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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 397 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO COMMENT ON THE DRAFT POLICIES CONCERNING THE ALLOCATION AND MANAGEMENT OF LONG TERM FISHING RIGHTS IN THE HAKE LONGLINE, SEAWEED, SHARK DEMERSAL, SQUID, TUNA POLE AND WEST COAST ROCK LOBSTER (OFFSHORE) FISHERIES, 2005.

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

1. Hake Longline (English - Annexure A, Afrikaans – Annexure B)
2. Seaweed (English - Annexure C, Afrikaans – Annexure D, isiXhosa – Annexure E)
3. Shark Demersal (English - Annexure F, Afrikaans – Annexure G)
4. Squid (English - Annexure H, Afrikaans – Annexure I)
5. Tuna Pole (English - Annexure J, Afrikaans – Annexure K)
6. West Coast Rock Lobster (Offshore) (English - Annexure L, Afrikaans – Annexure M)

IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH, AFRIKAANS AND ISIXHOSA TEXT, THE ENGLISH TEXT PREVAILS

These fishery specific policies must be read with the Draft General Policy on the Allocation and Management of Long Term Fishing Rights, 2005. Interested parties may submit written comments to the Department by 17h00 on Monday 4 April 2005 in the following manner:

Per Faks: Faks Nommer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Posbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar By Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieerseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Copies of all of the draft policies are also available on the Department's official website www.mcm-deat.gov.za. Hard copies may also be collected from the Department's fishery control offices along the coast. More information regarding the Long Term Rights Allocation Process can be obtained from the following helpline: 0861 123 626

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

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

KENNISGEWING 397 VAN 2005

DEPARTMENT VAN OMGEWINGSAKE EN TOERISME

UITNODIGING OM KOMMENTAAR TE LEWER OP DIE KONSEP BELEID RAKENDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN VISVANGREGTE IN DIE STOKVIS LANGLYN, SEEWIER, BODEM HAAI, INKVIS, TUNA PAAL EN WESKUS-KREEF (DIEPWATER) VISSERYE 2005.

Die Minister van Omgewingsake en Toerisme reik hiermee, vir kennisname en kommentaar, 'n konsep vissery beleid uit rakende die toekenning en bestuur van langtermyn kommersiële visvangregte. Belanghebbende en geaffekteerde partye word uitgenooi om skriftelike kommentaar in verband met hierdie Konsep Beleide rakende die die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005 in te dien op die wyse soos aangedui in hierdie kennisgewing.

1. Stokvis Langlyn (Engels - Aanghangsel A, Afrikaans – Aanghangsel B)
2. Seewier (Engels - Aanghangsel C, Afrikaans – Aanghangsel D)
3. Bodem Haai - (Engels - Aanghangsel E, Afrikaans – Aanghangsel F)
4. Inkvis (Engels - Aanghangsel G, Afrikaans – Aanghangsel H)
5. Tuna Paal (Engels - Aanghangsel I, Afrikaans – Aanghangsel J)
6. Weskus-Kreef (Diepwater) (Engels - Aanghangsel K, Afrikaans – Aanghangsel L)

IN DIE GEVAL VAN TEENSTRYDIGHEID TUSSEN DIE ENGELSE EN AFRIKAANSE TEKS, SAL DIE ENGELSE TEKS VERKIES WORD

Hierdie vissery-spesifieke beleide moet saam gelees word met die Konsep Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005. Belanghebbende partye kan skriftelike kommentaar by die Departement indien tot 17h00 op Maandag 4 April 2005, op die wyse hieronder uiteengesit.

Per Faks: Faks: Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Postbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar By Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieerseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Afskrifte van al die konsep beleide is ook beskikbaar op die Departement se amptelike webruimte by www.mcm-deat.gov.za. Skriftelike kopieë kan ook afgehaal word by die Departement se vissery beheer kantore langs die kus. Meer inligting rakende die Lang-Termyn Regte Toekenningsproses kan gekry word by die volgende hulplyn : 0861 123 626

Geliewe daarop te let dat kommentaar ontvang na die sluitingsdatum geignoreer kan word.

Telefoniese navrae rakende die indiening van kommentaar kan gerig word aan die Regte Verifikasie Eenheid by (021) 670-3669.

ANNEXURE A

DRAFT



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

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

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

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1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the demersal shark fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). Interested and affected parties may submit written comment to the Department by 11 April 2005. Comments shall be submitted as follows:

By Fax: (021) 402-3362 Attention: The Deputy Director-General Demersal Shark Policy Comments	By Mail The Department of Environmental Affairs and Tourism Private Bag X2, Roggebaai, 8012 Attention: The Deputy Director-General Demersal Shark Policy Comments
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The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial demersal shark fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

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

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

2. Profile of the fishery

After interest in the tuna longline fishery waned in the mid 1960's, fishers turned their attention to other more lucrative stocks. Fishers used longline gear to target hake and kingklip under the guise of shark permits. When the Department reduced the by-catch limits of hake and kingklip in the shark fishery fishing effort decreased exponentially. Prior to 1998 more than 30 permits were issued to target shark, but due to poor performance in the fishery the TAE was reduced to 23 permits in 1998. The TAE was further reduced for 2004 to 11 permits due to poor performance.

The current shark longline fishery targets both pelagic sharks (blue and mako sharks) and demersal sharks (hound sharks, namely *Galeorhinus galeus* and *Mustelus mustelus*) by using either surface or bottom set gears respectively. In general the vessels targeting hound sharks are often smaller than those targeting pelagic sharks as the area of operation is restricted to coastal waters. As the gear used to target blue and mako sharks is similar to that targeting tunas and swordfish a management decision was taken to remove pelagic shark fishing from the shark longline sector and manage it as part of the large pelagic sector from the start of 2006. With effect from 01 January 2006, there will no longer be a targeted pelagic shark fishery.

Many shark permit holders hold other permits in sectors such as demersal shark, hake longline and tuna pole. Consequently, the shark fishery is generally used to keep the vessels busy when not engaged in other sectors.

Sharks are generally long-lived species that display low fecundity, slow growth rates and late maturation, which makes them particularly susceptible to overexploitation. Further, sharks are apex predators and the removal of these species could drastically alter marine ecosystems. Shark recruitment is strongly associated with adult biomass. Accordingly, the more adults in a population the more productive the fishery.

The number of vessels active in the demersal fishery has fluctuated annually, with the number

steadily increasing to 14 vessels in 1999. Only five vessels were active in 2003. As the fishery is seasonal (with highest catch rates experienced in winter) it is difficult to assess yearly CPUE, which has fluctuated widely. Prior to 2001 catches of *G. galeus* averaged 34 MT per year, but since 2001 catches have declined to below 20 MT per year, with less than 3 MT landed in 2004 (the second lowest catch on record). In 2001-2002 a stock assessment indicated that the main targeted species *Galeorhinus galeus* was optimally exploited, despite only three longliners operating in 2001 and two in 2002. This result confirms the sharks cannot sustain large fisheries.

3. Over-arching fishery objectives

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

- Substantially increase the transformation profile of this fishery;
- Permit only the targeting of demersal sharks. Pelagic sharks may not be targeted;
- Reduce the by-catches of hake and kingklip;
- Encourage value adding to demersal sharks to increase the value of fish caught; and
- Ensure the environmental sustainability of the fishery.

4. Duration of rights

Having regard to –

- the transformation profile of the fishery; and
- the present marginal state of this fishery,

the Department will allocate commercial rights for a period of eight years (01 January 2006 to 31 December 2013), subject to review at regular intervals against predetermined performance criteria, including the attainment of agreed transformation goals (*see Paragraph 11 below*).

5. New entrants

New entrant applicants will be considered to replace those right holders who have failed to give effect to their transformation plans, who have failed to perform and/or who have not complied with the provisions of the Marine Living Resources Act.

The Department does not foresee authorising more than 6 vessels to target demersal sharks.

6. 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*".

6.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgment of applications and material defects, the Department 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. Applications from natural persons (i.e. individuals or sole proprietors) and trusts will not be considered.
- (b) **Compliance:** Applicants, including the directors or controlling shareholders that have been convicted of an offence in terms of the MLRA (without the option of the payment of a fine) will not be allocated a demersal shark fishing right. Applicants, including the directors or controlling shareholders, that have had any fishing right

cancelled or revoked in terms of the MLRA will also not be allocated a demersal shark fishing right. Other breaches of the MLRA will adversely affect the evaluation of applications, as specified below.

- (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 7 below*).
- (e) **Non-utilisation:** Right-holders that failed to utilise their medium-term commercial shark demersal fishing right between 2002 and 2004 will not be re-allocated a shark demersal fishing right.

6.2 Comparative balancing criteria

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

(a) Transformation

Applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;
- The representivity of blacks and women at the various levels below executive management;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) Investment in the fishery

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in suitable vessels. In this regard, investment in the form of shareholding will be considered. Right-holder applicants will not be rewarded for having concluded purchase agreements, charter agreements or catching agreements.
- Investments in processing and marketing infrastructure. In this regard, the Department will reward right-holder applicants that have invested in demersal shark processing and marketing initiatives.

As far as new entrant applicants are concerned, the Department will consider what investments have been made in the form of vessels, processing and marketing infrastructure. In addition, new entrant applicants will have to demonstrate that they have the knowledge, skill and ability to participate in the demersal shark fishery.

(c) Performance

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

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

(d) Reliance on demersal shark

The Department will prefer applicants who rely on demersal shark fishing for more

than 30 percent of their gross annual income. Applicants or their controlling shareholders who derive any income from sources outside of the fishing industry will be penalised.

(e) Local economic development

The Department will positively score those applicants that elect to land their catches at small harbours.

(f) Jobs

The Department will reward those applicants who have provided their employees, or who undertake to provide their employees with –

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

The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(g) Non-payment of fish levies

The Department requires every right-holder to pay a levy on the targeted fish landed. A number of right-holders have either not paid their levies or have under-reported catches to, *inter alia*, avoid the payment of levies. The former will be penalised in the comparative balancing process as set out below. The latter will be excluded. However, if any such applicant qualifies for a right, a fishing permit will not be issued until the total amount of outstanding levies (plus interest) has been paid to the Department.

(h) Compliance

Right-holders, including their directors or controlling shareholders, who are currently being investigated for breaches of the MLRA, whether criminal or administrative, will not be allocated a demersal shark fishing right until the conclusion of the investigation.

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

6.3 Effort allocations

The Department will allocate a maximum of six fishing rights authorising a maximum of 6 fishing vessels access to the fishery. Accordingly, each successful applicant will be entitled to use only one vessel.

7. Suitable vessels

A suitable vessel in the demersal shark fishery is a vessel that:

- has a minimum SAMSA certified length of approximately ten metres. Smaller vessels may be considered on the basis of their demersal shark fishing performance;
- has a functioning vessel monitoring system; and
- is geared for demersal shark fishing.

8. Multi-sector involvement

Right-holders in the demersal shark fishery (including their controlling shareholders and members of their executive management team) will not be precluded from holding commercial fishing rights in the Cluster A and Cluster B fisheries. Demersal shark right-holders will, however, not be permitted to hold commercial fishing rights in the Cluster C and Cluster D fisheries.

9. Application Fees and Levies

The application fee for the demersal shark fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with affected and interested parties.

10. Management measures

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

10.1 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 demersal shark fishery policy does not

attempt to provide a policy statement on EAF in the demersal shark fishery. The EAF in the demersal shark fishery will be detailed further in the Demersal Shark Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

10.2 *By-catch mitigation*

The by-catches of hake and kingklip in this sector are of concern. Current by-catch limits for these species will be retained and may be reduced further. By-catch limitations will also be introduced for blue and mako sharks to prevent the targeting of these species.

11. 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 the allocation of commercial fishing rights, and after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- by-catch mitigation;
- demersal shark catching performance; and
- compliance with applicable laws and regulations.

12. 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.

13. Permit conditions

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

ANNEXURE B

KONSEP



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE BODEM-HAAI VISSERY: 2005**

**HIERDIE KONSEPBELEID MOET GELEES WORD SAAM MET DIE
ALGEMENE KONSEPBELEID OP DIE TOEKENNING EN BESTUUR
VAN LANG-TERMYN VISVANGREGTE: 2005 (beskikbaar by
www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie dokument is 'n konsepbeleid vir openbare kommentaar oor die toekenning en bestuur van kommersiële regte in die bodem-haaivissery ("Demersal Shark") soos uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement"). Hierdie konsepbeleid moet saamgelees word met die Algemene Konsepbeleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visvangbeleid"). Belanghebbendes en ge-afekteerde partye mag skriftelike kommentaar voorlê aan die Departement voor 4 April 2005. Kommentaar wat ingedien word na hierdie datum sal nie oorweeg word nie. Kommentaar moet as volg ingedien word:

Per Faks: Faks Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Posbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regle Verifieerseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Die doelwit van hierdie konsepbeleid is om die oorwegings uiteen te sit wat sal geld by die toekenning van kommersiële bodemhaai visvangregte. Baie van die oorwegings in hierdie konsepbeleid is niks nuut nie. Hulle is reeds vantevore toegepas deur die Departement in die toekenning van regte. Hierdie beleid vervat hierdie oorwegings, maar sluit ook 'n aantal veranderings en byvoegings in.

Die bestuursbeleid rondom die tydperk na die toekenning van regte kom ook na vore in hierdie konsep beleidskrif. Die Departement sal 'n Bodemhaai Bestuurshandleiding ontwikkel in samewerking met al die regtehouers gedurende die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodologie en prosedures uiteensit vir die bedryf.

Die Minister van Omgewingsake en Toerisme is van voorneme om die artikel 18 magte om bodemhaai visregte toe te ken in terme van artikel 79 van die Wet op Marienelewe en Hulpbronne ("die WMLH"), aan 'n senior beampte van die Departement te deleger.

2. Profiel van die bedryf

Nadat belangstelling in die tuna langlynvisserij afgeneem het teen die middel sestigerjare, het vissers hulle aandag begin toespits op meer winsgewende vispoele. Vissers met haaipermite het langlyntoerusting gebruik om stokvis en garoep ('kingklip') te vang onder die dekmantel van haaivangste. Toe die Departement die byvangsperke van stokvis en garoep in die haaivisserij verminder het, was daar 'n ooreenkomstige afname in die vangspoging. Voor 1998 was daar meer as 30 permite uitgereik om haaie te vang, maar weens swak prestasie in die bedryf, is die Totale Ontplooid Vangspoging (TOV) verminder tot 23 permite in 1998. Weens verdere swak prestasie is die TOV tot 11 permite verminder in 2004.

Die huidige langlyn haaivisserij teiken beide pelagiese haaie (blouvin- en makouhaaie) en bodemhaaie (bloedhaaie, naamlik *Galeorhinus galeus* en *Mustelus mustelus*) deur die gebruik van onderskeidelik of oppervlak- of bodemsteltoerusting. Oor die algemeen is die vaartuie wat bloedhaaie teiken, dikwels kleiner as die wat wat pelagiese haaie teiken, aangesien die aanwendingsgebied beperk is tot kuswaters. Aangesien die toerusting wat gebruik word om blouvin- en makouhaaie mee te vang, soortgelyk is aan die wat gebruik word om tuna en swaardvis mee te vang, is 'n bestuursbesluit geneem om die pelagiese haaivisserij te verwyder uit die haai langlynvisserij en dit te bestuur as deel van die algehele pelagiese visserij met ingang van 2006. Vanaf 1 Januarie 2006 sal die pelagiese haaivisserij dus nie meer bestaan as 'n geteikende bedryf nie.

Baie haaivang permithouers het permite in ander bedrywe as die bodem haaivisserij, soos die stokvis langlyn- en tuna paalvisserij. Gevolglik vind die vang van haaie in die algemeen net plaas om die vaartuie besig te hou, wanneer hulle nie werksaam is in die ander bedrywe nie.

Haaie is 'n langlewende spesie met lae voortplantings- en groeitempos en bereik baie laat wasdom. Hierdie faktore maak hulle besonder vatbaar vir oor-ontginning en verder moet in ag geneem word dat hulle apeks roofdiere is en dat hulle verwydering gevolglik drastiese veranderings kan meebring aan mariene ekosisteme. Vangste in die haaivissery hang grootliks af van volwasse biomassa en dus is die vissery meer produktief wanneer daar meer volwasse haaie in die haai-bevolking is.

Die getal vaartuie wat bedrywig is in die bodem vissery het 'n jaarlikse wisseling getoon en die vaartuie het gelykmatig toegeneem tot 14 vaartuie in 1999. In 2003 was daar slegs vyf vaartuie bedrywig. Aangesien die vissery seisoensgebonde is (met die hoogste vangste in die Winter) is dit moeilik om die jaarlikse VPEV vas te stel, aangesien dit groot wisselings toon. Voor 2001 was vangste van *G. galeus* 'n gemiddeld van 34 MT per jaar, maar sedert 2001 het vangste afgeneem tot minder as 20 MT per jaar, met minder as 3 MT wat in 2004 aan land gebring is (die tweede-laagste aangetekende vangs op rekord). Gedurende 2001-2002 het 'n voorraadpoel evaluering aangetoon, dat die hoof teikenspesie *Galeorhinus galeus* optimaal ontgin word, ten spyte daarvan dat slegs drie langlynvaartuie werksaam was in 2001 en twee in 2002. Hierdie bevinding bevestig dat haaivangste nie groot visvangbedrywe kan onderhou nie.

3. Oorkoepelende bedryfsdoelwitte

Die oorkoepelende doelwitte vir die toekenning van langtermyn visvangregte in hierdie bedryf is om:

- Die transformasie profiel van die bedryf aansienlik te verbeter;
- Slegs die teiken van bodem haaie toe te laat; pelagiese haaie mag nie geteiken word nie.
- Die byvangste van stokvis en garoep te verminder;
- Om waarde-toevoeging tot bodem haaie aan te moedig ten einde die waarde van die vis wat gevang word, te vermeerder;
- Die ekologiese standhoubaarheid van die bedryf te verseker.

4. Tydsduur van regte

Met in agneming van –

- die transformasie profiel van die bedryf; en
- die huidige marginale status van hierdie bedryf;

sal die Departement kommersiële regte vir 'n periode van agt jaar toeken (1 Januarie 2006 tot en met 31 Desember 2013), onderworpe aan hersiening met gereelde tussenposes aan die hand van vooraf vasgestelde prestasiekriteria, insluitende die bereiking van ooreengekome transformasie doelwitte (sien paragraaf 11 hieronder).

5. Nuwe inkomelinge

Aansoeke van nuwe inkomelinge sal oorweeg word om daardie regtehouers te vervang wat versuim het om gevolg te gee aan hulle transformasie planne, wat nie presteer het nie en/of nie die bepalings van die Wet op Lewende Mariene Hulpbronne nagekom het nie.

Die Departement voorsien nie dat meer as ses vaartuie gemagtig sal word om bodem haaie te teiken nie.

6. Evalueringskriteria

Aansoeke sal gesif word volgens 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe deelnemers en bestaande regtehouers sal daarna afsonderlik oorweeg word, in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rang, sal dan gebruik word om te bepaal wie die suksesvolle aansoekers is. 'n Deel van die TOV sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

6.1 Uitsluitingskriteria

Aanvullend tot die uitsluitingskriteria wat genoem word in die Algemene Beleid, met betrekking tot onbehoorlike liassering en wesentlike tekortkominge, sal die Departement aansoekers uitsluit wat nie aan die volgende vereistes voldoen nie:

- (a) **Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat ingelyf is in terme van die Wet op Beslote Korporasies, 69 van 1984 en die Maatskappyyewet, 61 van 1973. Aansoeke van natuurlike persone (d.w.s. individue of eenmansake) en trusts sal nie oorweeg word nie.
- (b) **Wetsnakoming:** Aansoekers, insluitende direkteure of beherende aandeelhouders, wat skuldig bevind is aan 'n ernstige oortreding in terme van die WLMH (en gevonnis tot tronkstraf sonder die opsie van 'n boete) sal nie bodemhaairegte toegeken word nie. Aansoekers, insluitende die direkteure of beherende aandeelhouders, wie se visvangregte al ooit gekanselleer, herroep of ingetrek is in terme van die WLMH, sal ook nie bodemhaairegte toegeken word nie. Ander nie-nakomings van die WLMH sal 'n nadelige invloed hê op die oorweging van die aansoek, soos hieronder uiteengesit sal word.
- (c) **Papierkwotas:** Papierkwotas, soos gedefinieer in die Algemene Beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle toegang het tot 'n geskikte vaartuig (*sien paragraaf 7 hieronder*).
- (e) **Nie-gebruik:** Daardie regtehouers wat versuim het om hulle medium termyn kommersiële bodemhaairegte te gebruik tussen 2002 en 2004, sal nie weer regte toegeken word nie.

6.2 Vergelykende balanseringskriteria

Alhoewel die volgende maatstawwe wel van toepassing sal wees op aansoeke van bestaande regtehouers sowel as nuwe inkomelinge sal die gewig wat aan elke kategorie geheg word verskil:

(a) Transformasie

Aanzoekers sal oorweeg word en 'n punte telling ontvang ooreenkomstig die volgende –

- Die persentasie swart- en vroulike verteenwoordiging op eienaars- en uitvoerende bestuursvlak;
- Of werknemers aandeelhouders is in die aansoeker en die omvang van hulle voordele;
- Regstellende aankope
- Die graad van swart en vroulike verteenwoordiging op die onderskeie vlakke benede die uitvoerende bestuursvlak;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die bedryf

Wat aansoeke van bestaande regtehouers aanbetref, sal die Departement in besonder die volgende in ag neem:

- Belegging in geskikte vaartuie. Met betrekking hiertoe sal belegging in die vorm van aandeelhouding oorweeg word. Aansoeke van regtehouers sal nie beloon word op grond daarvan

dat aankoop-, skeepshuur- of vangsooreenkomste aangeaan is nie.

- Belegging in bewerking- en bemarkingsinfrastruktuur. In hierdie verband sal die Departement aansoeke van regtehouers wat belê het in bodemhaai bewerking- en bemarkingsinisiatiewe, beloon.

Sovêr as wat aansoeke van nuwe inkomelinge aan betref, sal die Departement in ag neem watter beleggings gemaak is in die vorm van vaartuie, sowel as bewerking- en bemarkingsinfrastruktuur. Verder sal aansoeke van nuwe inkomelinge moet aandui dat hulle die kennis, vaardigheid en vermoë het om te kan deelneem in die bodem haaivissery.

(c) Prestasie

Aansoeke van bestaande regtehouers sal oorweeg word deur te kyk na hulle prestasie in die bodem haaivissery gedurende die medium-termyn tydperk.(2002 tot 2004).

Aansoeke van nuwe inkomelinge sal oorweeg word, deur te kyk of hulle die vermoë, kennis en vaardigheid het om bodemhaai te kan vang.

(d) Afhanklikheid van die bodem-haaivissery

Die Departement sal voorkeur verleen aan aansoekers wat staat maak op die bodem haaivissery vir 30 persent of meer van hulle bruto jaarlikse inkomste. Aansoekers of hulle beherende aandeelhouers wat enige inkomste verkry van bronne buite die visindustrie, sal gepeenaliseer word.

(e) Plaaslike ekonomiese ontwikkeling

Die Departement sal 'n positiewe puntetelling toeken aan daardie aansoekers wat

kies om hulle vangste aan land te bring by kleiner hawens.

(f) Werksgeleenthede

Die Departement sal daardie aansoekers beloon wat hulle werknemers voorsien, of onderneem om te voorsien, van –

- Permanente indiensneming;
- Mediese- en pensioen voordele;
- Enige ander diensvoordele; en
- Veilige werksomstandighede.

Die Departement sal ook kyk na die loonverskille tussen die hoogs- en laagsbesoldigde werknemers.

(g) Nie-betaling van heffings

Die Departement vereis dat elke reghouer 'n heffing betaal op al die teikennis wat aan land gebring word. 'n Aantal regtehouers het of nie hulle heffings betaal nie of het vangste onderrapporteer, onder andere om die betaling van heffings vry te spring. Laasgenoemde sal uitgesluit word. In eersgenoemde geval (nie-betaling van heffings aan die Departement), sal aansoeke van regtehouers gepenaliseer word. Maar selfs in die geval van aansoeke van regtehouers wat steeds kwallifiseer vir regte, sal 'n visvang permit nie uitgereik word nie, totdat die totale bedrag heffings betaalbaar (plus rente) aan die Departement betaal is nie.

(h) Wetsnakoming

Regtehouers, insluitende hulle direkteure en beherende aandeelhouers, wat tans ondersoek word vir kriminele- of administratiewe oortredings van die WLMH, sal nie vir bodemhaairegte kwalifiseer, totdat die ondersoek afgehandel is nie.

Kleiner oortredings van die WLMH insluitende regulasies, deur die aansoeker, sy direkteure of beherende aandeelhouders, sal meebring dat die aansoeker 'n negatiewe puntetelling sal ontvang.

6.3 Vangspoging toewysings

Die Departement sal 'n maksimum van ses regtetoekenings maak en die gebruik van 6 vaartuie in die bedryf sal gemagtig word. Elke aansoeker sal dus net een vaartuig kan gebruik.

7. Geskikte vaartuie

'n Geskikte vaartuig in die bodem haaivissery is 'n vaartuig wat::

- 'n minimum SAMVV gesertifiseerde lengte van ongeveer tien meter het. Kleiner vaartuie kan oorweeg word afhangende van hulle bodem haaivisvangprestasie;
- 'n funksionele vaartuig moniteringsstelsel het; en
- toegerus is om bodemhaai te vang.

8. Multi-sektorale betrokkenheid

Regtehouers in die bodemhaaivissery word nie verhoed daarvan om regte te hê in Groep A of Groep B visserye nie. Regtehouers in die bodemhaaivissery (insluitende hulle beherende aandeelhouders en lede van die uitvoerende bestuursorgaan) sal egter nie toegelaat word om kommersiële visvangregte in Groep C of Groep D visserye te hou nie.

9. Aansoekfooi en heffings

Die aansoekfooi vir die bodem haaivissery sal vasgestel word met verwysing na die volgende:

- Die koste van die hele regtetoekenningsproses, insluitende konsultasie, ontvangs, die evaluering van aansoeke, verifiëring, appèlle en hersienings. In hierdie verband sal die koste wat aangegaan is gedurende die medium termyn prosedure 'n riglyn daarstel; en
- Die waarde van die vis wat toegeken word gedeel deur die tydsduur van die regstoekenning.

Die jaarlikse heffing wat betaalbaar is met ingang vanaf 1 Januarie 2006, sal hersien word na oorlegpleging met al die belanghebbendes en geaffekteerde partye.

10. Bestuursmaatreëls

Die bestuursmetodes wat hieronder uiteengesit word, weerspieël sommige van die Departement se voornemens vir die bestuur van die bedryf in die tydperk na regte toekennings.

10.1 Ekosisteenbenadering tot visserystuur

Hierdie bedryf sal bestuur word ooreenkomstig die ekosisteen benadering tot visserystuur ("EBV"). 'n Ekosisteen benadering tot visserystuur is 'n holistiese en geïntegreerde beleid wat erkenning verleen aan die feit dat visvang en ander land gebaseerde aktiwiteite 'n invloed het oor die breër mariene omgewing. Hierdie deel van die bodem haaibeleid poeg nie om 'n beleidstandpunt te voorsien vir EBV in die bedryf nie. Die EBV in die bodem haaivissery sal in verdere besonderhede aandag geniet in die Bodem Haaivissery Bestuurshandleiding. Suid-Afrika bly steeds verbind tot die teiken datum van 2010 vir die implimentering van 'n EBV in kommersiële visserystuur, insluitende die bodemhaaivissery.

10.2 Byvangsvermindering

Die hoeveelheid byvangste van stokvis en garoep in hierdie bedryf wek kommer. Huidige byvangs beperkings op hierdie spesies sal behou word en mag selfs verder verminder word. Byvangs beperkings vir blouvin- en makouhaaie gaan ook ingestel word om te verhoed dat hierdie spesies geteiken word.

11. Prestasiemeting

Die Departement sal formele prestasiemeting onderneem vir die volle tydperk van die kommersiële regte. Dit word voorsien dat die eerste stel metings sal plaasvind binne 'n jaar na die toekenning van die regte en daarna elke drie jaar.

Alhoewel die Departement eers die presiese maatstawwe vir die meting van regtehouers sal finaliseer na die toekenning van kommersiële visvangregte en na oorlegpleging met regtehouers, sal die volgende breë prestasieverwante maatstawwe wel gebruik word:

- transformasie;
- byvangs vermindering;
- bodem haaivangsprestasie; en
- nakoming van toepaslike wette en regulasies.

12. Waarnemersprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om ook nakoming waar te neem. Verder sal die Departement ook die waarnemersdekking in hierdie bedryf toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemersprogram te dek.

13. Permitvoorwaardes

Permitvoorwaardes vir hierdie bedryf sal jaarliks uitgereik word. Die permit voorwaardes

wat van toepassing is op die bedryf vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes en geaffekteerde partye word genooi om kommentaar te lewer op hierdie permitvoorwaardes.

ANNEXURE C

DRAFT



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

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

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

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1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the hake longline fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. Interested and affected parties are advised that this policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*"the General Fisheries Policy"*). Interested and affected parties may submit written comment to the Department by 4 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General Hake Longline Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44969 Claremont 7735 Hake Longline Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General Hake Longline Policy Comments By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Lansdown Road Claremont Hake Longline Policy Comments
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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 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 draft 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate hake longline commercial fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 (*"the MLRA"*) to a senior official of the Department.

2. 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 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 more than R130 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 of Environmental Affairs and Tourism. 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 fished by 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 207 commercial hake longline rights for a four year period. Historically disadvantaged persons now control 90 percent of the TAC and 80 percent of right-holders are small- and medium-sized enterprises. The Department's 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:

- Maintain or improve the transformation profile of this fishery;
- Encourage further investment in vessels, infrastructure and jobs, particularly by historically disadvantaged persons;
- Reduce by-catch and eliminate bird strikes;
- Facilitate further research into the impact of longlining on hake stocks;
- Continue to affirm applicants whose registered place of business is in 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 encourage 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,

the Department will allocate commercial rights for a period of 15 years (01 January 2006 to 31 December 2020). Every right-holder will, however, be tested at regular intervals 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 Department intends to reduce the number of right-holders and vessels from the current 207 right-holders and 104 vessels. The level of transformation in the fishery is satisfactory and a large number of SMEs operate in the fishery. New entrant applicants will therefore only be selected over poorly performing right-holders.

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. Applications from natural persons (ie. individuals or sole proprietors) and trusts will not be considered.
- (b) **Compliance:** Applicants, including the directors or controlling shareholders that have been convicted of an offence in terms of the MLRA (and sentenced to imprisonment without the option of the payment of a fine) will not be allocated a hake longline fishing right. Applicants, including the directors or controlling shareholders, that have had any fishing right cancelled or revoked in terms of the MLRA will also not be allocated a hake longline fishing right. Other breaches of the MLRA will adversely affect the evaluation of applications, as specified below.
- (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:** Those right-holders that have failed to utilise their medium-term commercial hake longline right between 2002 and 2004 will not be re-allocated a right.

7.2 **Balancing criteria**

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

(a) **Transformation**

Currently, 89 percent of right-holders in this fishery are black owned and managed. These right-holders collectively control 90 percent of the TAC. Further, small and medium sized enterprises make up 80 percent of right-holders.

The Department's objective during the process of allocating long-term fishing rights in this fishery is to maintain or improve on the present levels of transformation. Accordingly, applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;
- The representivity of blacks and women at the various levels below executive management;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) **Investment in the fishery**

Applicants will be evaluated having regard to investments made in the hake longline fishery.

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in suitable vessels. In this regard, investment in the form of shareholding will be considered. Right-holder applicants will not be rewarded for having concluded purchase agreements, charter agreements or catching agreements.
- Investments in marketing infrastructure. The Department will reward right-holder applicants that have invested in hake marketing initiatives.

New entrant applicants will have to show whether they have invested in a vessel and in what form. New entrant applicants must also show whether they have invested in any marketing initiatives or whether they have access to marketing facilities.

(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.

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

(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. Present catch rates indicate that catches of Kingklip are above sustainable levels, and that kingklip abundance on the South Coast is particularly low.

The Department has therefore determined the maximum annual by-catch allowance for kingklip to be 3 000 tons. This by-catch allowance shall apply to the hake fishery as a whole. Right-holder 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 a number of South Africa's smaller coastal towns is required. The Department will accordingly prefer those applicants, particularly smaller right-holder applicants that elect to land their catches and have them processed in centres outside of the large metropolitan areas of Port Elizabeth and Cape Town. Larger hake longline right-holders that have invested in facilities in Cape Town and Port Elizabeth will not be penalised.

The Department will favourably consider those right-holder applicants that undertake to invest in and land their catches at smaller fishing harbours, particularly, Port Nolloth and Mossel Bay.

(f) Jobs

The hake longline fishery provides an estimated of 6 800 jobs. On average, sea-going employees ear approximately R38 500 per year. Generally speaking, fair labour practices prevail in this sector.

The Department will prefer those applicants that have provided their employees with –

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

In the case of existing right-holders, jobs created per ton of fish allocated during the medium-term rights allocation process will be assessed and taken into account. The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(g) Reliance on hake longlining

The Department will prefer applicants who rely on hake longline fishing for 50 percent and more of their gross annual income. Applicants or their controlling shareholders who derive any income from sources outside of the fishing industry will be penalised.

(h) Non-payment of fish levies

The Department requires every right-holder to pay a levy on the targeted fish landed. A number of right-holders have either not paid their levies or have under-reported catches to, *inter alia*, avoid the payment of levies. The former (non-payment of levies owed to the Department) will be penalised in the comparative balancing process as set out below. The latter will be excluded. However, should right-holder applicants still qualify for a right, a fishing permit will not be issued until the total amount of levies payable (plus interest) has been paid to the Department.

(i) Compliance

Right-holders, including their directors or controlling shareholders, who are being investigated for breaches of the MLRA will not be allocated a hake longline fishing right until the outcome of the investigation is known.

Minor infringements of the MLRA, including its Regulations, by the applicant, its directors or controlling shareholders will result in the applicant being negatively scored.

7.3 Quantum criteria

As far as right-holder applicants are concerned, the Department will use as a basis the quantum allocated to right-holders during the 2005 season, and proportionately add to this amount the allocations of unsuccessful right-holder applicants and the allocations of those right-holders that did not apply. The following quantum pools will be applied:

- **Vessel owners:** Ten percent of the hake longline TAC will be set aside for affirming those small- and medium-sized enterprises that invested (100 percent) in their own hake longline fishing vessels prior to 30 January 2005; and
- Forty percent of the TAC will be re-distributed on the basis of **scores attained**, including transformation.

Successful new entrant applicants will be allocated a base quantum equivalent to that allocated to the lowest quantum allocated to successful right-holder applicants.

8. Suitable vessels

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

- has a maximum SAMSA certified length of approximately 30 metres for offshore hake longliners and 15 metres for inshore hake longliners;
- 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.

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 controlling shareholders and members of their executive management team) will not be allowed to hold commercial fishing rights in the Cluster C and Cluster D fisheries.

10. Application fees and levies

The application fee for the hake longline fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will provide a benchmark ; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with affected and interested parties.

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
- 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 11.5 below*).

11.4 Vessels and fishing effort

There are presently 104 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 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 will consult the Fishery Industrial Body on all applications to introduce further or new vessels into the fishery.

11.5 Monopolisation

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 threshold 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:longline

The current TAC ratio of trawl:longline will 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.

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 applicable to this fishery for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

ANNEXURE D

KONSEP



DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

TAK : MARIENE EN KUS BESTUUR

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN
KOMMERSIële VISVANGREGTE IN DIE STOKVIS LANGLYN
VISSERY:2005**

**HIERDIE KONSEP BELEID MOET GELEES WORD SAAM MET DIE
ALGEMENE KONSEP BELEID OP DIE TOEKENNING EN BESTUUR
VAN LANGTERMYN KOMMERSIële VISVANGREGTE:2005
(beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie is 'n konsep beleidskrif oor die toekenning en bestuur van kommersiële visvangregte in die stokvis langlyn vissery en word uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") vir openbare kommentaar. Belanghebbende partye word aangeraai om hierdie konsepbeleidskrif te lees saam met die Algemene Konsep Beleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visvangbeleid"). Belanghebbendes mag geskrewe kommentaar lewer aan die Departement tot en met 4 April 2005. Kommentaar wat gelewer word na hierdie datum, sal nie in ag geneem word nie. Kommentaar kan op die volgende maniere voorgelê word:

Per Faks: Faks Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Posbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieerseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Die oogmerk van hierdie beleidskrif is om die oorwegings uiteen te sit wat van toepassing sal wees by die toekenning van langtermyn kommersiële stokvis langlyn visvangregte. Baie van hierdie oorwegings bestaan reeds. Hulle is reeds in die verlede deur die Departement toegepas by die toekenning van regte en tot 'n mate weerspieël hierdie beleidskrif daardie oorwegings.

Die bestuursbeleid rondom die tydperk na die toekenning van regte kom ook na vore in hierdie konsep beleidskrif. 'n Stokvis Langlyn Vissery Bestuur Handleiding sal saam met al die regtehouers saamgestel word gedurende 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodologie en prosedures vir die vissery uiteensit.

Die Minister van Omgewingsake en Toerisme is van voorneme om die artikel 18 magte om kommersiële stokvis langlynregte toe te ken in terme van artikel 79 van die Wet op Lewende Mariene Hulpbronne (*"die WLMH"*), aan 'n senior beampte van die Departement te deleger.

2. Sektorale profiel

Wanneer dit vergelyk word met die Suid-Afrikaanse stokvistreilvangs vissery, is die stokvis langlyn vissery van redelike onlangse oorsprong. Langlynvangste het in 1982 begin. Tussen 1985 en 1990 was baie van die langlyn aktiwiteite weggelei van stokvis na koningklip (*"kingklip"*), aangesien laasgenoemde heelwat meer werd was. Stokvis langlynvangste is heringestel in 1994 as 'n eksperimentele vissery. 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 vierjaar kommersiële stokvis langlynregte.

Die stokvis langlyn vissery skep ongeveer 3 600 permanente werksgeleenthede en 'n verdere 3 200 deeltydse werksgeleenthede. Meer as 90% van hierdie werksgeleenthede word gevul deur voorheen benadeelde individue. Die gemiddelde jaarlikse inkomste vir bemanning is R38 500.

Die stokvis langlyn vissery is nie kapitaal intensief nie. Die stokvis langlyn vissery is toegespits op die vang van prima kwaliteit stokvis vir uitvoer na Europa en die waarde van prima kwaliteit stokvis is ongeveer 50% hoër as stokvis wat met treilnet gevang word. Die totale waarde van vis wat gevang word in die stokvis langlyn vissery word geskat in die omgewing van R 130 miljoen per jaar. Die markwaarde van vaartuie wat gebruik word in die vissery word geskat in die omgewing van R 750 miljoen.

Die Departement bestuur die stokvis langlyn vissery as deel van die kollektiewe stokvis vissery. In terme van die WLMH, word a *"globale"* totale toelaatbare vangs (*"TTV"*) jaarliks vasgestel deur die Minister van Omgewingsake en Toerisme. Die langlyn en handlyn visserye deel saam 10% van die globale TTV. Die diepsee-treil stokvis vissery word 83% van die TTV toegeken en

die oorblywende persentasie gaan na die kustreil stokvis vissery. Tot en met 2004 was 'n 1000 ton gereserveer vir buitelandse visserye. Hierdie toekenning sal nou gestaak word.

Die stokvis langlyn vissery vind plaas langs die Westelike en Suid-Westelike kuslyn. Die vissery word bedryf vanuit die hawens van Port Nolloth tot by Port Elizabeth. Dit vind plaas in diepwater en kuswater. Kusgebonde stokvis langlyn vangste word beperk tot 'n maksimum van 4000 vishoeke per lyn. Diepwater langlyn vangste mag slegs plaasvind op 'n diepte van meer as 110 meter en is beperk tot 'n maksimum van 20 000 vishoeke per lyn. Daar is 'n verskil tussen die soort vaartuie en die bedryfskoste in die kus- en diepsee sektore van die vissery.

Stokvisvoorrade word tans baie konserwatief bestuur. Die TTV vir stokvis is nog elke jaar sedert 2003 verminder en verdere verminderings mag dalk nodig wees.

3. Die prosedure vir die toekenning van medium termyn regte.

Die stokvis langlyn vissery is in 2001 geïdentifiseer as ideaal geskik vir die bemagtiging van klein en medium grote ondernemings en van vissermanne uit voorheen benadeelde groepe. Gedurende 2001 en 2002 het die Departement 207 kommersiële stokvis langlynregte toegeken vir 'n vierjaar periode. Voorheen benadeelde individue beheer nou 90% van die TTV en 80% van die regtehouers is klein en medium grote ondernemings. Deur hierdie toekenningsproses is die Departement se doelwitte met betrekking tot die bemagtiging van voorheen benadeelde individue en die van klein- en medium grote ondernemings, bereik.

4. Oorkoepelende sektor doelwitte

Die doelwitte met die toekenning van langtermyn visvangregte in hierdie vissery is:

- Die instandhouding en verbetering van die transformasie profiel van hierdie vissery;
- Die aanmoediging van verdere belegging in vaartuie, infrastruktuur en werksgeleenthede, in besonder deur voorheen benadeelde individue.
- Die vermindering in by-vangste en die uitskakeling van impak op voëls;

- Die fasilitering van verdere navorsing oor die impak van langlyn vangste op stokvis getalle;
- Die voortgesette voorkeur aan aansoekers wie se geregistreerde besigheidsadres in die Oos-Kaap is; en
- Die ondersteuning van die ekonomiese lewensvatbaarheid en en omgewingsvolhoubaarheid van die vissery.

5. Duur van regte

Met in agneming van –

- die transformasie profiel van die vissery;
- die aantal voltydse werksgeleenthede wat verskaf word (en om die verdere omskakeling van deeltydse na voltydse werksgeleenthede aan te moedig);
- die behoefte om die ekonomiese stabiliteit wat tans in hierdie vissery heers te handhaaf;
- die feit dat stokvis hulpbronne goed bestuur word met gegewens wat betroubaar en op datum is,

sal die Departement kommersiële regte toeken vir 'n periode van 15 jaar (01 Januarie 2006 tot en met 31 Desember 2020). Elke reghouer sal egter met gereelde tussenposes getoets word teen vooraf vasgestelde prestasie maatstawwe (**verwys na Paragraaf 13 verder aan**).

6. Nuwe deelnemers

Suid-Afrika se stokvis getalle word tans bestuur in terme van 'n konserwatiewe bestuursplan, omdat daar besorgdheid bestaan dat die huidige vlak van visvangpoging nie standhoubaar sal wees nie, weens 'n afname in vangste en toename in visvang doeltreffendheid. In die langlyn

visserij het die toetreding van groot getalle nuwe deelnemers tot groot onsekerheid gelei en verder tot 'n tekort in wesentlike belegging in infrastruktuur en menslike hulpbronne.

Die Departement is van voorneme om die aantal regtehouers te verminder van die huidige 207 regtehouers en 104 vaartuie. Die vlak van transformasie in die visserij is bevredigend en 'n groot aantal KMO's is daarin werksaam. Nuwe deelnemers sal dus slegs aanvaar word in die plek van regtehouers wat swak presteer het.

7. Evalueringskriteria

Aansoeke sal gesif word volgens 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe inkomelinge en bestaande regtehouers sal daarna afsonderlik oorweeg word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt in terme van punte toekenning sal dan bepaal wie die suksesvolle aansoekers is. 'n Gedeelte van die TTV sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

7.1 Uitsluitingskriteria

Aanvullend tot die uitsluitingskriteria wat genoem word in die Algemene Beleid op Visserij met betrekking tot onbehoorlike indiening en wesentlike tekortkominge, sal die volgende uitsluitingskriteria van toepassing wees op aansoeke van beide bestaande regtehouers en nuwe inkomelinge:

- (a) **Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat ingelyf is in terme van die Wet op Beslote Korporasies, 69 van 1984 en die Maatskappijwet, 61 van 1973. Aansoeke van natuurlike persone (d.w.s. individue of eenmansake) en trusts sal nie oorweeg word nie.
- (b) **Wetsnaking:** Aansoekers, insluitende direkteure of beherende aandeelhouers, wat gevonnissen is vir 'n oortreding in terme van die WLMH (en gevonnissen tot tronkstraf sonder die opsie van 'n boete) sal nie kwalifiseer vir die toekenning van stokvis langlynregte nie. Aansoekers, insluitende die direkteure of beherende aandeelhouers, wie se visvangregte al gekanselleer

of herroep was in terme van die WLMH, sal ook nie stokvis langlynregte ontvang nie. Ander oortredings van die WLMH sal 'n nadelige invloed hê op die oorweging van die aansoek, soos hieronder uiteengesit sal word.

- (c) **Papier kwotas:** 'n papier kwota soos gedefinieer in die Algemene Beleid sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle toegang het tot 'n geskikte vaartuig (*verwys na paragraaf 8 verder aan*).
- (e) **Nie- gebruik:** Regtehouers wat versuim het om hulle medium termyn kommersiële stokvis langlyn regte te gebruik tussen 2002 en 2004, sal nie weer regte ontvang nie.

7.2 Vergelykende balanseringskriteria

Alhoewel die volgende kriteria oor die algemeen van toepassing sal wees op aansoeke van regtehouers sowel as nuwe deelnemers sal dit verskillende gewig dra by die twee groepe.

(a) Transformasie

Tans word 89 persent van die regtehouers in hierdie vissery deur swart persone besit en bestuur. Hierdie regtehouers beheer gesamentlik 90 persent van die TTV en verder maak klein en medium grote ondernemings 80 persent van die regtehouers uit.

Die Departement se oogmerk in die toekenning van langtermyn visvangregte in hierdie vissery is, om die huidige vlak van transformasie te handhaaf of daarop te verbeter. Gevolglik sal aansoekers oorweeg word en 'n punte telling ontvang ooreenkomstig die volgende –

- Die persentasie swart en vroulike verteenwoordiging op eienaars- en uitvoerende bestuursvlak;

- Of werknemers aandeelhouders is in die aansoeker en die omvang van hulle voordele;
- Regstellende aankope;
- Die graad van swart en vroulike verteenwoordiging op die onderskeie vlakke onder die uitvoerende bestuursvlak;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die vissery

Aansoekers sal oorweeg word met inagneming van beleggings gemaak in die stokvis langlyn vissery.

Wat aansoeke van regtehouers betref, sal die Departement in besonder die volgende in ag neem:

- Belegging in geskikte vaartuie. Met betrekking hiertoe sal belegging in die vorm van aandeelhouding oorweeg word. Aansoeke van regtehouers sal nie beloon word op grond daarvan dat aankoop-, skeepshuur- of vangsooreenkomste aangegaan is nie.
- Belegging in bemarkingsinfrastruktuur. Die Departement sal aansoeke van regtehouers wat belê het in stokvis bemarkingsinisiatiewe, beloon.

Aansoeke van nuwe deelnemers sal moet aantoon of hulle in 'n vaartuig belê het, en in watter vorm. Hulle sal ook moet aantoon of hulle belê het in bemarkingsinisiatiewe en of hulle toegang het tot bemarkingsfasiliteite.

(c) Visvang prestasie

Aansoeke van regtehouers sal oorweeg word deur te kyk na hulle prestasie in die langlyn vissery en resultate getoon oor die medium-termyn regte periode.

Aansoeke van nuwe aansoekers sal oorweeg word deur te kyk of hulle die vermoë, kennis en vaardigheid het om stokvis te kan vang met die langlyn metode.

(d) By-Vangs en Storting

Die hoeveelheid by-vangs, spesifiek van koningklip (*Genypterus capensis*), wat gevang word deur deelnemers in die stokvis langlyn visserij, bly 'n bron van kommer vir die Departement. Maatreëls om die by-vangs van hoë waarde vis soos koningklip te beperk is nodig, omdat dit onafwendbaar is dat hierdie spesies tot 'n mate geteiken sal word. Die huidige vlak van koningklip vangste blyk hoër te wees as standhoubare vlakke en die getalle daarvan is veral laag aan die Suidkus.

Om hierdie rede het die Departement 3 000 ton vasgestel as die maksimum toelaatbare jaarlikse by-vangs van koningklip, wat op die stokvis visserij as geheel van toepassing sal wees. Aansoeke van regtehouers sal moet aantoon watter maatreëls hulle getref het, of gaan tref, om te verseker dat hierdie beperkings op by-vangste nagekom sal kan word.

Die dompeling van vis is verbode en indien daar gevind word dat regtehouers vis dompel, kan die toekenning van regte weerhou word, of indien regte reeds toegeken is, kan die regte herroep word in terme van artikel 28 van die WLMH.

(e) Plaaslike ekonomiese ontwikkeling

Dit is nodig dat daar belê moet word in van die kleiner Suid-Afrikaanse kusdorpe. Die Departement sal gevolglik voorkeur gee aan daardie aansoekers, veral die kleiner regtehouers, wat kies om hulle vangste aan land te bring en te laat verwerk buite die groot stedelike gebiede soos Kaapstad en Port Elizabeth. Groter stokvis langlyn regtehouers wat reeds belê het in fasiliteite in Kaapstad en Port Elizabeth, sal nie gepeenaliseer word nie.

Die Departement sal gunstige oorweging skenk aan aansoeke van regtehouers wat onderneem om te belê in die kleiner vishawens soos Port Nolloth en Mosselbaai en hulle vangste daar aan land te bring.

(f) **Werkseleenthede**

Die stokvis langlynvissery verskaf ongeveer 6 800 werkseleenthede. Werknemers ter see, verdien gemiddeld ongeveer R38 500 per jaar en in die algemeen heers daar billike arbeidspraktyke.

Die Departement sal voorkeur verleen aan daardie aansoekers wat hulle werknemers voorsien het van –

- Pemanente indiensneming;
- Mediese fonds en pensioenvoordele;
- Enige ander diensvoordele; en
- Veilige werksomstandighede.

In die geval van bestaande regtehouers, sal werkseleenthede geskep per ton vis gevang gedurende die medium termyn regstoekenningsproses, in berekening gebring word. Die Departement sal ook kyk na die loonverskille tussen die hoogs- en laagsbesoldigde werknemers.

(g) **Afhanklikheid van stokvis langlyn vangste**

Die Departement sal voorkeur verleen aan aansoekers wat staat maak op stokvis langlyn vangste vir 50 persent of meer van hulle bruto jaarlikse inkomste. Aansoekers of hulle beherende aandeelhouders wat enige inkomste verkry van bronne buite die visvangindustrie, sal gepeenaliseer word.

(h) **Nie-betaling van vissery heffings**

Die Departement vereis dat elke regtehouer 'n heffing betaal op al die geteikende vis wat aan land gebring word. 'n Aantal regtehouers het, of nie hulle heffings betaal nie, of het vangste onderrapporteer, onder andere om die

betaling van heffings vry te spring. Laasgenoemde groep sal heeltemal uitgesluit word. Die eersgenoemde groep (diegene wat glad nie heffings betaal het nie) sal geenaliseer word in die vergelykende opwegingsproses, soos wat hieronder uiteengesit sal word. Maar in die geval van aansoeke van regtehouers wat steeds kwalifiseer vir regte, sal 'n visvangpermit nie uitgereik word nie, totdat die totale bedrag heffings betaalbaar (plus rente) aan die Departement betaal is nie.

(i) **WetsNakoming**

Regtehouers, insluitende hulle direkteure en beherende aandeelhouders, wat ondersoek word vir oortredings van die WLMH, sal nie stokvis langlynregte toegeken word, totdat die uitslag van die ondersoek bekend is nie.

Geringe oortredings van die WLMH, insluitende van regulasies deur die aansoeker, sy direkteure of beherende aandeelhouders sal meebring dat die aansoeker 'n negatiewe puntetelling ontvang.

7.3 Kwantum kriteria

Wat aansoeke van regtehouers betref, sal die Departement die kwantum vir die 2005 seisoen as vertrekpunt neem en verder dié van regtehouers wie se aansoeke onsuksesvol was, of wat nie aansoek gedoen het nie, proporsioneel hiertoe byvoeg. Die volgende kwota poele sal geld:

- **Vaartuigeienaars:** Tien persent van die stokvis langlyn TTV sal opsy gesit word om daardie klein- en medium grote ondernemings te beloon wat volledig (100%) belê het in hulle eie stokvis langlyn vaartuie voor 30 Januarie 2005; en
- Veertig persent van die TTV sal herverdeel word op grond van **punte tellings verkry**, insluitende transformasie.

Suksesvolle nuwe deelnemers sal 'n basiese kwantum ontvang wat gelykstaande is aan die laagste kwota wat toegeken is vir 'n suksesvolle aansoek van 'n reghouer.

8. Geskikte vaartuie

'n Geskikte vaartuig in die stokvis langlynvisserie is 'n vaartuig wat:

- 'n maksimum SAMSA gesertifiseerde lengte het van ongeveer 30 meter vir diepsee stokvis langlyn vangste en 15 meter vir kusgebonde stokvis langlyn vangste;
- 'n funksionele boot moniteringstelsel het;
- 'n goedgekeurde wimpellyn het ("*streamer*" of "*tori line*") wat in plek moet wees wanneer ook al 'n langlyn gestel is. Die wimpellyn moet ontplooi wees reg bokant die hooflyn, met dien verstande dat as twee wimpellyne gebruik word, hulle ontplooi moet word aan beide kante van die hooflyn; en
- wat aangepas is om te verseker dat enige afval gedompel word aan die teenoorgestelde kant van waar die lyne ingetrek word.

9. Multi-sektor betrokkenheid

Regtehouers in die stokvis langlyn visserie word nie verhoed om regte te hou in Groep A of Groep B visserie nie. Regtehouers in die stokvis langlyn visserie (insluitende hulle beherende aandeelhouers en lede van die uitvoerende bestuursplan) sal nie toegelaat word om kommersiële visvangregte in Groep C of Groep D visserie te hou nie.

10. Aansoekfooi en heffings

Die aansoekfooi vir die stokvis langlyn visserie sal vasgestel word met verwysing na die volgende:

- Die koste van die hele regtetoekenningsproses, insluitende konsultasie, ontvangs, die evaluering van aansoeke, verifikasie, appèlle en hersienings. In hierdie verband sal die koste wat aangegaan is gedurende die medium termyn procedure, 'n riglyn daarstel; en

- Die waarde van die vis wat toegeken word gedeel oor die tydskuur van die regtetoekenning.

Die jaarlikse heffing wat betaalbaar is sal met ingang 01 Januarie 2006 hersien word na oorlegpleging met al die belanghebbendes.

11. Bestuursmetodes

Die bestuursmetodes wat hieronder uiteengesit word, weerspieël sommige van die Departement se bedoelings vir die bestuur van die vissery in die tydperk na regte toekennings.

11.1 Die ekosisteem benadering tot vissery bestuur

Die vissery sal bestuur word ooreenkomstig die ekosisteem benadering tot visserye ("EBV"). 'n Ekosisteem benadering tot vissery bestuur is 'n holistiese en geïntegreerde beleid wat erkenning verleen aan die feit dat visvang en verwante land-gebaseerde aktiwiteite 'n invloed het op die breër mariene omgewing. Hierdie deel van die stokvis langlyn visvangbeleid poog nie om 'n beleidstandpunt te voorsien vir EBV in die stokvis vissery nie. Die EBV in die stokvis vissery sal in verdere besonderhede aandag geniet in die Vissery Bestuurs Handleiding vir die stokvis langlyn vissery. Suid-Afrika bly steeds verbind tot die teiken datum van 2010 vir die implementering van 'n EBV in die kommersiële visserye, insluitende stokvis.

11.2 Vissery bestuursareas

Die stokvis langlyn vissery spits hom toe op twee spesies stokvis oor 'n groot gedeelte van die kuslyn. Tans word 'n diepsee en kusgebonde komponent toegelaat om werkzaam te wees aan die suidkus. Die uitgebreide gebied waarin hulle werkzaam is, gepaardgaande met 'n daadwerklike afname in die vangs per pogingseenheid, het tot gevolg dat stokvis langlynners toenemend hulle gebied deel met stokvistreilers. Dit bring probleme mee.

Artikel 15 van die WLMH maak voorsiening vir die verklaring van vissery bestuursareas. Die Departement sal dit oorweeg om vissery bestuursareas verklaar

om die druk wat op stokvis en koningklip getalle geplaas word te bestuur en om gebruikerskonflik tussen langlyners en treilers te verminder.

11.3 Konsolidering van deelnemers

Na die afhandeling van die toekenning van die 15 jaar kommersiële visvangregte in hierdie vissery, sal die Departement die konsolidering van die aantal regtehouers wat steeds betrokke is in die vissery, fasiliteer. Regtehouers mag dalk hulle onderskeie ondernemings wil konsolideer in die geval waar:

- Regtehouers dieselfde aandeelhouders, kantore of bestuurspan deel; of
- Kleiner regtehouers besluit om hulle ondernemings te konsolideer.

Konsolidering van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë. (*verwys na paragraaf 11.5 hieronder*).

11.4 Vaartuie en visvang aanwending

Daar is tans 104 stokvis langlyn vaartuie wat werkzaam is in Suid-Afrikaanse waters. Met huidige gebruik voorsien die Departement dat baie regtehouers nog vaartuie sal wil aanskaf na die toekenning van langtermyn visvangregte. Die visbron is al reeds onderworpe aan onstandhoubare aanwendingsvlakke. Die Departement sal dus die kumulatiewe effek van nuwe of addisionele vaartuie in hierdie vissery versigtig bestudeer. Regtehouers sal nie toegelaat word om vaartuie aan te skaf wat tot veel groter pogings instaat is as hulle toegewysde kwantum nie. Verder sal die Departement ook met die Bydryfsliggaam van die Visvangsektor Visserye oorleg pleeg oor die toevoeging van verdere of nuwe vaartuie in die vissery.

11.5 Monopolisering

Alhoewel die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, bly dit gekant teen monopolieë wat tot nadeel kan wees vir die kleiner regtehouers. Die Departement gaan nie op hierdie stadium 'n maksimum drumpelwaarde van die TTV wat een enkele reghouer oor mag beskik of beheer, vasstel nie, maar sal die situasie dophou om te verseker dat geen groter reghouer optree op 'n manier wat indruis teen billike mededingingspraktyke nie.

11.6 TTV Verhouding – treiler:langlyn

Die huidige treiler:langlyn TTV verhouding sal gehandhaaf word. Dit sal egter hersien word sodra verdere data beskikbaar word met betrekking tot die relatiewe impak van die treiler en langlyn metodes.

12. Prestasie Meting

Die Departement sal formele prestasie meting onderneem vir die volle tydperk van die kommersiële visvangregte. Dit word voorsien dat die eerste stel metings sal plaasvind binne twee jaar na die toekenning van die regte en daarna elke vier jaar.

Alhoewel die Departement eers die presiese maatstawwe vir die meting van regtehouers sal finaliseer na oorlegpleging met regtehouers, mag die volgende breë prestasie verwante maatstawwe wel gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- standhoubare gebruik en in besonder vermindering in by-vangste asook die biologiese en ekologiese impak van langlyn vangste;
- nakoming van die toepaslike wette en regulasies.

13. Waarnemersprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word, om ook wetsnakoming in te sluit. Verder sal die Departement ook die waarnemersdekking in hierdie vissery toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemersprogram te dek.

14. Permit Voorwaardes

Permit voorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permit voorwaardes wat van toepassing is op die vissery vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes word genooi om kommentaar te lewer op hierdie permit voorwaardes.

ANNEXURE E

DRAFT



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

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1. Introduction

This is a draft policy on the allocation and management of commercial harvesting rights in the seaweed sector and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). Interested and affected parties may submit written comment to the Department by 4 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

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

Many of the considerations in this draft policy are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

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

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. abbotiorum*, *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). 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, the Department allocated commercial seaweed harvesting rights to 13 enterprises. One exemption in terms of section 81 of the MLRA was granted in 2003.

In 1997, the commercial seaweed sector was completely 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;
- Encourage further investment in seaweed beneficiation;
- Increase the number of participants in this sector;
- Encourage current right-holders who do not engage in seaweed beneficiation to instead join with local communities in application for seaweed harvesting rights;
- 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,

the Department will allocate commercial rights for a period not exceeding 10 years (01 January 2006 to 31 December 2015). Every right-holder will, however, be tested at regular intervals 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. Further, 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, the Department encourages applications from new entrants.

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 Department 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. Applications from natural persons (i.e. individuals or sole proprietors) will not be considered. Right-holders that existed in the form of trusts must incorporate themselves as either a company or a close corporation.
- (b) **Compliance:** Right-holder applicants and new entrant applicants, including the directors or controlling shareholders, that have been convicted of a serious infringement of the MLRA (without the option of the payment of a fine) will not be allocated a seaweed harvesting right. Right-holder and new entrant

applicants, including the directors or controlling shareholders, that have had any fishing right cancelled or revoked in terms of the MLRA will also not be allocated a seaweed harvesting right. Other breaches of the MLRA will adversely affect the evaluation of applications, as set out below.

- (c) **Paper quotas:** Paper quotas, as defined in the General Policy, will be excluded.
- (d) **Non-utilisation:** Those right-holders that failed to utilise their medium-term commercial seaweed right between 2002 and 2004 will not be re-allocated a seaweed right.

7.2 *Balancing criteria*

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

(a) **Transformation**

Currently, 42 percent of right-holders in this sector are black-owned and managed. Further, small- and medium-sized enterprises make up 50 percent of right-holders. Although the Department recognises the impressive strides made in this sector since 1997, further improvement in the transformation profile of the sector is necessary.

The Department's objective during the process of allocating commercial rights in this sector is to improve the present levels of transformation. Accordingly, right-holder applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;

- The representivity of blacks and women at the various levels below executive management;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) Investment in the sector

Both right-holder and new entrant applicants will be evaluated by having regard to investments made in the seaweed sector.

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in 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 particular, the destruction of limpets is prohibited. In addition, the authorized use of vehicles in the coastal zone must have been undertaken in accordance with the conditions set out by the Minister of Environmental Affairs and Tourism.

(d) Value-adding

The Department will have regard to the ability of applicants to add or indicate how they will add the maximum value to seaweed for both the local and international markets.

Value adding to seaweed is considered particularly relevant as it –

- can increase the number of jobs provided by the sector; and
- the South African seaweed industry is not internationally competitive in respect of value-adding.

(e) Local economic development

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

(f) Jobs

The seaweed sector employs some 1 450 people. Average annual salaries are R38 500 in this sector. The majority of employees are not employed on a full time basis.

Although the Department recognises the seasonal nature of the harvesting of seaweed, the Department does encourage the provision of permanent jobs or greater levels of job security for low skilled and unskilled staff. The Department will reward those applicants who have provided their employees, or who undertake to provide their employees, with –

- Full-time employment or secure annual employment;
- Medical aid and pension;
- Any other employment benefits; and
- Safe working conditions.

The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(g) Non-payment of levies

The Department requires every right-holder to pay a levy on the seaweed harvested. A number of right-holders have either not paid their levies or have under-reported harvests to, *inter alia*, avoid the payment of levies.

The former will be penalised in the comparative balancing process as set out below. The latter will be excluded. However, if any such applicant qualifies for a right, a permit will not be issued until the total amount of outstanding levies (plus interest) has been paid to the Department.

(h) Reliance on seaweed

The Department will prefer applicants who rely on seaweed harvesting for 50 percent and more of their gross annual income. Applicants or their controlling shareholders who derive any income from sources outside the fishing industry will be penalised.

(i) Empowerment of local communities

The Department considers the harvesting of seaweed to be an opportunity 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 Department will favourably consider applications from companies incorporated for the benefit of local communities and supported by those right-holders that have traditionally utilised their seaweed rights for non-beneficiation purposes.

(j) Compliance

Right-holders, including their directors or controlling shareholders, who are currently being investigated for breaches of the MLRA will not be allocated a seaweed right until the outcome of the investigation is known.

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

Right-holders who have utilised vehicles in the coastal zone without authorisation will not be allocated a seaweed right.

8. Concession areas and allocation

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

The Department 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 shared the area, exploiting different genus of seaweed. The Department therefore encourages applicants (and in particular new entrant applicants) to not only apply for their "first choice of seaweed" but also for alternative seaweeds.

Accordingly, the Department will only allocate one seaweed right per genus, per concession area. In this way, the Department intends to accommodate multiple entities harvesting different genus 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.

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 (including their controlling shareholders and members of their executive management team) will not be allowed to hold commercial fishing rights in the Cluster C and Cluster D fisheries.

10. Application fees and levies

The application fee for the seaweed sector will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the seaweed being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with affected and interested parties.

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

Seaweed operators must apply to the Deputy Director-General of Marine and Coastal Management for permit to use a vehicle in the coastal zone if a vehicle is required for the harvesting of seaweed. The Department favours the employment of more harvesters over the employment of vehicles.

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

11.4 Monopolisation

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.

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 sector will be issued annually. The permit conditions applicable to this sector for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

ANNEXURE F

KONSEP



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
REGTE IN DIE SEEWIERBEDRYF:2005**

HIERDIE KONSEPBELEID MOET GELEES WORD SAAM MET DIE
ALGEMENE KONSEPBELEID OP DIE TOEKENNING EN BESTUUR
VAN LANGTERMYN KOMMERSIËLE VISVANGREGTE:2005
(beskikbaar by www.mcm-deat.gov.za)

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1. Inleiding

Hierdie dokument is 'n konsepbeleid vir openbare kommentaar oor die toekenning en bestuur van kommersiële regte in die seewiervissery soos uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement"). Hierdie konsepbeleid moet saamgelees word met die Algemene Konsepbeleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visvangbeleid"). Belanghebbendes en geaffekteerde partye mag skriftelike kommentaar voorlê aan die Departement tot en met 4 April 2005. Kommentaar wat voorgelê word na hierdie datum sal nie oorweeg word nie. Kommentaar moet as volg voorgelê word:

Per Faks: Faks: Nommer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Posbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieerseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Baie van die oorwegings in hierdie konsepbeleid is niks nuuts nie. Hulle is reeds in die verlede toegepas deur die Departement in die toekenning van regte. Hierdie beleid weerspieël hierdie oorwegings, maar sluit ook 'n aantal veranderings en byvoegings in.

Die Departement sal 'n Seewier Bestuurshandleiding ontwikkel in samewerking met al die regthouers gedurende die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodologie en prosedures uiteensit vir die bedryf.

Die Minister van Omgewingsake en Toerisme is van voorneme om die artikel 18 magte om kommersiële seewierregte toe te ken, in terme van artikel 79 van die Wet op Lewende Mariene Hulpbronne ("die WLMH"), aan 'n senior beampte van die Departement te deleger.

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*, wat in oorvloed voorkom 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 aanvraag, maar het 'n maksimum bereik van 5000 ton (droë gewig) in 1977. Sedertdien is daar 'n gemiddeld van 1 312 ton droë gewig ingesamel, egter met lae opbrengste tussen 1993 en 1995, as gevolg van sterk internasionale mededinging van Chinese alginat produseerders.

Uitgespoelde kelp word uitgevoer hoofsaaklik vir die maak van alg ekstrakt, nadat dit songedroog en gemaal is. Geen kommersiële ekstrakte word in Suid-Afrika gemaak nie, as gevolg van die internasionale mededinging. Laboratoriumtoetse op Suid-Afrikaanse kelp toon alginat opbrengste van tussen 22 en 40 persent. Meer onlangs is daar egter begin om verpoëerde kelp na Japan uit te voer vir gebruik in die produksie van geformuleerde visvoer. Vars kelp word sedert 1979 in klein hoeveelhede ge-oes vir die produksie van 'n vloeibare plantegroei stimulant (Kelpak). Hierdie produk bevat sitokinien wat volgens bevindings die groei en kwaliteit van verskeie voedsel- en plantboukundige oeste verbeter. Die onlangse groei in die kweek-oester vissery het 'n verdere aanvraag geskep vir vars ge-oeste kelp.

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

Kommersiële haalbare hoeveelhede *Gelidium* word reeds sedert 1957 in die Oos-Kaap ge-oes. Vier spesies (*G. pristoides*, *G. abbottiorum*, *G. pteridifolium* en moontlik 'n hoeveelheid *G. capense*) kan ge-oes word in die tussen-gety en vlak subgety sones van konsessie gebiede 1, 20, 21 en 23. 'n Poging om agar te onttrek is in die Oos-Kaap aangewend tussen 1978-1982, maar was nie ekonomies lewensvatbaar nie. Die huidige vlakke en metodes van ontginning het nie 'n merkbare effek op die ekologie nie. Ontginningsvlakke word in wese beheer deur

aanwending te beperk tot slegs een kommersiële operateur per konsessie area en opbrengste word ook gemonitor. Hierdie spesie is in elk geval moeilik om volledig te verwyder bloot deur dit te pluk.

Die seewiervissery word bestuur in terme van beide 'n totale ontplooibare vangspoging ("TOV") en 'n totale toelaatbare vangs ("TTV"). Die hoof bestuursmiddel is egter die beheer van poging en daarom word die getal regtehouers in elke seewier oes-area in wese tot een regtehouer beperk. Verder word daar ook in sekere areas beperkings geplaas op die hoeveelhede wat ge-oes mag word. Seewier word ge-oes op 'n per area basis en die Departement het daarom die Suid-Afrikaanse kuslyn (tussen Port Nolloth en Port St. Johns) verdeel in 23 oesgebiede.

Baie min regtehouers oes seewier vir die doeleinde van waarde toevoeging. Tans oes baie regtehouers seewier om as voer gebruik te word by perlemoenplase. In terme van waarde toevoeging word seewier gebruik in gespesialiseerde gesondheidskos produkte, bemesting en as 'n bestanddeel van aromaterapie- en skoonheidsprodukte.

Desnieteenstaande verskaf die seewiervissery werksgeleenthede aan meer as 1 700 mense (313 op 'n permanente basis en 1 450 op 'n seisoensgebonde basis). Tans word 92 persent van hierdie poste bekleed deur histories benadeelde individue en die meeste van die werkers is vrouens.

Die aanvangskoste vir nuwe inkomelinge kan wissel tussen R250 000 en R10 miljoen rand. Dit is 'n arbeidsintensiewe vissery en loonuitgawes vir die regtehouers wissel van R50 000 tot R1 783 000 per jaar. Sommige regtehouers belê ook in navorsing en ontwikkeling en hierdie beleggings wissel van R60 000 tot R600 000 per jaar.

3. Die prosesse van medium-termyn regte toekenning

Tussen 2001 en 2003 het die Departement 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 seewiervissery nog geheel en al gedomineer deur ondernemings met wit eienaars of bestuurders. Tans word ses uit die veertien regtehouers deur swart persone besit en bestuur. Dit beteken dat 42.8 persent van die regte-houers swart is. Sewe uit die 14 regtehouers (50 persent) bestaan uit klein- of 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 **Bylae A**.

4. Oorkoepelende sektorale doelwitte

Die oorkoepelende doelwitte met die toekenning van oesregte in die seewiervissery is om:

- Die transformasie profiel van die vissery te verbeter;
- Verdere belegging in seewier waardetoevoeging aan te moedig;
- Die aantal deelnemers in hierdie vissery te vermeerder;
- Huidige regtehouers wat nie betrokke is by seewier ontginning nie, aan te moedig om saam met plaaslike gemeenskappe aansoek te doen vir seewier oesregte;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en
- Die omgewingsvolhoubaarheid van die vissery te verseker.

5. Duur van regte

Met in agneming van –

- die transformasie profiel van die vissery;
- die noodsaak om die ekonomiese stabiliteit wat tans in hierdie sektor heers te handhaaf;
- die feit dat seewier hulpbronne goed bestuur word met inligting wat betroubaar en op datum is;

sal die Departement kommersiële regte toeken vir 'n periode van nie meer as 10 jaar nie (1 Januarie 2006 tot en met 31 Desember 2015). Elke regtehouer sal egter met gereelde tussenposes getoets word aan die hand van vooraf vasgestelde prestasie maatstawwe (verwys na Paragraaf 13 verder aan).

6. Nuwe inkomelinge

Alhoewel 'n groot aantal van die beskikbare konsessieareas ten volle toegewys is, is daar ook 'n aantal konsessieareas (areas 2, 3, 20 en 22) wat glad nie ontgin word nie. Verder is daar ook regtehouers wat nie hulle regte ten volle benut nie of wat nie self die seewier oes nie. Die huidige transformasie profiel van hierdie visserij is laer as die gemiddeld vir die visbedryf, wat ongeveer 66 persent is.

In die lig van bogenoemde verwelkom die Departement aansoeke van nuwe inkomelinge.

7. Evalueringskriteria

Aansoeke sal gesif word aan die hand van 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe deelnemers en bestaande regtehouers sal daarna afsonderlik oorweeg word in terme van 'n stel gelaai "*vergelykende balanseringskriteria*". 'n Afsnypunt in terme van punte toekenning sal dan bepaal wie die suksesvolle aansoekers is.

7.1 Uitsluitingskriteria

Aanvullend tot die uitsluitingskriteria wat genoem word in die Algemene Beleid op Visserye met betrekking tot onbehoorlike indiening en wesentlike tekortkominge, sal die Departement aansoeke uitsluit wat nie aan die volgende vereistes voldoen nie:

- (a) **Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat ingelyf is in terme van die Wet op Beslote Korporasies, 69 van 1984 en die Maatskappyywet, 61 van 1973. Aansoeke van natuurlike persone (d.w.s. individue of eenmansake) en trusts sal nie oorweeg word nie. Regtehouers

wat bestaan in die vorm van trusts sal hulle self moet inlyf as 'n maatskappy of 'n beslote korporasie.

- (b) **Wetsnakoming:** Aansoekers sal nie kwalifiseer vir die toekenning van seewierregte, insluitende direkteure of beherende aandeelhouders, wat skuldig bevind is aan 'n oortreding in terme van die WLMH (en gevonnissen tot tronkstraf sonder die opsie van 'n boete). Aansoekers, insluitende die direkteure of beherende aandeelhouders, wie se visvangregte al gekanselleer of herroep was in terme van die WLMH, sal ook nie seewierregte ontvang nie. Ander nie-nakomings van die WLMH sal 'n nadelige invloed hê op die oorweging van die aansoek, soos hieronder uiteengesit sal word.
- (c) **Papierkwotas:** 'n papierkwota soos gedefinieer in die Algemene Beleid sal uitgesluit word.
- (d) **Nie-gebruik:** Daardie regtehouers wat versuim het om hulle medium termyn kommersiële seewierregte te gebruik tussen 2002 en 2004, sal nie weer regte ontvang nie.

7.2 Balanseringskriteria

Alhoewel die volgende kriteria wel van toepassing sal wees op aansoeke van regtehouers sowel as nuwe deelnemers sal dit verskillende gewig dra by die twee groepe.

(a) Transformasie

Tans word 42 persent van die regtehouers deur swart persone besit en bestuur. Verder is 50 persent van die regtehouers klein- en mediumgrote ondernemings. Alhoewel die Departement toegee dat daar in hierdie verband groot vooruitgang gemaak is in die bedryf, is verdere verbetering van die transformasieprofiel nodig.

Die Departement se oogmerk in die toekenning van langtermyn kommersiële regte in hierdie vissery is om te verbeter op die huidige vlak van transformasie. Gevolglik sal aansoekers oorweeg word en 'n puntetelling te ontvang ooreenkomstig die volgende –

- Die persentasie swart en vroulike verteenwoordiging op eienaars- en uitvoerende bestuursvlak;
- Of werknemers aandeelhouders is in die aansoeker, en die omvang van hulle voordele;
- Regstellende aankope;
- Die graad van swart en vroulike verteenwoordiging op die onderskeie vlakke onder die uitvoerende bestuursvlak;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die bedryf

Beide regtehouers en nuwe inkomeling aansoekers sal oorweeg word met inagneming van beleggings gemaak in die seewier bedryf.

Wat aansoeke van regtehouers betref, sal die Departement in besonder die volgende in ag neem:

- Belegging in verwerking en bemarking; en
- Belegging in navorsing en die ontwikkeling van bemarkbare seewier produkte.

Nuwe inkomeling aansoekers sal moet aantoon hoe hulle van voorneme is om die seewier te verwerk en te bemark en of hulle enigsins belê het in navorsing rondom die oes en bemarking van seewier.

(c) Ekosisteem impak

Alhoewel die konsep van byvangs nie direk van toepassing is in hierdie vissery nie, sal regtehouer aansoekers ge-evalueer word op grond van watter

maatreëls hulle getref het om te verseker dat die omliggende omgewing (beide fauna en flora) nie nadelig geaffekteer word deur die oesproses nie. In die besonder word die vernietiging van kleefmossels verbied. Verder moet die gemagtigde gebruik van voertuie in die kussone onderneem word ooreenkomstig die voorwaardes uiteengesit deur die Minister van Omgewingsake en Toerisme.

(d) Waardetoevoeging

Die Departement sal die vermoë van aansoekers om waarde toe te voeg of en sodoende die optimum benutting uit seewier te verkry, of hulle planne in hierdie verband, vir beide die plaaslike en internasionale market, in ag neem,

Waardetoevoeging tot seewier is veral relevant omdat –

- dit die aantal werkseleenthede wat deur die vissery verskaf word kan vermeerder; en
- die Suid-Afrikaanse seewier industrie nie internasionaal mededingend is met betrekking tot waardetoevoeging nie.

(e) Plaaslike ekonomiese ontwikkeling

'n Groot deel van die kuslyn het die potensiaal om seewier daar te oes. Die Departement sal poog om ten minste een seewierreg toe te ken in elk van die 23 konsessie areas.

(f) Werkseleenthede

Die seewier vissery verskaf werkseleenthede aan ongeveer 1 450 mense. Gemiddelde jaarlikse salarisse in hierdie vissery is R38 500. Die meerderheid van die werknemers word nie op 'n voltydse grondslag in diens geneem nie.

Alhoewel die Departement die seisoenale aard van seewier oesting erken, moedig dit tog die voorsiening van permanente werkseleenthede aan, asook 'n groter graad van werksekerheid vir half-gekolde of ongeskolde

werknemers. Die Departement sal daardie aansoekers beloon wat hulle werknemers voorsien, of onderneem om te voorsien, van –

- Permanente indiensneming of versekerde jaarlikse indiensneming;
- Mediese- en pensioenvoordele;
- Enige ander diensvoordele; en
- Veilige werksomstandighede.

Die Departement sal ook kyk na die loonverskille tussen die hoogs- en laagsbesoldigde werknemers.

(g) Nie-betaling van heffings

Die Departement vereis dat elke regtehouer 'n heffing betaal op die seewier wat ge-oes word. 'n Aantal regtehouers het in die verlede, of nie hulle heffings betaal nie, of het ooste onderrapporteer, onder andere om die betaling van heffings vry te spring.

Laasgenoemde groep sal heeltemal uitgesluit word. Die eersgenoemde groep (diegene wat glad nie heffings betaal het nie) sal gepenaliseer word in die vergelykende balanseringsproses, soos wat hieronder uiteengesit sal word. In die geval van aansoeke van regtehouers wat steeds kwalifiseer vir regte, sal 'n permit egter nie uitgereik word nie, totdat die totale bedrag heffings betaalbaar (plus rente) aan die Departement betaal is nie.

(h) Afhanklikheid van die seewierbedryf

Die Departement sal voorkeur verleen aan aansoekers wat staat maak op die oes van seewier vir 50 persent of meer van hulle bruto jaarlikse inkomste. Aansoekers of hulle beherende aandeelhouders wat enige inkomste verkry van bronne buite die visvangindustrie, sal gepenaliseer word.

(i) Bemagtiging van plaaslike gemeenskappe

Die Departement beskou die oes van seewier as 'n geleentheid om die inwoners van kusbemeenskappe te bemagtig, in besonder diegene wat miskien nie kan voordeel trek uit die oes van visvoorrade soos perlemoen of weskus kreef nie. Met dit in gedagte, sal die Departement gunstige oorweging skenk aan maatskappye wat ingelyf is tot voordeel van plaaslike gemeenskappe en wat ondersteun word deur daardie regtehouers wat vantevore hulle seewierregte nie-waardetoevoegend uitgeoefen het.

(j) Wetsnakoming

Regtehouers, insluitende hulle direkteure en beherende aandeelhouders, wat ondersoek word vir oortredings van die WLMH, sal nie seewierregte toegeken word totdat die uitslag van die ondersoek bekend is nie.

Geringe oortredings van die WLMH insluitende regulasies, deur die aansoeker, sy direkteure of beherende aandeelhouders sal meebring dat die aansoeker 'n negatiewe puntetelling toegeken word.

Daar sal nie seewierregte toegeken word aan regtehouers wat hulle voertuie in die kussone gebruik het sonder magtiging nie.

8. Konsessieareas en toekenning

Daar is tans 23 konsessie areas. Die Departement gaan hierdie getal verminder tot 22, deur areas 11 en 12 te konsolideer in een area.

Die Departement sal voortgaan met sy beleid om een regte toekenning te maak per genus, vir elke konsessie area. Tot op datum is elke area onderworpe aan ontginning deur 'n enkele regtehouer. Area 11 was 'n uitsondering waar twee regtehouers die area gedeel het, maar verskillende genus seewier ontgin het. Die Departement moedig daarom aansoekers (en in besonder nuwe aansoekers) aan om nie slegs aansoek te doen vir hulle "voorkeur" seewier nie, maar ook vir alternatiewe seewiersoorte.

Gevolgt sal die Departement slegs een seewierregte toekenning maak per genus vir elke konsessiearea. Sodoende sal dit moontlik gemaak word dat 'n aantal entiteite verskillende genusse seewier in een konsessiearea kan oes. Dit is die bedoeling dat hierdie benadering 'n positiewe impak sal hê op werkskepping en die innoverende ontginning van, en waarde toevoeging tot, seewier.

9. Multi-sektor betrokkenheid

Regtehouers in die seewiervissery word nie verhoed om regte te hou in Groep A of Groep B visserye nie. Regtehouers in die seewiervissery (insluitende hulle beherende aandeelhouers en lede van die uitvoerende bestuurspan) sal nie toegelaat word om kommersiële visvangregte in Groep C of Groep D visserye te hou nie.

10. Aansoekfooie en heffings

Die aansoekfooie vir die seewiervissery sal vasgestel word met verwysing na die volgende:

- Die koste van die hele regtetoekenningsproses, insluitende konsultasie, ontvangs, die evaluering van aansoeke, verifikasie, appêlle en hersienings. In hierdie verband sal die koste wat aangegaan is gedurende die medium termyn prosedure 'n riglyn daarstel; en
- Die waarde van die seewier wat toegeken word gedeel deur die tydsduur van die regstoekenning.

Die jaarlikse heffing wat betaalbaar is sal met ingang 1 Januarie 2006 hersien word na oorlegpleging met al die belanghebbendes en geaffekteerde partye.

11. Bestuursmetodes

Die bestuursmetodes wat hieronder uiteengesit word, weerspieël sommige van die Departement se oogmerke vir die bestuur van die vissery in die tydperk na regte toekennings.

11.1 Die ekosisteem benadering tot vissery bestuur

Die seewiervissery sal bestuur word ooreenkomstig die ekosisteem benadering tot visserye ("EBV"). 'n Ekosisteem benadering tot vissery bestuur is 'n holistiese en geïntegreerde beleid wat erkenning verleen aan die feit dat visvang en ander land gebaseerde aktiwiteite 'n invloed het oor die breër mariene omgewing. Hierdie deel van die seewierbeleid poog nie om 'n beleidstandpunt te voorsien vir EBV in die seewiervissery nie. Die EBV in die seewiervissery sal in verdere besonderhede aandag geniet in die Seewiervissery Bestuurshandleiding. Suid-Afrika bly steeds verbind tot die teiken datum van 2010 vir die implimentering van 'n EBV in die kommersiële visserye, insluitende die seewierbedryf.

11.2 Konsolidering van deelnemers

Na die afhandeling van die toekenning van die 10 jaar kommersiële visvangregte in hierdie vissery, sal die Departement die konsolidering van die aantal regtehouers wat steeds betrokke is in die vissery, fasiliteer. Regtehouers sal moontlik hulle onderskeie ondernemings wil konsolideer waar:

- Regtehouers dieselfde aandeelhouders, kantore of bestuurspan deel; of
- Kleiner regtehouers besluit om hulle ondernemings te konsolideer.

Konsolidering van regtehouers is egter ongeworpe aan die Departement se benadering tot monopolieë. (sien paragraaf 11.4 hieronder).

11.3 Gebruik van voertuie in die kussone

Baie seewier regtehouers het, sedert die verbod op ongereguleerde voertuiggebruik op strande in 2002 in werking getree het, aansoek gedoen vir verlof om voertuie te gebruik in die kussone. Gedurende 2004 het die Minister van Omgewingsake en Toerisme 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. Die Departement is ten gunste die indiensname van meer persone om te oes, eerder as die gebruik van voertuie.

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

11.4 Monopolisering

Alhoewel die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, bly dit gekant teen monopolieë aangesien dit tot nadeel kan wees vir die kleiner regtehouers.

Die Departement gaan nie op hierdie stadium 'n maksimum aantal areas vasstel wat enige enkele reghouer oor mag beskik of beheer nie, maar sal die situasie monitor om te verseker dat geen reghouer optree op 'n manier wat indruis teen billike mededingingspraktyke nie.

12. Meting van prestasie

Die Departement sal formele prestasiemeting onderneem vir die volle tydperk van die kommersiële regte. Dit word voorsien dat die eerste stel metings sal plaasvind binne twee jaar na die toekenning van die regte en daarna elke drie jaar.

Alhoewel die Departement eers die presiese maatstawwe vir die meting van regtehouers sal finaliseer na oorlegpleging met regtehouers, mag die volgende breë prestasieverwante maatstawwe wel gebruik word:

- transformasie;
- belegging in waardetoevoeging en bemarkingsinisiatiewe;
- standhoubare gebruik van seewier;
- nakoming van die toepaslike wette en regulasies.

13. Waarnemers- en moniteringsprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om ook wetsnakoming waar te neem. Verder sal die Departement ook die waarnemers- en moniteringsdekking in hierdie vissery toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemers- en moniteringsprogram te dek.

14. Permitvoorwaardes

Permit voorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes wat van toepassing is op die vissery vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes en geaffekteerde partye word genooi om kommentaar te lewer op hierdie permitvoorwaardes.

ANNEXURE G

ISIYILO



**ISEBE LEMICIMBI YEZOBUME BENDALO NOKHENKETHO
ULAWULO LWESEBE LEZOLWANDLE NONXWEME**

**IKQUBO YOKUNIKEZWA NOKULAWULWA KWAMALUNGELO
EXESHA ELIDE OKURHWEBA NGOKULOBA
SEAWEED: 2005**

**LE NKQUBO-SIYILO MAYIFUNDWE KUNYE NENKQUBO-SIYILO
JIKELELE NGOKUNIKEZWA NOKULAWULWA
KWAMALUNGELOEXESHA ELIDE OKURHWEBA NGOKULOBA:2
2005 (iyafumaneka ku-www.mcm-deat.gov.za)**

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1. Intshayelelo

Esi sisiyilo –nkqubo esimalunga nokunikezwa kwamalungelo oshishino lorhwebo ngokuloba iSeaweeds, kwaye ikhutshwa liSebe lezo Bume beNdalo neezokhenketho: Ukulawulwa kweSebe lezoLwandle noNxweme (iSebe) esenzelwe izimvo zoluntu. Amaqela anomdla nachaphazelekato acetyiswa ukuba afunde le nkqubo ndawonye ne Siyilo –Nkqubo Jikelele emalunga noLwabiwo nokuLawulwa kwaMalungelo exesha elide orhwebo ngokuloba.:2005.(iNkqubo jikelele yamashishini okuloba). Amaqela anomdla nachaphazelekayo mawangenise izimvo zawo ezibhaliweyo ungagqithanga umhla we 4 ku April 2005. Izimvo ezingeniswe emva kwalo mhla azizukuqwalaselwa . Izimvo ziyakungeniswa

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

Inkqubo ezithile zokunikezwa zexesha elidlulileyo zichaziwe kwesi siyilo –nkqubo. Imnyama yoLawulo loShishino ngokuloba Seaweed izakugqityezelwa kunye nabo bonke abanini-malungelo ngonyaka ka 2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazi –nkqubo lolawulo nemigaqo yoshishino lokuloba.

Umphathiswa weSebe lezoBume beNdalo noKhenketho ukugunyazisa amandla eCandelo loMthetho 18 ukunikezela amalungelo oshishino lorhwebo. Umphathiswa we Sebe lezo Bume no Kkemketho uzimisele ukugunyazisa amandla eCandelo loMthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba Seaweed njengoko kusekiwe kwicandelo 79 lomthetho wezinto eziPhilayo zoButyebi beNdalo zaseLwandle 18 ka 1988 (IMRLA) kwigosa eliphezulu kwiSebe .

2. Amacandelo ahlukkeneyo

Uvuno lwe lwe-kelp lujongise kwiindidi zohlobo olude olumdaka ngokombala lwe- Seaweed. Ezi Seaweeds zifumaneka ekupholeni kumanzi angcwengileyo phakathi kweCape Agulhas ne Namibia . Unxweme lo Mzantsi Africa nalo lilikhaya kuninzi lwentlobo zeSeaweeds.

I-Beach cast kelp yezi ntlobo 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 alginate producers.Ibeach- cast kelp iyomiswa elangeni, isilwe ze ithunyelwe ukuze ikhutshwe ialginate Beach-cast kelp ye bot, *Ecklonia maxima* and *Laminaria pallida*, zaqokelelwa ukusukela ngomnyaka ka1953

Akukho rhwebo olukhutshwayo olwenzeka eMzantsi Africa ngenxa yokomelela kokhuphiswano lwehlabathi . Ilebhu yovavanyo yoMzantsi Africa 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 icytokinis, 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

Kunzima ukuzisusa ngokupheleleyo ngoko zincothula Urhwebo olululo lweGelidum beluvenwa eMpuma Koloni ukususela ngo 1957. Iintlobo ezine (G....pristodes, G aboottiorum , G pteridifolium mhlawumbi ezinye iG canse) 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 onelungelo nekuvelisa kuyajongwe . Nangaphezulu koku, ezintlobo

Icandelo le Seaweed lilawulwa ngokwesigqibo semizamo ephelileyo esetyenzisiweyo(TAE) kunye nemvume ephelileyo yokuloba (TAC). Kusenjalo undoqo wezixhobo sokulawula yimizamo yolawulo kunye namanani wabantu abanelungelo kwi seaweed nganye kummandla luyathintelwa. Ekuqaleni, ummandla ngamnye 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 I-seaweed nabathe bafake ixabiso kuyo. Ngoku, abantu abaninzi abanelungelo bavuna I-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). Kule misebenzi 1-92 lithathwe ababehlelekile ngaphambili. Uninzi lwabesebenzi ngabafazi.

Amaxabiso okuqala abo baqalayo lumalunga ne R250 000 ukuya R10million (Iwezigidi). Ezi nkqubo zisebenza abasebenza kakhulu kwaye ludla indleko kubantu abanelungelo abaninzi ukusukela kwi-50 000 ngonyaka ukuya kwi-R1783 ngonyaka. Abanye abantu abanelungelo baye bazalisa imali kubaphandi nakuphuhiso kwaye olugcino mali luphakathi kweR60 000 ukuya kwi R600 000 ngonyaka.

3. Inkqubo yokunikezwa kwamalungelo aphakathi

Phakathi konyaka ka 2001 kunye no2003, icandelo linikeze iimvume zorhwebo lokuvuna kumashishini ayi -13. Ngokwe term zesection 81 yeMLRA yanikezwa ngo 2003.

Ngo 1997, icandelo lorhwebo lwe-seaweed lwaluzaliswe ngabanini abamhlophe belawula amashishini. Namhlanje, isithandathu kubantu abanelungelo abali14 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 yememindla enelungelo nantsi njengenxalenye **yesihlomelo A.**

4. Injongo zecandelo le- atshi

Injongo zokunikeza ngemalungelo exesha elide lokuvuna kwicandelo le Seaweed kuku:

- Ukuphucula imbono zenguqu kwicandelo;
- Ukukhuthaza uzaliso mali oluthe vetshe kwi-seeweed
- Ukwandisa inani labathathi nxaxheba kweli candelo
- Ukukhuthaza abantu abanelungelo abangekhokumancedo e-seaweed endaweni yoko bangenela uluntu olukufutshane ukusebenzisa amalungelo okuvuna e-seaweed.
- Baxhase ukuqhubeka koqoqosho kwelicandelo kunye:
- Ukuqinisekisa ngokuqhubeka kobume becandelo.

5. Ixesha lamalungelo

Ngokwe –

- Untshintsho lweprofilu yeli candelo;
- Imfuneko yokugcina uqoqosho luzinzile olu ngoku kwicandelo ne;
- Ubutyebi be-seaweed bulawulwa kakuhle ngokwengqiniseko nendawo ezaziwa ngento ngoku,

Isebe liyakunikezela amalungelo okurhwebo elingagqithanga kwiminyaka eli10(ukusuka 01 Januwari 2006 ukuya ku30 December 2015). Noxa kunjalo, wonke umnini lugelo uya kuvavanywa umsebenzi wakhe thoqo ngamaxesha athile ngeenqobo ezithile esele zibekiwe (jonga umhlathi 13 ngezantsi).

6. Abangeni abatsha

Nangona isixa semimandla enelungelo simimandla sinabantu bayo, uninzi lwemimandla enelungelo (imimandla 2,3,20 no22) ayikasetyenziswa tu. Ukwangeza abantu amalungelo abo ngokupheleleyo . Ngaphezulu , abathile abaphathi malungelo abavuni butyebi ngokwabo . Olu tshintsho lukhoyo lweprofayiliyeli candelo luphantsi koshishino lwentlanzi malunga ne 66 lepesenti

Ngoku kungentla, eli candelo likhuthaza izicelo kubangeni abatsha.

7. Indlela yokuhlenga hlengisa

Isicelo ziyakuhlenga hlengisa phantsi kwenkqubo yokugxotha . Abangeni abatsha nababenelungelo ngaphambili baykuhlelwa ngokwahlukeneyo ngoko mgaqo wokuthelekiswa wenkqubo. Isikhundla ziyakuxhomekeka kubenzi zicelo abaphumeleleyo.

7.1 Indlela yokuthintela

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

- (a) **Uhlobo loMfaki -sicelo:** Izicelo ziyakuqwalaselwa xa zisuka kwiimbumba ezidebeneyo njengoko kusekiwe kuMthetho 69 we Close Corporation ka 1984 kunye noMthetho 61 weee Companies ka 1973. Izicelo ezivela ebantwini (abazimeleyo okanye abanini mashishini abazimeleyo) azisayi kuqwalaselwa. Abanini malungelo, kufuneka badibane besebenze bebanye.

- (b) **Ukuthobela:** Abanini malungelo, kubandakanywa abongameli okane abanini zabelo abalawulayo, abakhe bagwetyelwe ityala njengoko kuchaziwe kwi MLRA(ngaphandle kukokhethiswa ukukhawulwa isohlwayo), uMthetho woLwandle, isivumelwano se MLRA, okanye amagatya omthetho wezolwandle alo naliphi na elinye ilizwe ne/okanye imithetho yoshishini lokuloba, abasayi kunikezwa amalungelo okuloba iSeaweed . Abafaki zicelo abangabanini malungelo, kubankanya abongamelo okanye abanini zabelo, abakhe barhoxiselwa okanye baxuthe naliphi na lokuloba njengoko kuchaziwe kwi MLRA nabo abasayi kunikwa malungelo okuloba Sea weed. Abanini malungelo, kubandakanya abongameli babo okanye abanini zabelo abalawulayo, abasaphandwayo ngolwaphulo lwawo nawuphi na umthetho okanye ezi zixhobo zomthetho zomthetho zichaziweyo apha ngentla, nokuba zezolawulo, abasayi kunikwa malungelo okuloba Seaweed.
- (c) **Isimiselo sobungakanani bamaphepha:** Isimiselo sobungakanani bamaphepha njengoko sichaziwe kwiNkqubo Jikelele aziyi kufakwa.
- (d) **Ukungasetyenziswa:** Abaphathi lungelo abathe abaphumela ukusebenza Amalungelo abo aphakathi orhebo lwase seaweed phakathi konyaka 2002 kunye 2004 abanako ukunikwa amalungelo ase- sea weed kwakhona .

7.2 Indlela yokulingana

Nangona le ndlela ilandelayo iyakusetyenziswa jikelele omabini amacala abanini kwa nabangeneli abatsha, ukuveyishwa okuya kusetyenziswa kwisigaba ngasinye kuyakwehluka

(a) Utshintsho

Ngoku, 42 lepesenti labaphathi malungelo kweli candelo ngabaphakathi abamnyama kwaye bayalawula. Ngaphezulu, amancinci naphakathi enza ana-50 epesenti labaphakathi malungelo. Nangona eli sebe liyiqonda imizamo encomekayo eyenziwa leli candelo ukusukela ngonyaka ka-1997, nangaphezulu ukucuka kotshintsho lweprofayili.

Injongo yeSebe ngethuba lale nkqubo yokunikezwa kwamalungelo exesha elide kolu shishino lokuloba kukugcina okanye ukuphucula la maqondo akhoyo ngoku eenguqu. Njengoko kuchaziwe General Fisheries Policy, abafaki zicelo bayakuvavanywa banikwe amaqaku—

- Ngepesenti yabamnyama nabafazi abamele ubunini okanye abkigondo lese labalawuli;
- Ngokuba ingaba abaqeshwa bangabanini zabelo kumfaki sicelo kunye nobungakanani kwamalungelo abo okuxhamla;
- Affirmative procurement;
- Ukumelwa kwabamnyama nabafazi kumaqondo ngamaqondo angezantsi kwesebe lolawulo;
- Ukuthobela uMthetho weEmployment Equity Act 55 ka 1988 kwakunye nomthetho omalunga nokuphuhliswa kwezakhono neerhafu zokuloba.
- Notyalo zimali lwamashishini

(b) Utyalo mali kweli candelo

Bonke abaphathi malungelo nabangeni abatsha bayakuhlenga hlengiswa ngokuba nozaliso mali abalwenze kweli candelo lese-seaweed.

Ngokubhekisele kubaceli baphathi malungelo, eli liza kujongisisa oku:

- Inkqubo yozaliso mali, nothengiso;
- Uzaliso mali kuphando nokuphuculwa ukuthengiseka kweemveliso ze-seaweed.

Abangeni abatsha kuza kufuneka babonise ukuba baza kuyenza njani inkqubo yothengiso lwe seaweed

(c) Impembelelo yeecosystem

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 nguphathiswa wezendalo nokhenketho .

(d) Ukongezwa kwamaxabiso

Isebe liza kukhathalela ukubanako kwabaceli ukwangeza okanye ukubonis ukuba bayakwangeza njani lixabiso libephezulu kwi seaweed ekuhlaleni nakwintengiso yehlabathi.

Ixabiso elangeziweyo seaweed lucinga okubalulekileyo-

- Inganyusa inani lemisebenzi enikwa leli candela, nokuba
- Izimveliso ye seaweed yaseMzantsi Africa ayikhuphisani nehlabathi ngokubhekisele kulongozo lamaxabiso

(e) Ukuphuculwa korchwebho lwangaphakathi

Kukho ukuba ukuvuna kwe-seaweed onokwenzeka kwindawo ezithile kunxweme lwethu. Isebe lizakohlulwa amalungelo eseaweed kulama candelo alandelayo:

(f) Imisebenzi

Icandelo le sea weed liqasha abantu abangama 1450. Umyinge wemivuzo nyaka uyi – R38 500 kweli candelo. Uninzi lwabaqeshwa aluqeshwanga ngokusisigxina.

Nangona isebe liluqonda uhlobo lwexeshana lokuvuna , isebe likhuthaza ukuba kuqeshwe ngokwesigxina kwabasebenzi okanye ukhuselelo misebenzi abangenabuchule nabanobuchule. Isebe liyakuvuza abo becali bathe banika abaqeshwa babo; okanye abathe bazama ukunika abaqeshwa ngee –

- Umsebenzi osisigxina
- Medical aid kunye nomhla laphantsi ;

- Nazo naziphina ezinye izibonelelo zomsebenzi ; kunye
- Neemeko zomsebenzi ezikhuselekileyo.

ISebe kwakhona liyakuqonda imivuzo eyahlukeneyo phakathi kwephezulu nephantsi ehlawulweni abasebenzi.

(g) Irhafu engahlawulwayo

ISebe lifuna bonke abaphathi malungelo babhatala ilevi yokuvuna I seaweed.
Uninzi lwabaphathi malungelo abayihlawulanga ilevi okanye abayixelanga

(h) Uxhomekeko kwi seaweed

ISebe likhetha abaceli abaxhomekeke kuvuno lwe-sea weed lepesenti nangaphezulu kwengeniso yabo iyonke yonyaka. Abaceli okanye abaphathi babanini zabelo abafumana ingeniso bangaphandle kweshishini lokuloba bayakohlwaywa.

(i) Ukuxhotyiswa koluntu

Isebe libona ukuba ukuvunwa kwe sea eed njengethuba lokuxhobisa abahlali kuluntu oluselunxwemeni „ ingakumbi abo bangene kufumana nto ekuvuneni isitokwe sentlanzi ezinjenge abalone okanye iwest rock lobster. Ukuba kutsho ngoku,isebe liyakwamkela abaceli abavela kwikampani ezidibeneyo ezinika uluntu olukufutshane ulutho nabo baxhaswe ngabaphathi malungelo abathi basebenzisa amalungelo eseawed ngenjongo zokungafumani nzuzo.

(j) Ukuthobela

Abanini malungelo, kuquka abalawulizabelo okanye abaphathi malungelo, abaphanda ngoku breatshwa kwe MLRA kunikwa amalungelo seaweed kude iziphumo, zophando zaziwe.

Abaphathi malungelo imimandla abathe basebenzisa izithuthi elunxwemeni ngaphandle kokusemthethweni abasayi kunikwa malungelo seaweed.

8. Imimandla yamalungelo kunye nokunikwa

Kukho ngoku imimandla engama –23. Isebe liza kungciphisa eli nani liye ku22- ngokudibanisa ummandla 11 kunye no 12 zibe ngummandla onelungelo.

Isebe liyaqhubeka ukusebenzisa iposi yokunikeza ilungelo eline ngokodidi, ngommandla ngamnye welungelo. Ukuza kutsho namhlanje ummandla ngamnye kufuneka usetyenziswa ngumphathi lungelo omye. Umahluko ukummandla 11 apho abaphathi ababini bengabelana ngommandla, bawusebenzise ngokwendidi ze- seaweed. Isebe ke ngoko likhuthaza abaceli (ingakumbi abatsha) bangasebenzisi “ukhetho lokuqala lweseaweed. Kodwa nezinye ii seaweed Isebe ke ngoko likhuthaza.

Ngokunjalo, isebe liyakuneza ilungelo elinye nokodidi, ngommandla ngamnye welungelo. Ngel, isebe lijonge ukuthatha abantu kuvuno olwahlukeneyo lwendidi ze seaweed kummandla ngamnye onelungelo . Le ndlela ifuna ukunika ifuthe lokwenza imisebenzi nokuqhekekisa nokwangeza ixabiso e- seaweed.

9. Ukubandakanyeka kumaCandelo ngamacandelo

Abanini malungelo kushishino lokuloba iseaweeds abalelwanga ukuba abangebinawo amalungelo kwamanye amashishino okuloba akuCluster A noCluster B. Abanini malungelo okuloba kolu shishino lokuloba iseaweed (ndawonye zabelo abalawulayo kunye neqela lamalungu esebe lolawulo) awasayi kuvunyelwe ukubamba amalungelo okurhweba ngokuloba kumashishini okuloba aku Cluster C no D.

10. Intlawulo yabafaki zicelo nerhafu

Intlawulo yabafaki zicelo zecandelo le seaweed izakubekwa ngokubhekisele koku:

- Ixabiso lenkqubo yokunikezelwa kwamalungelo iyonke, kuquka ukucebisana, ukwamkela ukuhlenga hlengisa kwezicelo, ukuqinisekisa, ukujonga kwakhona nokucinga kwakhona. Ngolu hlobo

indleko ziyakwenzeka ngexesha lenkqubo ephakathi iyakusetyenziswa njengo mkhomba ndlela ngokwe:

- Ixabiso le seaweed elinikezwe ngokude bexesha lelungelo llevi zonyaka wonke zihlawuleka ukuqala ngomhla we-1 kuJanuari ka 2006 zakujongwa kwakhona, emva kweendibano namaqela.

11. Umlinganiselo wokulawula

Lamanyathelo okuphatha axoxwa ngezantsi abonisa iqela leenjongo zeSebe zasemva kukunikezwa kwamalungelo kolu shishino lokuloba.

11.1 Ukuphathwa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela yonakekelo lwendalo (EAF). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zaemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle . Le ndima kwinkqubo kwe seaweed ayizami kunika nkcazelo yenkqubo ye (EAF) kushishino lokuloba iseaweed . I-EAF kushishino lokuloba seaweed iyakuchazwa ngokuthe xhaxhe kwi Fishery Management Manual. Umzantsi Africa uzinikele kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba l seaweeds.

11.2 Ukumanywa kwabathathi nxaxheba

Kweli candela abathathi nxaxheba banikwa iminyaka eli10 enamalungelo orhwebo, iSebe lakuncedisa oluqiniso lwenani labaphathi malungelo abasebenze kweli candelo. Abaphathi malungelo bangaqinisa inkqubo zamashishini abo ngokwahlukeneyo.

- Apho abaphathi malungelo babelana nabanye, iofisini okanye iqela labaphathi, okanye:
- Apho abaphathi malungelo abancinci bathe baguquka ekumanyeni inkqubo zabo zamashishini

Ukumanywa kwabaphathi malungelo kuku ,ngako oko kuxhomekeke
kukuvelelwa kwabo baxhamla bodwa(jonga kumhlathi 11.4 ngezantsi)

11.3 Izithuthi ezisetyenziswa elunxwemeni

Abanini malungelo abaninzi be seaweed benze amaphepha mvume okusebenza izithuthi elunxwemeni njengoko umthetho ungakuvumeli ukusetyenziswa kwazo elwandle ku 2002. Ngo 2004, umphathiswa wokusingqongileyo nokhenketho wabeka umthetho olawula ukusetyenziswa kwezithuthi elunxwemeni (jonga www.mcm.dat.gov.za imithetho yokuyisebenzisa).

Abanye abasebenzisi be- seaweed kufuneka benze izicelo kuSekela Mlawuli Jikelele weMarine neCoastal Management ukufumana imvume yokusebenzisa izithuthi elunxwemeni ukuba ziyafumaneka zokuvuna I-sea weeds. Ama phepha ezicelo ayafumaneka kwi www.mcm-deat.gov.za.

11.4 Ukuxhamla wedwa

Ngelixa eli sebe lizakukhuthaza ukumanywa kwabanini malungelo kweli candelo, inkqubo iyakukhaba ukuxhamla wedwa ekungathi konakalise abanini malungelo abancinci.

Isebe alizose kweli nqanaba lichaze ubuninzi benani lemimandla umnini lungelo angayisebenzisa, kodwa iyahlola ukuba ingaba akukho mphathi lungelo owenza ngendlela echaseneyo na.

12. Imilinganiselo yokusebenza

Isebe lizakuqalisa iqela lemisebenzi yokulinganiswa kwamandla okwenza de liphele ixesha elisikelwe amalungelo orhwebo ngokuloba. Kulindeleke ukuba owokuqala umsebenzi wokulinganiswa kwamandla okwenza uyakuthi wenziwe emva kweminyaka emibini ze emva koko wenziwe rhoqo emva kweminyaka emithathu.

Nangona Isebe lizakuqukumbela ezona nqobo zokulinganisa abazakuthi ngazo abanini-zimvume, ezi nqobo zilandelayo zinxulumene namandla okwenza zisenokusetyenzisa :

- Inguqu;
- Utyalo zimali kwinqanawa nezixhobo;
- Ukusetyenziswa okuqhubekayo lwe sea weeds;
- Ukuthotyelwa kwemithetho elawulayo nemiqathango

13. Inkqubo yabakhi -mkhanyo

Inkqubo yangoku yeSebe yabakhi -mkhanyo iza kwandiswa ukuqauka ndawonye ukujonga ukuthotyela. Abanini malungelo bazakufuneka bathwale umakhi-mkhanyo ngohambo ngalunye. Abanini malungelo balindeleke ukuba ibe ngabo abathwala iindleko zenkqubo yaba-khi mkhanyo .

14. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngnyaka. Imiqathango yemvume esebenzayo kushishino lokuloba olusalingwayo yonyaka ka 2005 incanyathiselwa njenge **Annexure A**. Amaqela anomdla nachaphazelekayo ayamenywa ukuba aveza ezawo izimvo kule miqathango yemvum.

ANNEXURE H

DRAFT



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

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1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the squid fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). Interested and affected parties may submit written comment to the Department by 4 April 2005. Comments shall be submitted as follows:

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

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 Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate squid fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department.

2. Biology and resource dynamics

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 1960's and 1970's, the chokka squid resource was heavily exploited by foreign fleets. During this period, squid were 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 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. In 1989, the jig fishery registered its highest catch of 9 800 tons. 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. The landed catch is worth more than R180 million per year.

4. The medium-term rights allocation process

In 2001, the Department allocated rights to 128 commercial squid fishing enterprises, thereby authorising more than 2 400 crew to fish for squid on 145 vessels. Allocation records show that:

- 33 percent of right-holders are majority-owned by blacks;
- 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:

- Substantially increase 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;
- Encourage further investment in vessels, infrastructure and jobs, particularly by historically disadvantaged persons;
- 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,

the Department will allocate commercial rights for a period of eight years (01 January 2006 to 31 December 2013), subject to review at regular intervals against predetermined performance criteria, including the attainment of agreed transformation goals (*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 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 Department 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. Applications from natural persons (i.e. individuals or sole proprietors) and trusts will not be considered.
- (b) **Compliance:** Applicants, including the directors or controlling shareholders that have been convicted of an offence in terms of the MLRA (without the option of the payment of a fine) will not be allocated a squid fishing right. Applicants, including the directors or controlling shareholders, that have had any fishing right cancelled or revoked in terms of the MLRA will also not be allocated a squid fishing right. Other breaches of the MLRA will adversely affect the evaluation of applications, as specified below.
- (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:** Right-holders that failed to utilise their medium-term commercial squid fishing right between 2002 and 2004 will not be re-allocated a squid fishing right.

8.2 Comparative balancing criteria

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

(a) Transformation

Currently, only 33 percent of right-holders in this fishery are black-owned; 32 percent are black-managed.

Applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;
- The representivity of blacks and women at the various levels below executive management;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) Investment in the fishery

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in suitable vessels. In this regard, investment in the form of shareholding will be considered. Right-holder applicants will not be rewarded for having concluded purchase agreements, charter agreements or catching agreements.
- Investments in processing and marketing infrastructure. In this regard, the Department will reward right-holder applicants that have invested in squid processing and marketing initiatives.

As far as new entrant applicants are concerned, the Department will consider what investments have been made in the form of vessels, processing and marketing infrastructure. In addition, new entrant applicants will have to demonstrate that they have the knowledge, skill and ability to participate in the squid fishery.

(c) Performance

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

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

(d) Reliance on squid

The Department will prefer applicants who rely on squid fishing for more than 50 percent of their gross annual income. Applicants or their controlling shareholders who derive any income from sources outside of the fishing industry will be penalised.

(e) Local economic development

The Department will positively score those applicants that elect to land their catches at small harbours, such as those along the Cape south coast and in the Eastern Cape Province.

(f) Jobs

The squid fishery is labour intensive and employs approximately 2 400 sea-going personnel. The Department will reward those applicants who have provided their employees, or who undertake to provide their employees with –

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

The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(g) Non-payment of fish levies

The Department requires every right-holder to pay a levy on the targeted fish landed. A number of right-holders have either not paid their levies or have under-reported catches to, *inter alia*, avoid the payment of levies. The former will be penalised in the comparative balancing process as set out below. The latter will be excluded. However, if any such applicant qualifies for a right, a fishing permit will not be issued until the total amount of outstanding levies (plus interest) has been paid to the Department.

(h) Compliance

Right-holders, including their directors or controlling shareholders, who are currently being investigated for breaches of the MLRA, whether criminal or administrative, will not be allocated a squid fishing right until the conclusion of the investigation.

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

8.3 Empowerment of squid fishers

The Department will require all fishing crew who are intending to work on squid boats to register with the Department on its Squid Crew List. Those applicants who are successful in applying for a squid fishing right will be required to select their crew members from among those who are listed on the Squid Crew List.

8.4 Effort allocations

In the medium-term rights allocation process, the allocation of crew to vessels was determined in accordance with a formula premised on the length of the vessels nominated by the successful applicants. Successful applicants were allocated all the vessels nominated. The Department intends to revise this method of allocating effort.

Firstly, the Department will allocate crew based on the maximum crew complement authorised by the South African Maritime Association ("SAMSA"). The Department will reserve a pool of approximately 30 vessels for allocation to applicants that are transformed or who have invested in squid vessels. The Department will allocate one vessel to each successful applicant. The pool of reserved vessels will be allocated to those applicants that scored highest on transformation criteria and who requested more than one vessel.

9. Suitable vessels

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

- has a minimum SAMSA certified length of approximately eight metres. Smaller vessels may be considered on the basis of their squid fishing performance;
- has a functioning vessel monitoring system; 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 (including their controlling shareholders and members of their executive management team) will not be precluded from holding commercial fishing rights in the Cluster A and Cluster B fisheries. Squid right-holders will, however, not be permitted to hold commercial fishing rights in the Cluster C and Cluster D fisheries.

11. Application Fees and Levies

The application fee for the squid fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with affected and interested parties.

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
- Where smaller right-holders opt to consolidate their business operations so as to further increase 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

There are presently 163 squid vessels 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, *inter alia*, reducing the use of lights, closing areas to fishing and lengthening the closed season.

12.4 Monopolisation

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 the allocation of commercial fishing rights, and 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.

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 applicable to this fishery for the 2005 season is attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

ANNEXURE I

KONSEP



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

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

**HIERDIE KONSEPBELEID MOET GELEES WORD SAAM MET DIE
ALGEMENE KONSEPBELEID OP DIE TOEKENNING EN BESTUUR
VAN LANGTERMYN KOMMERSIËLE VISVANGREGTE:2005**
(beskikbaar by www.mcm-deat.gov.za)

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1. Inleiding

Hierdie dokument is 'n konsepbeleid vir openbare kommentaar oor die toekenning en bestuur van kommersiële oesregte in die inkvis vissery soos uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement"). Hierdie konsepbeleid moet saamgelees word met die Algemene Konsepbeleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visvangbeleid"). Belanghebbendes en ge-afekteerde partye mag skriftelike kommentaar voorlê aan die Departement voor 4 April 2005. Kommentaar wat voorgelê word na hierdie datum sal nie oorweeg word nie. Kommentaar moet as volg voorgelê word:

Per Faks: Faks Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Postbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@delortle.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieeringseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Die doelwit van hierdie konsepbeleid is om die oorwegings uiteen te sit wat sal geld by die toekenning van kommersiële inkvisregte. Baie van die oorwegings in hierdie konsepbeleid is niks nuuts nie. Hulle is reeds vantevore toegepas deur die Departement in die toekenning van regte. Hierdie beleid weerspieël hierdie oorwegings, maar sluit ook 'n aantal veranderings en byvoegings in.

Sekere bestuursbeleidrigtings wat sal geld na die toekenning van regte word ook in hierdie konsep beleidskrif behandel. Die Departement sal 'n Inkvis Bestuurshandleiding ontwikkel in samewerking met al die regtehouers gedurende die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodologie en prosedures uiteensit vir die vissery.

Die Minister van Omgewingsake en Toerisme is van voorneme om die sogenaamde artikel 18 magte om inkvisregte toe te ken, in terme van artikel 79 van die Wet op Lewende mariene Hulpbronne ("die WLMH"), aan 'n senior beampste van die Departement te delegeer.

2. Biologiese en hulpbronwisselwerking

Deelnemers in die inkvis visserij spits toe op tjokka (*Loligo vulgaris reynaudii*), wat die mees algemene inkvis in die Suid-Afrikaanse kuswaters is.

Tjokka word aangetref tussen Namibië in die weste en die Wildekus in die ooste. Soos alle inkvis voltooi hulle hul lewensiklus binne twee jaar. Hulle bereik seksuele wasdom binne een jaar nadat hulle uitgebroei het. Die maksimum grootte is 46 sentimeter vir die mannetjies en 28 sentimeter vir wyfies. Bevrugting vind plaas op die seebodem, gewoonlik in vlakwater areas, maar somtyds in diep water op die Agullas seebank. Dit vind plaas dwarsdeur die jaar, maar meer algemeen gedurende die somer. Tjokka aas op skaaldiere en vis.

Daar is groot verandering in die hoeveelheid tjokka. Die effek van veranderinge in die spesies wat inkvis teiken, prooi beskikbaarheid en die fisiese omgewing word meer akute vir die inkvis, omdat kontinuïteit oor jare nie bereik kan word nie.

Tans is daar 'n rekord voorkoms in tjokka getalle, maar ervaring toon aan dat 'n wesentlike afname verwag kan word.

3. Sektor Profiel

Tjokka (hierna na verwys as inkvis) word reeds vir baie jare as aas gebruik deur lynvisser. Die spesie word ook aan land gebring as 'n byvangs in die bodemvis treilvisserij. Gedurende die 1960's en die 1970's was hulle swaar ge-oes deur buitelandse visvangmaatskappye. Gedurende hierdie tyd is inkvis hoofsaaklik gevang deur treilers uit die Verre-ooste. Oorsese 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 bodemvis treilvangsvissery wissel tussen 200 en 600 ton jaarliks.

'n Toegewyde jiggerboot vissery vir tjokka is in 1984 begin. Die jiggerbote word opereer deur middel van handlyne wat dit dus 'n besondere arbeidsintensiewe vissery maak. In 1989 het die jiggerboot vissery sy hoogste vangs van 9 800 ton 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 blokke van 10 kilogram. Dit word gewoonlik aan land gebring tussen Plettenbergbaai en Port Alfred en heel na Europa uitgevoer. Gedurende 2002, toe die Suid-Afrikaanse Rand op sy laagste vlak was teenoor die vernaamste geldeenhede, 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 lisensiëringstelsel ingestel met die oog daarop om die aantal vaartuie wat deelneem aan die vissery te beperk. Die vissery word tans gereguleer in terme van 'n totale ontplooiëde vangspoging ("TOV"). Die inkvis vissersvloot is verdeel in vaartuig kategorieë en die maksimum toelaatbare bemanning vir die vaartuie in elke kategorie is vasgestel. Sedert 1988 word die vissery eenmaal 'n jaar vir vier weke toegemaak in 'n poging om die effek van "*kruipende poging*" tee te werk. 'n Toename in die doeltreffendheid van vaartuie en vangstegeologie het gelei tot 'n toename in vangs doeltreffendheid.

Die tjokkabedryf verskaf werkseleenthede aan ongeveer 3 000 mense, insluitende personeel aan land. Die vangs wat aan land gebring word per jaar, is meer as R180 miljoen werd.

4. Medium-termyn regtetoekenning

Gedurende 2001 het die Departement regte toegeken aan 128 kommersiële inkvisondernemings wat beteken dat 2400 bemanningslede gemagtig is om te vis vir inkvis op 145 vaartuie. Toewysingsrekords toon aan dat:

- Swart persone die meerderheids-eienaarsbelang het in 33 persent van regtehouers;
- 61 persent van die werkers is swart;
- omtrent al die regtehouers is klein- en mediumgrote ondernemings ("KMOs").

Die bemanning is toegewys aan vaartuie wat deur die suksesvolle aansoekers genomineer is. Die getal bemanningslede wat aan elke vaartuig toegewys is, hang af van die lengte van die vaartuie.

5. Oorkoepelende visserysdoelwitte

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

- Die transformasie profiel van hierdie vissery wesenlik te verbeter;
- Die sogenaamde 'beperkte regte' met die vissery te integreer;
- Aansoekers wat woon in die Oos-Kaap of wie se geregistreerde besigheidsadres daar, is te ondersteun;
- Verdere belegging in vaartuie, infrastruktuur en werksgleenthede, veral deur voorheen benadeelde individue aan te moedig;
- Regte toe te ken aan aansoekers wat hoofsaaklik van inkvis afhanklik is vir hulle inkomste;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun;
- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Tydsduur van regte

Met in agneming van –

- die transformasie profiel van die vissery;

- die wesentlike wisselings in die beskikbaarheid van die bron;

sal die Departement kommersiële regte vir 'n periode van agt jaar toeken (1 Januarie 2006 tot en met 31 Desember 2013). Elke regtehouer sal egter met gereelde tussenposes getoets word teenoor vooraf vasgestelde prestasiekriteria, insluitende die bereiking van ooreengekome transformasie doelwitte (sien paragraaf 13 hieronder).

7. Nuwe inkomelinge

Alhoewel die inkvisvisserij tans optimaal ontgin word en daar nie plek is vir bykomende deelnemers nie, sal nuwe inkomelinge se aansoeke oorweeg word en mag selfs voorkeur geniet oor bestaande regtehouers, indien hulle insluiting sal bydra tot die transformasie van die inkvisvisserij.

8. Evalueringskriteria

Aansoeke sal gesif word volgens 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe deelnemers en bestaande regtehouers sal daarna afsonderlik oorweeg word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt in terme van punte toekenning sal dan bepaal wie die suksesvolle aansoekers is. 'n Deel van die TOV sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

8.1 Uitsluitingskriteria

Aanvullend tot die uitsluitingskriteria wat genoem word in die Algemene Beleid, met betrekking tot onbehoorlike indiening en wesentlike tekortkominge, sal die Departement aansoekers uitsluit wat nie aan die volgende vereistes voldoen nie:

- (a) Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat ingelyf is in terme van die Wet op Beslote Korporasies, 69 van 1984 en die Maatskappyyewet, 61 van 1973. Aansoeke van natuurlike persone (d.w.s individue of eenmansake) en trusts sal nie oorweeg word nie. Regtehouers wat bestaan in die vorm van trusts sal hulle self moet inlyf as 'n maatskappy of 'n beslote

korporasie.

- (b) **Wetsnakoming:** Aansoekers sal nie kwalifiseer vir die toekenning van inkvisregte, insluitende direkteure of beherende aandeelhouders, wat skuldig bevind is aan 'n oortreding in terme van die WMLH (en gevonnissen tot tronkstraf sonder die opsie van 'n boete). Aansoekers, insluitende die direkteure of beherende aandeelhouders, wie se visvangregte al gekanselleer of herroep was in terme van die WMLH, sal ook nie inkvisregte ontvang nie. Ander nie-nakomings van die WMLH sal 'n nadelige invloed hê op die oorweging van die aansoek, soos hieronder uiteengesit sal word.
- (c) **Papierkwotas:** 'n papierkwota soos gedefinieer in die Algemene Beleid sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle toegang het tot 'n geskikte vaartuig (*sien paragraaf 9 hieronder*).
- (e) **Nie- gebruik:** Daardie regtehouers wat versuim het om hulle medium-termyn kommersiële inkvisregte te gebruik tussen 2002 en 2004, sal nie weer regte ontvang nie.

8.2. Vergelykende balanseringskriteria

Alhoewel die volgende maatstawwe van toepassing sal wees op aansoeke van regtehouers sowel as nuwe inkomers sal dit verskillende gewig dra by die twee groepe.

(a) Transformasie

Tans besit swart persone slegs 33 persent van die regtehouers in hierdie vissery; 32 persent is onder swart bestuur.

Gevolgtrek sal aansoekers oorweeg word en 'n punte telling ontvang ooreenkomstig

die volgende –

- Die persentasie swart en vroulike verteenwoordiging op eienaars- en uitvoerende bestuursvlak;
- Of werknemers aandeelhouders is in die aansoeker en die omvang van hulle voordele;
- Regstellende aankope;
- Die graad van swart en vroulike verteenwoordiging op die onderskeie vlakke onder die uitvoerende bestuursvlak;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die visserij

Wat aansoeke van regtehouers aanbetref, sal die Departement in besonder die volgende in ag neem:

- Belegging in geskikte vaartuie. In hierdie verband sal belegging in die vorm van aandeelhouding oorweeg word. Aansoeke van regtehouers sal nie beloon word op grond daarvan dat aankoop-, skeepshuur- of vangsooreenkomste aangegaan is nie.
- Belegging in bewerking- en bemarkingsinfrastruktuur. In hierdie verband sal die Departement aansoeke van regtehouers wat belê het in inkvis bewerking- en bemarkingsinisiatiewe, beloon.

Wat aansoeke van nuwe inkomelinge betref, sal die Departement in ag neem watter beleggings gemaak is in die vorm van vaartuie, sowel as bewerking- en bemarkingsinfrastruktuur. Verder sal aansoeke van nuwe inkomelinge moet aandui dat hulle die kennis, vaardigheid en vermoë het om te kan deelneem in die

inkvisvisserij.

(c) Prestasie

Aansoeke van regtehouers sal oorweeg word deur te kyk na hulle prestasie gedurende die medium-termyn tydperk (2002 to 2004).

Aansoeke van nuwe inkomelinge sal oorweeg word deur te kyk of hulle die vermoë, kennis en vaardigheid het om inkvis te kan vang.

(d) Afhanklikheid van die inkvisvisserij

Die Departement sal voorkeur verleen aan aansoekers wat staat maak op die inkvisvisserij vir 50 persent of meer van hulle bruto jaarlikse inkomste. Aansoekers of hulle behorende aandeelhouers wat enige inkomste verkry van bronne buite die visindustrie, sal gepeenaliseer word.

(e) Plaaslike ekonomiese ontwikkeling

Die Departement sal 'n positiewe puntetelling toeken aan daardie aansoekers wat kies om hulle vangste aan land te bring by die kleiner hawens, soos langs die Kaapse suidkus en in die Oos-Kaap.

(f) Werksgeleenthede

Die inkvisvisserij is arbeidsintensief en verskaf werk aan ongeveer 2 400 seevarende personeel. Die Departement sal daardie aansoekers beloon wat hulle werknemers voorsien, of onderneem om te voorsien, van –

- Permanente indiensneming;
- Mediese- en pensioen voordele;

- Enige ander diensvoordele; en
- Veilige werksomstandighede.

Die Departement sal ook kyk na die loonverskille tussen die hoogs- en laagsbesoldigde werknemers.

(g) Nie-betaling van heffings

Die Departement vereis dat elke regtehouer 'n heffing betaal op al die teikennis wat aan land gebring word. 'n Aantal regtehouers het, of nie hulle heffings betaal nie of het vangste onderrapporteer, onder andere om die betaling van heffings vry te spring. Laasgenoemde groep sal heeltemal uitgesluit word. Eersgenoemde groep (diegene wat glad nie heffings betaal het nie) sal gepeenaliseer word in die vergelykende balanseringsproses, soos wat hieronder uiteengesit sal word. Selfs in die geval van aansoeke van regtehouers wat steeds kwalifiseer vir regte, sal 'n permit egter nie uitgereik word nie, totdat die totale bedrag heffings betaalbaar (plus rente) aan die Departement betaal is nie.

(h) Wetsnakoming

Regtehouers, insluitende hulle direkteure en beherende aandeelhouers, wat tans ondersoek word vir kriminele- of administratiewe oortredings van die WMLH, sal nie kwalifiseer vir inkvisregte totdat die betrokke ondersoek afgehandel is nie.

Geringe oortredings van die WMLH insluitende regulasies, deur die aansoeker, sy direkteure of beherende aandeelhouers, sal meebring dat daar aan die aansoeker 'n negatiewe puntetelling toegeken word.

8.3 Bemagtiging van inkvis-vissers

Die Departement sal vereis dat visserbemanning wat van voorneme is om op inkvisbote te werk hulle op die Departement se Inkvis Bemanningslys laat registreer. Suksesvolle aansoekers sal verplig wees om hulle bemanning te kies uit diegene wie se name op hierdie lys verskyn.

8.4 Pogingtoekennings

Gedurende die proses van medium-termyn regtetoekenning, is die toekenning van bemanning aan vaartuie vasgestel ooreenkomstig 'n formule gebaseer op die lengte van die vaartuie wat deur suksesvolle aansoekers aangewys is. Suksesvolle aansoekers is al die vaartuie toegeken wat hulle aangewys het. Die Departement is van voorneme om hierdie metode vir die aanwysing van pogingskwantum te hersien.

Eerstens sal die Departement bemanning toewys volgens die maksimum bemanningsgetal wat toegelaat word deur die Suid-Afrikaanse Maritieme Veiligheidsvereniging ("SAMVV"). Die Departement sal 'n poel van ongeveer 30 vaartuie reserveer vir toewysing aan aansoekers wat reeds getransformeer het, of wat belê het in inkvisvaartuie. Die Departement sal een vaartuig toeken aan elke suksesvolle aansoeker. Die poel gereserveerde vaartuie sal toegewys word aan daardie aansoekers wat die hoogste puntetelling gekry het, volgens die transformasiekriteria en wat die gebruik van meer as een vaartuig versoek het.

9. Geskikte vaartuie

'n Geskikte vaartuig in die inkvisvisserij is 'n vaartuig wat:

- 'n minimum SAMVV gesertifiseerde lengte van ongeveer agt meter het. Kleiner vaartuie kan oorweeg word afhangende van hulle inkvis visvangprestasie;

- 'n funksionele vaartuig moniteringsstelsel; en
- wat toegerus is vir die vang van inkvis met gebruik van die jiggemetode.

Vaartuie sal diskwalifiseer word as dit kunsmatig verleng is deur die reghouer in 'n poging om sy bemanningsgetalle te vermeerder.

10. Multi-sektorale betrokkenheid

Regtehouers in die inkvisvisserij word nie verhoed om regte te hê in Groep A of Groep B visserij nie. Regtehouers in die inkvisvisserij (insluitende hulle beherende aandeelhouers en lede van die uitvoerende bestuursorgaan) sal nie toegelaat word om kommersiële visvangregte in Groep C of Groep D visserij te hou nie.

11. Aansoekfooi en heffings

Die aansoekfooi vir die inkvisvisserij sal vasgestel word met verwysing na die volgende:

- Die koste van die hele regstoekenningsproses, insluitende konsultasie, ontvangs, die evaluering van aansoeke, verifiëring, appêle en hersienings. In hierdie verband sal die koste wat aangegaan is gedurende die medium termyn prosedure 'n riglyn daarstel; en
- Die waarde van die inkvis wat toegeken word, gedeel deur die tydskedule van die regstoekenning.

Die jaarlikse heffing wat betaalbaar is sal met ingang 1 Januarie 2006 hersien word na oorlegpleging met al die belanghebbendes en geaffekteerde partye.

12. Bestuursmaatreels

Die bestuursmetodes wat hieronder uiteengesit word, weerspieël sommige van die Departement se voornemens vir die bestuur van die vissery in die tydperk na regte toekennings.

11.1 Die ekosisteem benadering tot visserybestuur

Die inkvisvissery sal bestuur word ooreenkomstig die ekosisteem benadering tot visserye ("EBV"). 'n Ekosisteem benadering tot visserybestuur is 'n holistiese en ge-integreerde beleid wat erkenning verleen aan die feit dat visvang en ander land gebaseerde aktiwiteite 'n invloed het oor die breër mariene omgewing. Hierdie deel van die inkvisbeleid poog nie om 'n beleidstandpunt te voorsien vir EBV in die inkvisvissery nie. Die EBV in die inkvisvissery sal in verdere besonderhede aandag geniet in die Inkvisvissery Bestuurshandleiding. Suid-Afrika bly steeds verbind tot die teiken datum van 2010 vir die implimentering van 'n EBV in die kommersiële visserye, insluitende die inkvisvissery.

12.2 Konsolidering van deelnemers

Na die afhandeling van die toekenning van die agt-jaar kommersiële visvangregte in hierdie vissery, sal die Departement die konsolidering van die aantal regtehouers wat steeds betrokke is in die vissery fasiliteer, veral in gevalle waar:

- Regtehouers dieselfde aandeelhouers, kantore of bestuurspan deel; of
- Kleiner regtehouers besluit om hulle ondernemings te konsolideer.

Konsolidering van regtehouers is egter ondeworpe aan die Departement se benadering tot monopolieë. (*sien paragraaf 12.4 hieronder*). Verder sal konsolidasie nie gesteun word deur die Departement waar dit kan lei tot 'n afname in die transformasie profiel van die vissery nie.

12.3 Vaartuie en visvangpoging

Daar is tans 163 inkvisvaartuie in die vissery. Alhoewel die huidige vaartuigpoging

optimaal is, sal die aantal vaartuie dalk verminder moet word, indien daar 'n vermindering is in die TOV. Die Departement sal egter eers probeer om die visvangpoging in hierdie vissery te beperk deur byvoorbeeld die vermindering in die gebruik van ligte, deur sekere areas te sluit en deur die geslote seisoen te verleng.

12.4 Monopolisering

Alhoewel die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, bly dit gekant teen monopolieë aangesien dit tot nadeel kan wees vir die kleiner regtehouers.

13. Prestasiemeting

Die Departement sal formele prestasiemeting onderneem vir die volle tydperk van die kommersiële regte. Daar word beoog dat die eerste stel metings sal plaasvind binne 'n jaar na die toekenning van die regte en daarna elke drie jaar.

Alhoewel die Departement eers die presiese maatstawwe vir die meting van regtehouers sal finaliseer, na die toekenning van kommersiële visvangregte en na oorlegpleging met regtehouers, sal die volgende breë prestasieverwante maatstawwe wel gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- inkvisvangsprestasie;
- nakoming van die toepaslike wette en regulasies.

14. Waarnemersprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om ook wetsnakoming in te sluit. Verder sal die Departement ook die waarnemersdekking in hierdie vissery

toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemersprogram te dek.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permit voorwaardes wat van toepassing is op die vissery vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes en geaffekteerde partye word genooi om kommentaar te lewer op hierdie permitvoorwaardes.

ANNEXURE J

DRAFT



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

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1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the tuna pole fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*"the Department"*) for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 (*"the General Fisheries Policy"*). Interested and affected parties may submit written comment to the Department by 4 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General Tuna Pole Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Tuna Pole Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General Tuna Pole Policy Comments By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Tuna Pole Policy Comments
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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 Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate seaweed rights in terms section 79 of the Marine Living Resources Act 18 of 1998 (*"the MLRA"*) to a senior official of the Department.

2. Biology and resource dynamics

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 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 now started targeting these tunas for sale on the sashimi markets in Europe, UK, USA 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, before dropping to the present levels of approximately 6 200 tons per year.

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, three types of vessels have emerged in this fishery. The first were large vessels with onboard refrigeration, capable of spending substantial periods at sea with a crew of 20 or more. The second type were small vessels that carried less than 20 crew, spending no more than one night at sea and keeping tuna on ice. The third type were even smaller vessels, carrying less than 10 crew and using only "pole" gear.

Some 165 vessels are authorised to target tunas using the pole. 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

In 2002, the Department allocated 152 commercial tuna pole fishing rights, 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 blacks 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 or individuals.

5. Over-arching sectoral objectives

The objectives of allocating long-term fishing rights in the tuna pole fishery are to:

- Significantly increase the transformation profile of the fishery;
- Encourage further investment in vessels, infrastructure and jobs, particularly by historically disadvantaged persons;
- Improve South Africa's record of performance in the tuna fisheries;
- Allocate rights to small- and medium-sized enterprises (including individuals) who rely on the tuna pole fishery for a substantial portion 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 (01 January 2006 to 31 December 2013). Every

right-holder will, however, be tested at regular intervals against predetermined performance criteria (see Paragraph 13 below).

7. New entrants

The tuna pole fishery is currently under-subscribed and there is room for a number of additional participants. Furthermore, the transformation profile of the fishery is unsatisfactory. Therefore, it is accordingly anticipated that a number of new entrants will be allocated rights in the fishery.

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 Department 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 and individuals (i.e. sole proprietors or natural persons). Applications from trusts will not be considered.
- (b) **Compliance:** Applicants, including the directors or controlling shareholders, that have been convicted of a serious transgression of the MLRA (without the option of the payment of a fine) will be excluded. Applicants, including the directors or

controlling shareholders, that have had any fishing right cancelled or revoked in terms of the MLRA will also be excluded. In addition, those right-holders that failed to submit 50 percent or more of their catch returns will be excluded.

Minor breaches of the MLRA will adversely affect the evaluation of applications, as set out below.

- (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:** Right-holders that failed to utilise their medium-term commercial tuna pole right between 2002 and 2004 will not be re-allocated a tuna pole right.

8.2 Balancing criteria

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

- (a) **Transformation**
Currently, only 20 percent of right-holders in this fishery are black-owned. Ten percent are black-managed.

Accordingly, applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;

- The representivity of blacks and women at the various levels below management;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) Investment in the fishery

Applicants will be evaluated by having regard to investments made in the tuna pole fishery.

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in suitable vessels. In this regard, investment in the form of shareholding will be considered. Right-holder applicants will not be rewarded for having concluded purchase agreements, charter agreements or catching agreements.
- Investments in processing and marketing infrastructure. In this regard, the Department will reward right-holder applicants that have invested in tuna processing and marketing initiatives.

New entrant applicants will have to show whether they have invested in a vessel and in what form. New entrant applicants must also show whether they have invested in any processing and marketing initiatives, or whether they have access to marketing facilities.

(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. In particular, right-holder applicants that targeted traditional linefish stocks over tuna will be penalised.

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

(d) Reliance on tuna

The Department will prefer applicants who rely on tuna fishing for 50 percent and more of their annual income. Applicants or their controlling shareholders who derive any income from sources outside of the fishing industry will be penalised.

(e) Value-adding

The Department will have regard to the manner in which tunas harvested by right-holders have been processed and/or marketed.

New entrant applicants will be required to demonstrate how they intend to market tuna. They will be scored on these plans.

(f) Local economic development

The Department will prefer those applicants that elect to land their catches and have them processed in centres outside of the large metropolitan areas such as Cape Town.

The Department will favourably consider those right-holder applicants that undertake to invest in and land their catches at smaller fishing harbours, such as Port Nolloth.

(g) Jobs

The tuna pole fishery is a labour intensive fishery, employing about 2 700 crew. It is, however, capable of employing as many as 3 600 crew under the present TAE

limitations. Although the Department recognises the seasonal nature of the tuna pole fishery, it does encourage the provision of permanent jobs or greater levels of job security. The Department will reward those applicants who have provided their employees, or who undertake to provide their employees, with –

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

The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(h) Non-payment of fish levies

The Department requires every right-holder to pay a levy on the targeted fish landed. A number of right-holders have either not paid their levies owed to the Department or have under-reported catches to, *inter alia*, avoid the payment of levies.

In the latter case, right-holders that have been found to have under-reported catches will not be allocated a fishing right, or if allocated, the right will be revoked. In the former case (non-payment of levies owed to the Department), right-holder applicants will be penalised. However, should right-holder applicants still qualify for a right, a fishing permit will not be issued until the total amount of levies payable (plus interest) has been paid to the Department.

(i) Compliance

Right-holders, including their directors or controlling shareholders, who are being investigated for breaches of the MLRA will not be allocated a tuna pole fishing

right until the outcome of the investigation is known.

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

8.3 Effort allocations

Due to the fact that the fishery was under-subscribed over the medium-term period, the Department was able to allocate to each successful applicant the number of vessels nominated. If the fishery remains under-subscribed, the Department will 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 Department will allocate one vessel to each successful applicant and the remaining vessels to those successful applicants that scored the highest for transformation criteria.

9. Suitable vessels

A suitable vessel in the tuna pole fishery is a vessel that:

- has a minimum SAMSA certified length of approximately 10 metres. Smaller vessels may be considered, provided they can demonstrate a catch record in the tuna pole fishery;
- 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 (including their controlling shareholders and members of their executive management team) will not be precluded from holding commercial fishing rights in the Cluster A and Cluster B fisheries. Tuna pole right-holders will, however, not be permitted to hold

commercial fishing rights in the Cluster C and Cluster D fisheries.

11. Application fees and levies

The application fee for the tuna pole fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with affected and interested parties.

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 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 further increase 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). In addition, 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 Monopolisation

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.

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 applicable to this fishery for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

ANNEXURE K

KONSEP



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID VIR DIE BESTUUR EN TOEKENNING VAN KOMMERSEÏELE
VISVANGREGTE IN DIE TUNA-PAALVISSERY:2005**

**HIERDIE KONSEPBELEID MOET GELEES WORD SAAM MET DIE
ALGEMENE KONSEPBELEID OP DIE TOEKENNING EN BESTUUR
VAN LANGTERMYN KOMMERSEÏELE VISVANGREGTE:2005**
(beskikbaar by www.mcm-deat.gov.za)

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1. Inleiding

Hierdie dokument is 'n konsepbeleid vir openbare kommentaar oor die toekenning en bestuur van kommersiële regte in die tuna-paalvisserij soos uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement"). Hierdie konsepbeleid moet saamgelees word met die Algemene Konsepbeleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visvangbeleid"). Belanghebbendes en ge-afekteerde partye, mag skriftelike kommentaar voorlê aan die Departement voor 4 April 2005. Kommentaar wat voorgelê word na hierdie datum sal nie oorweeg word nie. Kommentaar moet as volg voorgelê word:

Per Faks: Faks Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Postbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verreëringseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Die doelwit van hierdie konsepbeleid is om die oorwegings uiteen te sit, wat sal geld by die toekenning van kommersiële tuna paalvisregte. Baie van die oorwegings in hierdie konsepbeleid is niks nuuts nie. Hulle is reeds vantevore toegepas deur die Departement in die toekenning van regte. Hierdie beleid vervat hierdie oorwegings, maar sluit ook 'n aantal veranderings en byvoegings in.

Die bestuursbeleid rondom die tydperk na die toekenning van regte, kom ook na vore in hierdie konsep beleidskrif. Die Departement sal 'n Tuna Paalvis Bestuurshandleiding ontwikkel in samewerking met al die reghouers gedurende die loop van 2006. Hierdie handleiding sal in fyn besonderhede die bestuursmetodologie en prosedures uiteensit vir die bedryf.

Die Minister van Omgewingsake en Toerisme is van voorneme om die sogenaamde 'artikel 18 magte' om tuna paalvisregte toe te ken, in terme van artikel 79 van die Wet op Marienelewe en Hulpbronne ("die WLMH"), aan 'n senior beampte van die Departement te delegeer.

2. Biologiese- en hulpbronwisselwerking

Albakoor tuna (*Thunnus alalunga*) kom hoofsaaklik voor in gematigde water. Dit is 'n pelagiese spesie en jong albakoor wat korter is as 90 sentimeter, kom voor in groot skole naby die oppervlak van die water. Volwasse albakoor kom voor in kleiner skole dieper onder die water en kan dus nie gevang word deur die oppervlak toerusting wat gebruik word deur die paalvisbote nie. Twee albakoor getalpoele kom in die Atlantiese Oseaan voor. Die noordelike poel word ongeveer 5° N van die suidelike poel aangetref. Bevrugting vind plaas in die westelike Atlantiese Oseaan in beide halfbrondtes.

Albakoor kom wêreldwyd in al die hoof oseaankomme voor. Die paalvisvloot is slegs werkzaam langs die weskus van Suid-Afrika, met die suidelike Atlantiese getalpoel as teiken. Die getalle van Indiese Oseaan albakoor, wat langs die ooskus van Suid-Afrika voorkom, is heelwat laer. 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 paalvisbedryf is dus seisoensgebonde. Die beskikbaarheid van hierdie vishulpbron, word verder bepaal deur omgewingsfaktore wat in sommige jare meebring dat visse in groot getalle naby aan die kus saam groepeer.

As gevolg van die feit dat albakoor voorkom op die oopsee, word dit deur baie lande gevang. Die bestuur van die spesie is die verantwoordelikheid van streeksvisserystuurs organisasies ("SVBO's"), soos die Internasionale Kommissie op 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 getal takserings 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 bedryf

Die tuna paalvisbedryf gebruik oppervlak-toerusting wat die jong skole Albakoor in die suid-oostelike Atlantiese Oseaan teiken, grootendeels vir uitvoer as geblikte tuna. Ander tuna spesies wat aan land gebring word sluit geelfin- en grootoogtuna in, maar hierdie spesies maak minder as vyf persent van die jaarlikse vangs uit. Sommige regtehouers het egter nou begin om ook hierdie tuna te teiken, vir verkoop op die sasjimi markte van Europa, VK, VSA en Japan.

Suid-Atlantiese albakoor word reeds kommersiële vangst sedert die 1950's. Totale vangst aan land gebring per jaar, was ongeveer 24 000 ton tussen 1965 en 1985. Daarna het vangst toegeneem tot ongeveer 30 000 ton, voordat dit gedaal het tot die huidige vlakke van ongeveer 6 200 ton per jaar.

Die visvangstasies wat albakoor geteiken het in die Suid-Atlantiese Oseaan is Chinese 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 getalle word nie oor-ontgin nie, ten spyte van die feit dat die globale TTV al reeds vir verskeie jare oorskree word.

In die lig van die feit dat IKBAT nie nasionale kwotas toegeken het vir die Suid-Atlantiese albakoor getalpoel nie, word die Suid-Afrikaanse bedryf bestuur deur die Departement met 'n totale ontplooië vangspoging ("TOV") van 200 vaartuie met 'n maksimum bemanning van 3 600.

Deur die jare het drie soorte vaartuie na vore gekom in hierdie bedryf. Die eerste groep is groot vaartuie met aanboord bevrising, wat lang tye ter see kan deurbring met 'n bemanning van 20 of meer. Die tweede groep is klein vaartuie met 'n bemanning van minder as 20 wat nie meer as een nag ter see deurbring nie en die tuna slegs op ys plaas. Die derde soort is bote wat nog kleiner is, met 'n bemanning van minder as 10 en wat slegs "paaltoerusting" gebruik.

'n Getal van 165 vaartuie is gemagtig om tunavangst te teiken met die paalmetode. Meer as 2 700 bemanning werk op hierdie vaartuie. Die bedryf is nie kapitaalintensief nie, maar om die tuna te vind en daarvoor te vis met die paalmetode, vereis 'n vaardige bemanning.

4. Die proses van medium-termyn regtetoekenning

Gedurende 2002 het die Departement 152 kommersiële tuna paalvisregte toegeken waardeur 165 vaartuie met 'n bemanning van meer as 2 700 gemagtig is om tuna te teiken met die paalmetode. Van die regte wat toegeken is 20.5 persent toegeken aan swart persone of aan regspersone wat in swart besit of onder swart beheer is. Negentig (90) persent van die werkers in hierdie bedryf is swart.

Slegs 29 persent van die regtehouers in hierdie bedryf is regspersone, die ander is natuurlike persone.

5. Oorkoepelende sektorale doelwitte

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

- Die transformasie profiel van die bedryf aansienlik te verbeter;
- Verdere belegging in vaartuie, infrastruktuur en werksgeleenthede aan te moedig, veral deur histories benadeelde individue;
- Suid-Afrika se prestasierekord in die tunabedryf te verbeter;
- Regte toe te ken aan klein- en mediumgrote ondernemings (insluitende individue) wat van tuna paalvisvangs afhanklik is vir 'n groot deel van hulle inkomste;
- Die ekonomiese lewensvatbaarheid van die bedryf te ondersteun;
- Die ekologiese standhoubaarheid van die bedryf te verseker.

5. Tydsduur van regte

Met in agneming van –

- die transformasie profiel van die bedryf; en
- die noodsaak om die vangsprestasie van regtehouers te verbeter;

sal die Departement kommersiële regte vir 'n periode van agt jaar toeken (01 Januarie 2006 tot en met 31 Desember 2013). Elke regtehouer sal egter met gereelde tussenposes getoets word teenoor vooraf vasgestelde prestasiekriteria (**sien paragraaf 13 hieronder**).

7. Nuwe inkomelinge

Die tuna paalvisbedryf is tans onder-toegewys en daar is dus ruimte vir 'n aantal bykomende deelnemers. Verder is die transformasieprofiel van die bedryf onbevredigend. Dit word dus voorsien dat 'n aantal nuwe deelnemers regte toegeken sal word in hierdie bedryf.

8. Evalueringskriteria

Aansoeke sal gesif word volgens 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe deelnemers en bestaande regtehouers sal daarna afsonderlik oorweeg word, in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt in terme van punte toekenning sal dan bepaal wie die suksesvolle aansoekers is. 'n Breukdeel van die TOV sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

8.1 Uitsluitingskriteria

Aanvullend tot die uitsluitingskriteria wat genoem word in die Algemene Beleid, met betrekking tot onbehoorlike liassering en wesentlike tekortkominge, sal die Departement aansoekers uitsluit wat nie aan die volgende vereistes voldoen nie:

- (a) **Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat ingelyf is in terme van die Wet op Beslote Korporasies, 69 van 1984 en die

Maatskappyyewet, 61 van 1973, sowel as individue (d.w.s eenmansake en natuurlike persone). Aansoeke van trusts sal nie oorweeg word nie.

- (b) **Wetsnakoming:** Aansoekers, insluitende direkteure of beherende aandeelhouders, wat skuldig bevind is aan 'n ernstige oortreding in terme van die WLMH (en gevonniss tot tronkstraf sonder die opsie van 'n boete) sal uitgesluit word. Aansoekers, insluitende die direkteure of beherende aandeelhouders, wie se visvangregte al ooit gekanselleer of herroep is in terme van die WLMH, sal ook uitgesluit word. Verder sal daardie regtehouers wat versuim het om 50 persent of meer van hulle vangsterekords in te dien uitgesluit word.

Kleiner oortredings van die WLMH sal 'n nadelige invloed hê om die oorweging van aansoeke, soos hieronder uiteengesit sal word.

- (c) **Papierkwotas:** Papierkwotas, soos gedefinieer in die Algemene Beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle toegang het tot 'n geskikte vaartuig (*sien paragraaf 9 hieronder*).
- (e) **Nie- gebruik:** Daardie regtehouers wat versuim het om hulle medium termyn kommersiële paalvisregte te gebruik tussen 2002 en 2004, sal nie weer regte toegeken word nie.

8.2 **Balanseringskriteria**

Alhoewel die volgende maatstawwe wel van toepassing sal wees op beide aansoeke van bestaande regtehouers, en nuwe inkomelinge, sal dit verskillende gewig dra by die twee groepe:

- (a) **Transformasie**

Tans besit swart persone slegs 20 persent van die regtehouers in hierdie bedryf. Tien persent is onder swart bestuur.

Gevolgtik sal aansoekers oorweeg word en 'n punte telling ontvang, ooreenkomstig die volgende –

- Die persentasie swart en vroulike verteenwoordiging op eienaars- en uitvoerende bestuursvlak;
- Of werknemers aandeelhouders is in die aansoeker en die omvang van hulle voordele;
- Regstellende aankope;
- Die graad van swart en vroulike verteenwoordiging op die onderskeie vlakke onder die uitvoerende bestuursvlak;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die bedryf

Aansoekers sal oorweeg word met in agneming van beleggings gemaak in die tuna paalvisbedryf.

Wat aansoeke van regtehouers aanbetref, sal die Departement in besonder die volgende in ag neem:

- Beleggings in geskikte vaartuie. Met betrekking hiertoe, sal belegging in die vorm van aandeelhouding oorweeg word. Aansoeke van reghouers sal nie beloon word op grond daarvan dat aankoop-, skeepshuur- of vangsooreenkomste aangegaan is nie.

- Belegging in bewerking- en bemarkingsinfrastruktuur. In hierdie verband sal die Departement aansoeke van regtehouers wat belê het in tuna bewerking- en bemarkingsinisiatiewe, beloon.

Nuwe inkomeling aansoekers sal moet aantoon of hulle belê het in 'n vaartuig en in watter vorm. Nuwe inkomeling aansoekers moet ook aantoon of hulle belê het in bewerkings- en bemarkingsinisiatiewe of toegang het tot bemarkingsfasiliteite.

(c) Prestasie

Aansoeke van regtehouers sal oorweeg word, deur te kyk na hulle prestasie in die tuna paalvisbedryf gedurende die medium-termyn tydperk. In die besonder sal regtehouer aansoekers wat tradisionele lynvis getalpoele geteiken het, eerder as tuna, gepepaliseer word.

Aansoeke van nuwe inkomelinge sal oorweeg word deur te kyk of hulle die vermoë, kennis en vaardigheid het om tuna te kan vang.

(d) Afhanklikheid van die tunabedryf

Die Departement sal voorkeur verleen aan aansoekers wat staat maak op die tuna paalvisbedryf vir 50 persent of meer van hulle bruto jaarlikse inkomste. Aansoekers of hulle beherende aandeelhouders wat enige inkomste verkry van bronne buite die visbedryf, sal gepepaliseer word.

(e) Waardetoevoeging

Die Departement sal die wyse in ag neem waarop tuna wat deur reghouers ingesamel is, verwerk en/of bemark is.

Aansoeke van nuwe inkomelinge sal moet aandui hoe hulle van plan is om die

tuna te bemark. Hulle sal op grond hiervan 'n puntetelling toegeken word.

(f) Plaaslike ekonomiese ontwikkeling

Die Departement sal voorkeur verleen aan daardie aansoekers wat kies om hulle vangste aan land te bring en te laat verwerk in sentra buite die groot stedelike gebiede soos Kaapstad.

Die Departement sal gunstige oorweging skenk aan daardie regtehouer aansoekers wat onderneem om te belê in, en hulle vangste te ontskeep, by kleiner vishawens soos Port Nolloth.

(g) Werksgeleenthede

Die tuna paalvisbedryf is arbeidsintensief en verskaf werk aan ongeveer 2 700 bemanning. Dit sou egter so veel as 3 600 bemanning in diens kon neem onder die huidige TOV. Alhoewel die Departement die seisoenale aard van die tuna paalvisbedryf erken, moedig dit tog die voorsiening van permanente werksgeleenthede aan, asook 'n groter graad van werksekerheid. Die Departement sal daardie aansoekers beloon wat hulle werknemers voorsien, of onderneem om te voorsien, van –

- Permanente indiensneming;
- Mediese- en pensioen voordele;
- Enige ander diensvoordele; en
- Veilige werksomstandighede.

Die Departement sal ook kyk na die loonverskille tussen die hoogs- en laagsbesoldigde werknemers.

(h) Nie-betaling van heffings

Die Departement vereis dat elke regtehouer 'n heffing betaal op al die teikenvissing wat aan land gebring word. 'n Aantal regtehouers het of nie hulle heffings betaal nie of het vangste onderrapporteer, onder andere om die betaling van heffings vry te spring.

In die geval van die laasgenoemde, sal regtehouers wat hulle vangste onderrapporteer het nie visvangregte toegeken word nie, of as dit reeds toegeken is, sal dit herroep word. In eersgenoemde geval (nie-betaling van heffings aan die Departement), sal aansoeke van regtehouers gepenaliseer word. Maar selfs in die geval van aansoeke van regtehouers wat steeds kwalifiseer vir regte, sal 'n visvang permit nie uitgereik word nie, totdat die totale bedrag heffings betaalbaar (plus rente) aan die Departement betaal is nie.

(i) Wetsnakoming

Regtehouers, insluitende hulle direkteure en beherende aandeelhouers, wat tans ondersoek word vir oortredings van die WLMH, sal nie tuna paalvisregte toegeken word, totdat die uitslag van die ondersoek bekend is nie.

Kleiner oortredings van die WLMH insluitende regulasies, deur die aansoeker, sy direkteure of beherende aandeelhouers, sal meebring dat die aansoeker 'n negatiewe puntetelling toegeken word.

8.3 Vangspoging Toewysings

As gevolg van die feit dat die bedryf nie na behore gevul was, gedurende die medium-termyn periode nie, was dit vir die Departement moontlik om aan elke aansoeker die aantal vaartuie wat genomineer was, toe te ken. Indien die bedryf aanhou om ondergevolg te bly, sal die Departement aan elke suksesvolle aansoeker die aantal genomineerde vaartuie kan toeken. Indien die aantal vaartuie wat deur suksesvolle aansoekers

genomineer is, egter die vangspoging oorskrei, sal die Departement een vaartuig toeken aan elke suksesvolle aansoeker en die oorblywende vaartuie aan daardie suksesvolle aansoekers wat die hoogste puntetelling ontvang het, volgens die transformasiekriteria.

9. Geskikte vaartuie

'n Geskikte vaartuig in die tuna paalvisbedryf is 'n vaartuig wat:

- 'n Minimum SAMVV gesertifiseerde lengte van ongeveer 10 meter het. Kleiner vaartuie kan oorweeg word indien hulle vangsprestasie in die tuna paalvisserie kan aantoon;
- 'n funksionele vaartuig moniteringsstelsel het; en
- toegerus is met vries- of ysfasiliteite

10. Multi-sektorale betrokkenheid

Regtehouers in die tuna paalvisbedryf word nie verhoed daarvan om regte te hê in Groepe A of Groepe B visserie nie. Regtehouers in die tunapaalvisbedryf (insluitende hulle beherende aandeelhouers en lede van die uitvoerende bestuursorgaan) sal egter nie toegelaat word om kommersiële visvangregte in Groepe C of Groepe D visserie te hou nie.

11. Aansoekfooi en heffings

Die aansoekfooi vir die tuna paalvisbedryf sal vasgestel word met verwysing na die volgende:

- Die koste van die hele regstoekenningsproses, insluitende konsultasie, ontvangs, die evaluering van aansoeke, verifiëring, appêle en

hersienings. In hierdie verband sal die koste wat aangegaan is gedurende die medium termyn prosedure 'n riglyn daarstel; en

- Die waarde van die vis wat toegeken word, gedeel deur die tydsduur van die regstoekenning.

Die jaarlikse heffing wat betaalbaar is vanaf 01 Januarie 2006 sal hersien word, na oorlegpleging met al die belanghebbendes en geaffekteerde partye.

12. Bestuursmaatreëls

Die bestuursmetodes wat hieronder uiteengesit word, weerspieël sommige van die Departement se voornemens vir die bestuur van die bedryf in die tydperk na regte toekennings.

12.1 Ekosisteenbenadering tot visserybestuur

Die tuna paalvisbedryf sal bestuur word ooreenkomstig die ekosisteen benadering tot visserye ("EBV"). 'n Ekosisteen benadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erkenning verleen aan die feit dat visvang en ander land gebaseerde aktiwiteite 'n invloed het oor die breër mariene omgewing. Hierdie deel van die tuna paalvisbeleid poog nie om 'n beleidstandpunt te voorsien vir EBV in die bedryf nie. Die EBV in die tuna paalvisbedryf sal in verdere besonderhede aandag geniet in die Tuna Paalvisbedryf Bestuurshandleiding. Suid-Afrika bly steeds verbind tot die teiken datum van 2010 vir die implimentering van 'n EBV in die kommersiële visserye, insluitende die tuna paalvisbedryf.

12.2 Konsolidering van deelnemers

Na die afhandeling van die toekenning van die agt-jaar kommersiële visvangregte in hierdie vissery, sal die Departement die konsolidering van die aantal regtehouers wat steeds betrokke is in die bedryf fasiliteer.

Regtehouers mag hulle ondeskeie ondernemings konsolideer:

- Waar regtehouers dieselfde aandeelhouders, kantore of bestuurspan deel; of
- As kleiner regtehouers self kies om hulle ondernemings te konsolideer ten einde die transformasie profiel van hierdie visserij verder te bevorder.

Konsolidering van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë. (*sien paragraaf 12.4 hieronder*).

Verder sal konsolidasie nie gesteun word deur die Departement waar dit kan lei tot 'n afname in die transformasie profiel van die bedryf nie.

12.3 Vaartuie en visvangaanwending

Daar is huidiglik 140 tuna paalvisvaartuie werksaam in hierdie visserij. Die bedryf sou 200 vaartuie en 3 600 bemanningslede kon akkomodeer. Die bedryf word dus nie optimaal ontgin nie.

12.4 Monopolisering

Alhoewel die Departement die konsolidering van regtehouers in hierdie bedryf sal aanmoedig, bly dit gekant teen monopolieë aangesien dit tot nadeel mag wees vir die kleiner regtehouers.

13. Prestasiemeting

Die Departement sal formele prestasiemeting onderneem vir die volle tydperk van die kommersiële regte. Dit word voorsien dat die eerste stel metings sal plaasvind binne 'n jaar na die toekenning van die regte en elke drie jaar daarna.

Alhoewel die Departement eers die presiese maatstawwe vir die meting van regtehouers sal finaliseer na die toekenning van kommersiële visvangregte en na oorlegpleging met

reghouers, sal die volgende breë prestasieverwante maatstawwe wel gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- vangsprestasie;
- nakoming van die toepaslike wette en regulasies.

14. Waarnemersprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om ook nakoming waar te neem. Verder sal die Departement ook die waarnemersdekking in hierdie bedryf toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemersprogram te dek.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie bedryf sal jaarliks uitgereik word. Die permit voorwaardes wat van toepassing is op die bedryf vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes en geaffekteerde partye word genooi om kommentaar te lewer op hierdie permitvoorwaardes.

ANNEXURE L

DRAFT



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

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1. Introduction

This policy on the allocation and management of fishing rights in the west coast rock lobster (offshore) fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This fishery, which was previously referred to as the "full commercial" west coast rock lobster fishery, will now be referred to as the WCRL (offshore) fishery. A separate policy has been published 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 Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). Interested and affected parties may submit written comment to the Department by 4 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General WCRL (Offshore) Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 WCRL (Offshore) Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General WCRL (Offshore) Policy Comments By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont WCRL (Offshore) Policy Comments
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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 Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft policy. A 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate WCRL (offshore) rights in terms section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department.

2. Biology and resource dynamics

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 eight 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.

The Department allocates 20 percent of the commercial west coast rock lobster TAC 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 particularly well managed and, since 1997, it has seen steady increases in the total allowable catch. In 2003, the Minister of Environmental Affairs and Tourism 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

In 2001, the Department allocated 234 full commercial west coast rock lobster fishing rights. An additional 511 limited commercial fishing rights were allocated to former subsistence fishers. Of the rights allocated in the full commercial fishery, 66 percent were granted to blacks 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 blacks; predominantly black-owned micro enterprises. This means that approximately 70 percent of the west coast rock lobster fishery is controlled by blacks.

In 2003, the Department allocated a further 230 tons of west coast rock lobster to 274 limited commercial right-holders in the area east of Cape Hangklip. Of the rights allocated, more than 90 percent were allocated to blacks.

In 1992, 39 predominantly white right-holders controlled the west coast rock lobster TAC. In contrast, by the end of 2003, the Department had allocated 1 019 commercial rock lobster fishing rights. Of these, more than 785 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. However, the difference between largest and smallest right-holders also decreased substantially over the past 10 years. In 1992, there was a 200-fold difference between the highest (199 tons) and the lowest (one ton) allocations; in 2002, there was a 66-fold difference between the highest (95.6 tons) and the lowest (1.5 tons) allocations.

5. Over-arching sectoral objectives

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

- Increase the transformation profile of this fishery, particularly the representativity of blacks at the level of executive management;
- Encourage investment in vessels (to replace ageing vessels), infrastructure and 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 encourage 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,

the Department will allocate commercial rights for a period of 10 years (01 January 2006 to 31 December 2015). Every right-holder will, however, be tested at regular intervals 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 will be considered and may be preferred over existing right-holders who have failed to transform at all, or who have failed to implement transformation plans as stipulated in their medium-term right applications. In addition, those right-holders that did not utilise their rights, or did not utilise them effectively, will 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 Department 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. Applications from natural persons (i.e. individuals or sole proprietors) and trusts will not be considered.
- (b) **Compliance:** Applicants, including the directors or controlling shareholders, that have been convicted of a serious contravention of the MLRA (punishable by imprisonment without the option of the payment of a fine) will not be allocated a WCRL (offshore) fishing right. Applicants, including the directors or controlling shareholders, that have had any fishing right cancelled or revoked in terms of the MLRA will also not be allocated a WCRL (offshore) fishing right. Other breaches of the MLRA will adversely affect the evaluation of applications, as set out below.
- (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, or ownership of, a suitable vessel (*see paragraph 9 below*).
- (e) **Non-utilisation:** Those right-holders that failed to utilise their medium-term commercial west coast rock lobster right between 2002 and 2004 will not be re-allocated a commercial right.
- (f) **Application for rights in the WCRL (nearshore) fishery:** If a member of an applicant's executive management team, or if a controlling shareholder(s) lodges an application for a WCRL (nearshore) fishing right, then the offshore commercial fishing right application will be excluded.

8.2 **Balancing criteria**

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

(a) Transformation

Currently, 66 percent of right-holders in this fishery are black-owned. Thirty four percent are black-managed. These right-holders collectively control 60 percent of the TAC. Furthermore, small- and medium-sized enterprises make up 90 percent of right-holders. Small- and medium-sized entity applicants are considered to be, *inter alia*, those entities whose annual turnover did not exceed R5 million for medium size operations, and R3 million for small operations.

The Department's objective with the allocation of long-term fishing rights in this fishery is to improve on the present levels of transformation. Accordingly, applicants will be assessed and scored on –

- The percentage black and women representation at ownership and executive management levels;
- Whether employees are shareholders in the applicant and the extent of their benefits;
- Affirmative procurement;
- The representivity of blacks and women at the various levels below executive management;
- Compliance with the Employment Equity Act 55 of 1998 and
- Corporate social investment.

(b) Investment in the Fishery

Applicants will be evaluated by having regard to investments made in the WCRL (offshore) fishery.

As far as right-holder applicants are concerned, the Department will specifically consider:

- Investments in suitable vessels. In this regard, investment in the form of shareholding will be considered. Right-holder applicants will not be rewarded for having concluded purchase agreements, charter agreements or catching agreements.
- Investments in processing and marketing infrastructure. In this regard, the Department will reward right-holder applicants that have invested in processing and marketing initiatives.

New entrant applicants will have to show whether they have invested in a vessel and in what form. New entrant applicants must also show whether they have invested in any marketing initiatives or whether they have access to marketing facilities.

(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.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to fish for west coast rock lobster.

(d) Local economic development

The Department will prefer those applicants, particularly smaller right-holder applicants that elect to land their catches and have them processed in centres outside of the large metropolitan areas such as Cape Town. Larger right-holders that have invested in facilities in Cape Town will not be penalised.

The Department will positively score those right-holder applicants that undertake to invest in and land their catches at smaller fishing harbours, particularly, Port Nolloth, Hondeklipbaai and Paternoster.

(e) Jobs

The west coast rock lobster fishery provides some 5 500 jobs for crew and land-based employees. However, the seasonal nature of the fishery means that there are few full-time jobs and employees consequently have very little job security. The WCRL (offshore) fishery is a valuable fishery and the TAC has been steadily increasing since 1997.

The Department will prefer those applicants that have provided their employees with –

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

The Department will also have regard to the wage differentials between the highest and lowest paid employees.

(f) Reliance on west coast rock lobster

The Department will prefer applicants who rely on west coast rock lobster fishing (including processing and marketing) for 50 percent or more of their gross annual income. Applicants, or their controlling shareholders, who derive an income from sources outside the fishing industry will be penalised.

(g) Non-payment of fish levies

The Department requires every right-holder to pay a levy on the targeted fish landed. A number of right-holders have either not paid their levies or have under-reported catches in order to, *inter alia*, avoid the payment of levies.

In the former case, right-holder applicants will be penalised. However, should such right-holder applicants still qualify for a right, a fishing permit will not be issued until the total amount of levies payable (plus interest) has been paid to the Department. In the latter case, applicants will be excluded.

(h) Compliance

Right-holders, including their directors or controlling shareholders, who are currently being investigated for breaches of the MLRA, whether criminal or administrative, will not be allocated a west coast rock lobster fishing right until the conclusion of the investigation.

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

8.3 Quantum Criteria

In the case of existing right-holders, the Department will use as a base the quantum allocated to right-holders during the 2005 season, add proportionately the TAC of existing right-holders that did not apply or were unsuccessful, and then re-distribute the TAC in terms of the following mechanisms:

- **Black Management:** 15 percent of the west coast rock lobster TAC will be re-distributed on the basis of scores attained for black management; and
- 35 percent of the TAC will be re-distributed on the basis of comparative balancing scores attained, including the score for **transformation**.

Successful new entrant applicants will be allocated a quantum equivalent to that allocated to new entrant applicants in the medium-term rights allocation process.

9. Suitable vessels

A suitable vessel in the west coast rock lobster fishery is a vessel that:

- has a SAMSA certified length of maximum length of 30 metres and a minimum length of eight 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 and members of their executive management team, will not be allowed to hold commercial fishing rights in the Cluster C, including the WCRL (nearshore) fishery, and Cluster D fisheries.

11. Application fees and levies

The application fee for the WCRL (offshore) fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and review. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with interested and affected parties.

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 in the WCRL fisheries 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

Subsequent to 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. 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 further facilitate 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*).

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 Monopolisation

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 threshold 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.

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 applicable to this fishery for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

ANNEXURE M

KONSEP



DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN
KOMMERSIËLE VISVANGREGTE IN DIE WESKUS-KREEFVISSERY
(DIEPWATER) : 2005**

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

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1. Inleiding

Hierdie beleidskrif is 'n dokument vir openbare kommentaar wat handel oor die toekenning en bestuur van visvangregte in die weskus-kreef (diepwater) vissery en word uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement"). Hierdie vissery, waarna voorheen verwys is as die "volle kommersiële" weskus-kreefvissery sal nou bekend staan as WKK (diepwater) vissery. 'n Aparte beleid is vir die weskus-kreef (kusslyn) gepubliseer. Na laasgenoemde is voormalig verwys as die "beperkte kommersiële" weskus-kreefvissery.

Hierdie beleid moet saam met die Konsep van die Algemene Beleid aangaande die toekenning en bestuur van langtermyn visvangregte: 2005 ("die Algemene Visvangbeleid") gelees word. Belanghebbende en geaffekteerde partye mag skriftelike kommentaar teen 4 April 2005 by die Departement indien. Kommentaar wat na hierdie datum ontvang word sal nie in aanmerking kom nie. Kommentaar moet as volg ingedien word:

Per Faks: Faks: Nummer: (021) 670-1782 Aandag: Die Adjunk Direkteur-Generaal Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per Pos: Aandag: Mr Horst Kleinschmidt Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Postbus 44963 Claremont 7735 Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Adjunk Direkteur-Generaal Die Departement van Omgewingsake en Toerisme Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar Per Hand Aandag: Die Adjunk Direkteur-Generaal Die Regte Verifieeringseenheid Landsdown Road 11 Claremont Vissery (Spesifiseer asseblief watter vissery) Beleid Kommentaar
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Die doel van hierdie beleid is om die oorwegings van toepassing op die toekenning van langtermyn kommersiële visvangregte vir die WKK vissery (diepwater) uiteen te sit. Min van hierdie oorwegings is nuut. Hulle is in die verlede deur die Departement gebruik by die toekenning van regte. Hierdie beleid vervat hierdie oorwegings, maar sluit 'n paar veranderings en toevoegings in.

Sekere voorgenome bestuursbeleidsrigtings in verband met die toekenning van regte verskyn ook in hierdie konsepbeleid. 'n Bestuurshandboek vir die vissery Weskus-kreef (diepwater) sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handboek sal in die

fynste besonderhede die toepaslike bestuursmetodologie en -prosedures vir die visserij uitstippel.

Die Minister van Omgewingsake en Toerisme is voornemens om die artikel 18-magte, om kommersiële visvangregte van die WKK visserij (diepwater) 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.

2. Biologie en brondinamika

Weskus-kreef (*Jasus lalandii*) is diere wat stadig groei en lank lewe. Vroulike grootte by volwassenheid wissel van 57 millimeter vir die rugdop se lengte (RL) tot 66 millimeter. Manlike kreef word groter en groei vinniger as die vroulikes. Vanweë die beperking op grootte van 75 mm RL wat op kommersiële vissers opgelê word maak manlike kreef 90 tot 99 persent van die vangs uit.

Weskus-kreef kom binne die 200m diepte kontoer voor, vanaf net noord van Walvisbaai in Namibië tot by Oos-London. Kommersiële ontginning vind plaas vanaf ongeveer 25°S in Namibië tot by Gansbaai aan die Kaapse suidkus. Ontspanningsvisvang strek egter verder ooswaarts tot by Mosselbaai.

3. Sekorale Profiel

Die huidige biomassa wat geoes kan word word geskat op ongeveer agt persent van die vlakke voor ontginning en biomassa wat broei word geskat op ongeveer 21 persent. Hierdie afname is grootliks as gevolg van twee invloede: groot nie-volhoubare vangste wat veral gedurende die eerste helfte van die 20ste eeu voorgekom het en 'n aansienlike vermindering in die somatiese groeikoers gedurende die 1990's.

Kommersiële visvang het in die 1880's 'n aanvang geneem. Kommersiële visvang het vroeg in die 20ste eeu vinnig uitgebrei. Hoewel rekords oor vangste voor 1940 skaars is, lyk dit asof vangste in die tydperk 1950 tot 1965 hulle toppunt bereik het toe tussen 13 000 en 16 000 ton jaarliks geland is.

Voor 1946 was die vissery ongereguleerd. In daardie jaar is 'n produksiekwota op stert-massa ingestel om uitvoere te beheer. Dit was die basis van die "uitsetbeheerde" bestuursfilosofie wat nog steeds in die bestuur van weskus-kreefbronne gehandhaaf word.

Vanaf 1946 is jaarliks kwota's uitgedeel, hoofsaaklik gebaseer op die prestasie van die vissery in die voorafgaande seisoen. Tot die middel 1960s is vangste direk deur hierdie kwota's beheer. In die 1967/68-visvangseisoen het die vangste afgeneem en kwota's kon nie gevul word nie. Vermindering in die Toetale Toelaatbare Vangs (TTV) tot tussen 4 000 en 6 000 ton het 'n mate van balans in die tydperk 1970/71 tot 1989/90 herstel.

Die produksiekwota op stertmassa is vervang deur 'n kwota van 'n hele kreef (gelande massa), en bestuur deur middel van 'n TTV is in die vroeë 1980s ingebring. Terselfdertyd is gebieds- of sonetoekenings ingebring. Ander bestuursmaatreëls wat van vroeg af afgedwing is, is die perke op grootte en geslote seisoene. Die vang van dragtige of sagtedop-kreef is verbied. Die vangste het in die 1990/91-seisoen weer afgeneem en in die daaropvolgende jare is die TTV geleidelik verminder tot 1 500 ton in die 1995/95-seisoen. Sedertdien was daar 'n stadige herstel en is die kommersiële TTV op 3 527 ton vir die 2004/2005-seisoen gestel.

Voordat kreefvanghokke in die 1960's ingebring is het die kommersiële vangvissery feitlik uitsluitlik staatgemaak op fuike wat met die hand ingetrek is. Hierdie fuike is lig en kan maklik van klein bote in vlak water ontplooi word. Fuike word selde op dieptes van meer as 30 meter gebruik. Dinghies met fuike kan onafhanklik van die kus af werk deur middel van 'n buiteboordmotor of roeispane, of dit kan na die viswaters vervoer word deur 'n gemotoriseerde moedervaartuig (dekboot).

Die Weskus-kreefvissery bestaan uit twee afsonderlike sektore: 'n kommersiële en 'n ontspanningsvissery. Ontspanningsgebruikers mag slegs met *fuike* van 'n boot af teen die kus vang, asem-ophou duik beoefen, of langs die kus pale gebruik om kreef in te samel ("*poling*"). Ontspanningsvissers mag nie hulle vangste verkoop nie.

Die vissery WKK (diepwater) word toegelaat om kreef in vanghokke te vang. In die medium-termyn regtetoekenningsproses is regtehouers in hierdie vissery toekennings van meer as twee ton elk gegee.

Regtehouers in die vissery WKK (diepwater) gebruik groter meer gesofistikeerde vaartuie as regtehouers in die vissery WKK (kuslyn) wat tot die gebruik van fuike in vlak water beperk word. Die vissery WKK (diepwater) neem ook meer bemanning in diens.

Die vissery WKK (kuslyn) het die bestaansvissery in 2001 vervang, in lyn met die aanbevelings van 'n onafhanklike hersiening van bestaansvisserye in Suid-Afrika. Die hersiening het aanbeveel dat bestaansvisserye van hoë waarde soos weskus-kreef, tradisionele lynvis en perlemoen gekommersialiseer moet word. Kommersialisering van hierdie bedrywe het vissers instaat gestel om hulle produkte te verkoop en te bemark.

Die Departement ken 20 persent van die TTV van kommersiële weskus-kreef aan die kuslynvissery toe en 80 persent aan die diepwater vissery. Die rede hiervoor is dat ongeveer 20 persent van die bron na aan die kus gevind word, terwyl 80 persent in dieper water te vinde is.

Die diepwater vissery sorg vir ongeveer 5 500 werknemers waarvan 95 persent swart is. Hiervan is meer as 2 500 seevarende personeel en die res word in prosesserings- en bemarkingswerk aan land in diens geneem. Weskus-kreef word tussen November en Julie gevang en die gemiddelde jaarlikse inkomste gedurende hierdie tyd is R26 500. Jaarliks beloop die waarde van weskus-kreefvangste ongeveer R200 miljoen. Die waarde van vaartuie in hierdie vissery is ongeveer R130 miljoen.

Die weskus-kreefvissery word besonder goed bestuur en sedert 1997 is die totale toelaatbare vangste geleidelik verhoog. In 2003 het die Minister van Omgewingsake en Toerisme 'n totale toelaatbare vangs vir die kommersiële vissery in die gebied oos van Kaap Hangklip verklaar. Die Departement bestuur hierdie vissery volgens voorsorgbestuursbeginsels.

4. Die proses van medium-termyn regtetoekenning

In 2001 het die Departement 234 volle kommersiële regte in die vissery toegeken. 'n Bykomende 511 beperkte kommersiële regte is aan voormalige bestaansgrondslagvisser toegeken. Van die regte wat in die volle kommersiële vissery toegeken is 66 persent aan swart persone en entiteite in swart besit toegeken. Verteenwoordiging van swart persone op senior bestuursvlak in die volle kommersiële vissery is egter slegs 34 persent.

Uit die regte in die beperkte kommersiële vissery is 91.5 persent aan swart persone toegeken, hoofsaaklik mikro-ondernemings in swart besit. Dit beteken ongeveer 70 persent van die weskus-kreefvissery deur swart persone beheer word.

In 2003 het die Departement nog 230 ton weskus-kreef aan 274 beperkte kommersiële regtehouers in die gebied oos van Kaap Hangklip toegeken. Uit die regte toegeken is meer as 90 persent aan swart persone toegeken.

In 1992 het 39 hoofsaaklik blanke regtehouers die weskus-kreef se TTV beheer. In teenstelling het die Departement teen die einde van 2003, 1 019 kommersiële regte toegeken, waarvan meer as 785 aan voormalige bestaansgrondslagvisser toegeken is. Om die groter aantal regtehouers te akkommodeer was die gemiddelde toekenning in 2002, 6.8 ton in vergelyking met 'n gemiddelde toekenning van 56 ton in 1992. Die verskil tussen die grootste en die kleinste regtehouers het ook oor die afgelope 10 jaar aansienlik gekrimp. In 1992 was daar 'n 200-voudige verskil tussen die hoogste (199 ton) en die laagste (een ton) toekennings; in 2002 was daar 'n 66-voudige verskil met die hoogste op 95.6 ton en die laagste op 1.5 ton.

5. Oorkoepelende sektorale doelwitte

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

- Die transformasieprofiel van die vissery te verhoog, veral ten opsigte van verteenwoordiging van swart persone op uitvoerende bestuursvlak;
- Belegging in vaartuie (om verouderde vaartuie te vervang); infrastruktuur en veiliger werksgeleenthede aan te moedig;

- Die ekonomiese lewensvatbaarheid van die vissery te steun; en
- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Tydsduur van regte

Met inagneming van –

- Die transformasieprofiel van die vissery;
- Die aantal voltydse werksgeleenthede verskaf (en om omskepping van tydelike na permanente werk verder aan te moedig);
- Die noodsaaklikheid om die ekonomiese stabiliteit wat tans in die vissery bestaan te handhaaf; en
- Die feit dat die weskus-kreefhulpbron volgens betroubare en onlangse data goed bestuur word,

sal die Departement kommersiële regte vir 'n tydperk van 10 jaar toeken (1 Januarie 2006 tot en met 31 Desember 2015). Elke regtehouer sal egter gereeld teen voorafbepaalde prestasiekriteria getoets word (*sien paragraaf 13 hier onder*)

7. Nuwe inkomelinge

Hoewel die weskus-kreefvissery optimaal ontgin word en daar nie plek is vir bykomende deelnemers nie, sal nuwe aansoekers oorweeg word. Hulle kan moontlik verkies word bo bestaande regtehouers wat versuim het om te transformeer of wat versuim het om transformasieplanne in werking te stel, soos in hulle aansoeke om medium-termyn regte gestipuleer is. Verder sal daar nie weer regte toegeken word aan regtehouer wat nie hulle regte gebruik het nie of wat die regte nie doeltreffend gebruik het nie. Hulle kan deur nuwe inkomelinge vervang word.

8. Evaluasiekriteria

Aansoeke sal gesif word volgens 'n stel "*uitsluitingskriteria*". Aansoeke van nuwe deelnemers en bestaande regtehouers sal daarna afsonderlik oorweeg word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt in terme van punte toekenning sal dan bepaal wie die suksesvolle aansoekers is. 'n Deel van die TTP sal dan toegeken word aan elke suksesvolle aansoeker ooreenkomstig 'n stel "*kwantumkriteria*".

8.1 Uitsluitingskriteria

Behalwe die kriteria beskryf in die algemene beleid met betrekking tot die onbehoorlike indiening van die aansoeke en wesentlike tekortkominge, sal die Departement aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen

- (a) **Vorm van die aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies, Wet 69 van 1984 en die Maatskappyyewet, Wet 61 van 1973 sal in aanmerking kom. Aansoeke van natuurlike persone (d w s individue of eenmansake) en trusts sal nie oorweeg word nie.
- (b) **Wetsnakoming:** : Aansoekers sal nie kwalifiseer vir die toekenning van WWK (Diepwater) regte, insluitende direkteure of beherende aandeelhouders, wat skuldig bevind is aan 'n oortreding in terme van die WLMH (en gevonnissen tot tronkstraf sonder die opsie van 'n boete). Aansoekers, insluitende die direkteure of beherende aandeelhouders, wie se visvangregte al gekanselleer of herroep was in terme van die WLMH, sal ook nie regte ontvang nie. Ander oortredings van die WLMH sal 'n nadelige invloed hê op die oorweging van die aansoek, soos hieronder uiteengesit sal word.
- (c) **Papier-kwota's:** Papier-kwota's soos uiteengesit in die Algemene Beleid, sal uitgesluit word.

- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet bewys dat hulle 'n reg tot toegang tot 'n geskikte vaartuig beding het of 'n geskikte vaartuig besit (sien paragraaf 9 hier onder).
- (e) **Nie-gebruik:** Regtehouers wat versuim het om hulle medium-termyn kommersiële weskus-kreefregte tussen 2002 en 2004 te gebruik sal nie weer 'n kommersiële reg ontvang nie.
- (f) **Aansoek om regte in die WKK (kuslyn):** Indien 'n lid van 'n aansoeker se uitvoerende bestuurspan of 'n beherende aandeelhouer(s) 'n aansoek om toekenning van WKK (kuslyn) indien, sal die aansoek om 'n diepwater kommersiële reg geweier word.

8.2 **Balanseringskriteria**

Hoewel die volgende kriteria oor die algemeen op regtehouer-aansoekers sowel as nuwe inkomelinge toegepas word, sal die gewig toeskryfbaar aan elke kategorie verskil:

(a) **Transformasie**

Tans is 66 persent van die regtehouers in die vissery in swart besit. Vier-en-dertig persent is onder swart bestuur. Hierdie regtehouers beheer saam 60 persent van die TTV. Verder maak klein- en medium-grootte ondernemings 90 persent van die regtehouers uit. Klein- en medium-grootte entiteite word beskou as onder andere daardie entiteite wie se jaarlikse omset nie R5 miljoen vir medium-grootte en R3 miljoen vir klein ondernemings oorskry nie.

Die Departement se doel met die toekenning van langtermyn regte in hierdie vissery is om die transformasievlakke te verbeter. Gevolglik sal aansoekers evalueer en punte kry vir-

- Die persentasie swart- en vroue-verteenvoording op die vlak van besit en uitvoerende bestuur;

- Of werknemers aandeelhouders in die aansoeker is en watter voordeel hulle daaruit kry;
- Regstellende aankope;
- Die aantal swart persone en vroue op die verskillende vlakke benede uitvoerende bestuur;
- Nakoming van die Wet op Diensbillikheid, 55 van 1998; en
- Korporatiewe sosiale belegging.

(b) Belegging in die vissery

Aansoekers sal evalueer word volgens hulle beleggings in die WKK (diepwater) vissery.

Betreffende regtehouer-aansoekers sal die Departement spesifiek die volgende oorweeg:

- Beleggings in geskikte vaartuie. In hierdie verband sal belegging in die vorm van aandeelhouding oorweeg word. Regtehouers sal nie beloon word vir koopkontrakte, huurkontrakte of vangste-ooreenkomste nie.
- Belegging in prosesserings- en bemarkingsinfrastruktuur. In hierdie verband sal die Departement regtehouers wat in prosessering- en bemarkingsinisiatiewe belê het, beloon.

Nuwe inkomelinge sal moet aantoon of hulle in 'n vaartuig belê het en in watter vorm. Hulle moet ook kan aantoon of hulle in enige bemarkingsinisiatiewe belê het of andersins toegang tot bemarkingsfasiliteite het.

(c) Vangsteprestasie

Regtehouers sal evalueer word deur hulle prestasie in die weskus-kreefvissery oor die medium-termyn tydperk in ag te neem.

Nuwe aansoekers sal evalueer word deur te kyk of hulle die vermoë, kennis en vaardigheid het om weskus-kreef te vang.

(d) Plaaslike ekonomiese ontwikkeling

Die Departement sal voorkeur gee aan daardie aansoekers, veral kleiner regtehouers, wat verkies om hulle vangste te land en te laat proses in sentrums buite die groot metropolitaanse sentrums soos Kaapstad. Groter regtehouers wat in fasiliteite in Kaapstad belê het sal nie geenaliseer word nie.

Die Departement sal positiewe punte gee aan regtehouer-aansoekers wat onderneem om te belê in en hulle vangste te land in kleiner vissershawens veral Port Nolloth, Hondeklipbaai en Paternoster.

(e) Werksgeleenthede

Die weskus-kreefvisserij verskaf ongeveer 5 500 werksgeleenthede vir bemanning en land-gebaseerde werknemers. Die seisoenale aard van die visserij beteken dat daar 'n beperkte aantal voltydse werksgeleenthede is. Gevolglik het werknemers min werksekeriteit. Die WKK (diepwater) is 'n waardevolle visserij en die TTV is geleidelik verhoog sedert 1997.

Die Departement sal voorkeur gee aan aansoekers wat hulle werknemers van die volgende voorsien -

- Voltydse werk;
- Mediese- en pensioenvoordele;
- Enige ander diensvoordele; en
- Veilige werksomstandighede.

Die Departement sal ook na die loonverskille tussen die hoogste en laagste besoldigde werknemers kyk.

(f) Afhanklikheid van weskus-kreef

Die Departement sal aansoekers verkies wat op weskus-kreefvangst (insluitende prosessering en bemarking) vir minstens 50 persent van hulle jaarlikse bruto-inkomste afhanklik is. Aansoekers of hulle beherende aandeelhouders wat inkomste uit bronne buite die visindustrie verdien, sal gepeenaliseer word.

(g) Nie-betaling van heffings

Die Departement verwag van elke regtehouer om heffings op geteikende vis wat geland word, te betaal. 'n Aantal regtehouers het òf nie hulle heffings betaal nie, of vangste onderrapporteer om sodoende betaling van heffings vry te spring.

Laasgenoemde aansoekers sal uitgesluit word. Eersgenoemdes sal gepeenaliseer word. Indien sodanige regtehouer egter wel vir 'n reg kwalifiseer sal 'n visvangpermit nie uitgereik word nie alvorens die totale bedrag betaalbaar (plus rente) betaal is nie.

(h) Wetsnakoming

Regtehouers, insluitende hulle direkteure of beherende aandeelhouders wat tans ondersoek word vir oortredings (krimineel of administratief) van die WLMH, sal nie kwalifiseer vir 'n weskus-kreefvangreg voordat die ondersoek nie afgehandel is nie.

Geringe oortredings van die WLMH, insluitende die regulasies, deur die aansoeker, die direkteure of beherende aandeelhouders, sal veroorsaak dat die aansoeker negatief evalueer word.

8.3 Kwantumkriteria

Die Departement sal in die geval van bestaande regtehouers, die kwantum aan regtehouers gedurende die 2005-seisoen as basis gebruik, die TTV van bestaande regtehouers wat nie aansoek gedoen het of onsuksesvol was, proporsioneel byvoeg en dan die TTV volgens die volgende meganismes verdeel:

- **Swart bestuur:** 15 persent van die weskus-kreef TTV sal herversprei word op grond van punte vir swart bestuur behaal; en
- 35 persent van die TTV sal herversprei word op grond van punte in die balanseringskriteria behaal, insluitende die punte vir **transformasie**.

Suksesvolle nuwe aansoekers sal 'n kwantum toegeken word gelyk staan aan dit wat aan nuwe aansoekers in die medium-termyn regtetoekenningsproses gegee is.

9. Geskikte vaartule

'n Geskikte vaartuig in die weskus-kreefvissery is 'n vaartuig wat:

- 'n SAMVV-gesertifiseerde lengte van 'n maksimum van 30 meter en 'n minimum van agt meter het;
- 'n funksionerende vaartuigmoniteringstelsel het;
- toegerus vir òf fuike of vanghokke; en
- nie in ander visserye bedrywig is nie.

10. Multi-sektorale betrokkenheid

Regtehouers in die WKK (diepsee) vissery word nie verhinder om regte in enige vissery in die Groepe A en B visserye te hou nie. Regtehouers in die WKK (diepsee) vissery, insluitende hulle beherende aandeelhouers en lede van hulle uitvoerende bestuurspan, sal nie toegelaat word om kommersiële regte in die Groep C, insluitende WKK (kuslyn) en Groep D visserye te hou nie.

11. Aansoekgelde en heffings

Die aansoekgeld vir WKK (diepsee) word vasgestel met die oog op:

- die koste van die hele regtetoekenningsproses, insluitende konsultasie, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersiening. In hierdie verband word die koste aangegaan gedurende die medium-termyn proses as riglyn gebruik; en
- die waarde van die vis wat oor die tydskuur van die reg toegeken is.

Die jaarlikse heffings betaalbaar vanaf 1 Januarie 2006 sal na oorlegpleging met belanghebbende en geaffekteerde partye hersien word.

12. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek is 'n paar van die Departement se hoofvoornemens vir bestuur van die vissery na regtetoekenning.

12.1 Ekosisteembenadering tot bestuur van die vissery

Hierdie vissery sal bestuur word ooreenkomstig die ekosisteem benadering tot visvangbedrywe (EBV). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erkenning verleen aan die feit dat visvang- en verwante landgebaseerde bedrywighede 'n invloed het oor die breër mariene omgewing. Hierdie deel van die beleid aangaande WKK (diepsee) probeer nie 'n beleidsverklaring oor EBV uitreik nie. Die EBV in die WKK-vissery word in die Bestuurshandboek vir WKK (diepsee) uiteengesit. Suid-Afrika bly verbind tot 'n teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële vissery, insluitend die WKK (diepsee) bedryf.

12.2 Konsolidasie van deelnemers

Na afloop van die toekenning van 10-jaar kommersiële regte in hierdie vissery sal die Departement konsolidasie van die aantal aktiewe regtehouers fasiliteer. Regtehouers mag verkies om hulle onderskeie sakebedrywighede te konsolideer:

- Waar regtehouers dieselfde aandeelhouers, kantore of bestuurspan het; of

- Waar kleiner regtehouers verkies om hulle sakebedrywighede te konsolideer om die transformasieprofiel van die vissery verder te fasiliteer.

Konsolidasie van regtehouers is egter onderhewig aan die Departement se benadering tot monopolieë (*sien paragraaf 12.4 hier onder*).

12.3 Vaartuie en visvangpoging

Aangesien heelwat regtehouers nie eienaars is van die vaartuie wat hulle gebruik nie, verwag die Departement dat baie regtehouers verdere vaartuie sal wil inbring na die langtermyn regtetoekenningsproses. Huidige pogingsvlakke is optimaal en dus sal die Departement die stapeleffek van meer en nuwe vaartuie in die vloot versigtig evalueer. Regtehouers sal nie toegelaat word om vaartuie in te bring wat 'n poging kan verrig ver bo hulle toekenning nie.

12.4 Monopolieë

Hoewel die Departement konsolidasie van regtehouers in hierdie vissery sal voorstaan, is die Departement gekant teen monopolieë, wat tot nadeel van die kleiner regtehouers kan strek. Op hierdie stadium sal die Departement nie 'n maksimum drempel van die TTV wat enige regtehouer mag hou of beheer bepaal nie, maar sal monitor of groter regtehouers op 'n manier optree wat in stryd is met billike wedyweringspraktyke,

13. Meet van prestasie

Die Departement sal 'n aantal formele ondersoeke instel om prestasie van regtehouers te meet. Daar word beoog om die prestasiebepalings na twee jaar uit te voer en dan elke drie jaar daarna.

Hoewel die Departement die presiese kriteria waarteen regtehouers gemeet sal word na oorleg met regtehouers sal finaliseer kan die volgende prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- vangsteprestasie;

- nakoming van toepaslike wette en regulasies.

14. Waarnemerprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om ook wetsnakoming in te sluit. Verder sal die Departement ook die waarnemersdekking in hierdie bedryf toenemend vermeerder. Daar sal van regtehouers verwag word om die koste van die waarnemersprogram te dek.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie bedryf sal jaarliks uitgereik word. Die permitvoorwaardes wat van toepassing is op die bedryf vir die 2005 seisoen word aangeheg as **Bylae A**. Belanghebbendes en geaffekteerde partye word genooi om kommentaar te lewer op hierdie permitvoorwaardes.

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