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Maart

No. 27360

## PART 2 OF 3

ENGLISH AND XHOSA



AIDS HELPLINE 0800-0123-22 Prevention is the cure

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GENERAL NOTICE

Environmental Affairs and Tourism, Department of

General Notice

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## GENERAL NOTICE

## NOTICE 398 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 HANDLINE AND WEST COAST ROCK LOBSTER (NEARSHORE) 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 Handline (English - Annexure A, isiXhosa - Annexure B)
2. West Coast Rock Lobster (Nearshore) (English - Annexure C, isiXhosa - Annexure D)

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

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

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

<b>Port Nolloth</b> Venue: Port Nolloth City Hall Date: 2 March 2005 Time: 09h00	<b>Hondeklipbaai</b> Venue: Hondeklipbaai Community Centre Date: 2 March 2005 Time: 17h00	<b>Ebenhaeser</b> Venue: Ebenhaeser Community Centre Date: 3 March 2005 Time: 08h30	<b>Doring Bay</b> Venue: Doring Bay Community Hall Date: 3 March 2005 Time: 17h00	<b>Lamberts Bay</b> Venue: Lamberts Bay Recreational Centre Date: 4 March 2005 Time: 09h30	<b>Elands Bay</b> Venue: Elands Bay Community Hall Date: 4 March 2005 Time: 14h00
<b>Laaipelek</b> Venue: Laaipelek Community Hall Date: 5 March 2005 Time: 08h00	<b>St Helena Bay</b> Venue: St Helena Bay Hotel Date: 5 March 2005 Time: 12h00	<b>Paternoster</b> Venue: Paternoster Community Hall Date: 7 March 2005 Time: 08h30	<b>Vredenburg</b> Venue: Vredenburg Community Hall / Sports Ground Date: 7 March 2005 Time: 13h30	<b>Saldanha Bay</b> Venue: Diazville Community Hall Date: 8 March 2005 Time: 09h00	<b>Langebaan</b> Venue: Langebaan Community Hall Date: 8 March 2005 Time: 14h00
<b>Yzerfontein</b> Venue: Civic Centre Date: 9 March 2005 Time: 09h00	<b>Atlantis</b> Venue: Community Hall (Saxon C) Date: 9 March 2005 Time: 14h00	<b>Simonstown</b> Venue: Simonstown Civic Centre Date: 10 March 2005 Time: 09h00	<b>Hout Bay</b> Venue: Recreational Centre Hout Bay Date: 10 March 2005 Time: 14h30	<b>Cape Town</b> Venue: Civic Centre Seapoint Date: 11 March 2005 Time: 09h00	<b>Ocean View</b> Venue: Ocean View Multipurpose Centre Date: 11 March 2005 Time: 14h30
<b>Kalk Bay</b> Venue: Holy Trinity Hall Date: 14 March 2005 Time: 09h00	<b>Strand</b> Venue: Strand Civic Centre Date: 14 March 2005 Time: 14h00	<b>Macassar</b> Venue: New Macassar Civic Centre Date: 15 March 2005 Time: 09h00	<b>Kleinmond</b> Venue: Civic Centre Date: 15 March 2005 Time: 14h00	<b>Hawston</b> Venue: Hawstania Inn Date: 16 March 2005 Time: 09h00	<b>Hermanus (Mount Pleasant)</b> Venue: Grobelaar Hall Date: 16 March 2005 Time: 14h00
<b>Gansbaai</b> Venue: NG Kerk Date: 17 March 2005 Time: 09h00	<b>Buffelsjag</b> Venue: Owls Recreational Centre Uilenkraalmond, Buffelsjag Date: 17 March 2005 Time: 15h00	<b>Struisbaai</b> Venue: Library Struisbaai Date: 18 March 2005 Time: 09h30	<b>Arniston</b> Venue: Die Vissers Unie Saal Date: 18 March 2005 Time: 14h30	<b>Vermaaklikheid</b> Venue: Vermaaklikheid Restaurant Date: 19 March 2005 Time: 09h00	<b>Stilbaai</b> Venue: Stilbaai Community Hall Date: 19 March 2005 Time: 15h00
<b>Mossel Bay</b> Venue: Delmade Community Hall Date: 2 March 2005 Time: 09h30	<b>Klein Brak River</b> Venue: Reebok Community Hall Date: 2 March 2005 Time: 14h30	<b>Knysna</b> Venue: Honley Civic Hall Date: 3 March 2005 Time: 09h00	<b>Plettenberg Bay</b> Venue: Simuney Hall Date: 3 March 2005 Time: 14h00	<b>Jeffrey's Bay</b> Venue: Pellsrus Community Hall Date: 7 March 2005 Time: 09h30	<b>Port Elizabeth</b> Venue: PE Civic Hall Date: 7 March 2005 Time: 15h00
<b>Port Alfred</b> Venue: Jawuka Hall Date: 8 March 2005 Time: 09h00	<b>Hamburg</b> Venue: Hamburg Community Hall Date: 8 March 2005 Time: 15h00	<b>East London</b> Venue: East London City Hall Date: 9 March 2005 Time: 09h00	<b>Centana</b> Venue: Centane Town Hall Date: 10 March 2005 Time: 09h30	<b>Coffee Bay</b> Venue: Kwa Tshezi Lodge Date: 10 March 2005 Time: 16h30	<b>Port St Johns</b> Venue: Port St Johns Town Hall Date: 11 March 2005 Time: 09h00
<b>Port Edward</b> Venue: Nkululekweni Community Hall Date: 11 March 2005 Time: 17h30	<b>Umnini</b> Venue: Umnini Hall Date: 14 March 2005 Time: 09h00	<b>Shelley Beach</b> Venue: The Boat Club Date: 14 March 2005 Time: 14h30	<b>Durban</b> Venue: DLI Hall Date: 15 March 2005 Time: 10h00	<b>Stanger</b> Venue: Stanger Hall Date: 16 March 2005 Time: 09h00	<b>Richard Bay</b> Venue: Bay Hall Date: 16 March 2005 Time: 17h00

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

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

<b>By Fax:</b> Fax Number: (021) 670-1782 Attention: The Deputy Director-General Fishery* Policy Comments	<b>By Mail:</b> Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery* Policy Comments	<b>By E-mail:</b> RVU@deloitte.co.za Attention: The Deputy Director-General Fishery* Policy Comments  <b>By Hand</b> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery* Policy Comments
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\*Please specify the fishery about which you are commenting.

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

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

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



**ANNEXURE A**

**DRAFT**



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

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF  
COMMERCIAL FISHING RIGHTS IN THE  
HAKE HANDLINE 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 hake handline 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 Policy").

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

<p><b>By Fax:</b>          Fax Number: (021) 670-1782          Attention: The Deputy Director-General          Hake Handline Policy Comments</p>	<p><b>By Mail:</b>          Attention: Mr Horst Kleinschmidt          The Deputy Director-General          The Department of Environmental Affairs and          Tourism          P.O Box 44963          Claremont          7735          Hake Handline Policy Comments</p>	<p><b>By E-mail:</b>  <a href="mailto:RVU@deloitte.co.za">RVU@deloitte.co.za</a>          Attention: The Deputy Director-General          Hake Handline Policy Comments</p> <p><b>By Hand</b>          Attention: The Deputy Director-General          The Rights Verification Unit          11 Landsdown Road          Claremont          Hake Handline Policy Comments</p>
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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 handline 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 Hake Handline 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. In particular, the Department intends to manage this fishery on a regional basis subsequent to the allocation of long-term commercial fishing rights.

The Minister of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate hake handline 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. Sector profile

The hake handline fishery developed along the southern Cape coast where, in the late 1980's, traditional linefishers began targeting hake as demand for prime quality (*"PQ"*) hake increased on the international market.

Originally, hake handline fishers used deck boats that were capable of fishing overnight. As the fishery grew, some fishers started using skiboats, which can stay out at sea overnight, and can be winched up onto a trailer and be driven to areas closest to where the hakes are located. The deck boats were harbour bound. This introduction of skiboats significantly increased effort in the hake handline fishery, particularly as use of these vessels allows hake handliners to follow the hake along the South African coastline.

During the 1980's and 1990's the fishery was not properly regulated and managed. The lack of a regulatory framework, coupled with increased demand for PQ hake in the late 1990's, resulted in a number of persons, including recreational and commercial fishers operating in other fisheries, entering this fishery to take advantage of the high prices. During the late 1980's hake handline catches were estimated to be approximately 150 tons. By the 1990's this had increased to between 1 100 tons and 1 400 tons annually. By the year 2000, approximately 5000 tons were landed.

In December 2000, the Minister announced a biological emergency in the traditional linefish fishery. The Minister also decided to split the management of the handline fisheries into three separate fisheries – the tuna pole, the hake handline and the traditional linefish fisheries. In that year, the Minister set a total applied effort (*"TAE"*) for the fishery for the first time in the hake handline fishery. The TAE limited the number of crew and vessels that could target hake using a handline to 130 vessels and 785 crew. In addition, a precautionary maximum catch limit (*"PMCL"*) of 5500 tons



is set aside under the global hake total allowable catch.

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 handline and longline 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

The hake handline fishery operates out of small fishing harbours and slipways along the southern Cape and Eastern Cape coasts, as far north as Port Alfred. The handline fishery, like the hake long line fishery, lands PQ hake for export to Europe. The fishery operates in inshore waters targeting shallow water hake, *Merluccius capensis*.

Hake stocks are currently managed in terms of a recovery strategy and the TAC for hake has been reduced each year since 2003. Current catch rates of shallow water hake are unsustainable.

### **3. The medium-term rights allocation process**

In 2003, the Department allocated 86 commercial hake handline fishing rights. The rights authorised 86 vessels and more than 700 crew to target hake using the handline method. This was the first time that commercial fishing rights were allocated in this fishery and the first time that the hake handline fishery was subjected to comprehensive regulation.

The objective of the medium-term allocation process was to allocate commercial hake handline fishing rights to fishers who are reliant on the fishery for their livelihoods. Every effort was made to exclude recreational or part-time fishers who derived income from other fisheries, or who were employed in other sectors of the economy

Of the rights allocated, 26 percent were allocated to blacks. Approximately 25 percent of the skippers in this fishery are black, while 76 percent of crew are black.

Most of the right-holders are individuals. Legal entities, such as close corporations and companies, make up a small percentage of the right-holders. All the right-holders in the fishery could be described as small- and medium-sized enterprises ("SMEs").

#### **4. Over-arching sectoral objectives**

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

- Significantly increase the transformation profile of the hake handline fishery;
- Allocate rights to hake handline fishers who rely on the hake handline fishery for their livelihoods;
- Ensure that applicants based at fishing harbours that are historically associated with hake handline catches are allocated a fair proportion of the rights;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

#### **5. Duration of rights**

Having regard to the transformation profile of the fishery, the Department intends to allocate commercial rights for a period of eight years (01 January 2006 to 31 December 2013), and subject to a review at regular intervals against predetermined performance criteria, including the attainment of agreed transformation goals (see paragraph 12 below).

#### **6. New entrants**

The hake handline fishery is currently over-subscribed. There are many more handline fishers than the resource is able to sustain. However, the poor transformation profile of this fishery, coupled

with the fact that many hake handline fishers, particularly black skippers, did not apply for commercial rights in 2001, mean that rights are likely to be allocated to a substantial number of new entrant applicants.

## **7. Evaluation criteria**

Applications will be screened in terms of a set of "*exclusionary criteria*". Right-holder applicants and new entrant 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 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*".

### **7.1 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 of 1984 and individuals (i.e. sole proprietors or natural persons). Applications from trusts and companies will not be considered.
- (b) **Compliance:** Compliance with the provisions of the MLRA, including the provisions of its regulations is considered to be of paramount importance. Applicants, including their members, 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 hake handline fishing right. Applicants, including their members, that have had any fishing right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a hake handline fishing right. Other breaches of the MLRA will negatively affect the evaluation of applications.
- (c) **Paper quotas:** Paper quotas as defined in the General Policy will be excluded.

Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications.

- (d) **Non-utilisation:** Those right-holders that failed to utilise their medium-term commercial hake handline right between 2003 and 2004 will not be re-allocated a right.
- (e) **Personal involvement in harvesting of the resource:** Applicants will have to demonstrate that they are involved on a full-time basis in the hake handline fishery. They will be required to demonstrate that they are active fishers and participate in the operation of the hake handline business.
- (f) **Dependency on the resource:** Right-holder applicants who are not dependent on the hake handline fishery for at least 75 percent of their gross annual income will be excluded. Potential new entrants will be required to demonstrate their historical dependency on the hake handline fishery for their livelihood. Applicants that derive any of their income from sources outside of the fishing industry will be excluded.
- (g) **Vessel access:** Applicants will be required to demonstrate a right of access to a suitable vessel (*see paragraph 8 below*).

## 7.2 **Balancing criteria**

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

### (a) **Transformation**

Currently, only 26 percent of right-holders in this fishery are black-owned. An estimated 25 percent are black-managed.



Applicants that are individuals will be scored on whether or not they are black.

Applicants that are close corporations will be assessed and scored on –

- The percentage black and women representation at ownership and management levels (particularly with regard to skippers);
- Whether employees are members of the applicant and the extent of their benefits;
- Affirmative procurement;
- Compliance with the Skills Development Levies Act 9 of 1999; and
- Corporate social investment.

**(b) Investment in the fishery**

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

Right-holder applicants will be assessed as follows:

- Investment in vessels by 31 December 2004 will be recognised, as long as the investment demonstrates a real commitment to participate in the sector. Right-holder applicants will not be rewarded for having concluded charter agreements or catching or purchasing agreements.
- Investment in marketing initiatives will be considered. The Department will have regard to whether the applicant is capable of marketing hake.

New entrant applicants will have to show whether they have invested in a vessel and in what form. In addition, new entrant applicants will have to show whether they have access to markets.

**(c) Fishing performance**

Right-holder applicants will be assessed by having regard to their performance in the hake handline fishery during the medium-term rights allocation process. In particular, right-holder applicants that targeted traditional linefish stocks in preference to hake will be penalised.

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

**(d) Jobs**

Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.

**(e) Local economic development**

Investment in a number of South Africa's smaller coastal towns is required for economic growth. The Department will accordingly prefer those applicants that elect to land their catches in the harbours along the Cape south coast and the Eastern Cape coast which have historically been associated with hake handline fishing.

**(f) Historical involvement**

Right-holder applicants and potential new entrants will be rewarded for historical involvement in the fishing industry. An example of historical involvement would be a skipper or a crewmember who has worked in the handline fishery in the past.

**(g) Compliance**

Minor infringements of the MLRA, the Regulations and permit conditions will be negatively scored. Right-holder applicants who cannot demonstrate that they

comply with the Skills Development Act 97 of 1998 and the Skills Development Levies Act 9 of 1999 and the Occupational Health and Safety Act 85 1993, will be negatively scored.

### **7.3 Empowerment of hake handline fishers**

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

### **7.4 Effort allocations**

In 2003, one vessel was allocated to each successful applicant. The Department intends revising the allocation of effort in the hake handline fishery.

Firstly, the Department will allocate crew based on the maximum crew complement which is authorised by the South African Maritime Association ("SAMSA"). The Department will reserve a pool of approximately 15 vessels for allocation to successful applicants who are transformed and who have invested in hake handline 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.

Secondly, although this fishery is managed in terms of a TAE (130 vessels and 785 crew), a precautionary maximum TAC of 5 500 tons is also used to manage this fishery. Records reveal that over the duration of the medium-term period, this precautionary maximum catch limit was never reached. Accordingly, the Department may, in the future, allocate slightly more fishing rights, provided that once the fishery lands 5 500 tons, all hake handline fishing will be halted for that season.

## **8. Suitable vessels**

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

- has a minimum SAMSA certified length of approximately five metres and a maximum SAMSA certified length of approximately 12 metres. Essentially, the Department will allocate rights to skiboats and deck boats;
- has a functioning vessel monitoring system; and
- is certified as being HACCP ("Hazard Analysis and Critical Control Point") compliant.

## **9. Multi-sector involvement**

Right-holders in the hake handline fishery (including their members) will not be allowed to hold commercial fishing rights in any other fishery. Right-holders in the hake handline fishery will, however, be entitled to target snoek.

## **10. Application fees and levies**

The application fee for the hake handline 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.

## **11. Management measures**

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

### **11.1 *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. The EAF will be detailed further in the Hake Handline Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

### **11.2 *Management on a regional basis***

The Department intends changing the management strategy of this fishery subsequent to the allocation of long-term fishing rights. It is the Department's intention to manage this fishery on a regional basis, restricting the movement of vessels within specific regions.

### **11.3 *Access to traditional linefish stocks***

Hake handline fishers will not be permitted to fish for traditional linefish stocks such as kob (*Argyrosomus* spp.) and geelbek (*Atractoscion aquidens*). Hake handline fishers will, however, be allowed to target snoek when it becomes available.

## **12. 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, marketing and gear;
- compliance with applicable laws and regulations.

### **13. Observer and monitoring programme**

The Department's current monitoring programme will be expanded to this fishery. Right-holders will be required to bear the costs of the observer and monitoring programmes.

### **14. Provisional lists**

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

### **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 B**

**UYILO**



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO  
ISEBE KULAWULO LOLWANDLE NENQANAWA ZOKULOBA**

**UMTHETHO EKUFAKWENI NAKULAWULO LWAMALUNGelo  
KURHWEBO LOKULOBA IHAKHE HANDLINE: 2005**

**LOMTHETHOYILO MAWUFUNDWE KUNYE NOMTHETHO YILO  
JIKHELELE KWISISEKO SEZIPHATHAMANDLA ZETHUBA ELIDE  
LAMALUNGelo ORHWEBO LOKULOBA: 2005 (ifumaneka ku  
[www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

**ULUDWE LWEZIQULATHO**

<b>1. Intshayelelo</b>	<b>3</b>
<b>2. Amacandelo ahlukeneyo</b>	<b>4</b>
<b>3. Inkqubo ephakathi yolwabiwo</b>	<b>5</b>
<b>4. Umgaqo obonelela onke amacandelo</b>	<b>6</b>
<b>5. Ixesha lamalungelo</b>	<b>6</b>
<b>6. Amalungu amatsha</b>	<b>6</b>
<b>7. Uhlobo lovavanyo</b>	<b>7</b>
7.1 Uhlobo yolwandulo	7
7.2 Inkqubo elinganayo	8
(a) Inguqulelo	8
(b) Utyalomali kwishishini lokuloba	9
(c) Indlela yokuloba	10
(e) Ukukhula kwezoqoqosho ekuhlaleni	10
7.3 Ukuxhotyiswa kwabalobi be hake handline	11
7.4 Inzame zolwabiwo	11
<b>8. Inqanawa ezifanelekileyo</b>	<b>12</b>
<b>9. Ukubandakayeka kwamacandelo amaninzi</b>	<b>12</b>
<b>10. Imirhumo yokufaka izicelo kunye nerhafu</b>	<b>12</b>
<b>11. Amanyathelo okuphatha</b>	<b>13</b>
11.1 Ukuphathwa ngendlela yonakekelo ndalo kwamashishini okuloba	13
11.2 Ulawulo ngokwemimandla	13
11.3 Ukufikelela kuhlobo lwe-linefish lwemvelo	13
<b>12. Imilinganiselo yenkqubo</b>	<b>14</b>
<b>13. Inkqubo yabakhimkhanyo</b>	<b>14</b>
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## 1. Intshayelelo

Lo ngumthetho woyilo ekusekweni nasekulawulweni lwamalungelo orhwebo ngentlanzi kulobo lwentlanzi ihake kwaye ikhutshwa liSebe lemiCimbi yezeNdalo noKhenketho: Isebe leNqanawa zorhwebo neziPhathamandla zoNxweme ("ISebe") lezivakaliso. Lenkqubo mayifundwe noBhalo Nkqubo ekuNikweni nasekuLawulweni amaLungelo exesha elide kuRhwebo lokuLoba: 2005 ("uMthetho Jikelele").

Njengoko kuchaziwe kwiNkqubo Jikelele, iSebe liyakubamba intlanganiso zikawonke-wonke zonxweme ukuze kuboniswane noluntu ngokubanzi namaqela anomdla ingakumbi abachaphazelekayo, ngokubhekiselele kule nkqubo yentlanzi ihake handline . Kwezintlanganiso zikawonke-wonke, izimvo kule nkqubo ziyakucelwa . Izimvo ezibhaliweyo zinga thunyulwe kwiSebe ngomhla we11 April 2005. Izimvo ezithunyelwe emva kwexesha aziyikwamkeleka: izimvo mazihambe ngoluhlobo lulandelayo:

<p><b><u>Nge Fax:</u></b>          Fax Number: (021) 670-1782          Qaphela: The Deputy Director-General          Fishery (please specify which fishery)          Policy Comments</p>	<p><b><u>Nge Mail:</u></b>          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</p>	<p><b><u>Nge E-mail:</u></b>          RVU@deloitte.co.za          Qaphela: The Deputy Director-General          Fishery (please specify which fishery)          Policy Comments</p> <hr/> <p><b><u>Nge Sandla</u></b>          Qaphela: The Deputy Director-General          The Rights Verification Unit          11 Landsdown Road          Claremont          Fishery (please specify which fishery)          Policy Comments</p>
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Injongo yalenkqubo kukuthabatha ingqalelo ezosetyenziswa kwixesha elide kwinkqubo Yamalungelo okuloba ihake. Uninzi lwezinjongo alulutshanga. Bezisetyenzisiwe liSebe xabelinikezela ngamalungelo kwixa elidlulileyo .Lenkqubo ifaka ezingcamango, kodwa unazo inguqulelo nolongezelelo.

Amanye amalungelo angaphaya eziphathamandla zesiseko senkqubo nawo aveziwe. Incwadi yeziPhathamandla zoLobo lweHake iyakugqityezelwa nabo bonke abanamalungelo ngonyaka ka 2006. Lencwadi iyakuthi icacise ngenkqubo nemigaqo yeziphathamandla ngolobo.

Ingakumbi, iSebe liceba ukuqhuba olulobo ngokwemimandla elandela ukwabiwa kwamalungelo ethuba elide kurhwebo lokuloba.

UmPhathiswa wemiCimbi yezeNdalo noKhenketho uceba ukugunyazisa amandla ecandelo 18 anikezelwa ngamagunya orhwebo lokuloba ngokwe candelo 79 loMithetho we Marine Living Resources 18 ka 1998 (*"the MLRA"*) kwigosa eliphezulu leSebe.

## 2. Amacandelo ahlukeneyo

Ushishino lwe hake lwanda ukugudla unxweme lwe ncam yamazantsi ntshona, ekupheleni kweminyaka ye 1980's, isithethe kubalobi yaba kukukhetha ihake njengeyona ikudidi oluphezulu (*"PQ"*) ihake yanda kurhwebo lwamazwe.

Kuqala, abalobi be hake babesebenzisa amaphenyane abelungele ukuloba ebesuku. Njengoko ukuloba babuye bukhula, abanye abalobi babesebenzisa amaphenyane amaplanga, ebezikwazi ukuhlala elwandle ubusuku bonke, kwaye nebezikwazi ukuthathwa zisiwe kwindawo ekufutshane nehake. Amaphenyane ebehlala elwandle ubusuku nemini. Le nkqubo yamaphenyane amaplanga yandisa imizamo yokuloba ihake ngezandla, ngakumbi ukusetyenziswa kwezinqanawa inika ithuba kubabambisi be hake ukuba bazilandele ukugudla unxweme lwaMazantsi e Afrika.

Ngeminyaka ka 1980 no 1990 ishishini lokuloba belingaqhutywa ngendlela efanelekileyo. Ukunqongophala kwemimiselo, edibene nokwanda kwemfuno ze PQ ihake ekupheleni kwe 1990's, yakhokelela kubantu abaninzi, kuquka ukuzonwabisa nabarhwebi ngentlanzi bengenela kwezinye indawo, bengenela olushishino lwentlanzi ngenjongo yamaxabiso aphezulu. Ekupheleni kweminyaka ka 1980 ulobo lwehake handline beluqikelelwa kwi toni eziyi 150. Ngo 1990 elinani linyuke phakathi kwe toni eziyi 1 100 ne toni eziyi 1 400 minyaka le. Ngonyaka ka 2000, kwabanjiswa malunga ne 5000 ye toni.

Ngo December 2000, uMphathiswa wabhengeza ngemvelaphi yolobo lwentlanzi. Kananjalo uMphathiswa wagqiba ekwahluleni ulawulo lolobo lwentlanzi yangacandelo ohlukileyo amathathu – i tuna pole, i hake handline kunye nentlanzi eziqhelekileyo. Kuloo nyaka, uMphathiswa wemza imizamo ephela (*"TAE"*) yokuqwalasela banzi indawo zokuloba intlanzi ihake. I TAE iye

yanciphisa amanani enqanawa nabantu abasebenza apho ukuze kubekho inqanawa eziyi 130 nabantu abayi 785 . Ukongeza, kwabekwa ecaleni umlinganiselo ("PMCL") we 5500 yetoni phantsi komthetho jikelele wokubambisa intlanzi.

ISebe likwazile ukuthatha ushishino lwe hake njengenxalenye ye "hake" jikelele . Ngokwe MLRA, imvume "jikelele" epheleleyo yokuloba ("TAC") yehake iqingqwa minyaka le nguMphathiswa wemiCimbi yezeNdalo noKhenketho. Ihake nezinye intlanzi zahlulelana nge pesenti eziyi 10 kwi TAC jikelele. Ukulotywa kwehake ngomnatha libekelwe i 83 yepesenti yi TAC intsalela ilotywa ngabalobi bonxweme. Kude kube ngu 2004, i 1 000 yetoni yabekelwa bucala ukuze isenzelwa abalobi bamanye amazwe. Lenkqubo izakupheliswa.

Olu shishino lwe handline yehake lusebenza kwizikhululo ezincinci nakumathambeka anxuse amazantsi eKapa nakumanxweme leMpuma Koloni, ukuya kutsho ePort Alfred. Ulobo lwezandla njengolobo lwe hake long line , zifakwa kwi PQ hake ukuze zithunyelwe e Europe. Ushishino luqhubeka emanzini ze kuqwalaselwe ihake ezidada kumanzi anganzulwanga, *Merluccius capensis*.

Izitokhwe zeHake zilawulwa ngokwe nkqubo yobuyiselo ne TAC ye hake ihlisiwe kunyaka ngamnye ukusukela ngo 2003. Okwangoku uthethekelelo lweminenga esemanzini aluzinzanga.

### **3. Inkqubo ephakathi yolwabiwo**

Ngo 2003, ISebe linikezele ngamalungelo okuloba ihake ayi 86. Amalungelo avumele inqanawe eziyi 86 nabantu abangaphezulu kwe 700 ukuze bajonge indlela yokulotywa kwe hake kusetyenziswa inkqubo ye handline. Ibe kokokuqala ukuba kunikezelwe amalungelo oshishino lokuloba kolushishino lwentlanzi yaye kokokuqala ukuba inkqubo ye ihake handline inikwe lamagunya.

Injongo yokufaka lenkqubo ibikukwaba amalungelo orhwebo lwe hake handline kubalobi abaxhomekeke ekulobeni intlanzi ukuze baphile. Onke amalinge enziwe ukukhupha abaloba ngokuzonwabisa nabalobi bethutyana abathintela ingeniso kwabanye abalobi, okanye ababeqeshwe kwezinye intlelo zoqoqosho.

Kumalungelo abiiweyo, ipesenti eziyi 26 yabelwa kubantu abamnyama. Malunga namapesenti ayi 25 yabaphathi besikhephe imnyama, ngeloxesha i 76 pesenti yabasebenzi imnyama.

Abantu abaninzi abangamalungu bazimele nje. Izinto ezikhoyo ezisemthethweni, ezifana nokopolotyeni neenkampani, zenza ipesenti encinci yabantu abanamalungelo. Bonke abagcini malungelo bangachazwa njengeqaqobana losomashishini ("SMEs").

#### **4. Umgaqo obonelela onke amacandelo**

Injongo ezibonelela iziseko zokwaba amalungelo exesha elide kolushishino kuku:

- Kukwandisa inguqulelo yenkqubo yoshishino kulobo lwe hake handline ;
- Ukwaba amalungelo oshishino kubalobi ngezandla behake nabaxhomekeke kushishino lwe hake elotywe ngezandla ukuze baphile;
- Ukuqinisekisa ukuba abanza izicelo abakumanxweme okuloba ekudala loba ihake ngoluhlobo babonelelwa ngomlinganiselo ofanelekileyo wamalungelo;
- Ukuxhasa uqoqosho kushishino lokuloba; no
- Kuqinisekisa bashishina kwimo ezinzileyo.

#### **5. Ixesha lamalungelo**

Njengoko kunanzwe inkqubo yenguqulelo kushishino lokuloba , ISebe lijonge ukufaka amalungelo orhwebo exesha leminyaka esi bhozo (ku 01 January 2006 ukuya kwi 31 December 2013), kwaye kuqwalaselwe ngamaxesha athile ukuthintela indlela ebekuqhutywa ngayo, kuqukwa ukufumana injongo zotshintsho ekuvunyelwene kuzo (jonga kumhlathi 12 ngezantsi).

#### **6. Amalungu amatsha**

Ushishino lokuloba ihake lwehandline lunamalungu angaphaya. Kukho abalobi abaninzi kakhulu

ngokungaphaya. Kodwa ke, inkqubo yotshintsho yoshishino lokuloba ekwizinga eliphantsi, edibene nento yokuba abalobi abaninzi be hake handline, ingakumbi abamnyama, zange bafake zicelo zamalungelo okuloba ngo 2001, lonto ithetha okokuba amalungelo azakwabelwa inani elivisayo labafaka izicelo ezitsha.

## 7. Uhlobo lovavanyo

Izicelo ziyakujongwa "ngokohlobo lwe lolwandulo". Abaceli abanamalungelo nabaceli abatsha bayakuhlolwa ngokwahlukeneyo ngokwendlela "yenkqubo elinganayo". Izinga lilo eliyakubona abo baphumelelayo. Inxalenye ye TAE iyakufakwa kumceli ngamnye ophumeleleyo ngokohlobo lwe "quantum criteria".

### 7.1 Uhlobo yolwandulo

Ngaphandle kwenkqubo echazwe kuMthetho Jikelele ephathelele ekungeniseni izicelo nokulahlwa kwempepha ezingasetyenziswanga, ISebe liyakubakhuphela ecaleni abaceli abangaphumelelanga ukuzalisekisa ezimfuno zilandelayo:

- (a) **Imo yabafakizicelo:** Izicelo ziyakunikwa ingqalelo kuphela xa bebandakanyeka kuMthetho woKopolotyeni ka 1984 neminye imibutho (njengo:somashishini ozimeleyo okanye abantu ngokwemvelo ) Izicelo ezivela kubagcini zimali neenkampani aziyikusiwaso.
- (b) **Uthobelwano:** Intobelwano nemfuno ze MLRA, kuquka imiqathango yemithetho yayo ijongwe njengebaluleke kakhulu. Abafaki zicelo, kuquka namalungu abo, ababekhe batshutshiselwa amatyala athile malunga noMLRA (ngaphandle kokukhethiswa ukuhlawula intlawulo) abazukulinikwa ilungelo lokuzilobela ihake. Abafaki zicelo, kuquka namalungu abo, abaxuthelwa amalungelo okuloba okanye arhoxiswa ngokoMthetho we Marine Living Resources nabo abazukufakwa kumalungelo okuzilobela ihake. Abaphuli mthetho kwi MLRA bazakuluchaphazela uvavanye lwezicelo.

- (c) **Ubhalo phepha:** Ubhalo maphepha njengoko kuchazwe kuMthetho Jikelele luyakubekelwa ecaleni. Amaqela amakhulu anezicelo ezifanayo ezikhutshwa ngabasebisi okanye inkampani zorhwebo lwentlanzi neminye imibutho, bayakuthathwa njenge fronts , ngokumalunga nemfanelo zezicelo .
- (d) **Ukungasetyenziswa:** Abasemalungelweni abathe bahluleka ukusebenzisa ixesha labo lokuzilobela ihake phakathi ko 2003 no 2004 abazukuphinda babelwe amalungelo.
- (e) **Ukubandakanyeka kwizivuno zomsebenzi:** Abafaki zicelo kufuneka babonise ukuba bayazibandakanya ngokupheleleyo kulobo lwentlanzi ihake. Kuyakufuneka babonise ukuba bangabalobi abazimiseleyo bathathe inxaxheba kushishino lwe hake.
- (f) **Uxhomekeko kwezimveliso:** Abafakizicelo abangabagcini malungelo abangaxhomekekanga ekulobeni intlanzi ihake ubuncinci kangange 75 yepesenti kwingeniso yabo bayakukhutshelwa ecaleni. Abangeneleli abazimiseleyo bayakucelwa ukuba babonise imvelaphi yabo kuxhomekeko lwabo ekulobeni intlanzi ukuze baphile .Abafaki zicelo abafuna nakuphi okuyingeniso yabo kwizixhaso zangaphandle kweshishini lokuloba intlanzi bazakukhutshwa.
- (g) **Ufikelelo kwinqanawa:** Abafaki zicelo kuyakufuneka babonise imvume yokufikelela kwinqanawa efanelekileyo (jonga kumhlathi 8 ongezantsi).

## 7.2 Inkqubo elinganayo

Abafaki zicelo abanamalungelo nabaceli abatsha bayakuvavanywa ngohlobo olulinganayo, ozakujongwa ukuze kuhlolwe ubunzima besicelo ngasinye:

### (a) Inguqulelo



Okwangoku, yi 26 kuphela yepesenti abanamalungelo okuloba intlanzi abangabantu abamnyama. Uqikelelo oluyi 25 yepesenti lulawulwa ngabamnyama.

Abafaki zicelo abazimeleyo bazakunikwa amanqaku bemnyama bengemnyama. Abafaki zicelo abangamaqumrhu bayakuthi bagocagocwe ngokwamanqaku kwi –

- Ipesenteji yabamnyama nabasetyhini abazimeleyo kubunini nakumanqanaba olawulo ( ingakumbi ngokubhekiselele kubaphathi bezikhephe);
- Nokuba abasebenzi ngamalungu abafaki zicelo nangokwanda kwamalungelo abo;
- Ukuvunyelwa kwenkathalelo;
- Uthobelwano noMthetho 9 ka 1999; wobuChule kuPhuhliso lweRhafu ;kunye
- NeQumrhu kwezotalomali ekuhlaleni.

**(b) Utyalomali kwishishini lokuloba**

Abafaki zicelo bayakuthi bavavanywe ngokotalomali olwenziwe ekuzilobeleni intlanzi ihake.

Abafaki zicelo abanelungelo bayakuthi bagocagocwe ngoku kulandelayo:

- Utyalomali kwinqanawa nge 31 December 2004 luyakuqwalaselwa, ukuba utyalomali lubonisa ukuzimisela okukuko ekuthabatheni inxaxheba kwicandelo. Abafaki zicelo abanamalungelo abayikwongwa kuba bebhale isigqibo phantsi okanye belobe okanye bethengise izivumelwano.
- Utyalomali ekuthatheni inxaxheba kwezentengiso iyakuthi inikwe inxaxheba. ISebe liyakuthi libone ukuba umfaki sicelo unakho na ukuthengisa ihake.

Abafaki zicelo abatsha kufuneka babonise bayityalile na imali kwinqanawa kwaye bayityale njani. Ukongeza, abafaki zicelo abatsha kuyakufuneka babonise ukuba banelungelo kumaziko okuthengisa na.

**(c) Indlela yokuloba**

Abafaki zicelo abanamalungelo bayakuthi bagocagocwe ngokuthi babonwe ukuba banakho kwaye banalo ulwazi ngokubhekisele kubuchwepheshe bokuloba ihake ngokusebenzisa izandla ngexa lamalungelo asembindini kwinkqubo yolwabiwo. Ngokukodwa, abafaki zicelo abanamalungelo abajolise ukukhetha intlanzi yamandulo kunehake bayakuthi bohlwaywe.

Afakizicelo abatsha bayakuthi bahlolwe ngokuthi babonwe ukuba banako, ulwazi nobuchule bokubambisa intlanzi ihake ngohlobo lwehandline.

**(d) Imisebenzi**

Abafaki zicelo abanokubonisa ukuba bawenzile umsebenzi wethutyana okanye osisigxina ngexesha eliphakathi, bayakuthi bavuzwe.

**(e) Ukukhula kwezoqoqosho ekuhlaleni**

Ukutyala imali kumanxweme amancinci aliqela oMzantsi Afrika kuyafuneka ukukhulisa ezoqoqosho. ISebe lizakukhetha ezozicelo zijongene nezomhlaba nolobo lwentlanzi kunxweme lwamazantsi eKoloni nakwinxweme lweMpuma Koloni zona zinembali yokulotywa kwe hake.

**(f) Ubandakanyeko kwezamandulo**

Abafaki zicelo abanamalungelo kunye nabo baqalayo bayakuvuzwa ngokubandakanyeka kwabo kushishino lwentlanzi lwamandulo. Umzekelo wokubandakanyeka kwezamandulo ngukhapteni okanye amalungu enqanawa

ababesebenza mandulo bezilobela ngokwabo.

**(g) Ukuthobela umthetho**

Abantu abanemfanelo ezincinci kwi MLRA, imeko zemiQathango yemvume zakuthi zibenamanqaku angonwabisiyo. Abafaki zicelo abanamalungelo abangawuthobeliyo uMthetho 97 woPhuhliso lweZakhono ka1998 noMthetho 9 ka1999 woPhuhliso lweZakhono neRhafu noMthetho 85 ka1993 wezeMpilo noKhuseleko, nazo ziyakuthi zibe namanqaku angancumisiyo.

**7.3 Ukuxhotyiswa kwabalobi be hake handline**

ISebe liyakuthi lifune iqela labalobi abanenjongo zokusebenza kwizikhephe ze hake ukuba babhalise kunye neCandelo kuluhlul lweHake Handline. Abo bathe baphumelela kwizicelo zabo zamalungelo okuloba ihake bayakucelwa ukuba bakhethe amalungu eqela labo kuLuhlu lwe Hake Handline.

**7.4 Inzame zolwabiwo**

Kunyaka ka 2003, inqanawe nganye yaye yabelwa kulowo nalowo uphumeleleyo kwisicelo sakhe. ICandelo liceba ukuba liphinde inzame zokwabiwa kushishino lwentlanzi ihake kubalobi abazilobelayo.

Okokuqala, ISebe liyakuthi liseke iqela ngokubhekiselele kwelona nani liphezulu elithe lagunyaziswa yi South African Maritime Association ("SAMSA"). ISebe liyakuthi libeke bucala iinqanawa eziqikelelwa kwi 15 ukuze zabelwe abafaki zicelo abaphumeleleyo abathe batshintshwa nabo bathi batyala kwinqanawa ze hakeline. ISebe liyakuthi labele inqanawa enye kumfaki sicelo ngamnye othe waphumelela. Ezinye iinqanawa ezibekiweyo ziyakuthi zabelwe abobafaki zicelo bathe bafumana amanqaku aphezulu kwinkqubo yotshintsho nbathe bacela ngaphezulu kwenqanawa enye.

Okwesibini, nangona olushishino lwentlanzi luphethwe ngokwemiqathango ye TAE (130 yenqanawa ne 785 yabakhweli), isicwangciso esiphezulu se TAC kwi 5 500 yetoni

ikwasetyenziswa ekulawuleni ulobo lwentlanzi. Incwadi zibonisa ukuba ngapha komda ophakathi lamanyathelo aye athathwe ngaphezulu akuzange kufikelelwe kuwo, iSebe lisenokuthi, ethubeni, lifakelele kancinci amanye amalungelo okuloba, kuxhomekeke ukuba xa elishishini linokwenza i 5 500 yetoni, konke ukulotywa ngokwe handline kuyakumiswa kweloxesha lonyaka.

#### **8. Inqanawa ezifanelekileyo**

Inqanawa efanelekileyo kushishino lwehake handline yinqanawa:

- Ibe nobuncinci obu SAMSA isiqinisekiso sobude obumalunga nemitha ezintlanu kunye nobukhulu be SAMSA ubude obuqinisekisiweyo obumalunga ne mitha eziyi 12. Okusemqoka, ISebe liyakunika amalungelo kwi skiboats ne deck boats;
- Inqanawa ezisebenzayo zibenenkqubo yengqwalaselo ukuba zisebenza njani; kwaye
- Zinesiqinisekiso sokuba yi HACCP ("Uqwalaselo lweNgozi uLawulo lwemeko ezinzimz") uthobelo.

#### **9. Ukubandakayeka kwamacandelo amaninzi**

Abanamalungelo kushishino lokuloba i hake handline (kuquka namalungu abo) abasayikuvunyelwa ukuba babenamalungelo okushishina ngentlanzi nakweyiphina indawo yabalobi. Abo banamalungelo kushishino lwe hake handline ,kodwa ke, babenakho ukubambisa usnoek.

#### **10. Imirhumo yokufaka izicelo kunye nerhafu**

Umrhumo wokufaka isicelo soshinino ngehake handline uyakubekwa ngokwezimeko :

- Ixabiso layo yonke inkqubo yokunikezwa kwamalungelo, kuquka neengcebiso, irisithi, ukuvavanywa kwezicelo, izibheni nezigxeko-ncomo. Ngokubhekisele koku indleko ezenziwe ngeli xeshana; kunye
- Nexabiso lentlanzi elisekelwe ngexesha lelungelo

Irhafu zonyaka ngamnye ezibhatawa ukususela ngomhla we 01 Januwari 2006 ziya kuhlaziywa, emva kokucebisa namaqela anomdla nachaphzelekayo.

## **11. Amanyathelo okuphatha**

Amanyathelo okuphatha axoxwa ngezantsi abonisa iqela lenjongo zeSebe zasemva kokunikezwa kwamalungelo kolu shishino lokuloba.

### **11.1 Ukuphathwa ngendlela yonanakekelo ndalo kwamashishini okuloba**

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela yonanakekelo lwendalo kubalobi bentlanzi ("EAF"). Indlela yonanakekelo lwendalo kulawulo loreshishino lokuloba yinkqubo engumdibaniso ebona ushishino lokuloba kunye nefuthe lentshukumo zasemhlabeni ngakunxweme. I-EAF iyakuchazwa ngokuthe xhaxhe kwiNcwadana yoLawulo lokuLoba Hake Handline. Umzantsi Afrika usahleli uzinikela kumhla omisiweyo ka 2010 wokusetyenziswa kwe-EAF kushishino lorhwebo ngokuloba.

### **11.2 Ulawulo ngokwemimandla**

ISebe liceba ukutshintsha inkqubo yolawulo kolu shishino lokuloba elandela ulwabiwo lwamalungelo ukloba exasha elide. Zinjongo seSebe ukalawula olu shishino ngkwemimandla, ithintele intshukumo zeenqanawa kummandla.

### **11.3 Ukufikelela kuhlobo lwe-linefish lwemvelo**

Abalobi beHake handline abayi kuvunyelwa ukuba balobe intlanzi yemvelo ilinefish ezifana ne kob (*Argyrosomus* spp.) ne geelbek (*Atractoscion aquidens*). Abalobi be-Hake handline baya , kungenjalo bayakuvunyelwa ukuba balobe u snoek xa ekhona.

**12. Imilinganiselo yenkqubo**

ISebe liyakuthi liqhube inxenye yemilinganiselo yenkqubo ngokusesikweni ngexesha lamalungelo orhwebo lwentlanzi. Kusisimiselo ukuba eyokuqala inkqubo yenzeke emva konyaka ze elandelayo yenzeke rhoqo emva kweminyaka emithathu.

Nangona iSebe ligqibe ekubeni liqukumbele inkqubo yokuba ngabaphina abanini malungelo abayakuthi baqikelelwe emva kohlelo lwamalungelo lorwebo lwentlanzi, emva kokubonisana nabanini zabelo le nkqubo ilandelayo ibanzi ingasetyenziswa:

- Utshintsho;
- Utyalo mali kwinqanawe, kushishino, nezixhobo;
- Ukuthobela imithetho ekhoyo nemimiselo.

**13. Inkqubo yabakhimkhanyo**

Inkqubo yeSebe ekhoyo iyakukwandiswa kolushishino lwentlanzi. Abanini malungelo kuyakufanela ukuba bahlawule abakhimkhanyo.

**14. Uludwe lwethutyana**

Phambi kokuba iSebe lithathe isigqibo sokuba ngubani na oyakuthi obelwe amalungelo okuthatha inxaxheba kurhwebo lwe hake Handline, kuyakukhutshwa uludwe lwethutyana lwabaphumeleleyo. Olu ludwe luyakujikeleziswa kwindawo eneshishini lokuloba nganye. Amaqela anomdla nachaphazelekayo kwezindawo bangalazisa iSebe ukuba nawuphi na umntu ekukade engumlobi kwakudala onesakhono sokuloba i Hake nge Handline ukhutshiwe kuluhlu lwethutyana.

**15. Imeko zemvume**



limeko zemvume zolushishini lokuloba ziyakukhutshwa minyaka le. limeko zemvume ezisebenzayo kolu shishini kunyaka ka 2005 zifumaneka nge **Annexure A**. Amaqela achaphazelekayo nanomdla iyamenywa ukuba avakalise izimvo zawo.

**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 WEST COAST ROCK LOBSTER LIMITED COMMERCIAL (NEARSHORE)  
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 policy on the allocation and management of fishing rights in the west coast rock lobster limited commercial (nearshore) fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This sector will also be referred to as "WCRL (nearshore)". This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Policy").

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

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

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial WCRL (nearshore) 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 (Nearshore) Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial WCRL (nearshore) 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**

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 inshore (<200m depth) from just north of Walvis Bay in Namibia to East London. Commercial exploitation occurs from about 25°S in Namibia to Gansbaai. However, recreational fishing extends further eastwards to Mossel Bay.

## **3. Sector profile**

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 20<sup>th</sup> 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 20<sup>th</sup> 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 commercial sector consists of large-scale offshore operators (right allocations of more than 1.5 tons) and a more limited nearshore component (right allocations of less than 1.5 tons). In the nearshore sector, right-holders may only use hoopnets and may not move between areas.

The nearshore commercial sector (or limited commercial fishery) replaced the subsistence fishery in 2001 as a result of the findings and 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 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.

#### **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 the WCRL (nearshore) fishery are to:

- Maintain the transformation profile of this fishery;
- Allocate commercial fishing rights to fishers who depend on the WCRL resource for their livelihoods;
- Ensure that applicants based at fishing villages that are historically associated with WCRL catches are allocated a fair proportion of rights;
- Encourage investment in vessels, marketing and processing infrastructure, and the creation of secure jobs;
- Sustain 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 need to encourage further investments in this fishery by micro enterprises;
- the need to encourage creation of 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 with reliable and current data,

The Department will allocate commercial rights for a period of 10 years (01 January 2006 to 31 December 2015 and subject to regular review against predetermined performance criteria, including the attainment of agreed transformation goals (*see paragraph 12 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*", and thereafter weighted in terms of a set of "*comparative balancing criteria*". A cut-off score or rank will then be determined to select the successful applicants. A proportion of the TAC 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 the applications and material defects, the Department will exclude applicants that fail to meet the following requirements:

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

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

- (b) **Compliance:** Applicants that committed a serious infringement of the MLRA will be excluded.
- (c) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications.
- (d) **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.
- (e) **Multi-sector involvement:** Applicants who hold rights in a commercial fishery other than the abalone fishery, or have interests - including shares and membership interests - in right-holders in other commercial fisheries will be excluded. Applicants who are the beneficiaries of right-holder trusts will be excluded.
- (f) **Personal involvement in harvesting of the resource:** Applicants will have to demonstrate that, during the fishing season, they are involved on a full-time basis in

fishing for WCRL. They should be active on fishing vessels and participate in the operation of the business.

- (g) **Dependence on the resource:** Right-holder applicants who are not dependent on the harvesting of WCRL for at least 75 percent of their annual gross income will be excluded. Potential new entrants will be required to demonstrate their historical dependence on WCRL fishing for their livelihood. Applicants that derive any of their income from sources outside the fishing industry will be excluded.
- (h) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights will be excluded. Applicants will be required to demonstrate that they have lived adjacent to the fishing zone for at least four years. WCRL (nearshore) fishing rights will only be granted to residents who live adjacent to a fishing zone or area. Successful right-holders in the WCRL (nearshore) fishery will be restricted to designated fishing zones or areas.
- (i) **Vessel access:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 9 below*).

## 8.2 ***Comparative balancing criteria***

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

### (a) **Transformation**

To maintain the transformation profile of the WCRL (nearshore) fishery, applicants will be scored positively if they are black. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

Applicants will also be assessed and scored on –

- Affirmative procurement; and
- Corporate social investment.

**(b) Investment**

Investment in vessels by 31 December 2004 will be recognised, as long as the investment demonstrates a real commitment to participate in the fishery.

**(c) Jobs**

Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.

**(d) Processing and marketing**

Right-holder applicants will be required to submit processing and marketing records and may be assessed on their performance in this regard.

**(e) Fishing performance**

Right-holder applicants will be assessed by having regard to their performance in the WCRL fishery during the medium-term period.

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

**(f) Historical involvement**

Right-holder applicants and potential new entrants may be rewarded for historical involvement in the fishing industry. Such involvement might include being a crewmember in the limited commercial WCRL fishery, or being a crew member in any other commercial fishery.



**(g) Compliance**

Minor infringements of MLRA, the regulations and permit conditions, such as over-fishing or the landing of under-sized WCRL, will be negatively scored. Right-holder applicants who cannot demonstrate that they comply with the Skills Development Act 97 of 1998 and the Skills Development Levies Act, 9 of 1999, and the Occupational Health and Safety Act, 85 of 1993, will be negatively scored.

**8.3 Quantum criteria**

Allocations to successful right-holders in the WCRL (nearshore) fishery will be fixed at between 750 kilograms and 1.5 tons. Regard will be had to the abundance of the resource in the area or zone applied for, as well as investment in the fishery and job creation.

**9. Suitable vessels and gear limitations**

A suitable vessel in the WCRL (nearshore) fishery is a vessel that:

- has a maximum SAMSA certified length of eight metres;
- is fitted with a vessel monitoring system; and
- is geared to fish for WCRL using hoop nets only.

**10. Management measures**

The WCRL 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 impacts on the broader marine environment. This part of the WCRL (nearshore) fishing policy does not attempt to provide a policy statement on EAF in the WCRL fishery. The EAF in the WCRL fishery will be detailed in the West Coast Rock Lobster (Nearshore) Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

The WCRL (nearshore) fishery will be managed using a number of controls, including minimum size limits, closed seasons, gear restrictions, area and time restrictions, marine protected areas and limitations on retention of berried females and soft-shelled lobster. These restrictions are contained in the permit conditions.

#### **11. Application fees and levies**

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

- The cost of the entire rights allocation process, including consultation, receipting, evaluation, verification and 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 interested and affected parties.

#### **12. Performance reviews**

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 a year, and thereafter every three years. Failure to perform as stipulated may result in the right being suspended, cancelled or revoked.

#### **13. Observers**

The vessels used in the WCRL (nearshore) fishery are not able to accommodate observers. Right-holders will, however, be expected to cooperate fully with land-based observers or those transported to the fishing grounds in other vessels.

#### 14. Provisional lists

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

#### 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 D**

**UYILO**



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

**INKQUBO YOKUNIKEZWA NOKULAWULWA KWAMALUNGEOEXESHA ELIDE  
OKURHWEBA NOKULOBA I ROCK LOBSTER YONXWEME LWASENTSHONA  
UMDA WORHWEBO LOKULOBA (NGAKUNXWEME) : 2005**

**LENKQUBO SIYILO MAYIFUNDWE NENKQUBO SIYILO JIKELELE  
NGOKUNIKEZWA NASEKULAWULENI KWAMALUNGEO  
OKULOBA: 2005 (iyafumaneka ku [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

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## 1. Intshayelelo

Lomgaqo nkqubo omalunga nokunikezwa nokulawulwa kwamalungelo okurhweba kushishino lokuloba kwabeminatha yaselwandle kunxweme lwentshona loshishino lwerock lobster ikhutshwe liSebe lemiCimbi yezeNdalo noKhenketho: UkuLawulwa kweSebe lezoLwandle noNxweme ("iSebe") esenzelwe izimvo zoluntu. Elicandelo kuyakubhekiselwa kulo njenge "WCRL (ngakunxweme)". Lenkqubo mayifundwe ndawonye nesiYilo Nkqubo Jikelele emalunga noLwabiwo nokuLawulwa kwamaLungelo exesha elide orhwebo nokuloba: 2005 ("Umthetho Jikelele").

Njengoko kuchaziwe kuMgaqo Jikelele, iSebe lizakubamba intlanganiso zikawonke-wonke kwindawo eziselunxwemeni ukuze libonisane noluntu jikelele, ingakumbi amaqela anomdla nachaphazelekayo, ngokumalunga nomgaqo wesisiyilo se WCRL (ngakunxweme). Kwezintlanganiso zoluntu, izimvo malunga nalomgaqonkqubo ziyakumenywa. Izimvo ezibhaliweyo ziyakungeniswa kwiSebe ungadlulanga umhla we 11 April 2005. Izimvo ezingeniswe emva kwalomhla aziyikuqwalaselwa. Izimvo ziyakungeniswa ngoluhlobo lulandelayo:

<p><b>Nge Fax:</b> Fax Number: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments</p>	<p><b>Nge Mail:</b> 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</p>	<p><b>Nge E-mail:</b> RVU@deloitte.co.za Qaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments</p> <hr/> <p><b>Nge Sandla</b> Qaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments</p>
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Injongo yalomgaqo nkqubo kukubhengeza ingcamango eyakuthi isetyenziswe kunikezo lwamalungelo exesha elide orhwebo lokuloba e WCRL (ngakunxweme). Uninzi lwezingcamango azintshanga. Sele zikhe zasetyenziswa liSebe ukunikeza amalungelo kwixesha elidlulileyo. Le nkqubo iziqulathile ezingcamango, kodwa ibandakanya inguqu ezimbalwa nezongezelelo.

Inkqubo ethile yokunikezwa kwamalungelo yexesha elidlulileyo ichaziwe kwesisiyilonkqubo. IManyuwali Yolawulo loshishino ngokuLoba iRock Lobster yakuNxweme lweNtshona (Ngakunxweme) iyakugqityezelwa nabobonke abanini malungelo ngonyaka ka2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazinkqubo nemigaqo yoshishino lokuloba.

UMphathiswa wemiCimbi yezeNdalo noKhenketho uzimisele ukugunyazisa amandla ecandelo 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba njengoko kusekiwe kwi candelo 79 WCRL (ngakunxweme) loMthetho 18 ka 1998 we Marine Living Resources ("i MLRA") kwi gosa eliphezulu leSebe.

## 2. Ibhayoloji nentshukumo zobutyebi bendalo

I rock lobster zaselunxwemeni lwasentshona (*Jasus lalandii*) zizilwanyana ezikhula kancinane zakudala. Ubukhulu bemazi xa sele indala isuka kwi 57 millimetres ubude becarapace (CL) iya kwi 66 millimetres CL. Eyindoda ilobster ibanobukhulu kwaye ikhawuleze ukukhula ngaphezu kwemazi. Ngenxa yomda ebukhulwini obuyi 75 mm CL obekwe kurwebo lwezokuloba, ilobster zifikelela kwi 90 ukuya kwi 99 lepesenti lezibanjiswa.

Irocklobster zakunxweme lwentshona ziba kunxweme (<200m ubunzulu) ukusuka emantla e Walvis Bay e Namibia ukuya eEast London. Ukusetyenzisa kirhwebo lwenzeka malunga ne 25°S e Namibia ukuya Gansbaai. Kodwa ke, ukuloba nje lokuzonwabisa lunabela empuma ukuya e Mossel Bay.

## 3. Iinkcazo emfutshane ngelicandelo

Ubunzima obuphindiweyo besivuno buqikelelwa kwisithuba sepesenti ezisibhozo samazinga ebesetyenziswa ngaphambili ubunzima bamaqanda buqikelelwa kwi 21 yepesenti. Olu kekelo lubangwa ikakhulu zimeko ezimbini: intlanzi ezininzi ezilotyiweyo lwentlanzi kwisithuba sesiqingatha sokuqala se 20<sup>th</sup> century nokuhla okukhulu kwizinga lokwanda kwiminyaka ye 1990's.



Urhwebo lokuloba intlanzi lwaqala nge 1880's. Ushishino lokuloba lwakhula ngokukhawuleza ekuqaleni kweminyaka ye 20<sup>th</sup> century. Nangona ngaphambi kweminyaka ye 1940 ubambiso lwentlanzi beluntshakantshaka, kubebhetele kwithuba leminyaka ka 1950 ukuya ku1965, xa phakathi kwe 13 000 ne 16 000 yetoni zazibanjiswa minyaka le.

Phambi ko 1946, ushishino lokuloba lalungenamigaqo. Kulonyaka , Ubuninzi obumisiweyo bemveliso babekwa ukuze kuthintelwe ukuthunyelwa kwamanye amazwe. Lonto yenza isiseko solawulo "nqando mveliso" esasetyenziswayo kulawulo lwe rocklobster kunxweme lwentshona namhlanje.

Ukusukela ku 1946 ukubheka phambili, kwavunyelwana ngesebelo sonyaka, esisekelwe okokuqala kwinkqubo yokuloba kwixesha elingaphambili lonyaka. Ukuya phakathi kwiminyaka ye1960's, ukuloba bebulawulwa ngqo bubuninzi obumisiweyo. Ngo 1967/68 ngexesha lokuloba, amazinga okuloba aqalisa ukwehla nobuninzi obumisiweyo abakwazi ukuzinziswa. Unciphiso kwiNani lokuLoba eliVunyiweyo ("TAC") ukuya phakathi ko 4 000 no 6 000 etoni labuyisela ukulingana kwisithuba sika 1970/71 ukuya 1989/90.

Ubunzima bemveliso obumisiweyo babuyiselwa ngelobster yonke (ubunzima bomnatha) , no lawulo ngohlobo lwe TAC lwasetyenziswa kwiminyaka yokuqala ka 1980. Ukwabiwa kwemimandla kwaqhubeka kwangelo xesha. Eminye imilinganiselo yolawulo eyayinyanzeliswa ngaphambili yabuyiswa nokuvalwa kwexesha . Ukulotywa kwelobster ezinamaqweqwe athambileyo kwapheliswa. Iminyaka ka 1990/91 amazinga okuloba kwakhona ehla, kwiminyaka elandelayo, urhwebo lwe TAC lehla kancinci, lufikelela kwi 1 500 yetoni ngo 1995/96 kwixesha lonyaka. Ukususela ngoko, kwaye kusiba bhetelana kancinci, kushishino lwe TAC lubekwa kw 3 527 etoni kwixesha lonyaka ka 2004/2005 .

Phambi kokusetyenziswa kwezibambisi zelobster ngeminyaka ye 1960, ushishino lokuloba beluxhomekeke ekulobeni nge hand-hauled, hoopnets, ezikhaphu khaphu nekulula uzisebenzisa kumaphenyane amancinci kumanzi anganzulwanga. iHoopnets zidla ngokusetyenziswa kubunzulu obungaphezulu kwe 30 yemitha. Amaphenyane eHoopnet asenokuzisebenzela elunxwemi ngokomphandle wenqanawe okanye ngokwamaphini, okanye isiwe kwimihlaba yokuloba irhuqwe liphenyane (deckboat).

Ukulotywa kwe rock lobster kunxweme lwentshona lwenziwe ngamacandelo amabini: ushishino lokuloba nolokuzonwabisa. Abalobela ukuzonwabisa bangasebenzisa ihoopnets xa belobayo kwiphenyane okanye okanye ku nxweme, okanye basebenzise ukuntywila. Abalobi bokuzonwabisa abanakho uthengisa eyabo intlanzi.

Icandelo loshishino linomlinganiselo omkhulu wabasebenzi abasebenza ngaphandle (ulwabiwo lwamalungelo abhaphazu kwe 1.5 yetoni) nenani eliqingqiweyo elingakunxwene (amalungelo abiweyo angaphantsi kwe 1.5 itoni). Kwicandelo elingaselunxwemeni, Abanamalungelo bangasebenzisa i hoopnets bengenakuhamba-hamba.

Icandelo lorhwebo lwangaselunxwemeni (okanye ushishino lokuloba oluqingqiweyo) lwabuyisela ulobo oluphilayo ngo 2001 ngenxa yezinto eziphandiweyo neziphakamiso kuhlolo oluzimeleyo zolobo lokuziphilisa eMzantsi Afrika. Uhlolo lwaphakamisa ukuba indawo ekulotywa kuzo zexabiso eliphezulu njengonxweme lwasentshona lwerock lobster, ilinefish yemvelo ne abalone zimele ukuba zibe zindawo zokwenza imali. Ukwenza imali kwezindawo kuvumele abalobi ukuba bathengise imveliso yabo.

Isebe lwabela abarwebi be west coast rock lobster TAC i 20% ne 80% kubarwebi be Offshore. Isizathu sale antlukwano kukuka i 20% yezinto zokusebenza yabelwe ingingqi ye-inshore kumanzi anzulu.

Ukuloba e offshore kuxhasa ama 5500 abasebenzi yaye i 95% angabamnyama. Ngaphezu kwama 2500 asebenza elwandle ukuze abashiyekileyo ukulungisa bathengise emhlabeni. Ukulotywa kwe west coast rock lobster kuqhubeka phakathi koNovemba noJulayi kwenziwe malunga nama 26500 eerandi ngonyaka. Ixabiso lolobo lwe west coast rock lobster lumalunga nezigidi ezingama 200 ngonyaka. Ixabiso lwezikhithshana kolu lobo zizigidi ezili 130 lee randi. Ulobo lwe west coast rock lobster luya lawuleka kakuhle kwaye ukususela kumnaka ka 1997 lwaye lusanda ngokwanda. Ngomnyaka we 2003 umphathiswa wezendalo nokhenketho wavumela urhwebo olupheleleyo lwe rock lobster nakwimpuma koloni Hangklip. Isebe lwaqhubeka ngokulawula ulobo kule ngingqi phantsi kwemiqa thango.

#### 4. Inkqubo ephakathi yokunikezwa kwamalungelo

Ngomnyaka we 2001 Isebe lwavumela amalungelo apheleleyo angama 234 okuloba iWest Coast rock lobster. Wongeze amalungelo angama 511 anemiqathango kubalobi ababekhasa. Abantu abanyama namashishini abo baxhamama 66% kumalungelo apheleleyo. Kwizikhundla eziphezulu zoshishino ngentlanzi abamnyama bangama 34% kuphela.

Kumalungelo amiselweyo kwisebe lokuloba i 94% yafakwa kubantu abamnyama; nabamnyama abanamashishini amancinci. Oko kuthetha ukuthi malunga ne 70% yoshishino lwentlanzi i rock lobster kunxweme lwenshona ilawulwa ngabantu abamnyama.

Ngomnyaka we 2003 Isebe liphinde lanikezela itoni ezingama 230 ze –West Coast rock lobster kwi 274 kubarhwebi abarhweba phantsi kwemiqathango kwingingqi ye Cape Hangklip. Abamnyama baxhamla ngaphezu kwe 90% yamalungelo.

Ngomnyaka we 19992 ama 39 abamhlophe babenemvume yokulawula I West Coast rock lobster TAC. Kanti ekupheleni kuka 2003 isebe lanikezela ngamalungelo okurweba ali 1019. Kuloo malungelo ngaphezu kwe 785 anikezelwa kubalobi abasakhasayo. Ukubandakanya inani elikhulu labanikwe amalungelo malunga ne 6.8 e toni abiwa ngo 2002 xa kuthelekiswa nama 56 etoni ka 1992. Umahluko phakathi kwamalungelo amakhulu namancinci waye uncipha kwisithuba seminyaka elishumi. Ngomnyaka we 1992 kwakukho umahluko wolwabiwo phakathi kwetoni eziphakamileyo ezili 199 netoni ephantsi enye, ngomnyaka wama 2002 kwakukho ama 66 omahluko phakathi esiphakamileyo sama 95.6 etono nabaphantsi 1.5 etoni.

#### 5. Injongo zokwandiswa kwamacandelo

Injongo zokwaba amalungelo okuloba ethuba elide kwi WCRL (ngaselunxwemeni) abalobi kufuneka:

- Bagcine utshintsho lokungaboni ngasonye kwindawo zokuloba;

- Anike amalungelo oshishino lokuloba kubalobi abaxhomekeke kwi WCRL ukuze baphile ;
- Baqinisekise ukuba abafaki zicelo abahlala kwindawo zokuloba kwaye abanxulumene nokuloba kwakudala kwi WCRL babonelelwe ngomlinganiselo wamalungelo ofanelekileyo;
- Bakhuthaze utyalomali kwinqanawa,urhwebo nokuqhubela phambili amaziko akhoyo, ukudala imisebenzi ekhuselekileyo;
- Bagcine uqoqosho oluphilayo kwindawo zokuloba; kwaye
- Baqinisekise ukugcinakala kwendawo zokuloba.

## 6. Ixesha lamalungelo

Ngokwe –

- Inguqulelo zokungaboni ngasonye kwindawo zokuloba;
- Imfuneko ekukhuthazeni utyalomali kwezindawo zokuloba ngamashishini amakhulu;
- Imfuno ekukhuthazeni ukudala imisebenzi esisigxina;
- Imfuno ekugcineni uzinzo lwezoqoqosho olukhoyo kwindawo zokuloba; kwaye
- Kwaye kwa ukuba indawo ekunxweme lwentshona ye rock lobster ilawuleka kakuhle ,

ISebe liyakunikezela ngamalungelo orhwebo ithuba elingange 10 eminyaka ukusuka kwi 01 January 2006 ukuya 31 December 2015 kwaye ngenxa yezizathu zokusoloko kuqwalaselwa ukungavumelani kwendlela ebekuqhutywa ngayo ngaphambili, oko kuquka iindlela ekuvunyelwene ngazo zotshintsho (*jonga kumhlathi 12 ngaphantsi*)

## 7. Abangeneleli abatsha

Nangona ulobo lwe Ntshona Coast rock lobster lusetyenziswe kakulu ngoku akukho ndawo yabathathu nxaxheba abongezelelekileyo, abatsha baza kuqwalaselwa bangathatha iindawo zabo bangaphumelelanga konke konke okanye abo bangakhange baphumelele ukwenza

izicwangciso zotshintsho njengoku bezicwangcisiwe kwisicelo samalungelo. Kwaye abo bathe banamalungelo abawasebenzisa, okanye abawasebenzisa ngokufaneleluleyo abazukuphi nda bawabelwe yaye indawo zabo zinganikwa abatsha.

## **8. Indlela zovavanyo**

Izicelo ziyakuhluzwa ngokothotho lwe *"exclusionary criteria"*, kwaye emvakoko zivavanywe ngokothotho lwe *"comparative balancing criteria"*. Amanqaku athile okanye abakudidi kuyakufuneka bakhethe abo baphumeleleyo. Umlinganiselo othile we TAC uyakwabelwa umfakisecelo ngamnye ngokothotho lwe *"quantum criteria"*.

### **8.1 Inkqubo yokulinganisa yokukhetha**

Ngaphandle kwenkqubo echazwe kuMthetho Jikelele ngokubhekiselele ekufakweni kwezicelo nokulahlwa kwezinye izinto, ISebe liyakubakhuphela ecaleni abo baceli bathe abaphumelela ukufikelela kwezimfuno zilandelayo:

- (a) **Uhlobo lomfaki sicelo:** Ngabantu kuphela bendalo abayakuqwalaselwa. Abo banamalungelo ababekhe basebenza ngokwabaqondisi (umz. Amaqumrhu asondeleyo, abagcinizimali okanye inkampani) kuyakufuneka benze izicelo kwizikhundla zabo, kodwa bayakuthathwa njenge *"right-holders"* ngenxa yezizathu zenkqubo yolwabiwo.

Usapho olubumbeneyo (oluquka isibini, abantwana babo abazali nabantwana babo) abanakunikwa ngaphezulu kwelungelo elinye ukunqanda uxhamlo wedwa kwandiswe ukufikelela kunxweme lentshona oluyindawo ye rock lobster. Abafaki zicelo basenokucelwa ukuba baveze ubuhlobo babo kubaceli kwezinye indawo zorhwebo lokuloba. Ukuba kuthe kanti bagqithisile ngokwenani ukwenza isicelo samalungelo, zonke izicelo zabo zisenikukhutshelwa ecaleni, ngaphandle kokuba abaceli baye ngokuphandle babonakalisa ukuba bafumene indawo ezincinci ezahlukeneyo zokusebenza.

- (b) **Ukuthobela:** Abafaki zicelo abathe baphula umthetho ngokunganyamezelekiyo we MLRA bayakukhutshwa.
- (c) **Isimiselo sesixa samaphepha:** Isimiselo sesixa samaphepha (njengoko kuchaziwe kuMthetho Jikelele) uyakukhutshwa. Amaqela amakhulu afanayo, okanye izicelo ezifanayo kakhulu, axhaswa ngabacebisi okanye inkampani zoshishino lokuloba nezinye izinto, bayakukhutshwa njengendlela elandela unxweme kwisabelo samaphepha, kungakhange kujongwe ukuvuzwa kwizicelo ezahlukeneyo.
- (d) **Ukungasetyeniswa:** Abo banamalungelo abangawasebenzisanga amalungelo aphakathi kurhwebo lwe West Coast rock lobster phakathi kuka 2002 no 2004 abazukuphinda babelwe amalungelo okurweba.
- (e) **Ukubandakanyeka kwamacandelo amaninzi:** Abafaki zicelo abanamalungelo kwishishini lokuloba ngaphandle kwe kwendawo yokuloba i abalone , okanye banomdla – kuquka izabelo nimdla wokuba lilunge sobanamalungelo kwamanye amashishini okuloba bayakukhutshelwa ngaphandle. Abafaki zicelo abafumana uncedo kwisabelo somanyano lwabarhwebi bayakukhutshelwa ngaphandle.
- (f) **Ukubandakanyeka kwiziqhamo zesivuno :** Abafaki zicelo kwakufuneka babonise ukuba, ngexesha lokuloba intlanzi, bazimanye ngokupheleleyo ekulobeleni i WCRL. Kufuneka babonise indima ebonakalayo kwinqanawa zokuloba bathabathe inxaxheba ekuqhubeni ishishini.
- (g) **Ukuxhomekeka kwiziqhamo zomsebenzi:** Abafaki zicelo zamalungelo abangaxhomekekanga kwisivuno se WCRL ubuncinci kangange 75 yepesenti yenzuzo yabo ngonyaka bayakukhutshelwa bucala. Abangeneli abatsha abazimiseleyo kuzakufuneka babonise imbali yokuxhomekeka kwabo kolushishino i WCRL belobela ukuze baphile . Abafaki zicelo abafumana nayiphina inzuzo yabo kwezinye indawo ezingaphandle koshishino lokuloba nabo bayakukhutshelwa bucala.
- (h) **Abahlali kwindawo zokuloba:** Abafaki zicelo abangahlali kwindawo ezayamene nendawo zokuloba apho bebenze izicelo zamalungelo bayakukhutshelwa bucala.

Abafaki zicelo kuyakufuneka babonise ukuba babekhe bahlala kwindawo ezayamene nendawo zokuloba ubuncinci iminyaka emine . Amalungelo okuloba akunxweme lweWCRL ayakunikwa kuphela abahlali abahlala kufuphi nendawo yokuloba okanye ingingqi. Abaphumeleleyo kulamalungelo okuloba kwi WCRL (ngakunxweme) bayakuthintelwa kwindawo zokuloba ezinyuliweyo okanye ingingqi.

- (i) **Ukufikelela kwinqanawa:** Abafaki zicelo kuyakufuneka babonise imvume yokungena kwinqanawa efanelekileyo (jonga kumhlathi **9ngezantsi**).

## **8.2 Inkqubo elinganayo yovavanyo**

Abafaki zicelo abanamalungelo nabafaki zicelo abatsha bayakuvavanywa ngokwalemigaqo ilinganayo ilandelayo eyakuthi iveyishwe ukujonga amandla omfaki sicelo ngamnye:

### **(a) Inguqu**

Ukugcina inguqu yokungaboni ngasonye ekuloboni kwiWCRL (ngakunxweme), abafaki zicelo bayakunikwa amanqaku ngendlela efanelekileyo ukuba ngabantu abamnyama. Isini sisenokusetyenziswa njenge sisombululo seqhina, into ethetha ukuthi. apho kukho ngaphezulu komthathi nxaxheba omnye obe namanqaku afanayo, umceli wesifazana umfakisecelo uyakwenzelelelwa ngaphezu koyindoda.

Abafaki zicelo nabo bayakuvavanywa banikwe amanqaku –

- I-Affirmative procurement;
- Notyalo zimali lwamashumi ekuhlaleni.

### **(b) Utyalomali**

Utyalomali kwinqanawa ngo 31 December 2004 luyakunikwa ingqalelo ,ukuba nje utyalolwemali lubonisa ukuzinikela okukuko ekuthatheni inxaxheba kushishino lokuloba.



**(c) Imisebenzi**

Abafaki zicelo zobunini malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi okwethutyana okanye osisigxina, bayakuvuzwa.

**(d) Inkqubo norwebo**

Abafakizicelo zamalingelo bayakucelwa ukuba bahambise ingxelo ebhalwe phantsi uluhlu lwenkqubo yabo yorhwebo kulomba.

**(e) Uhlobo lokuloba**

Abafaki zicelo zamalungelo bayakuvavanywa ngokwenkqubo yabo kushishino lokuloba kwi WCRL kwixeshana nje eliphakathi.

Abafaki zicelo abatsha bayakuvavanywa ukuzama ukuqonda ukuba banaso na isakhono , ulwazi nobugcisa bokulobela i WCRL.

**(f) Ukubandakanyeka kwimbali**

Abafaki zicelo zamalungelo nabafaki zicelo abatsha abanesakhono basenokuvuzwa ngenxa yenxaxheba yabo kushishino lokuloba mandulo. Lo nxaxheba isenokudibanisa ukubangumsebenzi ngaphakathi kushishino lwentlanzi kwi WCRL, okanye umsebenzi kuyo nakweliphina ishishini lokuloba.

**(g) Ukuthobela**

Ulwaphulomthethe olungayangaphi kwi MLRA, imiqathango nemimiselo yemvume, efana nokugqithisa ekulobeni okanye ulobe intlanzi ezisencinci WCRL, uyakuthathwa njengongenakufumana manqaku. Abafaki zicelo zamalungelo abangazibonakalisiyo ukuba bayawuthobela uMthetho 97 weRhafu yoPhuhliso lweZakhono ka 1998 noMthetho 9 ka1999 weRhafu

yoPhuhliso lwe Zakhono, noMthetho 85 ka1993 weMpilo noKhuseleko lwezabasebenzi, bayakunikwa amanqaku angancumisiyo.

### **8.3 Umlinganiselo wenkqubo**

Ulwabiwo kwabo bamalungelo abo aphumeleleyo kwi WCRL yabalobi (ngakunxweme) luyakuba phakathi kwe 750 kilograms ne 1.5 yetoni. Inkathalelo iyakuba kubuninzi bentsebenzo kwi ndawo okanye ingingqi eyenzelwe yona, kwanje ngotyalomali kwishishini lokuloba nokuvula ithuba lemisebenzi.

### **9. Inqanawe ezifanelekileyo**

Inqanawa efanelekileyo kushishino lokuloba iWCRL (ngakunxweme) yinqanawa:

- enobude obumalunga namitha ezisibhozo obuqinisekise yi SAMSA ;
- efakelwe ubuchwephesha obusebenzayo bokujonga inqanawa; kwaye
- lisebenzise ihoopnets kuphela ilobela i WCRL .

### **10. Umlinganiselo wolawulo**

Olu shishino lokuloba luyakuphathwa ngokungqamane nendlela yonakekeko lwendalo ("EAF"). Indlela yonakekeko lwendalo kushishino lokuloba yingqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zine futhe kubume nemeko jikelele yezolwandle. Le ndima kwinkqubo yokulotywa kwe – WC rock lobster ayizami kunika nkcazelo yenkqubo yeEAF kushishino lokuloba I-West Coast rock lobster iyakuchaza ngokuthe xhaxhe kwi-Fishery Management Manual. Umzantsi Afrika usahleli uzinike kumhla okujoliswe kuwo ka 1010 wokusetyenziswa kwe EAF kushishino lorwebo ngokuloba.

i WCRL yorwebo iyakulawulwa ngokusebenzisa iindlela ezimbalwa zolawulo, oko kuquka imilinganiselo emincinci, ukuvalwa kwamaxesha onyaka, uthintelo lwezixhobo, uthintelo lwendawo namaxesha, iindawo ezikhuselekileyo zolwandle, nemilinganiselo elugcinweni lwemazi kunye nesoft sheltered lobster. Lemiqathango ifakwe kwiimeko zemvumo.

### 11. Irhafu yentlawulo yezicelo

Umrhumo wokufaka isicelo soshishino ngokuloba iWCRL (nearshore) uyakubekwa kuthathelwa ingqalelo:

- Ixabiso layo yonke inkqubo yokunikezwa kwamalungelo, kuquka neengcebiso, iirisithi, ukuvavanya kwezicelo, izibheni nezixeko-ncomo.
- Nexabiso lentlanzi elisikelweyo ngexesha lelungelo.

Irhafu zonyaka ngamnye ezibhatalwa ngomhla we 01 Januwari 2006 ziya kuhlaziywa, emva kokucebisa namaqela anomdla nachaphazelekayo.

### 12. Umlinganiselo wenkqubo

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. Ukungenzi njengoko sekutshiwo kunokuzala ukurhoxiswa kwamalungelo akho.

### 13. Abakhimkhanyo

Inqanawa ezisetyenziswa ngabalobi be WCRL (ngakunxweme) azifanelekanga ukuba zithwale abakhimkhanyo. Abanamalungelo baya, kodwa ke, bayakulindeleka ukuba basebenze ngokupheleleyo nabakhimkhanyo i abangaphandle okanye abo baziswe kumaziko okuloba zezinye inqanawa.

### 14. Uluhlu lwethutyana

Phambi kokuba iSebe lithathe isigqibo malunga nokuba ngubanina oyakunikwa amalungelo okurhweba nokuloba kwi WCRL (ngakunxweme), iyakukhupha uluhlu lwethutyana lwabafaki zicelo abaphumeleleyo. Uluhlu lwethutyana luyakujikeleziswa kwindawo nganye yokuloba

intlanzi. Amaqela anomdla nabobachaphazelekayo kwezindawo banako ukulazisa iSebe ukuba bakhona abantu ababefudula belobela i WCRL kumandla ongakunxweme abathe bakhutshwa kuluhlu lwethutyana.

**15. Imiqathango yemvume**

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume esebenzayo kushishino lokuloba olusalingwayo yonyaka ka 2005 incanyathiselwe njenge **Annexure A**. Amaqela anomdla nachaphazelekayo ayamenywa ukuba aveze ezawo izimvo kulemiqathango yemvume.

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