UMNYANGO WEZEMVELO NEZOKUVAKASHA

IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU

UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO OKUDOKA KWI OYSTER FISHERY: 2005

LE NQUBOMGOMO KUFANELWE IFUNDWE KANYE NENQUBOMGOMO EQONDISWE KUBO BONKE EMAYELANA NOKUPHATHWA KWAMALUNGELO OKUDOBA ESIKHATHI ESIDE NGENJONGO YEZENTENGISELWANO: 2005 (iyatholakala engosini ethi www.mcm-deat.gov.za)

Okuqukethwe

1. Isethulo 3

2. Isimo Esingokwemvelo Sama-Oyster 3

3. Uhlaka ngokudotshwa 4

4. Ukwabiwa kwamalungelo esikhashana 5

5. Izinhloso ngalemboni 5

6. Ubude bamalungelo 6

7. Abafaki-zicelo abasha 6

8. Indlela yokuhlola 6

8.1 Inqubo yokuthintela 6

8.2 Inqubo yokulinganisa 8

(a) Uguquko 8

(b) Ukutshala izimali kulemboni 8

(c) Umsebenzi wokudoba 8

(d) Ukuzondla ngama-Oyster 8

(e) Ukuthuthukiswa komnotho Wasekuhlaleni 9

(f) Ukuthobela 9

9. Ama Monopoli kanye nokubhaiswa kwabathengi 9

10. Ukuvunwa kwama oysters 9

11. Izimali zokufaka isicelo 10

12. Uhlu lwesikhashana 10

13. Imo Yemvume 10

1. Isethulo

Le nqubomgomo ephathelene nokwabiwa kwamalungelo kanye nokuphathwa Kwamalungelo okudoba i-Oyster ikhishwa nguNgqongqoshe WoMnyango Wezemvelo Nezokuvakasha ("uNgqongqoshe"). Le nqubomgomo kumelwe ufundwe kanye ne Draft General Policy ekwabiweni kanye nokuphathwa kwamalungeo Okudoba Ahlala Isikhathi Eside: 2005 ("Inqubombomo Eqondiswe Kubo Bonke").

Injongo yale nqubomgomo ukusho izinto ezizocatshangelwa ezizosebenza lapho kwabiwa amalungelo okudoba i-oyster ngenjongo yezentengiselwano. Eziningi zalezi zinto ezizocatshangelwa azizintsha .Zisetshenziswe uMnyango Wezemvelo Nezokuvakasha: Ezokuphathwa Kwegatsha Lasolwandle Nezingu ("uMnyango") esikhathini esidlule lapho waba amalungelo nangendlela le nqubomgomo eyethula ngayo lokho okwacatshangelwa.

Amanye amalungelo amadala ekwabiweni kwamalungelo achaziwe kulo mqulu. Umkhakha we-Oyster Fishery Management Manual uzophothulwa kwaziswe bonke abanikazi bamalungelo phakathi no2006. Le ncwajana izochaza ngokuningiliziwe ngokuphatha nendlela ezolandelwa kanye nenqubo ezolandelwa ngezindawo zokudoba.

Ungqongqoshe weZemvelo Nezokuvakasha uhlose ukwaba amandle ka-section 18 okwaba amalungelo okudoba i-Oyster ngokuvumelana nengxenye 79 yoMthetho weMarine Living Resources Act 18 ka-1998 ("i-*MLRA*") esikhulwini esiphethe somnyango. Le ncwadi yenqubomgomo izoqondisa izikhulu esiphathisiwe ekuthatheni izinqumo ngezicelo zale ndawo yokudoba.

2. Isimo Esingokwemvelo Sama-Oyster

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" ezindaweni zokudlela zaseNingizimu Afrika. 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 entwasahlobo nasehlobo.

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. Uhlaka ngokudotshwa

Indawo yokudoba i-oyster ngaphambilini yayibhekwa njengezindawo ezimbili, ngokokusebenza kwazo, okungukuthi ugu lwaKwaZulu-Natal kanye nogu lwaseNingizimu Kapa. Ksukela ngonyaka ka 2002 I yster fishery iphathwa njengebhizinizi elilodwa kwi national fishery. Ngaphansi kokuphathwa okusha, kunezindawo ezine zokuvuna I oyster eziqashelwa njengezisemthethweni, okungukuthi iKZN North, KZN South, Port Elizabeth kanye ne Southern Cape. Umehluko kumthetho kuma e regions kuyaqhubeka.

KwaZulu-Natal (North kanye ne South coasts), ukuphatha eyayenziwa kuqala kusatshenziswa ku KwaZulu-Natal Provincial Government kwagcinwa. Lokhu kuhlanganisa ama system okuzama lapho ababethatha babengadluli ku 190 oysters umuntu nomuntu ngosuku. IKZN North kanye neSouth coasts ihlukaniswe yaba yizindawana eziyisihlanu, avunwa ngokuthi ba rotate. Lokhu kudinga ukuthi izone 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. Ngaphezu kwalokho, kuye kwenziwa imizamo ekabili kulezi zindawo ngokuvumelana nama-oyster reef afinyelelekayo. I Southern Cape fishery iyalawulwa ngenkathi yokuvala 15 December – 05 January. Isikhathi sokuvalwa senziwa ukuze kungabikhona ukuxabana ngesikhathi samaholide kanye nala abakwi commercial fishery sector . 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 yamanje (inkathi ka-2005) yabekwa ku i 145 yabadobi 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, ngokuvumelana nama-oyster reef angadotshwa, kanjena:

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

Amalungelo amancane akhishwa ngo-2002 ukunika abantu abakwi former subsistence fishers ababengavuyelwe ukuthengisa izinhlanzi ababezidobele ukondla imindeni yabo.

4. Ukwabiwa kwamalungelo esikhashana

Ngo 2002 amalungelo okudayisa ayenikezwa kubantu Bantu abagu 34 abaqasha abantu abangu 114 abacoshayo. kulaba abawu 88% banikezwa amalungelo kudoba. Amalungelo aye anikezwa abantu bendabuko (abantu ngabanye) 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 abawu114 bavuna I oysters.

5. Izinhloso ngalemboni

Uma ufundwa kanye no Mgomo Jikelele, injongo yale nqubomgomo ukuthola izindlela zokunikeza amalungelo okudoba i-oyster. Imigomo yokwaba amalungelo okudoba kule ndawo yokudoba yile:

- Ngokuphawulekayo ukuthuthukisa 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

- Usekela umnotho nokusima kwemvelo kulezi zindawo zokudoba.

Umnyango uyazi futhi ukhathazekile ngemikhuba ethileye-monopoly kule sector (bheka ***ngokuqhubekayo isigaba 9 ngezansi***).

6. Ubude bamalungelo

Amalungelo okudoba ngeke adlule isikhathi esingangeminyaka emithathu (3). Amalungelo esikhathi eside azovunyelwa uma ngabe imininingwane isiyanele yesimo somnotho futhi lapho izinguquko sezenziwe ngendlela ephawulekayo. Umnyango uzokwenza futhi ucwningo lokuhlolwa komnotho nezenhlalo kule fishery ngale sikhathi seminyaka emithathu ukuzama kubekhona ukubhalansisa.

7. Abafaki-zicelo abasha

Yize le ndawo yokudoba okwamanje isisetshenziswe ngokweqile, izindawo eziningi kakhulu osekudotshwe kuzo ama-oyster azizange zisetshenziswe ngokweqile nakancane. Umnyango ufuna ukuthi zonke lezindawo zisetshenziswe ukuze uthole ulwazi olubalulekile ngama-oysters kulezindawo .Phezu kwaloko leliphiko aluna lutshintsho kwaye kunabantu abasebenzela ukucinezela abanye.

Isikhulu esiphathisiwe kufanele sizame ukwaba amalungelo kwabasanda kuqala ukungena ezindaweni lapho kungazange kwabiwe khona amalungelo esikhathi esikhathi esiphakathi(kodwa i-TAE yamiswa) lapho ukunikeza abantu abasha kuzosiza kwi transformation profile.

8. Indlela yokuhlola

Abaceli bamalungelo e-oyster bazokuhlolwa ngenkqubo yokuthintela neyokulinganisa.

8.1 Inqubo yokuthintela

Ngaphami kwezindlela ezichazwe kuMgomo Jikelele eziphathelene nokufakwa kwezicelo kanye nezo zingagculisiyo, lemininingwane iladelayo yokuthintela iyakusebenza kumfaki sicelo onelungelo kanye nomutsha.

(a) Uhlobo lomfaki-sicelo: Amalungelo azokwabiwa kuphela kubantu bendabuko (abantu ngabanye) abangabacoshi noma abazoqasha abacoshi.. Umcoshi we-oyster oqashwe

umnikazi wegunya angathanda ukwenza isicelo selungelo lokucosha i-oyster, kumelwe aqinisekise ukuthi akafakiwe ohlwini lwabacoshi esicelweni somqashi wakhe wamanje. Isikhulu esiphethe akumelwe sabe amalungelo okucosha ama-oyster kubantu abangabacoshi bama-oyster abafakwe ohlwini lwezicelo zabaqashi.

(b) **Izicelo zabantu bemindeni:** Kumelwe kube umuntu oyedwa ozokwabelwa ilungelo emndenini ngamunye. Lapho kunezicelo ezingaphezu kwesisodwa ziphuma kumalungu omndeni ahlala kudilesi elinye, zinke lezo zicelo ziyo konqatshwa. Banganikezwa amalungelo angaphezu kwelilodwa uma abenzi bezicelo bechaza ngokucacile nangokuzwakalayo ukuthi banemisebenzi yebhizinisi engahlangene nhlobo futhi basebenza ezindaweni ezihlukene.

(c) **Ukuthobela:** Labo abaphule umthetho we MLRA iziqondiso, izimo zemvume kanye namanye amacala okudoba amabi, ngeke anikezwe ilungelo. Abafake izicelo abathathelwe amalungelo ngokwe Marine Living Resources Act ngeke nabo banikezwe amalungelo. Uma umenzi wesicelo ayeyilungu le-close corporation noma enamasheya enkampani eyayinelungelo lesikhathi esijana, khona-ke lowo menzi wesicelo ngeke anikezwe ilungelo, ngakho umenzi wesicelo ngeke anikwe ilungelo uma umnikazi lungelo lesikhathi esijana noma omunye wamalungu ayo, abaqondis noma abanikazi bamasheya abaqondisayo bebekwe icala elibi kakhulu noma behoxile kulawo malungelo noma bewasulile. Okunye ukuphula umthetho we Marine Living Resources Act kuyoba nomthelela ongemuhle neze kubenzi bezicelo, njengoba kuchazwe ngezansi.

(d) **Abafaki bezicelo abanamanga:** Abafaki bezicelo abanamanga bayokhushelwa ngaphandle (njengoba kuchaziwe kuMgomo-jikelele). Amaqembu amakhulu abenzi bezicelo abafanayo noma abafana kakhulu abaxhaswe ngumxhumanisi noma izinkampani ezidobela ukuthengisa nezinye izinhlangano ngeke bacatshangelwe futhi bayobhekwe njengabacashe ngesithupha kungakhathaliseki ukuthi labo benzi bezicelo babonakala befaneleka kangakanani..

(e) **Ukungayisebenzisi imithombo yengcebo :** Labo banikazi bamalungelo abangakwazanga ukusebenzia amalungelo abo akwi medium term commercial oyster phakathi kuka-2002 kanye no-2004 ngeke baphinde banikwe amalungelo.

(f) **Ukuhileleka Ngokobuqu:** Abafaki bezicelo kuzodingeka ukuba bahileleke ngokobuqu ekucoshweni kwama-oyster

(g) **Ukuhileleka Kweminyango Eminingi:** Abafake izicelo kule ndawo yokudoba ngeke bavunyelwe ukuba babe nelinye ilungelo lokudoba, kungakhathaliseki ukuthi ngokuqondile noma ngokungaqondile njengabanikazi bamasheya noma abaqondisi benkampani noma ilungu le-close corporation, ku-Cluster A noma ku-Cluster B. Abenzi bezicelo kule ndawo yokudoba ngeke futhi banikwe amalungelo ezindaweni zokudoba zika-Cluster C no-D ngaphandle kwabadoba ngosinga bendabuko kanye ne-hake handline.

8.2 Inqubo yokulinganisa

Abenzi bezicelo abanamalungelo kanye nabangase bacatshangelwe abasanda kufaka izicelo bazohlolwa ngokwemibandela yale ndinganiso yokubakala ezofakwa esikalini ukuze kuhlolwe amandla omenzi wesicelo ngamunye. .

(a) **Uguquko**

Isikhulu esiphathisiwe sizoqinisekisa ukuthi abenzi bezicelo abansundu ngabampofu ngempela njengoba kulandelwa inqubo yokwenziwa kwezinguquko. Ubulili nabo bungase bucatshangelwe njengesinye sezizathu eziwumnqamula-juqu lapho kwenziwa izinqumo, uma kudingekile.

(b) **Ukutshala izimali kulemboni**

Isikhulu esiphathisiwe singase sicabangele ukutshalwa kwezimali okwenziwa abenzi bezicelo kuyi-sector, kuhlanganise nokutshalwa kwezimali ekulungiselelweni kwezinhlanzi kanye nasekuthengiseni, ekhaya nakwamanye amazwe.

(c) **Umsebenzi wokudoba**

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

Labo abasha bayobukwa ngokwazi, ulwazi kanye nekhono lokubamba ama oyster.

(d) **Ukuzondla ngama-Oyster**

Isikhulu esiphathisiwe singase sikhethe ukunika abafaki bezicelo abancike kuma-oyster ukuthola umholo abathembele kuwo wonyaka ukuze bazondle nemindeni yabo. Abafaki bezicelo abathola imiholo nakweminye imithombo engaphandle kwemboni yokudoba bangase

bangakutholi ukucatshangelwa. Kungase kudingeke ukuba abafaki bezicelo abasha babanise ukuthi banomlando wokwencika ekudotshweni kwama-oyster ukuze baziphilise.

(e) Ukuthuthukiswa komnotho Wasekuhlaleni

Isikhulu esiphathisiwe kufanele sikhethe labo benzi bezicelo abahlala eduze kwendawo okudotshwa kuyo ama-oyster. Kulokhu isikhulu esiphathisiwe kufanele sibheke ukuthi umenzi wesicelo useye waphila yini kuleyo ndawo okungenani iminyaka engengaphansi kwemine.

(f) Ukuthobela

Ukwaphulwa kwemithetho ye-MLRA okungekubi kangako kuhlanganise neZiqondiso zayo okwenziwa ngumenzi wesicelo kufanel kumenze angakufanelekeli ukuthola ukwamukelwa.

9. Ama Monopoli kanye nokubhaiswa kwabathengi

Umnyango uyakubona ukuthi le sector ayikakenzi kahle ngenxa ye monopoli liqembu elinye noma amabili.

Ukukhula kwalomnyango kulendawo, ithinteka kabi ngenxa yokuba khona kwama monopolies, kodwa labo abacoshayo sebebaningi kakhulu. Ukubakhona kwama monopolies kulendawo akuvumelekile futhi akufanele kuvunyelwe ukuba kuqhubeke.

Bonke abantu abafuna ukuthenga kulabo abanamalungelo (abacoshayo) komele babhalwe kwi register yasomnyangweni. Umnyango ngeke ukubhalisa abathengayo bake baba namalungelo noma mvume kodwa bawakhansele ngaphansi kwe MLRA noma abathengi ababekwe amacala ngaphansi kwe MLRA. 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:

- impahla zamanzi ;
- Ibhanti ebangela ubunzima;
- Isigqumathelo sobuso;
- umbhobho wokuphefumla ma uphantsi kwamanzi

Amalungu kanye nabacoshi abangase benzisi:

- amaphiko okubhukuda (fins);
- izixhobo zokuphefumla (artificial breathing apparatus);
- nezinto zokuntanta (floating devices).

11. Izimali zokufaka isicelo

Izimali ezikhokhelwa izicelo zamalungelo okudoba ama-oyster li-R100 (ikhulu lamarandi). Le mali ayibuyiswa futhi kumelwe uyikhokhe yonke.
Izimali (izintela) zaminyaka yonke ezikhokhwa kusukela ngomhlaka 1 January 2006 ziyonqunywa ngemva kokuxhumana nabanikazi bamalungelo. Lezi zimali ezikhokhwayo ziyosetshenziswa nguMnyango ukuze kukhokhelwe izindleko zokuphatha zaminyaka yonke, ukwenza ngokuvumelana nomthetho kanye nocwaningo.

12. Uhlu lwesikhashana

Ngaphambi kokuba isikhulu esiphathisiwe senze isinqumo sokugcina sokwabiwa kwamalungelo ama-oyster, sona siyokhipha uhlu lwesikhatshana (“provisional list”) lwabangase bathole izimvume zokudoba ama-oyster endaweni ngayinye ukuze kusikwe elijikayo.

13. Imo Yemvume

Izimo zezimvume kule mboni yokudoba ziyokhishwa minyaka yonke. Imibandela yezimvume iyonqunywa ngemva kokuxhumana nabanikazi bamalungelo kulezi zindawo zokudoba futhi ingase ibuyekezwe lapho kudingekile.