, kwibhodi yabalawuli (yee-director) noosomaqhuzu (senior official) nabakuzinga lokuphatha;
- Ingaba abasebenzi (ngaphandle kwabo bafumana imivuzo ephezulu) bayafumana kuhlelo lwezabelo lwabasebenzi .
- Ukuthenga kumashishini abamnyama;
- Ukuthobela umthetho we Employment Equity Act 55 yowe 1998 nokumelwa kwabamnyama namabhinqa kumanqanaba awahlukeneyo engqesho. Igunya elithunyiweyo lisenokuqwalasela nomahluko kwimivuzo yabasebenzi abakweyona mivuzo iphezulu nephantsi;
- Ukuthobela umthetho wokuphucula ubuchule kunye neemali ezichithwa kuqeqeshwa abantu abamnyama nenxaxheba kwiinkqubo zokufundisa; kwakunye
- Notyalo-mali kwezasekuhlaleni.

(b) Utyalo-imali kulefishari

Izicelo ziya kuhlolwa ngokuthi kujongwe imali etyaliweyo. Ngokuphathelele kwabobafaki-zicelo banamalungelo, igunya elithunyiweyo liya kujongisisa oku .

- Ukutyala imali kwimikhumbi efanelekileyo nezinyo izinto ezisigxina. Ngokuphathelele kwimikhumbi ukutyala imali ngokuthi ube nezabelo kuyakuqwalaselwa. Abafaki-zicelo abanelungelo abayi kuvuzwa ngokuthi nje baqoshelise izivumelwano zokuthenga umkhumbi.
- Ukutyala imali kumsebenzi nakubuceducedu bokuthengisa. Igunya elithunyelweyo lisenokumvuza ofake isicelo oye watyala imali ekusetyenzweni nasekuthengisweni kwe-tuna.

Ngokuphathelele abafaki bezicelo abatsha, igunya elithunyelweyo liya kujonga imali etyalwe kwamanye amacandelo okuloba ngokuphathelele kwimikhumbi nempahla esisigxina, ukuthengiswa nokusetyenzwa kwemicimbi.

(c) Indlela yokusebenza

Izicelo zabanelungelo ziya kuhlolwa ngukuphonononga ukusebenza kwabo ngokuloba i-tuna pole ngethuba lamalungelo xeshana. Abo banelungelo balobe itraditional linefish endaweni yetuna bafanele bohlwaywe.

Izicelo zabangeneli abatsha ziyakuphononongwa ukuba ingaba banaso na isakhono, ulwazi nobuchule bokuthatha inxaxheba ekulobeni i-tuna.

(d) Ukuxhomekeka kwi-tuna

Igunya elithunyelweyo liya kunikezela amanqaku aphucukileyo kubafaki-zicelo abangeniso yabo yaminyaka le ixhomekeke kanobom ekulobeni i-tuna pole.

(e) Ukongeza ixabiso nokuphuhliswa kwamashishini

Igunya elithunyelweyo lisenokujonga ukukhuliswa kweshishini nesakhono sabanamalungelo sokunyusa ixabiso le-tuna ebanjiweyo. Abafaki zicelo abatsha kuya kufuneka babonise indlela abaceba ngayo ukunyusa ixabiso le-tuna ebanjiweyo. Baya kuphiwa amanqaku ngokwamacebo okuloba abeza nawo.

(f) Uphuhliso loqoqosho lwasekuhlaleni

Ukutyal' imali kwiidolophana ezincinane eziselunxwemeni zaseMzantsi Afrika kufanele kukhuthazwe. Igunya elithunyelweyo lisenokubavuzwa abafaki-zicelo abatyale imali yabo kwiindolophana ezingaselunxwemeni ezingaphandle kwezixeko ezikhulu. Abo banamalungelo abatyale imali kwizixeko ezikhulu abayi kulahlekelwa ngamanqaku.

(g) Imisebenzi

Ukudala amathuba emisebenzi nokwandisa imisebenzi ngenxa yokuba ufumene ilungelo lokwexeshana lokuloba kunga fumana umvuzo, ngokukodwa, ukuba umfaki-sicelo ubonelela abasebenzi bakhe ngoku kulandelayo:

- Umsebenzi osisigxina;
- Isibonelo sikaGqirha (medical aid) kunye nomhlala phantsi
- Nokusebenza phantsi kweemo ezikhuselekileyo.

(h) Ukungahlawulwa kwerhafu yentlanzi

Abafaki-zicelo abanamalungelo baya kohlwaywa ukuba iirhafu eziya kwiSebe azihlawulwanga kangangethuba elingaphezu kweentsuku ezingama-60 ngexesha abafaka ngaso isicelo.

(i) Ukuthobela

Ukuba umfaki-sicelo, amalungu okanye abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababambe iintambo, bakhe bafunyaniswa benetyala lokwaphula imithetho engephi ye-MLRA, imimiselo, imiqathango yemvume okanye eminye imithetho yokuloba, ngoxa besenelungelo lokwexeshana, okanye bahlawule intlawulo yokuvuma ityala yokwaphula i-MLRA, imimiselo yayo okanye imiqathango yemvume, loo mfaki-sicelo uya kohlwaywa.

8.3 *Ukwabiwa kwenzame*

Ngenxa yokuba umsebenzi wokuloba kulefishari ubungadumanga ngelixa lamalungelo exeshana bekusenzeka ukuba kunikwe lomfaki-sicelo uphumeleleyo elonani lemikhumbi layichongileyo. Ukuba oku kuyaqhubeka okungadumi, igunya elithunyelweyo lino kwazi ukunika umfaki-sicelo ngamnye ophumeleleyo elonani lemikhumbi ayichongileyo.. Kodwa ukuba inani lemikhumbi echongiwe ngabafake-zicelo abaphumeleleyo liyayidlula inzame ekhoyo, igunya elithunyelweyo kufuneka linike umkhumbi ube mnye kumfaki-sicelo ophumeleleyo, ze imikhumbi eseleyo inikezelwe kwabobafaki-sicelo baphumeleleyo bathe bafumane amanqaku aphezulu ekwenzeni inguqu, kwaye babafaki-zicelo bebechonge imikhumbi eliqela yaye lemikhumbi iyeyekhe loo mfaki sicelo okanye unebango elibonakalayo kuloo mkhumbi.

9. *Imikhumbi efanelekileyo*

Umkhumbi ofanelekileyo kwituna pole fishery ngo:

- unobuncinane bobude obubhaliswe yi- SAMSA obuzimitha ezimalunga ne-10. Imikhumbi emincinane ingajongwa nayo ukuba iyakwazi ukubonisa irekhodi lokubamba kwifishari ye-tuna pole;
- uqinisekewe yi-SAMSA ukuba usebenza kummandla weemayile ezingama-40 (Uhlobo B lomkhumbi);
- onobuchule bokujonga umkhumbi obusebenzayo (vessel monitoring system); kwaye
- Inaso isikhenkcezisi.

10. *Ukubandakanyeka kumacandelo amaninzi*

Abanamalungelo kwifishari ye-tuna-pole abazikuvalelwa ukuba bafumane amalungelo oshishino orhwebo lokuloba lweentlanzi akuLuhlu A (cluster A) nakuLuhlu B loshishino (cluster B) . . Amalungu efishari ye-tuna pole, kuquka bafaki-mali (ii-shareholders) abambe intambo okanye amalungu (xa iyi-close corporation) namalungu amaqela abaphathi abaphezulu abayi kuvunyelwa ukuba babe namalungelo orhwebo lwentlanzi akuLuhlu C (cluster C) nakuLuhlu D (cluster D) , nasekulobeni iintlanzi eziqhelekileyo (Traditional Line Fish)

11. Intlawulo yokufaka izicelo ne rhafu

Imali yokwenza isicelo sokukuloba kulefishari iza kuqulunqwa kujongwe oku:

- Ixabiso lenkqubo yonke yolwabiwo lwamalungelo, kuquka ukucetyiswa, ukwamkelwa, uvavanyo lwezicelo, ukuqinisekiswa, izibheni nohlolo; kunye
- Nexabiso lentlanzi enikezelwayo ngelithuba lelungelo.

Irhafu yonyaka ehlawulwa ukusukela ngomhla woku-01 kuJanuwari 2006 iyakuqulunqwa emva kokubonisana nabo banamalungelo. Iirhafu ezihlawuliweyo ziya kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuthobela nokwenza uphando.

12. Imilinganiselo yokulawula

Le milinganiselo yokuphatha ichatshazelwe apha ngezantsi ibonisa imigaqo yeSebe yokulawula lefishari emva kokunikezela ngamalungelo okuloba. .

12.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela 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- EAF kushishino lokuloba kwifishari ye-tuna iyakuchazwa ngokuthe xhaxhe kwi-Tuna Pole Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba.

12.2 Ukuhlenganiswa kwabathathi-nxaxheba

Emva kokunikezela ngamalungelo orhwebo lokuloba iminyaka esibozi kwifishari ye-tuna pole, isebe lizakuncedisa ukuhlenganisa kwabo manamalungelo, basebanzayo kulefishari. Abanamalungelo kungenzeka bahlanganise amashishini abo kunye nabanye.

- Apho abanamalungelo banezabelo ezifanayo neofisi okanye iqumrhu elilawulayo; okanye

- Apho abo banamalungelo amancinci bagqiba ekubeni bahlanganise amashishini abo ngenjongo yokuphucula ubume benguqu kulefishari

Ukuhlanganiswa kwabanamalungelo kuxhomekeke kwindlela iSebe elijonge ngayo limonopoli . (**khangela kumhlathi 12.4 ngezantsi**) Ukwaleka iSebe ngeze likuxhase ukuhlanganiswa kwala mashishini ukuba oko kuya kubangela ukuhla kwemeko yenguqu kwifishari ye-tuna pole.

12.3 Imikhumbi nenzame zokuloba

Kungoku nje kune 140 yemikhumbi yokubamba ituna ngepali.olu lobo lungalungela ama 200 emikhumbi kwanabasebenzi abakuma 3 600. Ngokuqinisekileyo olu lobo aluxhatshazwa ngokufanelekileyo.

12.4 limonopoli

Nangona iSebe lizakukhuthaza ukuhlangana kwabo manamalungelo kulefishari, likuchasile ukuhlangana okuza kuba bubungangamsha obusebenzela ukusingela phantsi abo banamalungelo amancinci.

13. Imilinganiselo yokusebenza

ISebe lizofaka indlela ezininzi zokuvavanya ukusebenza ngelithuba lamalungelo orhwebo ngentlanzi. Kujongwe ukuba ithuba lokuqala lokuvavanya indlela yokusebenza libe semva konyaka omnye, ze emva koko libe rhoqo emva kweminyaka emithathu..

Nangona iSebe liza kuyiqukumbela indlela yokuvavanya emva kokubonisana nabanini malungelo, lendlela imbhanxa yokusebenza ilandelayo isenokusetyenziswa:

- Inguqu;
- Utyalo-mali kwimikhumbi nakwizixhobo zokusebenza ;
- Ubuchule ekulobeni;
- ukuthotyelwa kwemithetho nemimiselo esebenzayo.

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye zilifanele eli shishini.

14. Inkqubo yokwakha umkhanyo

Inkqubo yabakhi-mkhanyo beSebe izakwandiswa ukuze ifake abakhi-mkhanyo bokuthotyelwa komthetho. Ukongeza, iSebe lizoqhubekeka lisongeza abakhi-mkhanyo kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo.

15. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokuba kukhe kwafakwan' imilomo nabanamalungelo okuloba kulefishari kodwa ngaphantsi kwemfuno zokuphathwa kwenqila yokuloba, kwaye iza kumana ihlolisiswa xa kuyimfuneko



**UNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZOKUPHATHWA NOKUGCINWA KOLWANDLE NOGU LWALO**

**UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO OKUDOKA KWI
TUNA POLE FISHERY: 2005**

**LOLU HLELO KUMELWE LIFUNDWE KANYE NE NQUBO-MGOMO
YOKUPHATHWA KWAMALUNGELO OKUDOKA NGENJONGO
YEZENTENGISELWANO ESIKHATHI ESIDE: 2005 (itholakala ku www.mcm-deat.gov.za)**

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1. Isiqalo

Lena ipulani elingaphelele ekukhishweni nokuphathwa kwamalungelo okudoba kwi tuna pole fishery kanti ikhishwa Umnyango wezemvelo nezokuvakasha:: Branch Marine and Coastal Management ("UMnyango") ukuze umphakathi ube nezwi. Lomgomo kumele ufundwe kanye ne Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). Labo abathandayo nabathintekayo bangaletsa izimvo zabo bezibhale phansi emnyangweni ngo 4 April 2005. Izimvo ezilethwe emva kwalolusuku ngeke zithathwe. Zingalethwa lapha:

Isizathu salomqulu ukukhombisa ezibukwayo uma kukhishwa amalungelo okudoba kwi tuna pole. Ezinye zazo azizintsha. Zisetshenziswe umnyango ngesikhathi bekipha amalungelo. Lomgomo unoshintsho oluncane

Amanye amalungelo aphinde avezwa futhi lapha kulelipulani. I Tuna Pole Fishery Management Manual izoqedelwa kuwowonke amalungu ngo 2006. Lomqulu uzochaza kabanzi I methodology kanye nezindlela ezindelwayo ekudobeni.

U Minister wezemvelo kanye nezokuvakasha ufuna ukunika abawu 18 abazoba namalungelo kwi seaweed ngokuka section 79 ye Marine Living Resources Act 18 of 1998 ("the MLRA") kumuntu omdala emnyangweni.

2. IBhayoloji kanye nokuhluka kwengcebo

I Albacore (*Thunnus alalunga*) yaziwa njengu tuna yokushisa. Iyashibilika, incane okungaphansi kukamasentimitha angu 90 ngobude futhi ibanengi zihlangane ngaphezu kwamanzi. Ezindala zona zibangaphansana kwamanzi zonaazibi isigungu. Ngakho ke azitholakalwanga ngalaba abazingelayo. Olwandle kunezinhlalo ezimbili ze albacore, ezasenyakatho zehlukene kwezaseningizimu okungu 5N. Ama Albacore ahlala kwintshonalanga ye Atlantic kuwomabili amahesifiye.

I Albacore anendlela kwimvelo avela kuwowonke amalwandle. Amapoling fleet ahlukana kuphela I west coast yoMzansi Afrika, iqonde e southern atlantic albacore. Indian Albacore evela kwi east coast awamaningi. Iningi ama southern albacore atholakala onqemeni lwe Namibia, Brazil kanye ne Argentina. Ama Albacore adotshwa kuphela emanzini asemzansi afrika ngo October nango Juni okwenza I tuna fishery ihambisane nesikhathi sonyaka. Ukutholaka kuphinde kuhambisane nemvelo lokhu okwenza izinhlanzi zize ngasogwini.

Ngenxa kubesolwandle uma luphezulu ama albacore abanjwa izizwe eziningi. Ukuphatheka kahle

kwalezilwanyana kuwumsebenzi we regional Fisheries management (RFMO) behlangene ne Indian Tuna Commission (IOTC) RFMO yenza ama assessments ekuboneleni izilwanyana umphumela we allowable catches”) ukwebaleneka kwezwe kanye nokuthuthukisa umthetho kanye nama control measures.

3. Okuphathelene nokudoba

I tuna pole fishery isebenzisa izingubo zokugqoka ukuthola isigungu sama albacore amancane kwi southern atlantic, ukuze ithengisele abazowafaka emathinini. Ezinye izilwane zetuna zihlanganisa I yellowfin, kanye ne bigeye tuna kodwa lezi zenza okungaphansi okungama phesente awu 5obanjwa ngomnyaka. Abanye abanamalungelo okudoba sebeqali ukuzifunela o tuna abazowudayisela imakethe yesashimi e Europe, UK, USA kanye ne JAPAN.

I Southern Atlantic albacore alokhu aqalwa ukudotshwa kusukela ngo 1950. Imiphumela anyuke aba 24000 yamathani phakathi kuka 1965 kanye 1985. Emva kwalokho anyuka okulinganiselwa ku 30 000 amathani, ngaphambi kokuthi ahlike aye ku 6 200 yamathani ngonyaka.

Izizwe ezidobayo ezifuna ama albacore kwi south Atlantic ama Chinese Taipei (alinganiselwa kumathani awu 16 800 phakathi kuka 1998 kanye 2002), South Africa (6 200 amathani).

Brazil (4 000 amathani) kanye ne Namibia (2 300 amathani). Isitoki se South Atlantic albacore ayihlukanyezwa kakhulu, ngisho noma ingedlula ukubanjwa okudlula i global TAC eminyakeni eminingi.

Njengoba I ICCAT ingakakhiphi isinqumo ngokabalana esitoko sama albacore e South Atlantic I South African fishery iphethwe Umnyango we total applied effort (“TAE”) yamaveseli awu 200 iphathe ama crew awu 3 600.

Eminyakeni eminingi amaveseli amathathu enziwe kulomdobo. Awokuqala ayemakhulu anamarefrigerators futhi akwazi ukuhlala olwandle isikhathi eside anama crew awu 20 nomangaphezulu. Awesibili ayemancane apha ama crew angaphansi kuka 20, kodwa angahlali ngaphezu kobusuku obubodwa. Awesithathu ayemancane kakhulu athwale ama crew angaphansi kuka 10 asebenzise kuphela I “pole gear”

Amaveseli awu 165 anelungelo lokufuna I tuna asebenzise ipali. Ama crew awu 2700 aqashiwe kulamaveseli okudoba akunzima, kodwa ukufuna kanye nokudoba I tuna usebenzise ipali ekubeni kufuna ulwazi oluphezulu.

4. Amalungelo awesikhashana kanye nendlela elandelwayo

Ngo 2002, umnyango wabele amalungelo awu 152 okudobeni l tuna, ngakho yavumemela amaveseli awu 165 nama crew angaphezulu kuka 2 700 azoqondana nokufuna Kumalungelo akhishwa u 20.5 yamaphesenti ayiswa kubantu abansundu noma izindawo abaziphethe. Abantu abansundu abawu 90 phesenti bayadoba.

Kuphela abangamaphesenti awu 29 namalungelo okudoba izinkampani ezisemthethweni . Abane abasele abantu abaphilayo.

5. Izizathu ze Over Arching

Izizathu zokunikezwa amalungelo kwi tuna pole fishery yilawa:

- Ukunyuka kwezivumbululo kwezokudoba
- Ukugqugquzela zoku investa kumavesele , isiqalasizinda, kanye nemisebenzi ikakhulu kulabo abengenawo amathuba kudala.
- Ukuthuthukisa ilekhodi lase Mzansi ekudobeni o tuna.
- Ukunikeza amalungelo kumabhizinisi amancane kanye naphakathi
- Ukufukamalisa ingcebo
- Ukwenza ukudoba kuhambisane nemvelo.

6. Ubude bamalungelo

Kumele kubukisiswe lokhu –

- Ukuvumbulula kwendaba yokudoba kanye
- Isidingo sokunyusa amalungelo abantu ,

Amalungelo azonikezwa okwesikhathi esiyiminyaka eyi 8 kusukela ngo (01 January 2006 kuya ku 31 December 2013). Amalungu athole lamalungelo , bayovivinywa, ngezikhathi ezinqunyelwe kusetshenziswa l criteria yokuthi wenza kanjani (buka i Paragraph 13 ngaphansi).

7. Abantu abasebasha

I tuna pole fishery okwamanje ayinabo abantu abaningi futhi kungangena abantu abaningi ngaphezulu. Phezu kwalokho, i-transformation profile ye fishery ayikakagculisi. Ngakho ke kuyabonakala ukuthi abantu abaningi basazonikezwa amalungelo okudoba.

8. Izindlela zokukhetha

Abafuna ukungenala bazovivinywa kusetshenziswe i "*exclusionary criteria*". Amalungu amasha kanye namadala bazovivinywa ngokuhlukile kusetshenziswe i "*comparative balancing criteria*". Kuyobukwa izindlela ezimbili bese kukhethwa abaphumeleleyo. Ingxenye ye TAE izonikezwa labo abaphumelele ngokwe "*quantum criteria*".

8.1 I *Exclusionary criteria*

Ngaphandle kwalendlela echazwe kumqulu ojwalekile emayelana nokufaka izicelo, umnyango uyowakhipha lawo amalungu angazenzi lezi izinto ::

- (a) **Uhlobo lomceli:** Icelo eziyobheka ilezo eziphuma ezinkampanini ngokomthetho we Close Corporations Act 69 ka 1984 kanye ne Companies Act 61 of 1973 kanye nabantu (isibonelo abaziphathayo noma abantu abaphilayo). Izicelo eziphuma kuma trusts ngeke aze abukwe.
- (b) **Ukwethembeka:** Izicelo, okuhlanganisa o director noma abanasheya, abanecala elinzulu ngokwe MLRA (without the option of the payment of a fine) ngeke baze bathathwe. Izicelo ezihlukanisa director noma abannamasheya, amalungelo abo okudoba athathwa noma amiswa ngenxa Emliranabo futhi ngeke bathathwe, futhi labo abanamlungelo kodwa behluleke ukuletha i 50% yezinto abazidobile nabo bazokhishwa.

Ukunqamula umthetho okuncane nge MLRA kushiwo :

- (c) **Paper quotas:** Paper quotas, njengoba lchazwa kumgomo ojwayelekile nakho ngeke kuthathwe.
- (d) **Ukubanesandla ekutholeni i veseli efaneleyo:** Abaceli komele bakhombise ukuba nemvume yokuba neveseli efaneleyo (**buka ku *paragraph 9 ngaphansi***).
- (e) **Ukungasetshenziswa:** Abanamalungelo abangakwazanga ukusebenzisa amalungelo abo kwi

medium -term commercial tuna pole kusekela ku 2002 kanye no 2004 ngeke banikezwe amalungelo e tuna futhi.

8.2 Ukubhalansisa

Yize le criteria elandelayo izosetshenziswa kuphela kulabo abanamalungelo kanye nalabo abasha, yize ukubukwa :

(a) Ukuvumbulula

Okwamanje kunamalunga angamaphesenti awu 20 aphethwe abantu abansundu. Kuthi awu 10 phesenti abantu abamnyama ezinkampanini abaziphethe ngo kwabo.

Ngokunjalo ke abazongena kuzo aseswa kanjena –

- Kuzobukwa amaphesenti abantu abamnyama nabesifazane abaphethe kanye nakwi executive ;
- Ukuthi abasebenzi banawo amasheya nobubanzi bamabhenefithi;
- I Affirmative procurement;
- Ukubakhona kwabantu abamnyama ezindaweni ezihlukene
- Ukulandela umthetho we Employment Equity Act 55 of 1998; and
- Uku investa emphakathini.

(b) Uku investa ekudobeni

Abafake izicelo bayobukwa ngokuthi ba investe kwi tuna pole fishery.

Umnyango uyobuka lokhu ke:

- Uku investa kuma veseli afaneleyo. Ngakho ke ngo investa ngokuthi ube namasheya nakho futhi. Amalungu ngeke aze aklomele ngokuqeda ukudayisa, izivumelwano ze charter noma ngezivumelwano zokudoba.
- Uku investa ezindleleni zokumaketha iziqala zizinda. Umnyango ke uyobaklomele labo abathathe iqhaza ekumaketheni o tuna.

Labo abasha komele bakhombiese ukuthi ba investe kuyiphi iveseli . Labo abasha kumele bakhombise ukuthi bamakethe kanjani

(c) Ukwenza kokudoba

Amalungu ayobukwa ngokwenza kwe tuna pole fishery kwi medium term. Ikakhulu labo abafuna ama traditional line fish stocks ngaphezu kwe tuna bayogwetshwa

Abasha bayobukwa ngokuthi bayakwazi yini ukwenza , banalo yini ulwazi kanye nobuchule bokudoba o tuna na..

(d) Ukuthembela ku tuna

Umnyango uncamela ukuthi abanezicelo bathembele ku tuna amaphesenti awu 50 ngaphezu kwamaholo abo. Bayogwetshwa labo abathola imali eceleni kokudoba

(e) Ukuba nesandla

Umnyango uyobuka indlela l tuna emakethwe ngayo nokuthi yenze kanjani

Labo abasha komele bakhombise ukuthi bazowudaisa kanjani u tuna Bazobukwa ngalezi zinto:

(f) Ukuthuthukiswa komnotho

Umnyango uncamele lezo zicelo abazozibambela kodwa bese eletha ezindaweni ezingaphandle ukuze u proseswe njenge Kapa.

Futhi uMnyango uyofuna labo abaletha asebekubambile ezikhungwini ezincane njenge Port Nolloth.

(g) Imisebenzi

I tuna pole fishery ibukelela abasebenzi , Iqasha abantu abangango 2 700.Iyakwazi nokuqasha

abangango 3 600 ngaphansi kwe TAE. Yize uMnyango ukwazi ukuthi I tuna inezikhathi kodwa bagqugquzela ukuqashwa kwabantu ngokuphelele ukuze abantu bakhuseleke. Ngakho uMnyango uyoklomelisa labo abenze lokhu:

-Ukuqashwa ngokuphelele

- I Medical aid kanye nempesheni;
- Namanye ke ama bheneffithi okusebenza
- Ukusebenza ngokuphephile.

Umnnyango uzoba nesandla ekuhlukeni kwamaholo labo abahola kancane kanye nalabo abahola kakhulu

(h) Ukungakhokhwa kwemali yokudoba

Umnnyango alindele ukuthi amalungu akhokhe imali yokudoba kulokho asebekubambile. Amalungu amaningi abakhokhi noma basho izinombolo eziphansi ukuze bangakhokhi inhlawulo

Lawo amalungu atholwe engakhokhi ngeke banikezwe ilungelo lokudoba, noma uma enikiwe izophucwa kuyena. Emacaleni adlule (ukungakhokhi izimali emnyangweni), abanamalungelo bayopanishwa. Uma ngabe ilungu linayo ilungelo futhi evumeleka, ilungelo lokudoba ngeke anikezwe lona kuze kuba ukhokha lezo zikweletu emnyangweni

(i) Ukwethembeka

Lawo amalungu ahlanganisa o director noma abanamasheya abaphenywayo ngokuphula imithetho ye MLRA ngeke banikezwe amalungelo e tuna pole fishing kuze kube kuhuma isinquma sokuphenywa.

Amaphutha amancane e MLRA, okuhlanganisa umthetho wayo kubaceli kanye nalabo abanamasheya kuyoba nomphumela ongemuhle.

8.3 Ukuzama ukunikeza

Ngenxa yokuthi umsebenzi wokudoba ubungadumile esikhathi esingaphambili, uMnyango kwkazi ukunika lowo ofake isicelo amaveseli awacelile. Uma lokhu iqhubeka ingenabo abantu abaningi

izoqhubeka inikeza amaveseli. Kodwa uma ngabe lawo amaveseli engaphezu kwenamba yabantu, ngakho uMnyango uyonika i veseli eyodwa kulabo abaphumelele, bese kuthi asele anikezwe labo abashaye amaphuzu aphezulu.

9. Amaveseli afaneleyo

Iveseli efaneleyo yileyo enalokhu:

- Okungenani ibeneshicilelwe i SAMSA ngobude obuwunga mamitha awu 10. Nalawo amancane asangabukwa kodwa kumele akhombisa ukuthi ayakwazi ukubamba kwi pole fishery.
- Iyasebenza i monitoring system; kanti futhi
- Inayo i freezer noma indawo yamaqhwa.

10. Ukubandakanyeka kokunye

Abanamalungelo kwi tuna pole fishery (kuhlanganisa o director kanye nabanamasheya kanye nabakwi management) ngeke banganikezwa amalungelo ku Cluster A kanye no Cluster B. Kodwa labo abanamalungelo e tuna ngeke banikezwe ama lungelo e commercia ku Cluster C kanye no Cluster D fisheries.

11. Izimali zokungenela kanye nezinhlawulo

Imali yokungenela kwi tuna pole fishery izokwenziwa ibuka lokhu:

- Ukubiza kwamalungelo kuhlangene ne consultation, ukuthola, ukucunungula, ama apeeals kanye nokubukezwa. Ngokunjalo ke nokubiza kwi medium term izosetshenziswa njenge guide.
- Nokubaluleka kwafishi onikezelwe ngesikhathi uthola ilungelo.

Lezizimali kumele zikhokhwe ngo 1 January 2006 zophinde zibukezwe, nalabo abathandayo

12. Ukukalwa kokuphatha

Ukukalwa kokuphatha kucaciswa lapha ngaphansi umnyango

12.1 Indlela ye ecosystem ekuphatheni

Le fishery izophathwa ngokulandela I ecosystem approach to fisheries ("EAF").

Iecosystem approach ku fisheries ibuka yonke into kanye nomgomo olandela ukuthi nanoma yini eyenziwayo kodwa imvelo yasolwandle ingaphazamiseki. I EAF kwi tuna fisheries izochazwa kabanzi emqulwini we Pole Fishery Management Manual. I South Africa ilokhu izimisele ngonyaka ka 2010 ukwenza isebenze I EAF in the commercial fisheries.

12.2 Ukuhlanganiswa kwamalungu

Ngaphezu kweminyaka ewu 8 yamalungelo okudoba kwi tuna pole fishery umnyango uzosiza ngokuthi uhlunganise wonke amalungu asebenzayo. Abanamalungelo kungenzeka bahlunganise amabhizinisi abo nabanye.

Lapho amalungu afuna ukuhlanganisa ukuze banyuse I transformation profile yefishery.

Ukuhlanganiswa kwamalungu kudinga imvume emnyangweni kuma monopolies (**buka i paragraph 12.4 ngaphansi**). Ngaphezu kwalokho umnyango ngeke ubenesandla uma ngabe I transformation profile yetuna pole fishery izokwehluka

12.3 Amaveseli kanye nokuzama ukudoba

Kuyimanje kunama veseli awu 140 emsebenzini wokudoba. I fishery ikwazi ukugcina awu 200 kanye namacrew awu 3 600. Ngakho ke I fishery ayihlukunyezwa kakhulu.

12.4 I Monopolisation

Lapho umnyango uzama ukuhlanganisa amalungu , futhi ayifuni I monopolies izokwenza kube nalungelo amancane.

13. Ukukalwa kokusebenza

Umnyango uzokwenza izinto eziningi eziyosetshenziswa ukukala umsenbenzi ngesikhathi usanamalungelo. Isikalo sokuqala siyokwenzeka kokuphela konyaka wokuqala emva kwalokho emva

kweminyaka emithathu.

Yise umnyango uyokhipha isinqumo sokugcina ukuthi imaphi amalungu ayofunwa nazi izinto eziyolandelwa:

- I transformation;
- Uku investa kuma veseli kanye nezingubo
- Ubuchule ekudobeni;
- Ukuthobela imithetho ebhaliweyo

14. Uhlelo lokubuka

Umnnyango uphinde futhi ubuke ukuthi uyawuthobela yini umthetho. Ngaphezu kwalokho umnyango uzobe uqhubeka unyusa uhlelo lwe fishery. Amalungu ayoziwonela ezindlekweni zohlelo lokubuka.

15. Ukuvunyelwa ukudoba

Izimvume zikhishwa njalo ngonyaka. Lawo athinta unyaka 2005 atholakala ku **Annexure A**. Labo abathandayo kanye nabathintekayo bavumelekile ukuba novo lwabo.



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

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE WEST COAST ROCK LOBSTER (OFFSHORE)
FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE 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 west coast rock lobster ("WCRL") (offshore) fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This fishery was previously referred to as the "full commercial" west coast rock lobster fishery. There is a separate policy for the west coast rock lobster fishery (nearshore), which was formerly referred to as the "limited commercial" west coast rock lobster fishery.

This policy must be read with the General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial WCRL (offshore) fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A West Coast Rock Lobster (Offshore) 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 intends to delegate the section 18 power to allocate WCRL (offshore) rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

West coast rock lobster (*Jasus lalandii*) are slow-growing, long-lived animals. Female size at maturity varies and ranges from 57 millimetres carapace length (CL) to 66 millimetres CL. Male lobsters attain a larger size and grow faster than females. As a result of the size limit of 75 mm CL that is imposed on commercial fishers, male lobsters make up 90 to 99 percent of the catch.

West Coast rock lobster occur inside the 200m depth contour from just north of Walvis Bay in Namibia to East London. Commercial exploitation occurs from about 25°S in Namibia to Gansbaai on the Cape south coast. However, recreational fishing extends further eastwards to Mossel Bay.

3. Profile of the fishery

The current harvestable biomass is estimated at around 8 percent of the pre-exploitation levels and spawning biomass at approximately 21 percent. This decline is largely a result of two effects: large unsustainable catches taken particularly during the first half of the 20th century and a substantial reduction in the somatic growth rate during the 1990's.

Commercial fishing began in the 1880's. The commercial fishery expanded rapidly in the early part of the 20th century. Although catch records prior to 1940 are sparse, catches appear to have peaked in the period 1950 to 1965, when between 13 000 and 16 000 tons were landed annually.

Prior to 1946, the commercial fishery was unregulated. In that year, a tail-mass production quota was imposed to control exports. This formed the basis of the "output-controlled" management philosophy that is still employed in the management of the west coast rock lobster resource today.

From 1946 onwards, annual quotas were granted, based primarily on the performance of the fishery in the preceding season. Until the mid-1960's, catches were directly controlled by these quotas. In the 1967/68 fishing season, catch rates began to decline and quotas could not be filled. Decreases in the Total Allowable Catch ("TAC") to between 4 000 and 6 000 tons restored some balance in the period 1970/71 to 1989/90.

The tail-mass production quota was replaced by a whole lobster (landed mass) quota, and management by means of a TAC was introduced in the early 1980's. Area or zonal allocations were introduced at the same time. Other management measures that were enforced early on were size limits and a closed season. Catches of berried or soft-shelled lobsters were banned. The 1990/91 season again saw the catch rates drop and, in the ensuing years, the commercial TAC was gradually reduced, reaching 1 500 tons in the 1995/96 season. Since then, there has been a slow recovery, with the commercial TAC being set at 3 527 tons for the 2004/2005 season.

Prior to the introduction of lobster traps in the 1960's, the commercial fishery depended almost exclusively on hand-hauled, hoopnets, which are light and easy to deploy from small boats in shallow waters. Hoopnets are seldom used at depths exceeding 30 metres. Hoopnet dinghies may either operate independently from the shore by means of an outboard motor or oars, or be transported to the fishing grounds by means of a motorized mother vessel (deckboat).

The west coast rock lobster fishery is made up of two distinct sectors: a commercial fishery and a recreational fishery. Recreational users may only fish using hoopnets from a boat or the shore, or practice breath-hold diving or poling from the shore. Recreational fishers may not sell their catch.

The WCRL (offshore) fishery is permitted to catch rock lobster in traps. In the medium-term rights allocation process, right-holders in this fishery were granted allocations of more than two tons each.

Right-holders in the WCRL (offshore) fishery use larger, more sophisticated vessels than right-holders in the WCRL (nearshore) fishery, which is restricted to using hoopnets in shallow water. The WCRL (offshore) fishery also employs larger numbers of crew.

The WCRL (nearshore) fishery replaced the subsistence fishery in 2001 in keeping with the recommendations of an independent review of subsistence fishing in South Africa. The review recommended that high-value subsistence fisheries such as west coast rock lobster, traditional linefish and abalone should be commercialised. The commercialisation of these fisheries has permitted fishers to sell and market their products.

Approximately 20 percent of the commercial west coast rock lobster TAC is allocated to the nearshore fishery and 80 percent to the offshore fishery. The reason for this split is that approximately 20 percent of the resource is located in the inshore region, while 80 percent is located offshore in deeper waters.

The offshore fishery supports some 5 500 employees, 95 percent of whom are black. Of these, more than 2 500 are sea-going personnel, with the remainder employed in processing and marketing operations on land. West coast rock lobster fishing takes place between November and July and the average annual income over this period is R26 500. The annual value of west coast rock lobster catches is approximately R200 million. The approximate value of vessels in this fishery is R130 million.

The west coast rock lobster fishery has been well managed and, since 1997, it has seen steady increases in the total allowable catch. In 2003, the Minister declared a total allowable catch for the commercial harvesting of rock lobster in the area east of Cape Hangklip. The Department continues to manage this fishery in terms of precautionary management principles.

4. The medium-term rights allocation process

During the medium term rights allocation process, 234 full commercial west coast rock lobster fishing rights were allocated. An additional 511 limited commercial fishing rights were allocated, many to former subsistence fishers. Of the rights allocated in the full commercial fishery, 66 percent were granted to black persons and black-owned entities. The representation of blacks at senior management level in the full commercial fishery is, however, only 34 percent. Of the rights allocated in the limited commercial fishery, 91.5 percent were allocated to black persons predominantly to black-owned micro enterprises. .

In 2003, a further 230 tons of west coast rock lobster were allocated to 274 limited commercial right-holders in the area east of Cape Hangklip. Of the rights allocated, more than 90 percent were allocated to black persons.

In 1992, 39 predominantly white right-holders controlled the west coast rock lobster TAC. In contrast, by the end of 2003, 1 019 commercial rock lobster fishing rights had been allocated. Of these, many were allocated to former subsistence fishers. To accommodate the larger number of right-holders, the average allocation in 2002 was 6.8 tons, compared with an average allocation of 56 tons in 1992. In 1992, the highest allocation was 199 tons and in 2002, the highest allocation was 95.6 tons.

After the medium-term allocation process, 66 percent of right-holders in this fishery were black-owned. Thirty four percent were black-managed. These right-holders collectively controlled 60 percent of the TAC. Furthermore, small- and medium-sized enterprises made up 90 percent of right-holders.

5. Over-arching sectoral objectives

The over-arching objectives of allocating long-term fishing rights in this fishery are to:

- Maintain the transformation profile of this fishery and in certain aspects, such as the management of right holders, improve the profile.
- Promote investment in vessels (to modernise or replace ageing vessels), and infrastructure, and to promote more secure jobs;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to –

- the transformation profile of the fishery;
- the number of full-time jobs provided (and to further promote the conversion of part-time employment into permanent jobs);
- the need to maintain the economic stability that currently prevails in the fishery; and
- the fact that the west coast rock lobster resource is well managed in terms of reliable and current data;

commercial rights will be allocated for a period of 10 years (15 November 2005 to 31 July 2015). The Department will regularly evaluate right holders against predetermined performance criteria (*see paragraph 13 below*).

7. New entrants

Although the west coast rock lobster fishery is optimally exploited and there is no room for additional participants, new entrant applicants may be preferred over existing right-holders who have, *amongst others*, failed to transform, or who have failed to perform. In addition, those right-holders that did not utilise their rights, or did not utilise them effectively, should not be re-allocated a right and may be replaced by new entrants.

8. Evaluation criteria

Applications will be screened in terms of a set of “*exclusionary criteria*”. New entrant applicants and previous right-holder applicants will then be separately assessed in terms of a set of weighted “*comparative balancing criteria*”. A cut-off score or rank will be determined to select the successful applicants. A proportion of the TAC will then be allocated to each successful applicant in terms of a set of “*quantum criteria*”.

8.1 Exclusionary criteria

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

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973. Natural

persons (i.e. individuals or sole proprietors) will not be granted rights. Current natural person right holders must apply in the form of a close corporation or company and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General policy.

- (b) **Compliance:** If an applicant, or its members, directors or controlling shareholders has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, will not be allocated a WCRL (offshore) fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if an applicant (or its members, directors or controlling shareholders) is being investigated for a breach of the MLRA.

Right-holders are required to pay a levy on targeted fish landed. Right-holders that have under-reported catches to avoid the payment of levies will be excluded. Right-holders that have not paid levies will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper quotas:** Paper quotas, as defined in the General policy, will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 9 below*).
- (e) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right-holder applicant failed to fully utilise its medium-term commercial west coast rock lobster right between 2002 and 2004.

8.2 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. The criteria stated below

must be read with the corresponding criteria in the General policy for further detail. This applies in particular to the “*transformation*” criterion.

(a) Transformation

One of the objectives with the allocation of long-term fishing rights in this fishery is to maintain the present levels of transformation and to improve on certain aspects. Applicants will be assessed on –

- The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- Whether employees (other than top salary earners) benefit from an employee share scheme;
- Affirmative procurement;
- Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment. The delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;
- Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes; and
- Corporate social investment.

(b) Investment in the Fishery

Applicants will be evaluated by having regard to investments. As far as right-holder applicants are concerned, the delegated authority will consider:

- Investments in suitable vessels and other fixed assets. In respect of vessels, investment in the form of shareholding will also be rewarded. Applicants will not be rewarded for having concluded vessel purchase agreements;
- Investments in processing and marketing infrastructure. The delegated authority may reward right-holder applicants that have invested in west coast rock lobster processing and marketing.

As far as new entrant applicants are concerned, the delegated authority may consider investments made in other sectors in the form of vessels and fixed assets, and may consider investments made in marketing and processing.

(c) Fishing Performance

Right-holder applicants will be assessed by having regard to their performance in the west coast rock lobster fishery over the medium-term period.

All new entrant applicants will be required to demonstrate that they have the capacity, knowledge and skill to participate in the West Coast Rock Lobster fishery.

(d) Local economic development

Investment in South Africa's smaller coastal towns should be promoted. The delegated authority may reward those applicants that have invested in smaller coastal towns outside of the large metropolitan areas of Port Elizabeth and Cape Town, particularly along the West Coast. West Coast Rock Lobster right-holders that have invested in facilities in Cape Town and Port Elizabeth will not be negatively scored.

(e) Value-Adding and Enterprise Development

The delegated authority may have regard to enterprise development and to the ability of right-holder applicants to add value to WCRL. New entrant applicants will be required to indicate how they intend to add maximum value to WCRL.

(f) Jobs

Job creation and increases in jobs as a result of the allocation of medium term fishing rights may be taken into account, and in particular, applicants that have provided their employees with –

- Full time employment;
- Medical aid and pension; and
- Safe working conditions.

Jobs created per ton of fish allocated during the medium-term rights allocation period will be assessed.

(g) Reliance on west coast rock lobster

The delegated authority will positively score applicants who rely on WCRL fishing for a significant proportion of their gross annual income.

(h) Non-payment of fish levies

Right holder applicants will be penalised if their levies payable to the Department are outstanding for a period longer than 60 days at the date of application.

(i) Compliance

If the applicant, its members or its directors or controlling shareholders have been convicted of a minor infringement of the MLRA, the regulations, permit conditions or other fishery related offences, during the medium-term right period, or paid admission of guilt fines for contraventions of the MLRA, its regulations or permit conditions, the applicant will be penalised.

8.3 Quantum Criteria

In this fishery, the mechanism for allocating quantum will form the subject of further consultation with applicants once the applications in this fishery have been assessed and the successful applicants have been identified. Subject to the outcome of the consultation process, the following three principles will be applied in respect of the allocation of quantum.

Firstly, the allocation of quantum to successful medium term right holder applicants will be determined with reference to the quantum held by right holders in 2005.

Secondly, the delegated authority must endeavour to redistribute at least 10% (ten percent) of the TAC to small businesses and right holders with small allocations, provided that these entities are sufficiently transformed and performed well during the medium term period.

Thirdly, and in addition to the above two principles, the delegated authority shall be entitled to allocate quantum based on criteria intended to achieve the objectives of this policy, such as transformation and performance. These criteria must be designed in a manner which should ensure that all successful applicants, regardless of the size of their previous allocations, will be able to benefit if they meet the criteria.

9. Suitable vessels

A suitable vessel in the west coast rock lobster fishery is a vessel that:

- has a SAMSA registered length of approximately 30 metres and a minimum length of approximately 8 metres;
- has a functioning vessel monitoring system;
- is geared for either trap or hoop net fishing; and
- does not operate in another fishery.

10. Multi-sector involvement

Right-holders in the WCRL (offshore) fishery are not precluded from holding rights in any fishery in the Cluster A and Cluster B fisheries. Right-holders in the WCRL (offshore) fishery, including their controlling shareholders or members (in the case of close corporations) and members of their executive management team, will not be permitted to hold commercial fishing rights in Cluster C, including the WCRL (nearshore) fishery, and Cluster D fisheries, and the traditional line fishery.

11. Application fees and levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Management measures

The management measures discussed below reflect a number of the Department's principal postright allocation management intentions for this fishery.

12.1 Ecosystem approach to fisheries management

This 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 recognising that fishing and associated land-based activities impact on the broader marine environment. This part of the WCRL (offshore) fishing policy does not attempt to provide a policy statement on EAF. The EAF for the WCRL (offshore) will be detailed in the WCRL (Offshore) Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

12.2 Consolidation of participants

After the allocation of the 10-year commercial fishing rights in this fishery, the Department will facilitate the consolidation of the number of right-holders active in the fishery, particularly where:

- Right-holders share the same shareholders, offices or management team; or
- Smaller right-holders opt to consolidate their business operations.

Consolidation of right-holders is however subject to the Department's approach to monopolies (*see paragraph 12.4 below*).

12.3 Vessels and fishing effort

As many right-holders do not own the vessels they use, the Department anticipates that many right-holders will seek to introduce further vessels after the allocation of long-term fishing rights. Current effort levels are optimal and the Department will therefore carefully evaluate the cumulative effect of the introduction of further and new vessels into the fleet. Right-holders will not be permitted to introduce vessels capable of expending effort far in excess of their allocations.

12.4 Monopolies

While the Department will encourage the consolidation of right-holders in this fishery, it is opposed to monopolies which may operate to the detriment of smaller right-holders. The Department will not at this stage determine a maximum level of the TAC that any one right-holder may hold or control, but will monitor whether any larger right-holder acts in a manner contrary to fair competition practices.

13. Performance measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the performance measuring exercises will take place after two years, and thereafter every three years.

Although the Department will finalise the precise criteria against which right-holders will be measured after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels and gear;
- fishing performance;
- compliance with applicable laws and regulations.

The purposes of the performance measuring exercises will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

14. Observer programme

The Department's current observer programme will be expanded to include compliance observation. In addition, the Department will progressively increase the observer coverage of this fishery. Right-holders will be required to bear the costs of the observer programme.

15. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.

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