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No. 27361

## PART 3 OF 3

ENGLISH AND ZULU



AIDS HELPLINE 0800-0123-22 Prevention is the cure

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**CONTENTS***No.**Page  
No.      Gazette  
No.***GENERAL NOTICE****Environmental Affairs and Tourism, Department of***General Notice*

- 399 Invitation to comment on the Draft Policies concerning the allocation and management of long term fishing rights in the KwaZulu-Natal sardine beach seine, beach-seine (treknet) and gillnet (drift-net, set-net), oyster and white mussel fisheries, 2005 .....

**3      27361**

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## GENERAL NOTICE

## NOTICE 399 OF 2005

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

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

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

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

## IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH AND isiZULU 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 Stuisbaai 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: Pellrus 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

\*Please specify which fishery you are commenting on.

Copies of all of the draft policies are also available on the Department's official website [www.mcm-deat.gov.za](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 OYSTER FISHERY: 2005**

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

## TABLE OF CONTENTS

<b>1.</b>	<b>Introduction</b>	<b>3</b>
<b>2.</b>	<b>Biological Status of Oysters</b>	<b>4</b>
<b>3.</b>	<b>Sector Profile</b>	<b>4</b>
<b>4.</b>	<b>The Medium Term Rights Allocation Process</b>	<b>6</b>
<b>5.</b>	<b>Over-all Sectoral Objectives</b>	<b>6</b>
<b>6.</b>	<b>Duration of Rights</b>	<b>7</b>
<b>7.</b>	<b>New Entrants</b>	<b>7</b>
<b>8.</b>	<b>Evaluation criteria</b>	<b>7</b>
<b>8.1</b>	<b>Exclusionary Criteria</b>	<b>7</b>
(a)	Form of the Applicant:	8
(b)	Applications from families:	8
(c)	Compliance:	8
(d)	Paper Quotas:	8
(e)	Non – utilisation:	8
(f)	Non – dependants:	8
(g)	Personal Involvement:	8
<b>8.2</b>	<b>Balancing Criteria</b>	<b>9</b>
(a)	Transformation	9
(b)	Investment in the Fishery	9
(c)	Harvesting Performance	9
(d)	Reliance on Oysters	9
(e)	Local Economic Development	10
(f)	Compliance	10
<b>9.</b>	<b>Monopolies and the Registration of Buyers</b>	<b>10</b>
<b>10.</b>	<b>Harvesting Oysters</b>	<b>11</b>
<b>11.</b>	<b>Application Fees</b>	<b>11</b>
<b>12.</b>	<b>Provisional Lists</b>	<b>11</b>
<b>13.</b>	<b>Permit Conditions</b>	<b>12</b>

## 1. Introduction

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

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

**By Fax: (021) 402-3362**

Attention: The Deputy Director-General  
Oyster Policy Comments

**By Mail**

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

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

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

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

## **2. Biological Status of Oysters**

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

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

## **3. Sector Profile**

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

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



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

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

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

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

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

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

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

#### **4. The Medium Term Rights Allocation Process**

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

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

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

#### **5. Over-all Sectoral Objectives**

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

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

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

## **6. Duration of Rights**

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

## **7. New Entrants**

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

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

## **8. Evaluation criteria**

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

### **8.1 Exclusionary Criteria**

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

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



## **8.2 Balancing Criteria**

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

### **(a) Transformation**

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

### **(b) Investment in the Fishery**

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

### **(c) Harvesting Performance**

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

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

### **(d) Reliance on Oysters**

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

**(e) Local Economic Development**

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

**(f) Compliance**

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

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

**9. Monopolies and the Registration of Buyers**

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

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

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

## **10. Harvesting Oysters**

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

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

**Right holders and pickers may not use:**

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

## **11. Application Fees**

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

## **12. Provisional Lists**

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

### **13. Permit Conditions**

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



**ANNEXURE B**

**UHLAKA**



**UMNYANGO WEZEMVELO NEZOKUVAKASHA  
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO  
OKUDOKA KWI OYSTER FISHERY: 2005**

**LOMQULU KUFANELWE UFUNDWE KANYE NOMQULU WABANTU  
BONKE OMAYELANA NOKUNIKWA KANYE NOKUPHATHWA  
KWAMALUNGELO ESIKHATHI ESIDE SOKUTHENGISA  
NGOKUDOBA: 2005 (iyatholakala e [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

**Okuqukethwe**

<b>1. Isiqalo</b>	<b>3</b>
<b>2. Ibhayoloji yama Oysters</b>	<b>4</b>
<b>3. I Sector Profile</b>	<b>4</b>
<b>4. Ukwabiwa kwamalungelo kwi Medium Term</b>	<b>5</b>
<b>5. Izizathu ze Over-all Sectoral</b>	<b>6</b>
<b>6. Ubude bamalungelo</b>	<b>6</b>
<b>7. Abantu abasebasha</b>	<b>7</b>
<b>8. Ukwenza kwe Evaluation</b>	<b>7</b>
8.1 I Exclusionary Criteria	7
8.2 Indlela yokubhalansisa	8
(a) Ushintsho	8
(b) Uku investa kwezokudoba	8
(c) Ukwenza kokuvuna	9
(d) Ukuthembela kwi Oysters	9
(e) Ukuthuthukiswa komnotho wasemzansi	9
<b>9. Ama Monopolies kanye nokubhaiswa kwabathengi</b>	<b>9</b>
<b>10. Ukuvunwa kwama oysters</b>	<b>10</b>
<b>11. Izimali zokungenela</b>	<b>10</b>
<b>12. Uhlu lwe Provisional</b>	<b>11</b>
<b>13. Izimvume</b>	<b>11</b>

## 1. Isiqalo

Lelipulani elingaphelele ekwabiweni kwamalungelo kanye niokuphatha I Oyster Commercial Fishery ikhishwa umnyango Wezemvelo kanye nezokuvakasha: Branch Marine and Coastal Management ("umnyango") ukuze umphakathi ubenezwi ngay. Lomgomo kumelwe ufundwe kanye ne Draft General Policy ekwabiweni kanye nokuphathwa kwamalungelo amade okudoba: 2005 ("General Fisheries Policy").

Njengoba kushiwo kwi General Policy, umnyango uzokwenza ama public hearings kanye nama roadshows ukunze nawo umphakathi wazi ngalemigomo, kanti labo abafuna ukuzibandakanya bangazwa. Okubhaliwe noma okushiwo ngomlomo kuyamenywa kulemihlangano. Kumele kulethwe ngo 11 April 2005. ilizimvo eziyoletswa emva kwalolusuku ngeke kubukwe:

<p><b><u>NgeFax:</u></b> Quaphela: (021) 670-1782 Quaphela: The Deputy Director-General Fishery (Please specify which fishery) Policy Comments</p>	<p><b><u>Nge Mail:</u></b> Quaphela: 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 Quaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments</p> <hr/> <p><b><u>Nge Hand</u></b> Quaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments</p>
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Isidingo salomgomo ukthi usho izinto ezifunekayo ukuze umuntu athole amalungelo okudoba i oyster. ezinye zalezizinto zisezintsh. Zisetshenziswe umnyango kuqala ngesikhathi bekhapha amalungelo kungangokuthi leyo mithetho isasetshenziswa namanje.

Amanye amalungelo amadala ekwabiweni kwamalungelo achaziwe kulomqulu. I Oyster Fishery Management Manual izoqedwa kuwowonke amalungu ngo 2006. Le manual izochaza ngokwanele I management methodology kanye nokulandelwa kwifishery.

U Minister weZemvelo kanye nokuvakasha ufuna ukusebenzisa u section 18 wokunikeza kwamalungelo kwil Oyster fishing rights ngokuka section 79 we Marine Living Resources Act 18 ka 1998 ("i MLRA") kumuntu osezingeni eliphezulu. emnyangeni.

## 2. Ibhayoloji yama Oysters

I Cape Rock oyster, okuyiyona efunwa kakhulu kwi fishery, isezindaweni eziningi itholwa ngaphezu kwamatshe e rocky reefs kusuka eCape Agulhas kuya e Mozambique. Lama oysters atholakala kwi intertidal zone kanti ngaphans kwamanzi ngokuka 6m. I Cape Rock oyster iyatholakala njengoba injalo bese idayiswa kwi "wild oysters" eSouth Africa kwizindawo zokudlela. Lena eshibhile I oyster ibizwa i Pacific oyster ethengwa ngaphandle kwe mariculture.

Ama Oysters ngakwa KwaZulu-Natal coast kutholakale ukuthi kuthatha izinyanga eziwu 33 months (almost 3 years) ukuze akwazi ukudayiseka engu (60 mm Right Valve Length). Ama Oysters asakawa ngama spawners. Ama Oysters angakwa KwaZulu-Natal coast abakhona njalo ikakhulu ngezikhathi eziphezulu nge spring kanye nasesummer.

Ukuvunwa kwawo kuthatha isikhathi ngama spring low tides kanti kuqala kwakugcina kwi intertidal zone, kanti ngezikhathi zamanje ze subtidal zone. Lokhu kweziwa ukwehlisa kwe oyster density kwi intertidal zone kanye nkunyuka kwezinto zokugqoka ("kwi *creeping effort*"). Ama Oysters asuswa ku ma rocks ngoku pointed steel crowbar.

## 3. I Sector Profile

I oyster fishery kuqala yayiphathwa ngezindlela ezimbili, kwi KwaZulu-Natal coast kanye neouthern Cape coast. Ksukela ngonyaka ka 2002 I yster fishery iphathwa njengebhizinizi elilowa kwi national fishery. Ngaphansi kokuhathwa okusha, kunezindawo ezine zokuvuna I oyster, ngokuthi KZN North, KZN South, Port Elizabeth kanye ne Southern Cape. Umehluko kumthetho kuma e regions kuyaqhubeka.

I KwaZulu-Natal (North kanye ne South coasts), ukuphatha eyayenziwa kuqala kusatshenziswa ku KwaZulu-Natal Provincial Government kwagcinwa. Lokhu kuhlenganisa ama system okuzama lapho ababethatha babengadluli ku 190 oysters umuntu nomuntu ngosuku Futhi i KZN North and South coasts isahlukeni izindawana eziyi sihlanu ama zo, avunwa ngokuthi ba rotate. Lokhu kudinga ukuthi ize ukuthi ihlale isikhathi esingangeminyaka ewu 3 ngesikhathi (isikhathi eside sokuthi ingadayiswa le oyster) ngakhokhe nikezeisikhathi skuthi ibuye I oyster stock. Lena iyasebenza kwi commercial kanye ne recreational sector.



I oyster fishery nge Southern Cape coast ayiphathwa ngendlela yokuvuna rotational, kodwa ngendlela yokuthi kuncishiswa kwabantu abacoshayo, ayikho I limit yezikhwama. Futhi ukuzama kuhlukanisiwe zindaweni kwi oyster reef. I southern Cape fishery iphethwe kanti kuvalwa ngo 15 December – 05 January. Isikhathi sokuvalwa senziwa ukuze kungabikhona ukuxabana ngsikhathi samahholide kanye nala abakwi commercial fishery sctor . E Port Elizabeth, akuvunwa kuma oyster beds, kuphela ama washed-up oysters ayaqoqelelwa.

ITotal Applied Effort ("TAE") eye oyster fishery ayenziwa i scientific considerations noma i status ye resource, kodwa isukela kw pre-2002 okuzamau. Ukukhula kwe research kanye nku aseswa kwe stock se oyster resource kuyadingeka ukuze kwazeke izikhathi zokuvuna. I TAE yangesikhath sika(2005 ) ibekwe ku i 145 yabacosheli kanti ihlukaniswe kanjena:

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

ITAE ngase southern Cape coast iphinde yahlukaniswa ngokwama zones, based on the extent of okuthola amaoyster reef, kanjena:

- Heidelberg ("Witsand"): 10 abacoshi;
- Riversdale/Mossel Bay: 58 abacoshi kanye ne
- George/Knysna: 34 abacoshi.

Amalungelo amancane akhishwa ngo 2002 ukunike abantu abakwi former subsistence fishers ababengavumelekile ukuvuna.

#### **4. Ukwabiwa kwamalungelo kwi Medium Term**

Ngo 2002 amalungelo okudayisa ayenikezwa kubantu Bantu abagu 34 abaqasha abantu abangu 114 abacoshayo. kulaba abawu 88% banikezwa amalungelo kudoba. Amalungelo anikezwa

kubantu kuphela. Abantu abawu 91%, ama close corporations 3% kanti izinkampani 6% bathola amalungelo.

Abansundu abawu 25,8% kumalungelo abantu, okuvele kuphansi endaweni yokungena kulula kanti idonga izinto zokugqoka okuncane kant nemali encane futhi. Abawu 25,8% abantu besifazane.

Yize i TAE yayifuna kuphela abantu abawu 145 abacoshayo, abantu abawu 114 bavuna i oysters.

## 5. Izizathu ze Over-all Sectoral

Funda kanye ne General Fisheries Policy, izizathu salomgomo ukuthola indlela zokunikeza malungelo e oyster. Izizathu zokunikeza amalungelo ashiwo lapha ngaphansi:

- Ukunyusa izinga loshintsho kwi fishery;
- Ukunikeza amalungelo kulabo abathembele ekuvuneni kwe oyster ukuze baphile;
- Ukuthuthukisa labo bacosha ama oyster;
- Ukwenzisisa ukuthi amalungelo anikezwa ezindaweni lapho abazokwazi ukuvuna khona
- Ukusiza imvelo kwi fishery.

Umnyango uyazi futhi ukhathazekile ngezindlela ze monopoly kuleli sector (bheka *paragraph 9 ngaphansi*).

## 6. Ubude bamalungelo

Amalungelo okudoba ngeke adlule isikhathi esingangeminyaka ewu (3) . Amalungelo amae azovunyelwa uma ngabe imininingwana isiyanele ekubukweni kwezoshitsho kanye nezizinda. Umnyango uzokwenza i socio-economic study kule fishery ngalesikhathi seminyak emithathu ukuzama kubekhona ukubhalansisa.

## **7. Abantu abasebasha**

Yize kwezokudoba abantu abanengi sebekuyo, yize ukuvunwa kuyimanye ingabhekekile kakhulu. Umnyango ufuna ukuthi zonke izindawo zibhekwe ukuze izindawo zibhekwe zonke. Phezu kwaloho ayikakashintshi kakhulu ekubeni kunabantu abangalutandi ushintsho.

Umnyango uzonikeza amalungelo kubantu abasha kwi medium term commercial oyster (kanye ne TAE zenziwa kulezindawo) lapho ukunikeza abantu abasha kuzosiza kwi transformation profile.

## **8. Ukwenza kwe Evaluation**

Abaceli bamalungelo e oyster kuzbhekwa kulezindawo ezingaphansi kwe exclusionary kanye balancing criteria.

### **8.1 | Exclusionary Criteria**

Ngaphami kwe exclusionary criteria ebhalwe kwi General Fisheries Policy emayelana ekufakeni ama improper lodgments kanye neminingwane engafanele, kule exclusionary criteria izonikezwa kumalungelo kubantu abasha:

- (a) **Uhlobo lwesicelo:** Abantu abaphilayo (njengomuntu) bangafaka izicelo zabo.
- (b) **Izicelo zabantu bemindeni:** Kumele kube umuntu oyedwa uzonikezwa. Lapho kunezicelo ezingaphezu kwesisoda abaphuma emzini owodwan ngeke banikezwe. Banganikezwa amalungelo angaphezu kwelilodwa uma bechaza ukuthi abekho kwi sector ehlukene.
- (c) **Umthetho:** Labo abaphule umthetho w MLRA (isibonelo ukuboshelwa ukungakhokhi imali) ngeke anikezwe ilungelo. Abafake izicelo abathathelwe amalungelo ngokwe Marine Living Resources Act ngeke banikeze

amlungelo. Okunye ukuphula umthetho we Marine Living Resources Act angalimaza izicelo ezifakiwe, Ikhu kuchazwe ngaphansi.

- (d) **Ama Paper Quotas:** I paper quota ichazwe ngaphansi kwe General Policy ngeke iththwe.
- (e) **Ukungalisebenzisi:** Labo abangakwazanga ukusebenzia amalungelo akwi medium term commercial oyster phakathi uka 2002 kanye noa2004 ngeke baphindwe banikwe amalungelo.
- (f) **Ukuthengathembeli:** abantu Persons (njengabameli , othisha, amaphoyisa, abangcwabi) abathola imali ngaphandle kwe fishery ngeke bathathwe.
- (g) **Ukuzibandakanya:** Abafake izicelo kumele bazibandakanye sonke izikhathi ekuvuneni ama oysters.

## **8.2 Indlela yokubhalansisa**

Yize lindlela izosetshenziswa kulabo abadala kanye nabasha kodwa ukukalwa kuzohluka kuleyo category .

### **(a) Ushintsho**

Umnyango ufuna ukuqiniseka abantu abamnyama njengo uhlelo lwe transformation profile yale sector iphansi. Futhi umnyango ufuna abantu besifazane nabo bazobhekelelwa ngokusenbenzisa I ubulili njenge tie-breaking factor, lapho kunesidingo khona.

### **(b) Uku investa kwezokudoba**

Umnyango uzonaka ukuthi imaphi ama investmnte abantu abawenzile kwzokudoba, nokuthi bazomaketha kanjani phesheya nalapha ekhaya.

**(c) Ukwenza kokuvuna**

Abanamalungelo bazobukwa ngendlela ukuvuna kwenza ngakhona ngesikhathi sokukhishwa kwamalungelo aphakahi nendawo.

Labo abasha bayobukwa ngokwazi, ulwazi kanye nobuchule bokubamba ama oyster.

**(d) Ukuthembela kwi Oysters**

Umnyango uzobuka labo abafake izicelo abazothembela kwi oyster ngokuvuna okungango 75% wemali. Njengoba abantu abathola mali ngaphandle kokudoba ngeke bathathwe.

**(e) Ukuthuthukiswa komnotho wasemzansi**

Umnyango uzonikeza labo abahlala eduze nalapho ama oyster avunwa

amalungelo, abaphenywa ngaphansi kwe Marine Living Resources Act ngeke banikezwe amalungelo e oyster kuze kutholakale imiphumela yophando.

Ukuphula okuncane kwalomthetho we Marine Living Resources Act, ehlanganisa imithetho bayonikezwa amaphuzu amabi.

**9. Ama Monopolies kanye nokubhaiswa kwabathengi**

Umnyango uyakubona ukuthi le sector ayikakenzi kahle ngenxa ye monopolisation kuma gruphu amabili.

Ukukhula kwalomnyango kulendawo, ithinteka kabi ngenxa kwama monopolies, kodwa labo abacoshayo sebebani kakhulu. Ukubakhona kwama monopolies kulendawo akuvumelekile futhi ngeke kuqhubeke.

Ngakho labo abafuna ukuthenga kulabo abanamalungelo (abacoshayo) komele babhalwe kwi register yasomnyangweni. Umnyango ngeke ukubhalisa abathengayo bake baba namalungelo noma mvume kodwa bawakhansele ngaphansi kwe Marine Living Resources Act noma abenze into engafanele ngaphansi kwe Marine Living Resources Act. Uma umnyango uthola ukuthi abathengi bazenzla bona amanani e oysters, umnyango uzongenela ube uwona kuphela othenga ama oyster kulabo abawacoshile.

#### **10. Ukuvunwa kwama oysters**

Amalungu kanye nabacoshayo bazovunyelwa ukuvuna ama oysters ngokusebenzisa:

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

Amalungu kanye nabacoshi abangase benzisi:

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

#### **11. Izimali zokungenela**

Izimali zama sector ngeke ibengaphezu kuka R500. Umnyango usabuka izindlela zoku asesa izimali zokungena. Umnyango uzotshela amalungu kanye nalabo abafunaukungenela izimali zokungena.



## 12. Uhlu lwe Provisional

Ngaphambi kokuthi umnyango wenze isinqumo ukuthi ubani ozonikezwa amalungelo, izokhipha yabantu abaphumelele ukuthola amalungelo kuleyondawo. Abantu kuleyondawo bangatshela umnyango uma kukhona abantu abangafakwanga abake bavuna ama oyster.

## 13. Izimvume

Izimvume zikhishwa njalo ngonyaka. Izimvume zika 2005 zifakwe ku Annexure A. Lezizingangezwa unyaka ngonyaka ngokuthintana namalungu.. Amalungu nalabo abathndayo bayamenywa ukuthi babe nezwi kulezimvume.

**ANNEXURE C**

**DRAFT**



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

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

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

## TABLE OF CONTENTS

1.	Introduction .....	3
2.	Biology and resource dynamics .....	4
3.	Sector profile .....	4
4.	The medium-term rights allocation process .....	5
5.	Over-arching sectoral objectives .....	6
6.	Duration of rights .....	6
7.	New entrants .....	6
8.	Evaluation criteria .....	6
8.1	Exclusionary criteria .....	7
8.2	Comparative balancing criteria .....	8
9.	Provisional lists .....	9
10.	Management and co-management of the KZN sardine beach-seine fishery .....	10
11.	Application fees .....	10
12.	Vehicle use in the coastal zone .....	10
13.	Permit conditions .....	11

## 1. Introduction

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

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

<b>By Fax:</b> Fax Number: (021) 670-1782 Attention: The Deputy Director-General KZN Sardine Beach-Seine 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 KZN Sardine Beach-Seine Policy Comments	<b>By E-mail:</b> RVU@deloitte.co.za Attention: The Deputy Director-General KZN Sardine Beach-Seine Policy Comments  <b>By Hand</b> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont KZN Sardine Beach-Seine 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 KZN sardine beach-seine fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

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

## 2. Biology and resource dynamics

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

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

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

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

## 3. Sector profile

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

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

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

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

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

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

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

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



## 5. Over-arching sectoral objectives

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

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

## 6. Duration of rights

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

## 7. New entrants

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

## 8. Evaluation criteria

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

### **8.1 Exclusionary criteria**

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

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

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

## 8.2 *Comparative balancing criteria*

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

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

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

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

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

## 9. Provisional lists

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

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

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

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

#### **11. Application fees**

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

#### **12. Vehicle use in the coastal zone**

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

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

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

**13. Permit conditions**

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



**ANNEXURE D**

**UHLAKA**



**UMNYANGO WEZEMVELO NEZOKUVAKASHA  
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMQULU WOKUNIKWA NOKUPHATHWA KWAMALUNGELO  
ENTENGISO EMSEBENZINI WOKUDOBA OSADINISI NGAMANETHA  
ADONSWAYO ASOLWANDLE OLUKWAZULU-NATAL: 2005**

**LOMQULU KUFANELWE UFUNDWE KANYE NOMQULU WABANTU  
BONKE OMAYELANA NOKUNIKWA KANYE NOKUPHATHWA  
KWAMALUNGELO ESIKHATHI ESIDE SOKUTHENGISA  
NGOKUDOBA: 2005 (iyatholakala e [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

**Okuqukethwe**

1.	Isingeniso .....	3
2.	Ibhayoloji nokunotha kwezemvelo .....	4
3.	Incazelo emfishane ngaloluhlelo .....	5
4.	Iindlela yokunikwa kwamalungelo esikhathi esiphakathi .....	6
5.	Izinjongo zohlelo olwengamile .....	6
6.	Isikhathi samalungelo .....	6
7.	Abezicelo ezintsha .....	7
8.	Isimo sokulinganisa ngokuvivinya .....	7
8.1	Isimo sokulinganisa ngokukhetha .....	7
8.2	Inqubo yokulinganisa .....	9
10.	Abaphathi nabasizi babo ekuthengisweni kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini lwase KZN .....	10
11.	Inkokhelo yezicelo .....	11
12.	Ukusetshenziswa kwentalasipoti ezindaweni zasogwini .....	11
13.	Imibandela yemvumo .....	11

## 1. Isingeniso

Lolu hlelo olubekiwe kanye namalungelo ongamele ukudoba izinhlanzi zentengiso ezidotshwe ngamanethi adonswayo ogwini lakwa KwaZulu-Natal (KZN) ikhishwa ngabo Mnyango wezeNhlalo Nokuvakasha: Igatsha Lolwandle kanye nabaphathi bogu ("Umnyango") ukuze umphakathi ubeke imibono yawo. Lendawo okuzodotshwa kuyo izobizwa ngokuthi yindawo yakwa KwaZulu-Natal yokubamba izinhlanzi osadinisi ngamanethi adonswayo. Lomthetho kumele ufundwe kanye nomthetho sivivinyo wabantu bonke wokwabiwa kanye nokuphathwa entengiso yokudoba yesikhathi eside: 2005 (*"the General Fisheries Policy"*).

Njengoba kushiwo ngumthetho ojwayelekile, uMnyango uzokubamba imihlangano yabantu bonke ngasezindaweni zasogwini ukuze babonise nomphakathi wonke kanye abathandayo nalabo abathintekayo ikakhulukazi, njengaso lesi siphakamiso sakwa KZN somthetho wokudoba ngamanethi adonswayo ogwini. Kule mihlangano yabantu bonke, kuzocelwa imibono. Imibono ebhaliwe kumele ibe ingenisiwe eMnyangweni ngomhlaka 11 April 2005. Imibono eyakufakwa ngemuva kwalolu suku angeke isanakwa. Imibono kumele ifakwe ngalolu hlobo:

<p><b>NgeFax:</b> Quaphela: (021) 670-1782 Quaphela: The Deputy Director-General Fishery (Please specify which fishery) Policy Comments</p>	<p><b>Nge Mail:</b> Quaphela: 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> <a href="mailto:RVU@deloitte.co.za">RVU@deloitte.co.za</a> Quaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments</p> <p><b>Nge Hand</b> Quaphela: 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 yalo mthetho ukumisa umlinganiselo ozokusetshenziswa ekubekweni kwwamalungelo esikhatthi eside sokuthengiswa kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini olukwa KZN . Okunye kwalokhu kwabiwa okunje akukkho kusha. Bekuyaye kusetshenziswa nguMnyango uma waba amalungelo ngesikhathi esidlule. Lo mqulu womthetho unaka, kodwa ufaka ezinye izinguquko ubuye wandise.

Amanye amalungelo adlule wokwabiwa kokuphathwa kwemithetho abuye aboniswa kule siphakamiso somthetho sivivinyo. Incwadi yokucacissa yabaphathi bakwa KZN bokudoba

ngeminatha edonswayo ogwini izobuye iqedelwe kanye nabo bonke abanikazi abafanele phakathi kwawo unyaka ka 2006. Le ncwadi ecacisayo izokhomba yonke imininingwane yendlela yokuphatha kanyenendlela yokuqhuba le ndawo yokudoba izinhlanzi.

## **2. Ibhayoloji nokunotha kwezemvelo**

Le ndawo eKwaZulu-Natal yentengiso yezinhlanzi ezidotshwe ngamanethi adonswayo isebenza ngezikhathi ezithile zonyaka Ngezinyanga zasebusika uma osadinisi abakhulu (*Sardinops sagax*) bangena emanzini akwaZulu-Natal ngase ningizimu. Leliqembu eliqhamile lohambo lubizwa ngokuthi Yi KZN "yomjaho wosadinisi".

Umjaho wonyaka wosadinisi uhambisana nokuhamba komsinga iAgulhas kude nogu lolwandle endaweni ewugu lwasendle (Wild Coast) ngesikhathi sasekwindla kuze kufike ubusika nokubanda kwamanzi asolwandle. Lesi sehlakalo sinikeza umhubhe wosadinisi abathanda amanzi abandayo ukuthi bathuthe baye enyakatho ngobubanzi obungamakhilomitha ayishumi nanhlano ubude, amakhilomitha amathatthu ububanzi futhi amashumi amane amamitha ukujula. Lo mhlambi wezinhlanzi ubiza izinkulungwane yezilwane ezidla ezinye ezifana namaganethi, namahlengethwa kanye noshaka.

Indawo yokudoba osadinisi esogwini lakwa KZN ithembele ngokuphelele esahlakalweni sosadinisi abagijimayo. Nangaphezulu, imboni yezokuvakasha kwa KZN ibhukulele ekusebenziseni njengombukiso umjaho wezinhlanzi, sekuhlangene nesasasa lomsebenzi wokudoba ngenethi izinhlanzi ogwini. Kukhona, kodwa, iminyaka lapho ukuzizela kwamanzi abandayo kungenzeki okanye izinhlanzi zingaveli ngasogwini. Ukubanjwa kwezinhlanzi ngamanethi eendaweni yakwa KwaZulu-Natal bekuyaye kungabibikho nakanye ngeminye iminyaka.

Indawo yokudoba osadinisi endaweni yasogwini eKZN ibibekelwe umthetho ukususela ngonyaka yo 1970. Ngaphambi komthetho I Marine Living Resources Act (1988), izimvumo zazinikezwa ngaabakwa KZN Fisheries Licensing Board. Isibalo esiphelele esinga 35 sezimvumo sasinikezelwa ngonyaka. Izimvumo kanye namalungelo alemihla, ayenikezelwa ngokukhethekile ukuthi kubanjwe osadinisi; zonke ezinye izinhlanzi kwakumele zibuyiselwe emanzini ziphila.

### 3. Incazelo emfishane ngaloluhlelo

Ukuthengiswa kwesadinisi kubekelwe KwaZulu-Natal kuphela. Ngenxa yokuntuleka kwale nhlanzi, izikhathi ezithile zonyaka, yizo kuphela ezivumelekile ukudoba ngesikhathi sokugijima kwezinhlanzi. Abantu abaningi abasebenzayo baqashwa kweminye imikhakha yokudoba kuze kube sekupheleni konyaka.

Nakuba oosadinisi bephethwe ngendlela ye TAC, iqondwe ikakhulukazi yimboni yokudoba yepelaji, indawo yokudoba nganmanethi ogwini lwaseKZN luphethwe ngabakwa Total applied Effort (i TAE). Lokho kubangelwa ukuthi umthetho obekelwe indawo yokudoba eKZN ingaphantsi kuka 0.1 yephesenti wokubanjwa kwezinhlanzi ezweni lonke. Imizamo ayivimbelelanga ezindaweni ezithize ngakho ke bavumela abadobi ukuthi balandele oosadinisi ogwini futhi babambe nezinye izinhlanzi njengoba behamba nogu. Kukhona imigomo ebekelwe ukuvimbela ukudoba ezindaweni zogu ezilondoloziwe. i TAE (isibalo samanethi okumele asebenze) imiswa nguNgqongqoshe unyaka nonyaka.

Amanethi okudoba osadinisi abekwa kusetshenziswa isikebhe esishwezayo esiphenduliwe. Amaqembu abadobi angathekiselwa ebantwini abanga 20 inethi ngayinye, bayidonsa inethi ngezandla beyiyisa ngasowini. Izinhlanzi ziyathengiswa ngabanini-zimvume kubantu bakuleyo ndawo, okukanye abathengi bathenge okuqukethwe ngesikhathi lisesogwini. Okuningi okubanjwe kusetshenziselwa ukuphinda kubanjwe ezinye izinhlanzi kodwa elinye inani elibanjwe loosadinisi lisetshenziswa ngabantu bendawo. Eminyakeni uma umjarho wezinhlanzi wenzeka, isibalo esingu 20 000 ngesilinganiso okukanye u 50 wamathani ziyabanjwa ngenani lemali elilinganiselwa phakathi kwezigidi ezingu R1.5 kanye ne R2 yezigidi

Abanikazi-bamalungelo abakhona manje isikakhulukazi ngabadobi abangabathengisi bezinhlanzi abaphuma phakathi kwabamhlophe nabamnyama. Eminyakeni embalwa edlulileyo, amalungelo amabili kuphela abethathwe ngabadobi abangamambela abanini-malungelo abasuka eMpumalanga yeKoloni. Laba banini-malungelo baqalisa ukusebenzisa imigomo yobuchwepheshe ekudobeni. Ukusebenzisa kwabo indiza yokuhlola kanye nezigiya zokudoba kubenze baphuma phambili kwabanye abadobi. Wonke amaqembu aqasha abasebenzi besikhashana kuleso sikhashana sokusebenza. Ngenxa yalokho babalelwa emakhulwini

ayisikhombisa abasebenzi abangaqashwa ngenyanga ukuya kwezimbili esikhathini sonyaka ngamunye.

#### **4. Indlela yokunikwa kwamalungelo esikhathi esiphakathi**

Indlela yokudoba ngamanethi ogwini ayikaka shintshi kakhulu ukususela ngesikhathi ivinywa ngabakwa TAE kanye nokwabiwa kwamalungelo kwango 2001. Amalungelo esikhathi esiphakathi aletha isigaba esiqinile sokumisa ukudotshwa kwezinhlanzi, njengokuba eminyakeni eyadlulayo abanini-zimvume bebengena okukanye baphume ekudobeni esikhathini esingunyaka kuphela. Abakwa TAE baqoshwa ngabanini-zimvume abangu 35 ngonyaka ka 2001. Zaba ngama 27 kuphela izicelo ezemukelwa, ezinga 26 zazo yizo ezavunyelwa ukuthi zisebenze.

Lokhu kudoba kubonakala kufuna ngamandla ezezimali ngenxa yobuningi bemali edingwa izikebhe ezishwezayo njengokho amanethi okuloba ogwini kanye nezimoto zohlobo lwe 4X4 kanye futhi nengozi yokulahlekelwa encikene nokuntuleka, kanye nokungabazeka kokubakhona kwesadinisi ngesikhathi sayo sonyaka esifanele. Indawo yokudoba ama 50 yephesenti ayo aphethwe futhi onganyelwe ngabantu abamnyama..

#### **5. Izinjongo zohlelo olwengamile**

Izinjongo zokunikezwa kwamalungelo esikhathi eside okudoba ogwini ngamanethi yilezi:

- Ukwandisa izinguquko ohlangothini lokudoba;
- Ukunikwa kwamalungelo okudoba osadinisi ngamanethi ogwini kulabo Bantu bomdabu abebencekelele kosadinisi kanye nezakhamuzi zase KZN;
- Ukuqinisa indlela yezezimali ekudobeni;
- Ukulungiselela ukuqhubeka okuqinile kwezenhlalo nokudoba.

#### **6. Isikhathi samalungelo**

Njengo kubhekiselele kulezi injongo ezingenhla, uMnyanngo uzokwaba amalungelo entengiso yezinhlanzi kuze kuphele iminyaka elishumi (01 January 2006 – 31 December 2015). Umntu ngamnye ongumnini-lungelo. kumele nokho, ahlolwe ngezikhathi ezithile ngokokulinganisa



kokwenza okucopheleleyo. Lesi simo sokulinganisa kuzoxoxwaa ngaso kanye nabanini-malungelo ngonyaka ka 2006.

## **7. Abezicelo ezintsha**

Intsalela yemizamo iyatholakala ekwabiweni ngezindawo zokudoba. Umnyango uzofuna indlela yokungenisa abezicelo ezintsha. Uzokuphinda futhi ubakhiphe ngabanye abanini-malungeli abahlulekayo kanye abangaguquli isimo.

## **8. Isimo sokulinganisa ngokuvivinya**

Izicelo zizokubhekisiswa ngokohlobo "lokulinganisa olukhethekileyo", futhi emva kwaloko kulinganiswe ngokohlobo "oluthathanisayo lulungelelanisa". Konke loko kuzokwenziwa ngendlela ezokwenza kukhetheke izicelo eziphumelele.

### **8.1 Isimo sokulinganisa ngokukhetha**

Ngaphandle kwendlela okuchazwe ngayo Emqulwini Jikelele ngokophathelene nokunikwa kwezicelo kanye namaphepha angalunganga uMnyango angeke uzinanze izicelo zalabo abazokuthi bahluleke ukuhlangabezana nalezizidingo ezilandelayo:

- (a) **Isimo sokuba ngumnikazi ovumelekile:** Nakuba Umqulu Jikelele walela izimboni zawo kanye nalabo bazisebenzela ngabodwana ukuthi benze izicelo Ohlelweni D lwezinhlanzi, iKZN ihamba yodwa ngokuba nesivumelwano kwezinhlanzi. Umnyango uzawukuthi ngokwasezinhlanzini (futhi kulolu kuphela Uhlelo D ngokwasezinhlanzini) inikeze abantu abangabodwana kanye nabangamaqembu kodwa (hayi izimboni) ukuthi bafake izicelo ze KZN ukuze bavunyele ukuthengisa izinhlanzi. Kubanini abangabodwana akuvumelekanga ube nemvume engaphezu kweyodwa kulowo mndeni. Ziyokushaywa indiva izicelo zalabo abafaka izicelo ngabodwana bengahambisani nomthetho obhalwe ngenhla..

- (b) **Abadobi basogwini abangabendabuko:** Amalungelo ayakunikezwa kuphela labo ebebekade bengabadobi bosadinisi ogwini. Umnyango ukubona njengomdobi wendabuko wesadinisi ngoba lowo mdobi ubevele edoba ogwini esikhathini esingangeminyaka eyishumi edlulileyo. Rights.
- (c) **Ukufinyelela emanethini nasezikhepheni:** Abafaka izicelo kuyomele babonakalise ukuthi banako ukufinyelela emanethini adingekayo kanye nezikhephe ezifanele ukusetshenziselwa lokukudoba..
- (c) **Ukuthobela:** Abafaka izicelo abake bephula kabi umthetho nezimiso ze MLRA bayokunqatshwa.
- (d) **Isilinganiso samaphepha:** Isilinganiso samaphepha (njengoba sichazwe kumgomo jikelele siyokwenqatshwa. Amaqembu amakhulu anezicelo ezifanayo ezixhaswe ngababonisi okukanye izimboni ezithengisa izinhlanzi neminye ayisayukwamukelwa njengabami phambili ekutholeni isilinganiso samaphepha, noma nga bebengabakhethekileyo ngokwezicelo zabo. Ubufakazi buzovezwa yibo abafake izicelo ukuthi abasibo abaphambili esilinganisweni samaphepha. .
- (e) **Ukungasetshenziswa:** Abanini-malungelo abangazange bawasebenzisa njalo phakathi konyaka ka 2002 kanye no 2004 bayokushaywa indiva.
- (f) **Ukungenela imikhakha ngemikha:** Abangenisa izicelo bebe benamalungelo kwezinye izintengiso zezinhlanzi, okanye benamasheya okukanye elilungu elithola isabelo kubanini-malungelo abakwezinye izimboni zokuthengiswa kwezinhlanzi bayokushaywa indiva.
- (g) **Ukuhlanganyela ekudotshweni kwezi nhlanzi:** Abafake izicelo kumele kube ngabe bekhona entengisweni yokudoba osadinisi ngesikhathi sonyaka esivumelekileyo, futhi babe bebehlanganyela kuwo lo msebenzi.
- (h) **Ukuthembela kulengcebo:** Ngesikhathi uMnyango utholisisa ukuthi kwesikhathi sonyaka, ukungazeki kanye nengozi ephathelene nezokudoba, abafaki zicelo kuzodingeka ukuthi babonise umlando wabo wokuthembela ekudobeni izinhlanzi ezincane ogwini ukuze baphile.

- (i) **Izakhamuzi zase KZN:** Amalungelo entengiso kulokhu kudoba azonikezwa kuphela kubantu abahlala, okukanye abanamabhizini abhaliswe KwaZulu-Natal.

## 8.2 Inqubo yokulinganisa

Abafaka zicelo zokuthola izimvume zokudoba nalabo abangase bangene kwizimbobi zokudoba bayohlungwa ngaphansi kwenqubo yokulunga elandelayo ngokubheka isisindo sesicelo ngasinye

- (a) **Uguquko:** Ukuthuthukisa izinguquko ekudotshweni kwezinhlanzana ezincane ogwini, abafake izicelo e KZN bayokuzuzwa noma ngabe akusibo abantu abamnyama (kuhlanganisa abansundu, amakhaladi kanye namaNdiya). Abafake izicelo bengamalungu e-close corporations bayovivinywa banikwe amaphuzu ngakokhu:

- Inani ekhulwini labamnyama nokumeleka kwabesifazane abangabanikazi nabaphethe emazingeni aphezulu (ikakhulukazi maqondana nokaputeni);
- Uma abasebenzi bengamalungu enkampani efake isicelo semvume yokudoba, kuphinde kudalulwe indlela abahlomula ngayo;
- Ukunikwa kwamathuba kulabo abacindezelekile ngokomlando;
- Ukumeleka kwabamnyama kanye nabesifazane emikhakheni eyahlukene ngaphansi kwamandla okuphatha;
- Ukuhambisana nomthetho obizwa nge- Employment Equity Act 55 ka 1998; kanye
- Nokutshalelwa komphakathi izimali yizinkampani ezizimele.

- (b) **Imisebenzi:** Abafake izicelo zezimvume ababonise ukuthi baye baveza amathuba emisebenzi – awesikhashana okukanye awesikhathi eside – bayakubuyezwa. Mayelana nabafaki zicelo abaku close corporation, kuzakubhekwa ukuthi abaqashwa banikwa:

- Ukuqashwa ngokuphelele;
- IMedical aid kanye impesheni;
- Namanye amalungelo omsebenzi; kanye

- Nesimo sokusebenza esiphephile.

- (c) **Umlando wokuzibandakanya embonini yokudoba:** Umnyando uzakubheka ukuthi side kangakanani isikhathi unmikazi mvume ezibandakenye ekulotshweni kwezinhlanzi ezincane.
- (d) **Ukudoba kahle kwenkampani:** Abafaka izicelo zezimvume bayokalwa izinga lokusebenza kwabo ngokubheka ngesikhathi esimaphakathi..

Abafaka izicelo okokuqala embonini yokudoba bayohlungwa ngokubhekelela ikhono, ulwazi kanye nokukwazi ukudoba kusetshenziswa amanethi.

- (e) **Ukuhambisana nomgomo:** Ukuphula umthetho okungatheni ngaphansi kohlelo lwe-MLRA, nemigomo kanye nezimo zezimvume kuyowehlisa amaphuzu. Abafaki zicelo abahlulekayo ukuhambisana nezibopho zomthetho obizwa nge-Skill Development Act 9 ka-1999 kanjalo futhi nomthetho owaziwa nge-Occupational Health and Safety Act ka1993, kanye ne-Compensation for Occupational Injuries and Diseases Act,1993, bayokwehliselwa amaphuzu.

## 9. Uhide lwesikhashana

Ngaphambi kokuthi uMnyango wenze isinqumo esingujuqu ekutheni ngobani abazonikezwa amalungelo okudoba osadinisi ogwini, uzokhipha uhlu lwesikhashana lwabezicelo eziphumelele. Abantu abakwa KwaZulu-Natal kuzomele bazise uMnyango uma ngabe ukuthengiswa kwezinhlanzi ezincane ezidotshwe ogwini kumele, okukanye akumele bafakwe ohidweni lwesikhashana.

## 10. Abaphathi nabasizi babo ekuthengisweni kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini lwase KZN

Intengiso yesadinisi ogwini okudotshwa kulo izophathwa ngokubhekiselene ekulondolozeni imvelo endaweni yokudoba ("EAF"). Indlela okuzokongiwa ngayo ekudobeni izoba ngepheleleyo

futhi ifake nomthetho ozobonisa ukuthi ukudoba kanye nokumelene nemvelo okwenziwayo kunamandla ekuhleleni kukonke kwasolwandle.

Icebo elisha elibizwa ngokuthi yi Operational Management Plan lalendawo yokudoba lizokwenziwa esikhathini esingangeminyaka emibili ukuya kwemithathu.

#### **11. Inkokhelo yezicelo**

Inkokhelo yezicelo yaloluhlelo angeke ibe ngaphezu kwe R500. Kumanje nje uMnyango usathelekisa inani alinqunyiweyo lokwabiwa kulesi sigaba. Umnyango uyakubazisa abanini malungelo kanye nalabo abathandayo uma usuqondisisile ngemali yezicelo.

#### **12. Ukusetshenziswa kwentalasipoti ezindaweni zasogwini**

Abanini-malungelo abaningi abase KZN endaweni yokudoba ngamanethi isadinisi bafake izicelo zokusebanzisa izinqola endaweni esogwini belandela umthetho wokunqatshelwa kokusetshenziswa kwezingqola ezingavumelekanga ogwini ngo 2002. Ngonyaka ka 2004, uNgqongqoshe wezeMvelo nokuVakasha waguqula umthetho ophathelene nokusetshenziswa kwezingqola endaweni esogwini (bona [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za) femithrtho nokusetshenziswa okumisiwe).

Abantu abanamalungelo abase KZN endaweni lapho kudotshwa khona ngamanethi adonswayo isadinisi kufuneka bafake izicelo kusekela Mqondisi (Deputy Director-General of Marine and Coastal Management) ukuze bathole imvume yokusebenzisa izinqola endaweni esogwini uma ngabe inqola idingeka ukusetshenziselwa ukudoba.

Amaphepha ezicelo okusebenzisa inqola endaweni esogwini azokwenziwa abe khona, kanye namaphepha ezicelo obunini obukwa KZN ogwini okudotsha kulo isadinisi. La maphepha ezicelo ayatholakala kwa [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za).

#### **13. Imibandela yemvumo**

Imibandela yemvumo yalezi zindawo zokudoba iyakhishwa njalo ngonyaka. Imibandela yemvumo ebhekene nokudoba esikhathini sonyaka ka 2005 ifakwe yaba u **Annexure A**. Abanini-malungelo kanye nalabo abathandayo bayamenywa ukuthi babeke imibono yabo ngalemibandela yemvumo.

**ANNEXURE E**

**DRAFT**



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

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

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



**TABLE OF CONTENTS**

<b>1. Introduction .....</b>	<b>3</b>
<b>2. Biology and resource dynamics .....</b>	<b>4</b>
<b>3. Sector profile .....</b>	<b>4</b>
<b>4. The medium-term rights allocation process .....</b>	<b>5</b>
<b>5. Over-arching sectoral objectives .....</b>	<b>6</b>
<b>6. Duration of rights .....</b>	<b>6</b>
<b>7. New entrants .....</b>	<b>6</b>
<b>8. Evaluation criteria .....</b>	<b>7</b>
<b>8.1 Exclusionary criteria .....</b>	<b>7</b>
<b>8.2 Comparative balancing criteria .....</b>	<b>9</b>
<b>9. Provisional lists .....</b>	<b>10</b>
<b>10. Management and co-management of the net fisheries .....</b>	<b>10</b>
<b>11. Application fees .....</b>	<b>10</b>
<b>12. Vehicle use in the coastal zone .....</b>	<b>10</b>
<b>13. Permit conditions .....</b>	<b>11</b>

## 1. Introduction

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

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

<b>By Fax:</b> Fax Number: (021) 670-1782 Attention: The Deputy Director-General Beach-Seine and Gillnet 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 Beach-Seine and Gillnet Policy Comments	<b>By E-mail:</b> <a href="mailto:RVU@deloitte.co.za">RVU@deloitte.co.za</a> Attention: The Deputy Director-General Beach-Seine and Gillnet Policy Comments  <b>By Hand</b> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Beach-Seine and Gillnet 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 beach-seine and gillnet fishing rights. Many of these considerations are not new. They have been applied by the Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

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

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

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

## **2. Biology and resource dynamics**

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

## **3. Sector profile**

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

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

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

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

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

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

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

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

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

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

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

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

## **6. Duration of rights**

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

## **7. New entrants**

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

## 8. Evaluation criteria

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

### 8.1 Exclusionary criteria

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

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

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

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

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



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

## **8.2 Comparative balancing criteria**

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

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

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

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

**9. Provisional lists**

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

**10. Management and co-management of the net fisheries**

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

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

**11. Application fees**

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

**12. Vehicle use in the coastal zone**

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

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

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

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

### **13. Permit conditions**

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

**ANNEXURE F**

**UHLAKA**



**UMNYANGO WEZEMVELO NEZOKUVAKASHA  
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NOKWENGAMELA IZIMVUME  
ZOKUDOBELA INZUZO IZINHLANZI NGENDLELA YAMA-BEACH-  
SEINE (TREKNET) KANYE NEYAMA-GILLNET (DRIFT-NET, SET-  
NET)**

**LOLU HLAKA MGOMO KUMELE LUFUNDWE NOHLAKA LOMGOMO  
JIKELELE LOKUNIKEZWA NOKUPHATHWA KWEZIMVUME  
ZOKUDOBELA INZUZO ZESIKHATHI ESIDE ZIKA-2005 (lutholaki 1  
kwi-[www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

**OKUQUKETHWE**

<b>1. Isingeniso</b>	<b>3</b>
<b>2. Isayensi yezinto eziphilayo kanye nokuphathelene nenani lokudotshwa kwezinhlanzi</b>	<b>4</b>
<b>3. Ukubukeka kwemboni yokudoba</b>	<b>4</b>
<b>4. Ukunikwa kwezimvume zokudoba zesikhathi esimaphakathi</b>	<b>6</b>
<b>5. Izinhlosongqangi zemboni yokudoba</b>	<b>6</b>
<b>6. Isikhathi esithathwa yizimvume</b>	<b>7</b>
<b>7. Abafikayo embonini yokudoba</b>	<b>7</b>
<b>8. Inqubo yokuhlunga</b>	<b>7</b>
8.1 Inqubo yokungamukeleki kwabathile	7
8.2 Inqubo yokulinganisa ngokuqhathanisa	9
<b>10. Ukuphatha kanye nokuphathwa ngokuhlanganyelwa</b>	<b>11</b>
<b>11. Imali yokufaka izicelo zemvume yokudoba</b>	<b>11</b>
<b>12. Izinqola ezisetshenziselwa ukudoba ezindaweni ezigudle ugu</b>	<b>11</b>
<b>13. Izimo zezimvume</b>	<b>12</b>

## 1. Isingeniso

Lo mgomo wokunikezwa nokuphathwa kwezimvume zokudobela inzuzo ngokohlelo lwe-beach-seine (treknet) kanye nolwe-gillnet (drift-net, set-net) ukhishwe uMnyango weZemvelo neZokuvakasha: Igatsha leZasolwandle nokuphathwa kogu ("uMnyango") ukuze umphakathi ubeke izimvo zawo ngawo. Lo mgomo kumele ufundwe ngokuhlanganyela nohlakamgomo-jikelele wokunikeza kanye nokwemamela izimvume zokubela inzuzo zesikhathi eside zonyaka ka-2005 (obizwa nge-*"the General Fisheries Policy"*). Kukhona umgomo okhishelwe ukudoba ngohlelo lwe-beach-seine embonini yokudoba yaKwaZulu-Natali.

Njengoba kuchaziwe kumgomo jikelele, uMnyango uyobamba imihlangano yokuxoxisana nomphakathi, kanye nabanezifiso nabathintekayo kule mboni yokudoba ngokuphathelele nohlelo lwe-beach-seine kanye nolwe-gillnet ezindaweni ezigudle ugu. Kule mihlangano yemiphakathi izimvo mayelana nalo mgomo ziyomukelwa. Izimvo ezibhalwe phansi kumele zithunyelwe kuMnyango engakadluli umhla ka-11 ku-Ephreli 2005. izimvo eziyothunyelwa ngemuva kwalesi sikhathi ziyoshaywa indiva. Izimvo kufanele zithunyelwe ngale ndlela:

<p><b>NgeFax:</b> Quaphela: (021) 670-1782 Quaphela: The Deputy Director-General Fishery (Please specify which fishery) Policy Comments</p>	<p><b>Nge Mail:</b> Quaphela: 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 Quaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments</p> <p><b>Nge Hand</b> Quaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments</p>
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Tinhloso yalo mgomo ukubeka nokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa izimvume zesikhathi eside zokudobela inzuzo ngokohlelo lwe-beach-seine kanye nolwe-gillnet. Iningi lalezi zinhlelo azizintsha. Bezisetshenziswa uMnyango uma unikeza izimvume esikhathini esiphambilini. Lo mgomo uqukethe uhlelo okuzoqhutshwa ngalo, noma kukhona izinguquko ezingatheni kanye nokwengeziwe.

Eminye imigomo yokuphatha ngemuva kokunikwa izimvume yethuliwe. Ibhuku eliphathelene nokuphathwa kohlelo lwe-beach-seine kanye nolwe-gillnet liyoqedelwa ngokuhlanganyela nabanezimvume ngonyaka ka-2006. Ieli bhuku liyobeka ngokusobala indlela yokuphatha kanye nenqubo yokudoba.

uNgqongqoshe weZemvelo neZokuvakasha uhlose ukunikezela ngamandla kasomqulu 18 wokunika imvume yokudobela inzuzo ngokohlelo lwe-beach-seine kanye nolwe-gillnet oqukethwe esigabeni 79 soMthetho 18 wezinto eziphila olwandle ka-1998 (the Marine Living Resources Act 18 ka-1998 obizwange-“the MLRA” onikezelwe kwisikhulu esiphezulu soMnyango.

## **2. Isayensi yezinto eziphilayo kanye nokuphathelele nenani lokudotshwa kwezinhlanzi**

Imboni yokudoba yohlobo lwebeach-seine kanye ne-gillnet iyona endala kunazo zonke ezimbonini zokudobela inzuzo eNingizimu Afrika, yasungulwa ekuqaleni kweminyaka yo-1700 ukuya kwiminyaka yo-1800. Ngaphandle kobuncane bezikhala zamanethi okudoba kanye nezindawo ezazakhelwe ukungqubuzana phakathi kwabadoba nge-beach-seine nabadoba nge-gillnet kwakungekho kulawuleka kwalemboni kwaze kwafika ekuqaleni kweminyaka yo-1970. Ukusukela ngaleso sikhathi zombili izimboni zivunyelwe kuphela ukubamba izinhlanzi zohlobo lwama-harders (*Liza richardsoni*) kanye nama-St Joseph sharks (*Callorhynchus capensis*), bavunyelwe ukubamba ngephutha inani ekungedlulwe kulo lezinhlazi zohlobo lwe-linefish. Kodwa ke endaweni yase-False Bay abanini zimvume bavumelekile ukuba badobe uhlobo oluthize lwezinhlanzi ze-linefish.

## **3. Ukubukeka kwemboni yokudoba**

Imboni yokudoba ngohlobo lwe-gillnet ivunyelwe ukudoba kuphela masenyakatho ne-Yzerfontein kanti imboni yokudoba ngohlobo lwe-beach-seine yona ivunyelwe eNtshonalanga ye-Gordon's Bay. Ukudoba esizalweni somfula ( njenge-Olifants Estuary) kuyopheliswa esikhathini isiyiminyaka emihlanu kuya kweyishumi kusukela manje.

Njenganengxenywe yendlela yokuphatha , ugu kanye nohlelo lwe-TAE luhlukaniswe lwaba yizindawo zohlobo lwe-beach-seine kanye nohlelo lwe-gillnet, kuvunyelwe kuphela abadobi abafake izingubo ezifanele nabadoba ngamanethi, abangadobi ezindaweni zogu ezivikelwe. Kumiselwa uhlelo lokudoba ngohlobo lwe-beach-seine kanye ne-gillnet, ngaphansi kohlelo lwe-TAE ( inani lamanethi angasetshenziswa ezindaweni ezisogwini oluseNtshonalanga noluseNingizimu Mpumalanga), njalo ngonyaka nguNgqongqoshe.



Ngaphambi kokunikezwa kwezimvume zesikhathi esimaphakathi nendawo zonyaka ka-2001, imboni yokudoba yadoba izinhlanzi ezingamathani athi awabe yi-6 000 ngonyaka. Kulelo nani, amathani ayi-1 400 abikwa abalulwa ngokuphoqelekele inani lezinhlazi ezibanjwe ngenyanga.

Ucwaningo lwangaphezulu kwama-50 ekhulwini lwabanini zimvume, lwadalula ukuthi bangaphansi kweshumi ekhulwini abadobi abazithatha ngokuthi badoba ngokohlobo lwe-beach-seine kanye ne-gillnet. Ngakolunye uhlangothi bayisishiyagalombili ekhulwini abadobi bangempela, abadoba ngamanethi ngokugcwele abathola ngaphezulu kwamashumi amahlanu ekhulwini bamaholo abo kule mboni yokudoba. Ezindaweni eziningi abanikazi zimvume balahlekelwa imali ephakathi kwama-R1 900 kanye nezi-R5 500 ngonyaka, ingabalwa imboni yokudoba ngohlobo lwe-gillnet yase-Saldhana-Langebaan, lapho abadobi ababalelwa kumashumi amahlanu ekhulwini babedoba ngamanethi ngokugcwele. Kanti kwimboni yokudoba ngohlobo lwe-beach-seine yase-False Bay bayisilinganiso sama-70 ekhulwini abadobi abadoba ngamanethi ngokugcwele.

Uhlobo lwezinhlanzi okugxilwe kuzona, *i-harder*, njengamanje isidotshwe ngokweqile. Kunokungahambisani phakathi kwenani lezinhlazi ezidotshwayo kanye nalezo ezikhona. Izimakethe zangaphandle zezinhlanzi zohlobo lwe-St Joseph shark zehlile, kodwa izimakethe zakuleli ziyethembisa. Kukhona inani elikhulu lokudobeka kwezinhlanzi okungaxiliwe kuzona kubandakanya kakhulukazi lezo ezidobeka ngokweqile kanye nalezo ezingadotshwa ngokwesiliniselo esilindelekile. ukuphathwa kwemboni yokudoba ngamanethi kungeke kwehlukaniswe nokuphathwa kwemboni yokudoba ngodobo.

Kukhona ukudoba ngokohlelo lwe-gillnet ngokungemthetho okweqile okuqondiswe kwizinhlanzi eziligugu kulo lonke elaseNtshonalanga, eNingizimu kanye neMpumalanga nogu. Ukudotshwa ngokungemthetho kusetshenziswa uhlobo lwe-gillnet ogwini oluseNtshonalanga kuqondiswe kwizinhlanzi zohlobo lwe-galjoen (*Dichistius capensis*) kanye nohlobo lwe-smooth-hound shark (*Mustelus mustelus*) olwandle kanye nohlobo lwama-harders, ama-springer / flathead mullet (*Mugil cephalus*) kanye new-elf (*Pomatomus saltatrix*) esizalweni somfula. Ukudotshwa kwezinhlanzi ngokungemthetho kusetshenziswa uhlelo lwe-gillnet kugu oluseNingizimu noluseMpumalanga lwenzeka ikakhulukazi esizalweni semifula lube luqondiswe kulolu hlobo lwezinhlanzi, ama-dusky kop (*Argyrosomus japonicus*), ama-spotted grunter (*Pomadasys commersonii*) kanye nezinhlobo nhlobo zezinhlanzi zohlobo lwe-mullet.

#### 4. Ukunikwa kwezimvume zokudoba zesikhathi esimaphakathi

Ngaphambi kokubuyekwezwa kohlelo lwe-TAE kanye nokunikwa kwezimvume ngonyaka ka-2001, le mboni yokudoba yayigcwele kakhulu, yayi nabadobi ngamanethi adonswa imikhumbi ayi-147 (beach-seine) kanye nokudoba ngamanethi abamba izinhlanzi ngezitho zokuphefumula (gillnet) ezingu-293 phakathi kwendawo yase-Port Nolloth ogwini oluseNyakatho kanye nase-Nature's Valley ogwini oluseNingizimu. Kwakukhona ezinye izimvume eziyi-120 kanye neziyi-100 zohlobo lwe-gillnet kubanini zimvume ezizalweni zemifula zase-Olifants nase Berg River ngazinye. Kwadingeka ukuba kube khona imizamo eyenziwayo ukuze kwehliswe inani lokudoba ukuze kukhule inani lezinhlazi ezidotshwayo, nokuthi kube khona izindlela ezihambisana nokugcina lezi zinhlanzi zingashabalali ukwenzela abaphila ngokudoba. Uhlelo lwe-TAE lwamisa ngendlela kwizikhungo eziyi-58 ngendlela ye-beach-seine kanye nezimvume zokudoba ngama-gillnet eziyi-162. Ngonyaka ka 2001 izimvume zokudoba zesikhathi esimaphakathi zanikwa abafaki zicelo abayi-12 abadoba nga-beach-seine kanye neziyi-55 zokudoba ngama-gillnets. Esinye isibalo sabantu abangama-58 abadoba ngamanethi banikwa izimvume zokudoba.

#### 5. Izinhlolongqangi zembali yokudoba

Izinhlolo zomnyango zokunika izimvume zesikhathi eside zokudoba ngama-beach-seine kanye nama-gillnet kule mboni yilezi:

- Ukukhuphula izinga lezinguquko ekubukekeni kwale mboni;
- Ukunika izimvume kubadobi abanomlando wokusebenzisa ama-beach-seine kanye nama-gillnet ogwini oluseNtshonalanga kanye noluseNingizimu-Mpumalanga;
- Ukuphatha lemboni ukuze kuqinisekise ukuthi izinhlanzi ezidotshwayo ngama-beach-seines kanye nama-gillnets, ezifana nohlobo lwezinhlanzi ezibizwa ngama-harders kanye nama-St Joseph sharks, ziyakwazi ukwanda esibalweni samanjan sokudotshwa kakhulu;
- Ukuxhasa nokugcina imboni yokudoba iphilile ngakokwezimali, kanye
- Ukusiza ukuba umnotho nembali yokudoba kugcineke kuphilile nemvelo ingashabalali.

## **6. Isikhathi esithathwa yizimvume**

Ngokubheka lezi zinhloso ezingenhla, uMnyango uyonika izimvume zokuvunela inzuzo zeminyaka eyi-10 ( kusukela mhla ka-1 kuJanuwari 2006 kuya kumhla ka 31 kuDisemba 2015), lezi zimvume ziyoba ngaphansi kwengcindezi yokuhlaziywa izikhawu ngokuhambisana nohlelo lokusebenza oluhlanganisa nezinguquko ekuvunyelwene ngazo.

## **7. Abafikayo embonini yokudoba**

Noma imboni yokudoba ngama-beach-seine kanye nama-seine-net inabadobi abaningi, bengaphezulu kunamanethi akhona abadobi, uMnyango ungabakhipha abangadobi ngokwezinga okuvunyelwene ngalo ufake abadobi ababengazange bazithole izimvume.

## **8. Inqubo yokuhlunga**

Izicelo zemvume yokudobela inzuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile", bese ziyohlolwa ngokwesilinganiso "senqubo yokuhlunga ngokuqhathanisa". Kuyobekwa amaphuzuo okuyiwona ayohlonza labo abazicelo zabo ziphumelele.

### **8.1 Inqubo yokungamukeleki kwabathile**

Ngaphandle kwezinqubo ezichazwe kumgomo-jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo semikhumbi namanethi okudoba, uMnyango ngeke uzamukele izicelo ezihlukeka ukuhlangabezana nalezi zidingo:

- (a) Abavumeleke ukufaka izicelo:** Abantu abafaka izicelo zemvume ngabodwana abayobhekelelwa. Abanini zimvume abake basebenza ngokuhlanganyela ( isibonelo abaku hlelo lwe-close corporation izimbumba kanye nezinkampani ezisebenzisanayo) kuyodingeka bafake izicelo ngabanye, kodwa bayothathwa "njengabanini zimvume" kwenzelwa uhlelo lokunika izimvume.

Umndeni omkhulu (sekuhlangene nabashadikazi, abazali kanye nezingane zabo) ngeke banikezwe ngaphezu kwemvume eyodwa ukuze kugwenywe ukuthathwa kwamandla okudoba yiqoqobana labantu abathil. Lokhu kwenzelwa nokuthi babe baningi abantu abakwazi ukungena kule mboni. Abafake izicelo bangadingeka ukuthi badalule ubudlelwane abanabo nabafake izicelo kwezinye izimboni ezidobela inzuzo. Uma engaphezu koyedwa emndenini ngamunye ofake isicelo, zonke izicelo zalowo mndeni zingabekwa eceleni, ngaphandle uma abafaki zicelo bekhombisa ngokungangabazisi ukuthi banezinkampani zabo ezincane zokudobela inzuzo.

- (b) **Abadobi abadoba ngama-beach-seine nama-gillnet ngokwemvelo:** Izimvume zonikezwa kuphela labo abadoba ngamanethi ngokwemvelo. UMnyango uthatha labo abadoba ngamanethi ukuze baziphilise asebekwenze lokho okungenani iminyaka elishumi njengabadobi ngamanethi bemvelo.
- (c) **ukufinyeleleka kwamanethi:** Abafaki zicelo kuyodingeka bakhombise ukuthi bayakwazi ukuthola amanethi akahle nezikebhe zokudoba ezidingekayo ukusebenza kule mboni yokudoba.
- (c) **Ukuhambisana nohlelo:** Abafaki zicelo abaphula kakhulu imithetho yohlelo lwe-MLRA, izicelo zabo ziyobekwa eceleni
- (d) **Isilinganiso samaphepha:** Isilinganiso samaphepha (njengoba sichaziwe kuMgomo-jikelele) siyoshiywa ngaphandle kohlelo. Izinkampani ezinkulu ezifake izicewlo ezifana ncimishi noma ezithi azifane, zibe zixhaswe abanika amacebo noma izinkampani zokudobela inzuzo kanye nezinye izinkampani, ziyobekwa eceleni zithathwe njengalezo ezifaka abantu abathile ukuze zizuze izimvume bebe bengahlomuli ngalokhu. Kuyobekwa kuloyo ofaka isicelo ukuthi alethe ubufakazi obanele bokuthi abafakangwa ukuze kuzuzwe izimvume bebe bengahlomuli ngalokhu.
- (e) **Ukungasetshenziswa kwezimvume:** Abanini zimvume abangazange bazisebenzise izimvume zabo esikhathini esiningi ngesikhathi esimaphakathi nendawo semvume, (kusukela ngonyaka ka-2002 kuya ku-2004) bayoshiywa ngaphandle kwalolu hlelo.

- (f) **Ukubandakanyeka kwezimboni ezahlukenene:** Abafaki bezicelo abanezimvume zokudoba kwezinye izimboni zokudobela inzuzo, noma benezifiso noma bengamalungu anamasheya kwezinye izimboni ezidobela inzuzo, bayoshiywa ngaphandle. Abafaki zicelo abazuza okuthile kwizigungu zabanini zimvume zokudobela inzuzo, bayoshiyelwa ngaphandle.
- (g) **Ukuzibandakanya komuntu ngamunye ekudobeni izinhlanzi:** Abafaki zicelo kufanele ukuba babe kade bezibandakanye ngokugcwele nemboni yokudoba ngohlobo lwe-beach-seine kanye nolwe-gillnet bebe kade bezibandakanye ngokuyikho ekuqhubeni ibhizinisi..
- (h) **Ukuthembela embonini yokudoba izinhlanzi:** Abafaki zicelo zemvume okumanje abangathembele ekudobeni ngohlobo lwe-beach-seine kanye nolwe-gillnet ngesilinganiso sama-75 ekhulwini somholo wabo wonyaka, bayoshiywa eceleni. Abasethubeni lokuba bangaba abaqalayo kuyodingekaukuba bakhombise ukuthi impilo yabo yonke ibincike ekudobeni izinhlanzi ngokohlobo lwe-beach-seine ne-gillnet ukuze baziphilise. Abafaki zicelo abathola indlela yokwenza imali ngaphandle kwemboni yokudoba (ngaphandle kwabadla imali yomhlalaphansi kanye nabathola imali efika ngonyaka) bayoshiywa ngaphandle.
- (i) **Abahlala ezindaweni eziseduze nalapho bedoba khona:** Abafaki zicelo abangahlali eduze kwalapho befaka izicelo zemvume yokudoba khona, bayoshiywa ngaphandle. Abafaka izicelo kuyodingeka ukuthi bakhombise ukuthi sebehlele eduze kwalapho bedoba khona okungenani iminyaka emine. Izimvume zokudobea inzuzo kusetshenziswa uhlobo lwe-beach-seine kanye ne-gillnet ziyonikwa labo abahlala eduze kwalezo zindawo abadoba kuzona. Abazicelo zabo ziphumelele bayovunyelwa ukuba badobe kuphela ezindaweni lezo izimvume zabo ezibakhomba kuzona.

## **8.2 Inqubo yokulinganisa ngokuqhathanisa**

Abafaka izicelo zezimvume kanye nalabo abasethubeni lokuba abasha abaqalayo kule mboni bayohlungwa ngaphansi kwenqubo yokulinganisa elandelayo ngokubhekelela isisindo sesicelo ngasinye:

- (a) **Uguquko:** Ukuze kwenziwe ngcono ukubukeka kwale mboni yokudoba ngohlobo lwe-beach-seine kanye ne-gillnet kunezinguquko okumele zenzeke. Abafaka izicelo abamnyama ( kuhlangukiswa abamnyama, amaKhaladi kanye namaNdiya) bayothola engeziwe.
- (b) **Imisebenzi:** Abafaki zicelo zemvume abangakhombisa ukuthi baqashe abadobi okwesikhashana noma ngokugcwele ngokwesikhathi esimaphakathi nendawo, bayohlomula.
- (c) **Umlando wokuzibandakanya:** UMnyango uyobhekelela ukuthi abafaki zicelo zezimvume banesikhathi esingakanani bethembele ekudobeni izinhlanzi ngohlobo lwe-beach-seine kanye ne-gillnet ukuze baziphilise.
- (d) **Ukudoba kahle kwenkampani:** Abafaka izicelo zemvume bayovivinywa ngokubhekela indlela abadobe ngayo ngesikhathi semvume emaphakathi nendawo (kusukela ngonyaka ka-2002 kuya ku-2004).

Abafaki zicelo zemvume abaqalayo bona bayovivinywa ngokubhekela amakhono kanye nolwazi lokudoba kusetshenziswa amanethi.

- (e) **Ukuhambisana nomgomo:** Abafaki zicelo abaphule ngokungatheni imithetho kanye nezimo zezimvume ngokohlelo lwe-MLRA, bayothola amaphuzu angemahle. Abafaki zicelo abahlulekayo ukuhambisana nezibopho zale mithetho; i-Skills Development Act 97 ka-1998, i-Skills Development Levies Act 9 ka-1999, i-Occupational Health and Safety Act ka-1993, kanye ne-Compensation for Occupational Injuries and Diseases Act ka-1993, bangathola amaphuzu angemahle lapho kusebenza khona lemithetho.

## 9. Uhlu lwabangase bathole izimvume

Ngaphambi kokuba uMnyango wenze isinqumo esingumunqamulajuqu sokuthi ngobani abazonikwa izimvume zokuzibandakanya embonini yokudoba yohlobo lwe-beach-seine kanye nolwe-gillnet, uyonikezela ngohlu lwesikhashana labafaki zicelo abaphumelele. Lolu hlu

Iwesikhashana luyozungeziswa kuzo zonke izindawo zokudoba. Abanezifiso nabathintekayo kulezi zindawo bangathinta uMnyango uma kukhona abantu abanomlando wokubandakanyeka kule mboni yokudoba ashiywe ngaphandle kwalolu hlu lwesikhashana.

#### **10. Ukuphatha kanye nokuphathwa ngokuhlanganyelwa**

Imboni yokudoba ngohlobo lwe-beach-seine ne-gillnet luyophathwa ngokuhlanganyelwa nohlelo lokuphilisana kwezitshalo kanye nezilwane eziphila olwandle "ecosystem approach to fisheries ("EAF)". Loluhlelo lubhekele zonke izinhlangoni lubuye futhi luhlanganise imigomo eyasiza ukuthi ukudoba kanye nezinye izinhlobo zemisebenzi eyenziwa ngaphandle kolwandle kunomthelela ngokubanzi kulokho okwenzeka olwandle.

Isu elisha elaziwa ngokuthi yi- "Operational Management Plan" leboni yokudoba lizoqala ukusetshenziswa eminyakeni emibili kuya kwemithathu ezayo. Kuyinhloso yoMnyango ukuthi ukhuphule izinga lokuphatha ngokuhlanganyela imboni yokudoba ngokuphoqelesa uhlelo lwe-TURF (Territorial User Rights Fishery).

#### **11. Imali yokufaka izicelo zemvume yokudoba**

Imali yokufaka izicelo kule mboni yokudoba ngeke idlule ema-R500. Okwamanje uMnyango uyavivinya ngemali echithelwa ukunika izimvume zokudoba kule mboni. UMnyango uyonika abanini zimvume kanye nalabo abathintekayo uma usuthathe isinqumo ngemali yokufaka izicelo ezokhokhwa.

#### **12. Izingqola ezisetshenziselwa ukudoba ezindaweni ezigudle ugu**

Iningi lalabo abadoba ngohlobo lwe-beach-seine bafaka izicelo zemvume yokusebenzisa izingqola zokudoba ezindaweni ezigudle ugu ngenxa kokunqatshelwa kwezingqola zokudoba ezingagunyaziwe emabhishi ngonyaka ka-2002. Ngonyaka ka-2004, UNgqongqoshe weZemvelo neZokuvakasha walungisa umthetho olawula ukusetshenziswa kwezingqola zokudoba ezindaweni ezigudle ugu. (bheka- [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za) ukuze uthole ukuqala ukusebenza kanye nemithetho yalo mgomo).



Abadoba ngokohlelo lwe-beach-seine mabafake izicelo zabo baziqondise ku-Deputy Director-General of Marine and Coastal Management ukuze bathole imvume yokusebenzisa izinqola zokudoba ezindaweni ezigudle ugu uma lezo zinqola zidingekela ukudoba.

Amafomu okufaka izicelo zokusebenzisa izinqola zokudoba ezindaweni ezigudle ugu ayotholakala kanye namafomu okucela izimvume zokudobela inzuzo embonini yokudoba ngokohlelo lwe-beach-seine ne-gillnet. Amafomu ezicelo ayatholakala futhi nakwi-[www.mcm-deat.gov.za](http://www.mcm-deat.gov.za).

### **13. Izimo zezimvume**

Izimo zezimvume kule mboni yokudoba zizokhishwa minyaka yonke. Izimo zezimvume eziphathelele nalo nyaka ka-2005 zitholakala njengesixhumelelo A (Annexure A). Lezi zimo zingashintshwa ngonyaka ngemuva kokuxoxisana nabanini zimvume kule mboni. Abanini zimvume nabafisa ukuphawula ngezimo zalezi zimvume bavumelekile.

**ANNEXURE G**

**DRAFT**



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

**BRANCH MARINE AND COASTAL MANAGEMENT**

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

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

## TABLE OF CONTENTS

<b>1. Introduction</b>	<b>3</b>
<b>2. Biology and resource dynamics</b>	<b>4</b>
<b>3. Sector profile</b>	<b>4</b>
<b>4. The medium-term rights allocation process</b>	<b>5</b>
<b>5. Over-arching sectoral objectives</b>	<b>5</b>
<b>6. Duration of rights</b>	<b>6</b>
<b>7. New entrants</b>	<b>6</b>
<b>8. Evaluation criteria</b>	<b>6</b>
<b>8.1 Exclusionary criteria</b>	<b>6</b>
(a) Form of the applicant	6
(b) Applications from families	7
(c) Compliance	7
(d) Paper quotas	7
(e) Non-utilisation	7
(f) Dependence on the resource	7
<b>8.2 Balancing criteria</b>	<b>7</b>
(a) Transformation	8
(b) Investment in the fishery	8
(c) Harvesting performance	8
(d) Reliance on white mussels	8
(e) Local economic development	8
(f) Jobs	9
(g) Non-payment of levies	9
(h) Compliance	9
<b>9. Application fees</b>	<b>9</b>
<b>10. Provisional lists</b>	<b>10</b>
<b>11. Permit conditions</b>	<b>10</b>

## 1. Introduction

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

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

<b>By Fax:</b> Fax Number: (021) 670-1782 Attention: The Deputy Director-General White Mussel Policy Comments	<b>By Mail:</b> Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44968 Claremont 7735 White Mussel Policy Comments	<b>By E-mail:</b> RVU@deloitte.co.za Attention: The Deputy Director-General White Mussel Policy Comments
		<b>By Hand</b> Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont White Mussel Policy Comments

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

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

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

## **2. Biology and resource dynamics**

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

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

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

## **3. Sector profile**

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

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

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

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

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

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

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

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

## 6. Duration of rights

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

## 7. New entrants

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

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

## 8. Evaluation criteria

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

### 8.1 Exclusionary criteria

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

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



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

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

## **8.2 Balancing criteria**

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

**(a) Transformation**

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

**(b) Investment in the fishery**

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

**(c) Harvesting performance**

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

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

**(d) Reliance on white mussels**

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

**(e) Local economic development**

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

**(f) Jobs**

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

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

**(g) Non-payment of levies**

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

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

**(h) Compliance**

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

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

**9. Application fees**

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

#### 10. Provisional lists

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

#### 11. Permit Conditions

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

**ANNEXURE H**

**UHLAKA**



**UMNYANGO WEZEMVELO NEZOKUVAKASHA**

**IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NOKWENGAMELA IZIMVUME ZOKUDOBELA  
INZUZO IZINHLANZI ZOHLOBO LWE- WHITE MUSSEL .**

**LOLUHLAKA MGOMO KUMELE LUFUNDWE NOMGOMO JIKELELE  
WOKUNIKA NOKWENGAMELA IZIMVUME ZOKUDOBELA INZUZO  
ZESIKHATHI ESIDE ZIKA -2005. (itholakala kwi- [www.mcm-  
deat.gov.za](http://www.mcm-deat.gov.za))**

## KUQUKETHWE

1.	Isingeniso	3
2.	iBiology nengcebo enamandla	Error! Bookmark not defined.
3.	Ukubukeka kwemboni yokuboda	4
4.	Unkunica izimvume zokudoba isikhathi esiphakathi	5
5.	Izinhlosongqangi zemboni yokudoba	5
6.	Isikhathi esithathwa yizimvume	6
7.	Abafikayp embonini yokudoba	6
8.	Inqubo yokuhlunga	6
8.1	Inqubo ykuumgamukeleki kwabathile	7
(a)	Uhlobo lwabantu abavumeleke ukufaka izicelo	7
(b)	Application	7
(c)	Ukuhambisana	7
(d)	Isilinganiso samaphepha	7
(e)	Ukungasebenziseki kwezimvume	8
(f)	Ukuthembela ekudotshweni kwezinhlanzi	8
8.2	Inqubo yokulinganisa	8
(a)	Uguquko	8
(b)	Ukutshalwa kwezimali embonini yokudoba	8
(c)	Harvesting performance	9
(d)	Reliance on white mussels	9
(e)	Ukukhushulwa komnotho wakuleli zwe	9
(f)	Imisebenzi	9
(g)	Non-payment of levies	9
(h)	Ukuhambisana nomgomo	10
9.	Imali yezicelo	10
10.	Uhla lwabangasa bathole izimvume	10
11.	Izimo zezimvume	11

## 1. Isingeniso

Lolu hlaka mgomo lokunikezwa nokuphathwa kwezimvume zokudobela inzuzo izimbaza ezimhlophe, likhishwe uMnyango weZemvelo nezokuvakasha: Igatsha lezasolwandle mokuphathwa kogu("uMnyango") ukuze umphakathi ukwazi ukubeka izimvo zawo ngalo. Lo mgomo kumelwe ufundwe nomgomo-jikelele ka-2005 wokunika nokwengamela imvume yokudobela inzuzo isikhathi eside("umgomo jikelele wokudoba").

Njengoba kuchaziwe kumgomo jikelele, uMnyango uyoba nemihlangano ezikhungweni ezigudle ugu ukuze ubinisane nomphakathi, abanezifiso ezithile kulemboni kanye nabathintekayo kulemboni yokudoba mayelana nomgomo wokudoba uhlobo lwezinhlanzi Ze-White Mussel. Kule mihlangano yomphakathi uvo lwakho mayelana nalomgomo luyothathwa. Ababhale phansi izimvo zabo bangazithumela kuMnyango ungakadluli umhla ka-11 ku-Ephreli 2005. Izimvo eziyothunyelwa ngemuva kwalesi sikhathi ziyoshaywa indiva. Izimvo kumele zithunyelwe ngale ndlela:


Inhloso yalo mgomo ukubeka ngokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa imvume yesikhathi eside yokudobela inzuzo izinhlanzi zohlobo lwe-hake. Iningi lalezi zinhlelo azizintsha. Bezisethshenziswa uMnyango uma unikeza imvume esikhathini esedlule. Lo mgomo uqukethe uhlelo okuzoqhutshwa ngalo, noma kukhona izinguquko ezikhon akanye nokwengeziwe.

Eminye imigomo yokuphatha ngemuva kokunikwa izivume yethuliwe. Ibhuku eliphathelene nokuphathwa kodudotshwa kwezinhlanzi zohlobo lwe-hake liyoqedelwa ngokuhlamgamyela nabanezimvume ngonyaka ka-2006. Leli bhuku liyobeke ngokusobala indlela yokuphatha kanye nequbo yokudoba. Umnyango uzimisele ukuphatha lemboni ikakhulukazi emazingeni ezifunda ngokuhambisana nezimvume zokudobela inzuzo zesikhathi eside.



Ungqongqoshe Wezemvelo neZokuvakasha uhlose ukunikezela kamandla kasomqulu 18 wokunika imvume yokudobela inzuzo izinhlanzi zohlobo lwe-hake okuqukethwe esigabeni 79 soMthetho 18 wezinto eziphila olwandle ka-1998 ("The Marine Living Resources Act 18 of 1988 obizwa nge –"MLRA"), onikezelwe isihulu esiphezulu soMnyango.

## **2. iBiology nengcebo enamandla.**

Izimbaza ezimhlophe (*Donax serra*) zitholaka phakathi kweNyakatho ne-Namibia kanye nendawo yase-Wild Coast. Zitholaka zibe ningi ezindaweni ezingamabhishi ezinesihlabathi esiningi kugu oluseNtshanalanga kanye naseNingizimu yezwe lase-Ningizimu Afrika. Ukusabalala kwezimbaza ezindaweni ezithile kuhambisana nokushintsha phakathi kokungenisa nokubohla kolwandle. Ogwini oluseNtshonalanga kutholakala khona izimbaza ezisencane ziphezulu nebhishi, kanti izimbaza ezindala zitholaka zisabalele ngaphansi konqenqema lokukhuphuka noma ukubohla kolwandle. Ogwini oluseMpumalanga noluseNyakatho izimbaza ezindala zithola endaweni ephakathi kokungenisa nokubohlisa kolwandle.

Izimbaza ezimhlophe yizona ezihamba phambili ekugujweni kwemigodi eminingi emabhishi anesihlabathi, ngoba zithanda usebe. Zidla zikhule phakathi kwegobolondo zize zibe ubude obungama milimitha angama-60 eminyakeni elinganiselwa kwemihlanu. Lezi zimbaza zikhuphuka zehle nogu ngokuhambisana nokushintsha phakathi kokungenisa kanye nokubohlisa kolwandle, izimbaza ezincane zehla zenyuke nogu kaningana kunezindala..

Ukuvunela inzuzo kuningi kakhulu ogwini laseNtshonalanga lapho lezi zimbaza ziningi khona ngenxa yokunotha okuza nomsinga obizwa nge-Benguela Current otholakala kulezi zindawo.

## **3. Ukubukeka kwemboni yokudoba**

Ukuvunela izimbaza inzuzo kutholakala kuphela ezindaweni eziyisikhombisa ezisogwini oluseNtshonalanga. Le mboni yokudoba yaqala ekhupheleni kweminyaka yawo-1960, kodwa ngonyaka ka 1966 yalimala kakhulu ngenxa yokungenisa kolwandle okubizwa nge-red tide okwadala ukufa kwezimbaza ezimhlophe eziningi. Ukwanda nokunonophelwa kwezimbaza ezimhlophe ukuze ziphinde zibe kwizinga elifanele kwathatha ngaphezu kweminyaka eyisishiyagalombili., lokhu kwaphinda kwaba nomthelela ekunciphiseni lezimbaza ezingavunwa,

lolu hlelo lubizwa ngokuthi yi-reduction in catch per unit effort ("CPUE"). Inani lezimbaza ezimhlophe ezivunwa ngonyaka selwehlile kancane kusukela ngonyaka ka-1980. Lokhu kube ngumphumela wokungabi nendlela yokugcina umnotho uphilile yale mboni. Izinhlobo eziqhutshwe ngonyaka ka-1988 nonyaka ka-1989 zikhombiza ngokusobala ukuthi ukuvunwa kwezimbaza ezimhlophe kwehle kwafinyelela ngaphansi kwesilinganiso esinye ekhulwini ngokubhekelela ubukhulu bezimbaza ezindaweni ezitholakala kuzo. Imibiko ekhishwe kungakafiki isikhathi yenhlobo yonyaka ka-2003 kanye no-2004 iyavumelana nale mibiko. Ngakho-ke lesi sivuno sithathwa njengesikhulu.

Okwamanje, abanini bezimvume zokuvunela izimbaza inzuzo bavunyelwe ukuvuna izimbaza ezimhlophe eziyi-2 000. Izimbaza ezimhlophe zivunelwa ukudoba ezinye izinhlanzi, azidliwa ngabantu. Kusazokwenziwa uphenyo ngezimakethe zokudliwa kwalezi zimbaza ngabantu.

Imboni yokuvuna izimbaza ezimhlophe inohlelo olubizwa nge-catch- and effort-controlled. Uhlelo olubizwa nge-A Total Applied Effort ("TAE") lwabanini zimvume abayisikhombisa bavumeleke ukuba bavune izimbaza eziyi-2 000 ngenyanga eziziyisilinganiso samamilimitha angama-35. Abanye balaba banini zimvume banezitolo zokuthengisa noma bathengisela izitolo isivuno sabo sezimbaza ezimhlophe, zidayiswa phakathi kwe-R1.00 ne-R1.50 ngayinye.

#### **4. Ukunika izimvume zokudoba isikhathi esiphakathi.**

Okwamanje bayisikhombisa abanini zimvume abatholakala ezindaweni eziyisikhombisa ezigudle ugu. Umnini mvume ngamunye uvumeleke ukuvuna izimbaza eziyi-2 000 ngenyanga. Umnini mvume ngamunye uqashe izisebenzi eziphakathi kweziyisithupha kanye neziyisishiyagalombili ezihola phakathi kwe-R0.15 nama-R0.80 ngembaza ngayinye, lokhu kuncike kwinani lezimbada ezivuniwe.

#### **5. Izinhlosongqangi zemboni yokudoba**

Izinhlosongqangi zokunika izimvume zokuvunela inzuzo izimbaza ezimhlophe embonini yokudoba yilezi:

- Ukukhuphula kakhulu uguquko lokubukeka kwemboni yokudoba;

- Ukunika izimvume zokuvuna izimbaza ezimhlophe kulabo abathembele kuzo ukuba baphile;
- Ukugqugquzela ukukhuliswa kwemakethe yokudliwa kwezimbaza ezimhlophe ngabantu;
- Ukunika isiqiniseko sokuthi izimvume zinikwe ezindaweni lapho kungavunwa khona izimbaza ezimhlophe;
- Ukugciban imboni yezokudoba iphilile ngokomnotho; kanye
- Ukuqinisekisa ukuthi imboni yezokudoba igcineke iphilile ngokwemvelo.

#### **6. Isikhathi esithathwa yizimvume**

Izimvume zokuvunela inzuzo izimbaza ezimhlophe ziyonikelwa isikhathi esingevile eminyakeni emibili. Izimvume zesikhathi eside ziyobhekiswa kuphela uma sekutholakale imibiko eyanele mayelana nobume benani lezimbaza ezimhlophe elikhona, kanye nokudliwa kwazo ngabantu.

#### **7. Abafikayo embonini yokudoba**

Izimbaza azivunwa ngendlela esezingeni eliphezulu ezindaweni ezithile. UMnyango udinga ukuba lezo zindawo zikhuphule izinga lokuvuna ukuze ukwazi ukuthola imibiko ebalulekile ngezimbaza ezimhlophe kulezo zindawo. Ukwengeza lemboni ayikabi nezinguquko.

Ngakho-ke UMnyango uzimisele ukunika izimvume kubafaki zicelo abafikayo kule mboni lapho kusetshenziswa khona uhlelo lwe-TAE, kodwa kungekho zimvume zesikhathi esimaphakathi ezinikeziwe. Ukwengeza kulokho uMnyango uyonika izimvume zokuvuna izimbaza kulabo abayoguqula ukubukeka kwale mboni yokudoba.

#### **8. Inqubu yokuhlunga**

Izicelo zemvume yokudobela izuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile". and thereafter weighted in terms of a set of "*balancing criteria*". Kuyobekwa amaphuzu okuyiwona ayohlonzaba labo abazicelo zabo ziphumelele. Isilinganiso se-

TAE siyonikezwa labo abazicelo zabo ziphumelele ngokulandela “ inqubo yesilinganiso” (“quantum criteria”).

### **8.1 Inqubo yokungamukeli okuthile**

Ngaphandle kwezinqubo ezichaziwe kumgomo-jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo sezikebhe zokudoba, uMnyango ngeke uzamukele izicelo ezihluleka ukuhlangabezana nazezi zidingo:

- (a) **Uhlobo lwabantu abavumeleke ukufaka izicelo:** Abantu abangabodwana kuphela abavuleke ukufaka izicelo zokuvuna izimbaza kule mboni. Uma oqashwe umnikazi wemvume yokuvuna izimbaza efisa ukuzifakela isicelo sokuzivunela izimbaza ezimhlophe, kumele enze isiqiniseko sokuthi akekho ohlwini lokufaka isicelo lomqashi wakhe.
- (b) **Ukufaka izicelo kwamalungu omndeni:** Umndeni ngamunye uzonikezwa imvume yokuvuna eyodwa. Uma kutholakala ukuthi ungaphezulu koyezwa umuntu emndenini owodwa ofake isicelo bebe behlala ekhaya elilodwa, lezo zicelo ziyobekwa eceleni. Umndeni uyonikwa imvume engaphezulu kweyodwa kuphela uma amalungu alowo mndeni engakhombisa ngokusobala ukuthi anezinkampani zokuvunela izimbaza inzuzo ezincane ezehlukene.
- (c) **Ukuhambisana nomgomo:** Abafaki zicelo zemvume abake bathweswa amacala okuphula umthetho-MLRA ( isibonelo- okwaholela ekuboshweni benganikwanga ithuba lokukhokha inhlawulo) ngeke banikwe izimvume zokuvuna. Abafaki zicelo abake baphucwa amalungelo abo ngaphansi komthetho we-MLRA nabo ngeke banikwe izimvume. Ezinye izindlela zokuphula umthetho we-MLRA zizoba nomthelela omubi kwizicelo.
- (d) **Isilinganiso samaphepha:** Isilinganiso samaphepha ( njengoba kuchazwe kumgomo jikelele) siyoshaywa indiva. Iqembu elikhulu elinabantu ababodwa noma abafanayo abaxhaswa abanika amacebo noma ezinye izimbongi zokudoba, izicelo zabo ziyoshaywa indiva zithathwe njengalezo zabantu abafaka abantu

abathile ukuze bathole izimvume bebe bengahlomuli ngalokho, kuyoshaywa indiva nokuhle abakwenzile ngabodwana.

- (e) **Ukungasebenziseki kwezimvume:** Labo banini zimvume abahluleka ukuvuna izimbaza esikhathini esimaphakathi ababesinikiwe ekuvuneni izimbaza ezimhlophe phakathi kukanyaka ka-2002 nonyaka ka-2004 ngeke banikwe izimvume.
- (f) **Ukuthembela ekuvuneni izimbaza ezimhlophe:** Abafaka izicelo zokuvuna izimbaza ezimhlophe abangathembele ekuvuneni izimbaza ezimhlophe ukuze bathole isilinganiso esingama-75 ekhulwini seholo lonyaka wonke, ngeke banikwe izimvume. Abanendlela yokwenza imali ngokuzibandakanya nezinye izinhlelo ezingekho kwimboni yokudoba, izicelo zabo ziyoshaywa indiva.

## **8.2 Inqubo yokulinganisa**

Noma inqubo yokulinganisa iyosetshenziswa jikelele kubanini zimvume kanye nalabo abafisa ukungena kule mboni, ukukalwa kwesisindo sesicelo kuyohluka ngokweqoqo lwabafaki bezicelo ngalunye.

- (a) **Uguquko**  
Ukuze kubekhona izinguquko ekubukekeni kwemboni yokuvuna izimbaza ezimhlophe, abavuni bayonikwa amaphuzu ngokubhekelela ukuthi bamnyama na. Ubulili bungasetshenziswa ukuze kukhethwe ozonikwa imvume, lokho kuchaza ukuthi uma engaphezu koyedwa umuntu onaphuzu afana nawomunye, owesifazane uyoncanyelwa kunowesilisa onamaphuzu afanayo.
- (b) **Utshalo zimali embonini yokuvuna izimbaza**  
UMNyango uyobheka ukuthi abafaki zicelo bayitshalile na imali kule mboni uma kukhona.

**(c) Ukukalwa kwezinga lokuvuna**

Abafaka izicelo zezimvume bayohlungwa ngokubhekelela izinga lokuvuna izimbaza abafinyelele kulo ngesikhathi semvume esiphakathi nendawo kusukela kunyaka ka-2002 kuya kunyaka ka-2004.

Abafaka izicelo zokungena kule mboni bayohlungwa ngokubhekelela ikhono nolwazi lwabo ekuvuneni izimbaza ezimhlophe.

**(d) Ukuthemebla esivunweni sezimbaza ezimhlophe**

UMnyango uyoncamela abafaki zicelo zabathembele kwisivuno sezimbaza ezimhlophe ukuze bathole isilinganiso sama-75 ekhulwini seholo labo lonyaka. Njengoba kuchaziwe ngenhla abafaki zicelo abanendlela yokuthola amaholo ezindaweni ezingaphandle kwemboni yokudoba, izicelo zabo ziyobekwa eceleni.

**(e) Ukuthuthukiswa komnotho wakuleli zwe**

UMnyango uyoncamela abafaki zicelo abahlala ezindaweni eziseduze nalapho kuvunwa khona izimbaza ezimhlophe. Abafaka izicelo kuyomele bakhombise ukuthi sebehlele ezindaweni eziseduze nalapho kutholakala khona izimbaza ezimhlophe okungenani iminyaka emine.

**(f) Imisebenzi**

Abavuni bezimbaza ezimhlophe abaqashwe abanini bezimvume zokuvuna izimbaza ezisasetshenziswa banalo ilungelo lokufaka ezabo izicelo. Abafaki zicelo abazimisele ukuqasha abantu abazobavunela izimbaza ezimhlophe, izicelo zabo ziyobhekelwa uma benganika abasebenzi lokhu:

- Ukuqasha ngokugcwele abavuni bezimbaza;
- Isibonelelo sohlelo lwezokwelashwa kanye nomhlalaphansi;
- Noma eziphi ezinye izinzuzo, kanye
- Nezimo zokusebenza eziphephile.

**(g) Ukungakhokhwa kwemali yentela**

UMnyango udinga ukuba wonke umuntu akhokhele isivuno sakhe sezimbaza ezimhlophe.

Uma kukhona lapho intela ingakhokhwanga khona umnini mvume uyothola amaphuzu angemahle. Kodwa-ke uma umnini mvume esenalo ilungelo lokuthola imvume, ngeke ayinikwe imvume engakaqedi ukukhokha leyo mali yentela (nenzuzo yayo) kuMnyango.

**(h) Ukuhambisana nomgomo**

Abanini zimvume abasaphenywa ngokuphula imithetho yohlelo lwe-MLRA, noma ngobugebengu noma ukuhluleka ukuphatha, ngeke bayinikwe imvume yokuvuna izimbaza ezimhlophe kungakatholakali imiphumela yophenyo.

Ukuphulwa kohlelo lwe-MLRA okungatheni, sekuhlanganiswa nemigomo yalolu hlelo okwenziwe ofake isicelo, kuyoba nomthelela omubi kumaphuzu ayonikwa ofake isicelo.

**9. Imali yezicelo**

Imali yesicelo salelidabo ngeke ibengaphezu kwe R 500. Umnyango wozemvelo nokuvakasha usahlolisisa intengo okwamanje yengqubo yezabelo yaloludobo ukuze wazise abanamalungelo namaqemba ashisekela ukufaka izicelo.

**10. Uhlu lwabangase bathole imvume**

Ngaphambi kokuba uMnyango wenze isinqumo esingumnqamlajuqu ngokuphathelele nabazonikwa izimvume zokuvunela inzuzo embonini yezimbaza ezimhlophe, uMnyango uyokhipha uhlu lwesikhashana lwabazicelo ziphumelele. Lolu hlu luyozungeziswa kuzo zonke izindawo lapho kuvunwa khona izimbaza ezimhlophe. Abantu abanezifiso kanye nabathintekayo abakulezo zindawo ezithintekayo kuyomele bazise uMnyango uma kukhona abanomlando wokuvuna izimbaza ezimhlophe abangafakwanga kulolu hlu.



**11. Izimo zezimvume**

Izimo zezimvume kule mboni yokudoba ziyokhishwa njalo ngonyaka. Izimo zezimvume eziphathelene nesivuno sonyaka ka-2005 sizotholakala njengesixhumelelo A. Lezi zimo zingashintshwa ngonyaka ngemuva kokuxoxisana nabanini zimvume kule mboni. Abanini zimvume kanye nabafisa ukuphawula ngezimo zalezi zimvume, bavumelekile.

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