



ISEBE LEZAMAHLATHI, EZOKULOBA NEZENDALO

**UMGAQONKQUBO WOLWABELO NOLAWULO LWAMALUNGELO OKULOBELA EZORHWEBO
WESHISHINI LEZOKULOBA UKREBE OPHILA KUMAZANTSI OLWANDLE: 2021**

**LO MGAQONKQUBO KUFUNeka UFUNDWE KUNYE NOMGAQONKQUBO JIKELELE
NGOLWABELO LWAMALUNGELO OKULOBA: 2021 KUNYE NOMGAQONKQUBO
WOKUDLULISELWA KWAMALUNGELO OKULOBELA EZORHWEBO:2021**

(ufumaneka apha www.dffe.gov.za)

ITHEYIBHILE YEZIQULATHO

1. INTSHAYELELO	3
2. IPROFAYILI YECANDELO	3
2.1. Inkcazelo yeshishini lezokuloba.....	3
2.2. UPhando nokuBekwa kweLiso	3
2.3. Imbali yeli shishini lezokuloba	5
2.4. Abasebenzisi bakavimba	6
3. 2013 INKQUBO YOLWABELO LWAMALUNGELO OKULOBA.....	7
4. IINJONGO	7
5. UKUNIKWA KWAMALUNGELO	8
6. UHLOBO LOMNINI WELUNGELO.....	8
7. ISITHUBA SEXESHA SELUNGELO	8
8. UDLULISELO LWAMALUNGELO AWABELWEYO KWELI SHISHINI LEZOKULOBA	9
9. UBANDAKANYEKO KUMACANDELO AMANINZI	9
10 IINDLELA ZOKUHLUZA ZOKUVAVANYA	9
10.1 liNdlela zokuHluza zokubekelwa buCala.....	9
10.2 liNdlela zokuHluza zokuZinzisa.....	10
11. ULWABELO LOMGUDU	14
12. ABAQALAYO UKUNGENA.....	14
13. UKUHLAWULWA KWEMIRHUMO YESICELO NEYOKUNIKWA KWELUNGELO.....	14
14. ULUHLU LWETHUTYANA	15
15. UKWAZISWA KWEZIGQIBO EZITHATHIWEYO	15
16. AMANYATHELO OLAWULO	16
16.1 ULawulo lwezoMmandla	16
16.2 Umqwalaseli eLwandle kunye nokuBekwa kweLiso okuSekelwe eMhlabeni	16
17. IMIQATHANGO YAMAPHEPHAMVUME	17
18. UKUBEKWA KWELISO NOKUHLOLWA KOMGAQONKQUBO	17
19. ULWAPHULOMTHETHO.....	18
20. UKUBHANGISA.....	18

1. INTSHAYELELO

Lo mgaqonkqubo wolwabelo lwamalungelo okuloba kwishishini lokuloba ledemersal shark ukhutshwa nguMphathiswa wezamaHlathi, ezokuLoba nezeNdalo (“uMphathiswa”) kwaye kuza kubhekiselelwa kuwo ngolu hlobo “**UMgaqonkqubo weShishini lezokuLoba ledemersal shark: 2021**”. Lo mgaqonkqubo kufuneka ufundwe kunye noMgaqonkqubo Jikelele woLwabelo lwamaLungelo okuLobela ezoRhwebo: 2021 (“uMgaqonkqubo Jikelele: 2021”) kunye noMgaqonkqubo woDluliselo lwamaLungelo okuLobela ezoRhwebo (“uMgaqonkqubo woDluliselo”).

Lo mgaqonkqubo wandlala iinjongo, iindlela zokuhlaza kunye neengcamango eziza kukhokela ulwabelo lwamalungelo okuloba eshishini lezokuloba ledemersal shark. Lo mgaqonkqubo uza kukhokela ugunyaziwe otyunjiweyo ekuthatheni izigqibo ngezicelo kweli shishini lezokuloba.

UMphathiswa unikezele ngamagunya eCandelo 18 ukwabela amalungelo okuloba ngokwayamene necandelo 79 loMthetho woVimba abaPhila eLwandle 18 ka-1998 (“i-MLRA”) kwigosa eliyintloko leSebe lezamaHlathi, ezokuLoba nezeNdalo (“iSebe”).

2. IPROFAYILI YECANDELO

2.1. Inkcazelo yeshishini lezokuloba

Ishishini lezokuloba ledemersal shark longline lisebenza kumanzi ngokuqhelekileyo angekho nzulu ngaphezulu kunama-100 m kwaye lisebenzisa isixhobo sokuloba esilusinga olude olumiselwa emazantsi (ama~1000 amagwegwe ngosinga ngalunye) ukuloba iidemersal shark. Ishishini lezokuloba lisebenza kufutshane nonxweme olukusuka eKapa ukuya eMonti kwaye liloba ngokuphambili ookrebe isoupin *Galeorhinus galeus* kunye nesmoothhound *Mustelus mustelus*. Izidalwa ezongezelelweyo ziquka ismoothhound *M. palumbes* enamachokoza amhlophe, izidalwa iCarcharhinus ezinje ngebronze whaler *C. brachyurus* kunye nookrebe idusky *C. obscurus* kunye nezidalwa eziziskate ngokunjalo.

2.2. UPhando nokuBekwa kweLiso

Ngowe-2013 isiCwangciso sikaZwelonke sokuSebenza sookrebe (National Plan of Action for Sharks) (“i-NPOA-Sharks”) sagqitywa ngokwenjongo yolondolozo nolawulo olusebenzayo lookrebe abafumaneka kwi-EEZ yoMzantsi Afrika ukuqinisekisa ukusetyenziswa kwabo ngokungaphaya, ngokwexesha elide, ngokuzinzileyo ukunceda bonke abemi boMzantsi Afrika, ukuquka nezizukulwana zexesha elizayo. I-NPOA-Sharks yaqwalasela isidingo sokumisela nokuphumeza izicwangcisoqhinga zokuloba ezingqinelanayo nemithethosiseko yozinzo lofundonzulu ngokuphilayo, olufunyanwa ngolawulo olusekelwe kwezobunzulwazi kunye neNdlela yoLumkiso (Precautionary Approach)

engqinelanayo. Imisebenzi yophando ngookrebe ikhokelwa zizidingo ezichongiweyo kwi-NPOA for Sharks.

Ukuze kuphuhlise izicwangcisoqhingana zolawulo ezifezekileyo ngokuhambelana ne-NPOA for Sharks, South Africa (2013) ukulungiselela abavimba kubalulekile ukuqonda ufundonzulu ngokuphilayo lwabo. Ulwazi lwembali yobomi ngokukhula, ngobudala obupheleleyo, ngokuqhama nobungakanani ekukhuleni ngokwaneleyo, ngokwahlukanisa ngokwesini, ngokuzala, ngokukhwelana kwezidalwa ezihamba kunye nangokusetyenziswa kwemimandla ekukhuliswa kuyo ezi zidalwa luza kunceda ekuphuhliseni kwezi zicwangcisoqhingana zolawulo. Ufundonzulu ngokuphilayo kunye nembali yobomi kuye kwaphandwa ngazo ngokuphathelele kwi-blue shark kunye neesmoothhound shark ngelixa idatha yezofundonzulu ngokuphilayo iqokelelwe malunga nezinye izidalwa ezininzi ezinempembelelo kumashishini ezokuloba. Ukuhlalutywa kwezikhewu kuncwadi olukhoyo kuqhutywe ngezidalwa ezingama-100 zeechondrichthyes ekujoliswe kuzo okanye ezilotywe ngengezidalwa ezilotywe kungajongwanga kulotywa zona kumaShishini ezokuLoba aseMzantsi Afrika. Iparamitha zembali yobomi ezifumaneka kwiisampuli zengingqi ezenziweyo ziyafumaneka kwizidalwa ezili-15, ikakhulu ezipapashwe kuncwadi oluveliswe ngaphandle kolo luveliswa ngamaqumrhu esiqhelo asemthethweni. Ukuqokelelwa kweesampuli zofundonzulu ngokuphilayo ngezidalwa eziseleyo kuchongwe njengelingeliphambili. Ukhuselelo lweechondrichthyes olunike kwii-MPA kufuneka luthathelwe ingqalelo ngokwandiswa kophando nangokunyanzelwa kowisomthetho. Uphando ngeesmoothhound shark lubonakalise ukuba esi sidalwa sisebenzisa iindawo ezihlala izidalwa kwiLangebaan Lagoon MPA njengommandla wokuzala, wokutya nowokukhulisela. Ezi ziphumo zibonakalisa ukuba ii-MPA zinganika iinzuzo ezibonakalayo kwishishini ngendlela yokunabela kwezinye iindawo ukuba imimandla yokukhulisela iyabandakanywa. Uninzi lwezidalwa iidemersal shark ezinexabiso ngokuphathelele kwezorhwebo lufumaneka kwii-MPA ezijikeleze uMzantsi Afrika kwaye ke ngoko kunokwenzeka ukuba ii-MPA zizikhusele ngokungaphaya. Iinzuzo zokunabela kwezinye iindawo kweentlanzi ukusuka kwii-MPA ukuya kwimimandla emeleneyo ziye zabonakala ngokuphathelele kwizidalwa ezininzi ngefuthelelihle ngokupheleleyo kokulotywayo kwamashishini ezokuloba ameleneyo.

Uhlolo lwesitokhwe lweesmoothhound neesouthern shark lubonakalisa ukuba kukho ingqikelelo ephezulu yokuba amazinga angoku okuloba kuwo onke amashishini ezokuloba angundoqo aloba ezi zidalwa awazinzanga. Ukuvumela ukuvuselelwa kwesitokhwe, okulotywayo kukonke kufuneka kuncitshiswe ngokubonakalayo kuwo onke amacandelo aloba ezi zidalwa ngokwamazinga aphezulu ukunqanda ukuncipha kwesitokhwe. Kubalulekile ukuba ubungakanani bukavimba buthathelwe ingqalelo ngelixa lenkqubo ye-FRAP 2021. Zombini izidalwa ezingundoqo ekujoliswe kuzo kwishishini lezokuloba

zilotywa ngokugqithisileyo kwaye zilotywa ngamashishini ezokuloba amaninzi. Ngenxa yokulambatha kwembali yokusebenza kweli shishini lezokuloba inani lamalungelo awabelweyo kufuneka lithathelwe ingqalelo kwakhona ngokwayamene nendlela ekusetyenzwa ngayo. Uhlalutyo lwezinga lokusebenza kweli shishini lezokuloba licebisa ngokuba makukhutshwe amalungelo ama-4 kuphela kwaye ukunyuswa komgudu akunakuvunyelwa kwamanye amashishini ezokuloba aloba ezi zidalwa zinye (oko kukuthi ukwandiswa komgudu kwishishini lezokuloba ngosinga).

Iqela leeNgcali zamaZwe ngamaZwe lahlanganiswa nguMphathiswa ngowe-2020 ukujonga kwakhona i-NPOA 2013 kunye nokujongwa kwakhona kwayo kwangaphakathi. Kwenziwa izindululo ezininzi ukuphucula ulondolozo lweechondrichthyes eMzantsi Afrika. Okona kubalulekileyo, iqela labongoza i-DFFE ukuba ilandele izindululo zobunzululwazi ezenziweyo ngolawulo lookrebe abahlala kumazantsi olwandle. Izidalwa ezingookrebe ezininzi ezisengozini yokuphela eMzantsi Afrika – isoupin iza kunyamalala ngokuphathelele kwezorhwebo kwiminyaka engama-20 ngokwamazinga angoku okulotywa kwazo. Izindululo zezobunzululwazi ziveliswe kwiLinefishery nakwishishini leDemersal shark longline. Ukuncitshiswa kwethuba lokunyamalala kwezorhwebo, kubalulekile ukuba ama-20 eetoni okuQingqiweyo okuLotywayo ngaPhezulu Wokuqikelela (Precautionary Upper Catch) okuqingqiweyo (i-PUCL) njengoko kundululwe liQela eliSebenzayo lezeNzululwazi yokuLoba iiNtlanzi ngoSinga (Linefish Scientific Working Group) kuphunyezwe ngokukhawuleza kwishishini lezokuloba ngomnatha omkhulu elunxwemeni.

2.3. Imbali yeli shishini lezokuloba

Emva kokuhla komdla kwishishini lezokuloba ituna ngosinga olude phakathi kweyoo-1960, abalobi belongline babeka ingqwalasela yabo kwezinye izitokhwe ezinengeniso. Amaphephamvume eshishini lezokuloba ookrebe abahlala kumazantsi olwandle belongline aqala ukukhutshwa ngowe-1991. Inkuthazo yokuqala yokufumana la maphephamvume yayikukusebenzisa amathuba avumayo kwimigaqo yokuloba ihake ngosinga olude, umsebenzi owaye wayekwa ukwenziwa ngowe-1990.

Abalobi babesebenzisa izixhobo zokuloba zosinga olude ukuloba ihake nekingklip ngokuqhatha ngokusebenzisa amaphepha okuloba ookrebe. Isakuncipha imilinganiselo yezidalwa ezilotywe kungajongwanga kulotywa zona ezizihake nekingklip kwishishini lezokuloba lookrebe, umgudu wokuloba wehla ngokubalaseleyo. Phambi kowe-1998 amaphephamvume angaphezulu kwama-30 akhutshwa ngokuphathelele kookrebe ekujoliswe kubo, kodwa ngenxa yokuvelisa okusilelayo kweli shishini lezokuloba, umgudu osetyenziswayo uwonke (“i-TAE”) wehla waya kutsho kumaphephamvume angama-23 ngowe-1998. I-TAE yehla kwakhona ngowe-2004 nowe-2006 yaziinqanawa zokuloba ezili-11 nezi-6,

ngokwahlukahlukeneyo, ngenxa yemveliso esilelayo. Kwishumi leminyaka edlulileyo, ngokuqhelekileyo akukho zinqanawa zokuloba ezingaphezulu kwezi-4 ezithe zasebenza nanini na nangona kubekho amalungelo ama-6 awaye abelwa kwinkqubo yolwabelo yangaphambili apho ezi-2 kwezo nqanawa zokuloba bezingasebenzi.

2.4. Abasebenzisi bakavimba

Phambi kowe-2007, ukulotywa kookrebe abahlala kumazantsi olwandle kweli shishini lezokuloba kwakuphantsi, nangona kutshanje okulotywayo kubonakalise ukunyuka ngokungaphaya. Ngokuqhelekileyo, abanini bamalungelo basebenza ngokukhuthelayo kuphela ngamaxesha athile, kwaye abanini bamalungelo abaninzi befikelela kumalungelo anengeniso ngokungaphaya anje ngehake longline netuna pole. Ngaphandle kwabanini bamalungelo abasebenza eMpuma Koloni, amalungelo edemersal shark longline ayavuselelwa xa okulotywayo kwamanye amashishini ezokuloba kuphantsi okanye ngelixa lexesha lonyaka lokuvalwa. Lo vimba ungukrebe ulotywa ngamashishini ezokuloba amathathu awahlukeneyo; ishishini lezokuloba lookrebe abahlala kumazantsi olwandle ngosinga, lomnatha omkhulu wokuloba kufutshane nonxweme kunye nelokulobela ezorhwebo ngosinga. Okulandelayo, ukuhla kokulotywayo, ukuba kuyimfuneko kufuneka kusetyenziswe ngokulinganayo kuwo omathathu.

Kubalulekile ukuqaphela ukuba ezi zidalwa kujoliswa kuzo okanye zilotywa njengezidalwa ezilotywe kungajongwanga kulotywa zona ngokwamanani aphezulu kumashishini ezokuloba amathathu; ishishini lezokuloba lomnatha omkhulu kufutshane nonxweme, ishishini lezokuloba lookrebe abahlala emazantsi olwandle abalotywa ngosinga olude kunye neshishini lezokulobela ezorhwebo ngosinga. Ngaphandle kokuthintelwa kokugcina ookrebe ababizwa ngokuba ziihammerhead (*iSphyrna spp.*) kunye nookrebe ababizwa ngokuba ziibroadnosed sevengill cow *Notorynchus cepedianus* kwishishini lezokuloba lookrebe abahlala emazantsi olwandle abalotywa ngosinga olude ngalo mzuzu akukho manyathelo olawulo agxile kwezi zidalwa ukukhusela ookrebe abahlala emazantsi olwandle. Ngokuqhelekileyo, amashishini ezokuloba ookrebe, ukuquka ishishini lezokuloba lookrebe abahlala kumazantsi olwandle abalotywa ngosinga olude kunye nawokulobela ezorhwebo ngosinga aphenjelelwa ziinkqubo ezikhoyo zeemakethi.

Amashishini ezokuloba ookrebe amaninzi athathwa njengasilelayo ngokuphathelele kwidatha, kodwa kukho ukwanda kweenkxalabo zokuba iimpawu zembali yobomi bookrebe abaninzi zenza ukuba babe sesichengeni ngokukodwa ekulotyweni ngokugqithisileyo, ezinje ngobomi bokuphila obude, iimpawu ezisokolisayo zokufuduka kwezidalwa kunye nokuchuma okuphantsi. Ezi mpawu zigqibelela ekuzaleni

okuphantsi (amazinga okunyuka) kunye nokunyamezela ngokuhlileyo ukufa kwezidalwa ezilotywayo kwaye ke ngoko zinganyamezela kuphela amazinga aphantsi okuloba ngaphandle kokuncipha nokuwa kwesitokhwe.

3. 2013 INKQUBO YOLWABELO LWAMALUNGELO OKULOBA

Ngowe-2013, iSebe liye labela amalungelo ama-6 okuloba kumazantsi olwandle. Amalungelo okuloba agunyazisa ukuba kulobe iinqanawa zokuloba ezintandathu ubuninzi kwishishini lezokuloba. Umnini weLungelo ngalinye wayevumeleke ukuba asebenzise inqanawa yokuloba enye kuphela. Ama-63% amalungelo aye abelwa abantu abantsundu okanye amaqumrhu abantu abantsundu nalawulwa ngabantu abantsundu. Ngokwayamene nobuninzi bamabhinqa, ama-50% abelwe amabhinqa okanye amaqumrhu amabhinqa nalawulwa ngamabhinqa. Phakathi kowe-2007 nowe-2020 umlinganiselo wama-98% (ukusukela kuma-88 ukuya kuma-100 %) enani lokulotywayo kukonke kwenziwa ziinqanawa zokuloba ezi-4. ISebe lingathathela ingqalelo ukunciphisa inani lamalungelo awabelweyo ngexesha lale nkqubo. Oku kunganceda ukuncitshiswa ngokupheleleyo kwezi zidalwa ukongeza kwisithuba sokuthintela kweli shishini lezokuloba (kunye neshishini lezorchwebho okuloba ngosinga) ngowe-2020.

4. IINJONGO

Lo mgaqonkqubo uqaphela isidingo sokuqinisekisa usetyenziso lobutyebi bokuphila elwandle olugqibeleleyo, lwexesha elide kunye nolufanelekileyo ngenjongo yokuqinisekisa uphuhliso oluzinzileyo lwecandelo lezokuloba ukuphumeza uhlumo lwezoqoqosho oluhlangeneyo, ukuphumeza iinjongo kunye nemithethosiseko edweliswe kwiCandelo 2 le-MRLA ngeNgxowamali yooVimba abaPhila eLwandle (Marine Living Resources Fund) (i-MLRF) kunye nokudala ingqesho ezinzileyo engqinelanayo neenjongo zophuhliso lukaRhulumente kaZwelonke. Ngokwayamene neMarine Living Resources Act (uMthetho wooVimba abaPhila eLwandle), 1998, oogunyaziwe abanoxanduva babophelekile ukuphumeza ukusetyenziswa ngokwaneleyo kunye nophuhliso oluzinzileyo lofundonzulu ngendlela ezithi izidalwa ziphile ndaweninye kwiindawo zazo loovimba abaphila elwandle; balondolozwe oovimba abaphila elwandle ukulungiselela izizukulwana zangoku nezexesha elizayo; kusetyenziswe amanyathelo okulumkela ngokwayamene nolawulo nophuhliso loovimba baselwandle; basebenzise oovimba abaphila elwandle ukuphumeza uhlumo lwezoqoqosho, uphuhliso lwabasebenzi, ukuxhobisa ngezakhono kumacandelo ezoshishino lezokuloba nawokukhuliswa kwezaselwandle, ukudalwa kwengqesho kunye nozinzo lofundonzulu ngendlela ezithi izidalwa ziphile ndaweninye kwiindawo zazo oluphilileyo olungqinelanayo neenjongo zophuhliso zikarhulumente kazwelonke; ukukhusela ubudlelane bezinto eziphilayo nokuzingqongileyo ngokupheleleyo, ukuquka izidalwa zohlobo olunye ekungajoliswanga kuzo

ukuba zisetyenziswe; ukulondoloza iintlobo ngeentlobo zendalo, kunye nokunciphisa ungcoliseko lwezaselwandle.

linjongo ezizodwa zolwabelo lwamalungelo okuloba kwishishini lezokuloba ookrebe abahlala kumazantsi olwandle zezi:

- (a) ukunceda ekubuyiselweni kwisimo sangaphambili nakusetyenziso oluzinzileyo ngokuphathelele kufundonzulu ngokuphilayo neendawo okuphila kuzo kukavimba ongukrebe ohlala kumazantsi olwandle (okufuna ukuncitshiswa kokulotywayo ngokweziphumo zohlolo lwesitokhwe).
- (b) ukuphucula umgangatho wemisebenzi ngengqesho esisigxina, ukukhuthaza utshintsho nokwandisa uthathonxaxheba olululutho (ukwandisa uthabathonxaxheba, ukudalwa kwexabiso, kunye nothungelwano)
- (c) ukukhuthaza imidla yabafakizicelo abaxhomekeke ngokungaphaya kwicandelo ledemersal shark njengomthombo ongundoqo wengeniso yabo.

5. UKUNIKWA KWAMALUNGelo

Amalungelo okuloba anikwa ngokwayamene necandelo 18 le-MLRA. Ngokwayamene necandelo 79 le-MLRA uMphathiswa udlulisele amandla okunika ilungelo lokuloba kwishishini lezokuloba ngalinye kuGunyaziwe oTyunjweyo kwiSebe. Ngaphandle kokuba kumiselwe ngenye indlela nguMphathi, ngabemi baseMzantsi Afrika kuphela abaza kuthi bafumane okanye babe namalungelo ngokwayamene necandelo 18 le-MLRA. Kweli shishini lezokuloba uMphathiswa akawasebenzisanga amandla akhe ukuvumela abemi bezinye izizwe ukuba bafumane amalungelo, okuthetha ukuba ngabemi baseMzantsi Afrika kuphela abanokufumana amalungelo kweli shishini lezokuloba.

6. UHLOBO LOMNINI WELUNGelo

Ngokuthathela ingqalelo imeko yokusebenza nokufikelela kuvimba, ngaba bantu balandelayo baseMzantsi Afrika kuphela abaza kuthathelwa ingqalelo yokunikwa ilungelo kwishishini lezokuloba ledemersal shark.

- (a) Iqumrhu eliqingqiweyo (iqumrhu elisemthethweni); kunye
- (b) Inkampani (iqumrhu elisemthethweni).

7. ISITHUBA SEXESHA SELUNGelo

Ngokuthathela ingqalelo ukuhla kwezitokhwe zookrebe abahlala kumazantsi olwandle, kunye nesidingo

sokukhuthazwa kotyalomali, amalungelo okuloba kwishishini lezokuloba ookrebe abahlala kumazantsi olwandle aza kunikwa isigaba sexesha seminyaka eli-15, apho emva koko aza kuphelelwa ngokuzenzekelayo aze abuyele kuRhulumente. Eli shishini lezokuloba liza kubekwa iliso ngelixa lamalungelo kwaye kubekwe amanyathelo afanelekileyo apho kuyimfuneko.

8. UDLULISELO LWAMALUNGELO AWABELWEYO KWELI SHISHINI LEZOKULOBA

Ngokwayamene neCandelo 21 le-MLRA uMphathiswa unokwamkela udlulisele lwamalungelo okuloba ngokupheleleyo okanye ngokuyinxenye. Nangona kunjalo, amalungelo anikiweyo kweli shishini lezokuloba ngokwayamene ne-MLRA awaz'ukudluliselwa kwiminyaka emithathu [3] yokuqala yokwabelwa kwawo.

9. UBANDAKANYEKO KUMACANDELO AMANINZI

Abafakizicelo kulwabelo lwamalungelo kweli shishini lezokuloba abaz'ukuvalelwa ekufakeni izicelo, okanye ukuba namalungelo ezorhwebo kwamanye amacandelo amashishini okuloba engingqi. Abafakizicelo kuza kufuneka bafake izicelo ngokwahlukileyo ngelungelo elikwamanye amacandelo oshishino lwezokuloba. Abafakizicelo abanenjongo yokufaka izicelo zamalungelo kumacandelo amashishini ezokuloba amaninzi kufuneka bathathele ingqalelo iinkcukacha ezikhankanyiweyo zenqanawa yokuloba nezithintelo kumacandelo amashishini ezokuloba awahlukahlukeneyo. Iinqanawa zokuloba zivunyelwe kuphela ukuloba ngelungelo elinye ngexesha.

10. IINDLELA ZOKUHLUZA ZOKUVAVANYA

Izicelo ziza kuhluzwa ngokwayamene neqela "leendlela zokuhluzwa zokubekelwa bucala". Bonke abafakizicelo baza kuthi emva koko banikwe amanqaku ngokwahlukeneyo ngokwayamene "neendlela zokuhluzwa zokuzinzisa zothelekiso" ezilinganiselweyo. Kuza kumiselwa uhluzo ngenjongo yokuchongwa kwabafakizicelo abaphumeleleyo kwaye umgudu uza kwabelwa umfakisicelo ophumeleleyo ngamnye.

10.1 Iindlela zokuhluzwa zokubekelwa bucala

Ngaphandle kweendlela zokuhluzwa ezichazwe kuMgaqoNkqubo Jikelele: 2021 ngokubhekiselele ekufakweni kwezicelo kunye neziphene ezininzi, uGunyaziwe oTyunjweyo uza kubekela bucala abafakizicelo abasilelayo ukuhlangabezana nezi mfundo zilandelayo:

(a) Ukuthobela

Umfakisicelo uza kubekelwa bucala ukuba uthe yena okanye namphi na kubaLawuli

bakhe, abaLawuli abaziiNtloko, abaNinizabelo okanye amaLungu (apho obo buninizabelo okanye igunya lolawulo lwamalungu lidlula kwi-10%) okanye abaPhathi bezikhephe bagwetyelwe ukwaphula i-MLRA, imigaqo ebhengezwe phantsi kwayo kunye nemiqathango yamaphephamvume (ngaphandle kwendlela yokuhlulwa kwesohlwayo).

Umfakizicelo uza kubekelwa bucala kwakhona ukuba uthe, okanye namphi na kubaLawuli bakhe, abaLawuli abaziiNtloko, abaNinizabelo okanye amaLungu (apho obo buninizabelo okanye igunya lolawulo lwamalungu luyadlula kwi-10%) okanye abaPhathi bezikhephe baye banalo naliphi na ilungelo lokuloba labo elithe lacinywa okanye larhoxiswa ngokwayamene ne-MLRA.

(b) **UbuMnini bemvume ngokwamaPhepha**

Izicelo ezifunyaniswe zizezabafakizicelo zobumnini bemvume ngokwamaphepha, njengoko kuchaziwe kuMgaqonkqubo Jikelele: 2021, ziza kubekelwa bucala.

(c) **Ukukhohlisa ngokobumnini**

Abafakizicelo abafunyaniswe bebandakanyeka ekuKhohliseni ngobumnini njengoko kuchaziwe kuMgaqonkqubo Jikelele: 2021 baza kubekelwa bucala.

(d) **Ukungasetyenziswa**

Abafakizicelo abaye basilela ukusebenzisa ngokululutho amalungelo okuloba abo edemersal shark phakathi kwesigaba sexesha sowe-2014 ukuya kowe-2020. Ukusetyenziswa ngokululutho kufuna ukuba a) kuqokelelwe iphephamvume, b) ilungelo lisetyenziswe ngokuzimiseleyo (kulotywe) kwaye nokuba c) idatha yokulotyweyo inikiwe.

Kuza kuthi, nangona kunjalo, kuthathelwe ingqalelo yokuba nangona abafakizicelo ababekelwe bucala bengaz'ukwabelwa ilungelo lokulobela ezorhwebo kweli candelo, baza kuvavanyelwa kwaye bahlololwe iindlela zokuhlulwa zokuzinzisa. Oku kuza kwenziwa ngeenjongo zokuvelisa amaphetshana amanqaku abo bafakizicelo babekelwe bucala.

10.2 Iindlela zokuHlulwa zokuZinzisa

Abafakizicelo baza kuvavanywa ngokwayamene nezi ndlela zokuhlulwa zokuzinzisa zilandelayo, eziza kulinganiselwa ngeenjongo yokuvavanya nokuhlola izicelo.

a) Utshintsho

- i. Utshintsho lulonke (Lusebenza kubaFakizicelo boDidi A). Ukuphuculwa kweprofayili yotshintsho kulwabelo lomjikelo wangaphambili kuza kuthathelwa ingqalelo. Oku kulandelayo kuza kuthathelwa ingqalelo ngokululutho: Ukunyuka okubonakalisiweyo kobumnini belungelo, ulawulo, abasebenzi abanezakhono (oko kukuthi, abaphathi bezikhephe, amagosa, abaphathi bokuloba, abasebenza ngaphakathi kwinqanawa yokuloba abakrelekrele) bamaqela atyunjiweyo, ingakumbi abaNtu abaNjwa amaThuba ngaphambili (ii-HDI), amabhinqa, ulutsha kunye nabantu abaphila nokukhubazeka.
- ii. Utshintsho lulonke (Lusebenza kubaFakizicelo boDidi B). Oku kulandelayo kuza kuthathelwa ingqalelo: Amazinga otshintsho ngokuphathelele kubumnini, abalawuli, abasebenzi abanezakhono (oko kukuthi, abaphathi bezikhephe, amagosa, abaphathi bokuloba, abasebenza ngaphakathi kwinqanawa yokuloba abakrelekrele) bamaqela atyunjiweyo, ingakumbi ii-HDI, amabhinqa, ulutsha kunye nabantu abaphila nokukhubazeka.
- iii. Utshintsho lulonke (Kubhekiselelwe kubaFakizicelo boDidi C) ngokuphathelele kumaqela atyunjiweyo, ingakumbi ii-HDI, amabhinqa, ulutsha kunye nabantu abaphila nokukhubazeka.

b) Utyalomali kwishishini lezokuloba

Utyalomali kwishishini lezokuloba ledemersal shark olunxulumene neenqanawa zokuloba, ukulungisa, kunye nezakhono zabasebenzi luza kuthathelwa ingqalelo.

c) Ukusebenza ngokuphathelele ekulobeni

Ukuqhutywa komsebenzi wokuloba kwabafakizicelo abanamalungelo okuloba kwishishini lezokuloba ledemersal shark kuza kuvavanywa ukumisela ukuba ingaba bawasebenzise ngokululutho na amalungelo okuloba.

Ukusetyenziswa ngokululutho kubonakaliswa:

- a) a) kokulotywayo okungaguququkiyo iinyanga ezili-17 isigaba sexesha seminyaka esi-7 (20%) kunye
- b) nokungeniswa kwencwadi yengxelo yezihlo 12 yeembuyekezo zokulotyweyo ngonyaka ukuquka neembuyekezo eziphuthileyo. Umgangatho wolwazi olukwincwadi yengxelo yezihlo nawo uza kuthathelwa ingqalelo. Ukusetyenziswa ngokululutho kuza kumiselwa ngokuphathelele kwiirekhodi zeSebe.

Abafakizicelo abangakhange balobe nayiphina idemersal shark ngamaxesha onyaka okuloba okanye abangakhange baqokelele iphephamvume ngalo naliphi na ixesha lonyaka elithile bengakhange banike inkcazelo evakalayo kunye/okanye amaxwebhu angqinayo bangabekelwa bucala.

d) Uxhomekeko kookrebe abahlala kumazantsi olwandle

Kuza kubekwa phambili abafakizicelo abaxhomekeke ngokubalaseleyo ekulobeni ookrebe abahlala kumazantsi olwandle ngenxenye ebonakalayo (>50%) yengeniso yabo iyonke ngonyaka kunabafakizicelo abafumana ingeniso kwimithombo engaphandle kweyeshishini lezokuloba.

e) Uphuhliso lwezoqoqosho lwengingqi

Ukukhuthaza uphuhliso lwezoqoqosho lwengingqi kwiidolophu zokuloba ezinoqoqosho oludodobeleyo, kuza kubekwa phambili abafakizicelo abakhetha ukothula nokulungisa abakulobileyo kumazibuko angaphandle kwemimandla embaxa.

f) UkuDalwa kwamaThuba emiSebenzi kunye neNgqesho eZinzileyo

UGunyaziwe oTyunjiweyo angabeka phambili namphi na umfakisicelo ozinikelayo ekugcineni amathuba akhoyo engqesho, okanye ukwandisa amathuba engqesho ukuba ulabelwe ilungelo kwishishini lezokuloba. Ngenxa yezi njongo uGunyaziwe oTyunjiweyo uza kuthathela ingqalelo umgangatho wamathuba engqesho aza kudalwa, ukuquka nokuthobela uMthetho wemiQathango esisiSeko yeNgqesho (Basic Conditions of Employment Act), 1997 (No. 75 ka-1997) ("i-BCEA"), uMthetho weeNqanawa zoRhwebo (the Merchant Shipping Act) 57 ka-1951 kunye nokuzinikela komfakisicelo ukunika abasebenzi:

- i) ingqesho esisigxina;
- ii) uncedo lwezonyango okanye naluphi na uhlobo lolungiselelo lwenkxaso yezonyango;
- iii) ingxowamali yomhlalaphantsi / yomhlalaphantsi osisixa;
- iv) imiqathango yokusebenza ngokukhuselekileyo ngokwayamene neemfuno zowisomthetho ezisebenzayo; kunye
- v) isikim sezabelo somsebenzi njengequmrhu lobuninizabelo bomnini welungelo

g) Ukuhlawulwa kweelevi

Abafakizicelo abaye banikwa amalungelo okuloba ngowe-2013 baza kulindeleka ukuba banike

ubungqina bokuba bazihlawule bazigqiba iilevi zabo zeentlanzi ezothuliweyo ngomhla wokungeniswa kwezicelo zabo.

h) Ukufikelela kwiNqanawa yokuLoba eFanelekileyo

Umfakisicelo uza kulindeleka ukuba abonakalise ilungelo lokufikelela kwinqanawa yokufikelela efanelekileyo ukuloba ledemersal shark. Ubungqina ngohlobo lobumnini, inxenye yobumnini okanye isivumelwano sokulotywayo, kunye nesatifiketi sobhaliso sikaGunyaziwe wezoKhuseleko eLwandle woMzantsi Afrika esisemthethweni (South African Maritime Safety Authority) (i-SAMSA), kunye/okanye iSatifiketi soKhuseleko seSAMSA esisemthethweni, kunye neefoto zenqanawa yokuloba ezithathwe kwizibuko nakwistabhodi, emva nangaphambili kufuneka zibandakanywe kwisicelo. Ukuba umfakisicelo ungene kwisivumelwano sokuthenga ukufumana inqanawa yokuloba efanelekileyo ngesicelo esiphumeleleyo, ubungqina bekontraki yokuthenga kufuneka bunikwe. Kwimeko yenqanawa yokuloba entsha eyakhiweyo, iiplani zenqanawa yokuloba, ukumiswa kwamaxabiso okubanzi kwenkampani ebisakha inqanawa yokuloba kunye nobungqina bemali kufuneka bunikwe.

Ayiz'ukuvunyelwa inqanawa yokuloba eneflegi yelizwe langaphandle kweli shishini lezokuloba. Inani lamalungelo asebenzayo alinakuze lidlule i-TAE.

Inqanawa yokuloba efanelekileyo kwishishini lezokuloba ookrebe abahlala kumazantsi olwandle:

- i) Inobona bude bungama-25 eemitha kwaye inesixokelelwano sokubeka iliso esisebenzayo senqanawa yokuloba ngelixa lokwenza isicelo selayisenisi yenqanawa yokuloba ukuba isicelo siphumelele; linqanawa zokuloba zangaphambili ezisebenze kweli shishini lezokuloba ziza kuthathelwa ingqalelo ukuba umfakisicelo ebengumnini wamalungelo ngaphambili kwaye unokubonakalisa ukusebenza.
- ii) ibhaliswe kwaye yaqinisekiswa yi-SAMSA njengefanelekileyo ukuloba ookrebe abahlala kumazantsi olwandle ngosinga olude; kwaye
- iii) ixhotyiselwe ukuloba ukrebe ohlala kumazantsi olwandle ngosinga olude.

i) Ukubandakanyeka kwabafakizicelo kunye nobudlelane nabanye abafakizicelo

(i) Ukubandakanyeka kwamaqumrhu kunye neenkampani ezingaphantsi kwawo

Inkampani, iqumrhu eliqingqiweyo kunye nelo(nalawo) li(a)ngaphantsi kwalo(wo) mali(wa)nganikwa ngaphezulu kwelungelo elinye kwishishini lezokuloba ookrebe abahlala kumazantsi olwandle, ngenjongo yokulumkela ukukhohlisa ngobumnini kunye noxhamlowedwa kunye nokukhuthaza ufikelelo olunabileyo kuvimba ongukrebe ohlala

kumazantsi olwandle. Abafakizicelo balindeleke ukuba babhengeze ubudlelane babo nabanye abafakizicelo ngolwabelo lwamalungelo kwishishini lezokuloba ookrebe, kunye namanye amashishini okulobela ezorhwebo ngokunjalo. Ukuba iqumrhu kunye nenkampani ephantsi kwalo zombini zifaka isicelo selungelo kweli shishini linye, inkampani eyongameleyo kuza kubekwa yona phambili ngokuthathela ingqalelo iinjongo zotshintsho zeSebe.

(ii) AmaQumrhu aQingqiweyo aNdawonye

Ukuba amaqumrhu amabini okanye ngaphezulu angawomntu kwaye alawulwa ngumntu omnye okanye ngabantu okanye ngabaninizabelo abafaka isicelo samalungelo okulobela ezorhwebo leshishini lezokuloba ledemersal shark, kwaye alulungele ulwabelo lwaloo malungelo, ngoko ke iSebe lingathathela ingqalelo: ukwabela ilungelo lokuloba kwelinye lamaqumrhu alungeleyo kuphela; okanye lahlule i-TAE phakathi kwamaqumrhu alungeleyo.

11. ULWABELO LOMGUDU

ISebe liza kwabela umgudu wokuloba kwiinqanawa zokuloba ezi-4 kweli candelo. UGunyaziwe oTyunjweyo unokuthi apho kuyimfuneko abekele bucala inxenye ye-TAE ukulungiselela izibheni. Eli lungelo lilodwa liza kwabelwa umbheni oyedwa ophumeleleyo. UGunyaziwe oTyunjweyo uza kwazisa bonke abafakizicelo ngemihla ebekelwe izibheni.

12. ABAQALAYO UKUNGENA

Ngelixa siqonda imibandela yecandelo emiselweyo phantsi kwamalungelo exesha elide angaphambili ngokubhekiselele kutyalomali, ukusebenza, uzinzo lwezoqoqosho kunye nohlumo lweshishini, iSebe liza kuthathela ingqalelo ukuqukwa kwabaqalayo ukungena ukuthobela iiNjongo neMithethosiseko yecandelo 2, kunye necandelo 18(5) le-MLRA leSebe. Abafakizicelo abaqalayo ukungena kuza kufuneka babonakalise ukuba banolwazi, izakhono kunye namandla okuloba nokulungisa idemersal shark. Nangona kunjalo kufuneka kuqatshelwe ukuba lincinci ithuba lokuvumela abaqalayo ukuNgena kweli shishini lezokuloba.

13. UKUHLAWULWA KWEMIRHUMO YESICELO NEYOKUNIKWA KWELUNGELO

Imirhumo esetyenziswayo ipapashwe kwiGazethi kaRhulumente No. 39451, Volume No. 605, 25 Novemba 2015, ngokwahlukeneyo ngokwayamene necandelo 25 le-MLRA.

Umrhumo wesicelo uhlawulwa xa kungeniswa isicelo kwaye awubuyiselwa.

Umrhumo wokunikwa kwelungelo uhlawulwa ngabo bonke abafakizicelo abaphumeleleyo kwiintsuku ezingama-60 lisakube linikiwe ilungelo.

Abafakizicelo kufuneka bahlawule uMrhumo wesiCelo kwiNgxowamali yooVimba abaPhila eLwandle phambi kokuba bangenise iiFomu zesiCelo zabo kwaye ubungqina bentlawulo bungeniswe neFomu yesiCelo xa kufakwa isicelo selungelo lokuloba. linkcukacha zebhanki zezi zilandelayo:

UMnini weAkhawunti: Marine Living Resources Fund

IGama leBhanki: First National Bank

INombolo yeAkhawunti: 62123256382

IKhowudi yeSebe: 210554

INombolo yoQinisekiso: [Umfakisicelo kufuneka afake inombolo yesicelo selungelo lokulobela ezorhwebo]

14. ULUHLU LWETHUTYANA

UGunyaziwe oTyunjiweyo angakhupha uluhlu lwethutyana ukuze kuphawulwe ngawo nawuphi na umba onxulumene nesicelo kulo naliphi na ishishini lezokuloba.

UGunyaziwe oTyunjiweyo angacela kuphawulwe ngalo naluphi na ulwazi olunikiweyo ngumfakisicelo kwaye ngokusekelwe kumanqakwana afunyenweyo athathe isigqibo sokugqibela.

UGunyaziwe oTyunjiweyo angamema izimvo ngokuphathelele kuhlolo lwezicelo phambi kokuthatha izigqibo zokugqibela.

15. UKWAZISWA KWEZIGQIBO EZITHATHIWEYO

UGunyaziwe oTyunjiweyo uza kuthi emva kwezigqibo zokugqibela ezithathiweyo ngezicelo azise bonke abafakizicelo ngeziphumo zezicelo zabo ngokuzimeleyo aze anike izizathu ezithile zeso sigqibo.

IziZathu Jikelele zezigqibo ezithathiweyo kwishishini lezokuloba elithile ziza kupapashwa kusaziswa bonke abafakizicelo ngendlela eziqulunqwe ngayo izigqibo kwaye nokuba kufikelelwe njani kuzo. IziZathu Jikelele ziza ziquka kwakhona isihlomelo esandlala amanqaku afunyenweyo ngabo bonke abafakizicelo kwishishini lezokuloba ooKrebe abahlala kumaZantsi oLwandle ngoSinga olude.

16. AMANYATHELO OLAWULO

Amanyathelo olawulo awandlalwe apha ngezantsi ngamanyathelo amaninzi eenjongo zomthethosiseko wolawulo weSebe wasemva kolwabelo lwamalungelo ecandelo leDemersal Shark. IsiCwangciso soLawulo lwamaShishini ezokuLoba siza kuba luphuhliso ngokubonisana nabanini bamalungelo isakube nje inkqubo yolwabelo lwamalungelo igqityiwe ukuqinisekisa uzinzo lukavimba.

16.1 ULawulo lwezoMmandla

- (a) Akuz'ukulotywa empuma kumda ohamba ngqo omiswe kumzantsi kanye weZibuko laseMonti ($27^{\circ}55' E$).
- (b) Akuz'ukulotywa kwiMimandla eKhuselweyo yaseLwandle njengoko kubhengeziwe kwiGazethi kaRhulumente No. 42478 yomhla wama-23 kuMeyi ka-2019.
- (c) Ukuloba kunye/okanye ukususwa okanye ukuphazamiseka kwezidalwa zaselwandle kwimiYezo yeSizwe (National Parks) kuthintelwe. Ukuloba kweminye imimandla yaselwandle neyamachweba elawulwa yimiYezo yeSizwe yaseMzantsi Afrika (South African National Parks), kuxhomekeke kwimigaqo ebhengezwe phantsi koMthetho wemiYezo yeSizwe (National Parks Act), 1976 (uMthetho No. 57 ka-1976) njengoko kulungisiwe.
- (d) Akukho mntu uza kusebenzisa naziphi na izixhobo zokuloba kuMmandla oKhuselweyo waseLwandle iBird Island, obuxande ngokujikeleze iBird Island eAlgoa Bay ebonakala ngezibanzi $33^{\circ}48'0S$ kunye $33^{\circ}52'0S$ kunye nezide $026^{\circ}14'5E$ kunye $026^{\circ}20'0E$.
- (e) Ngesigaba sexesha lomhla woku-1 kuSeptemba ukuya kumhla wama-31 kaDisemba, akuz'ukulotywa kumacala amane achazwe ngemida edibanisa ezi ncam zine zilandelayo:—
A: $34^{\circ}48'S$ $024^{\circ}00'E$;
B: $34^{\circ}38'S$ $025^{\circ}00'E$;
C: $34^{\circ}44'S$ $025^{\circ}00'E$; kunye
D: $34^{\circ}57'S$ $024^{\circ}00'E$.

16.2 Umqwalaseli eLwandle kunye nokuBekwa kweLiso okuSekelwe eMhlabeni

Abafakizicelo abaphumeleleyo baza kulindeleka ukuba bathumele abaqwalaseli bezenzululwazi abaqinisekisiweyo bokuya elwandle njengoko kuchaziwe liSebe kwimiqathango yamaphephamvume ngokusekelwe kwiintlawulo zomsebenzisi. Ngoku uhambo olu-1 ngekota kufuneka lube nomqwalaseli. Ukubekwa kweliso okuelektronikhi njengeny indlela endaweni yabaqwalaseli abangabantu kuza kuphuhliswa ngokubonisana nabanini bamalungelo. ISebe liza kusebenza nabanini bamalungelo kunye nemibutho yeshishini ukomeleza kwaye mhlawumbi libeke iliso

elwandle ngokuzenzekelayo, ukothulwa (ukumisela ulwakheko lwezidalwa zohlobo olunye) kunye nokuthathwa kwedatha ngokusebenzisa ezobuchwepheshe (iikhamera).

17. IMIQATHANGO YAMAPHEPHAMVUME

Imiqathango yamaphephamvume yeli shishini lezokuloba iza kukhutshwa rhoqo ngonyaka. Imiqathango yamaphephamvume iza kumiselwa rhoqo ngonyaka ngelixa leentlanganiso zeQela eliSebenzayo loLawulo lecandelo elikhankanyiweyo leSebe ngokwayamene nengcebiso yezobunzululwazi. Uhlaziyo, ngokubonisana nabaNini bamaLungelo nalo lungaqhubeka nanini na xa kuyimfuneko ngexesha lonyaka ngeloo xesha kufaneleke ngalo.

18. UKUBEKWA KWELISO NOKUHLOLWA KOMGAQONKQUBO

ISebe liza kubeka iliso kwaye livavanye umgaqonkqubo wokugqibela ngokuqalisa imisebenzi emininzi yokulinganisela ukusebenza okusesikweni ngesithuba sexesha seminyaka eli-15. Kuyaqikelelwa ukuba iqela lokuqala lemisebenzi yokulinganisela ukusebenza liza kuqhutywa emva kweminyaka esixhenxe (7), ukusukela kumhla wokugqitywa kwezibhenzo.

Nangona iSebe liza kugqiba imiqathango ngqo ngabaNini bamaLungelo abaza kulinganiswa ngayo emva kolwabelo lwamalungelo okulobela ezorhwebo - kwaye nasemva kokubonisana nabaNini bamaLungelo - ezi ndlela zokuhlulisa zinxulumene nokusebenza zinabileyo zilandelayo zingasetyenziswa:

- (a) Utshintsho.
- (b) Utyalomali kwiinqanawa zokuloba nakwizixhobo zokuloba.
- (c) Ukusetyenziswa okuzinzileyo.
- (d) Imisebenzi ephathelele ekulobeni nokusetyenziswa kwelungelo
- (e) Ukuthobela imithetho esebenzayo nemigaqo
- (f) Ukunikwa kwengxelo kwangexesha nangokugqibeleleyo ngokulotyweyo kunye nolunye ulwazi olusebenzayo.

UMzantsi Afrika awukhange ungachaphazeleki kwiimpembelelo ezingantlanga zoguquko lobume bezulu koovimba beshishini lezokuloba kunye nakuluntu oluxhomekeke kwishishini lwezokuloba ngokuphila kwabo. Iimpembelelo zoguquko lobume bezulu kungajongwana nazo ngokuvelisa amanyathelo okuqhelanisa nokunciphisa kwicandelo lokuloba. Uphando kunye nokubeka iliso okuqhubekayo liSebe kunye nangabachaphazelekayo ziza kudlala indima ebalulekileyo ekuchongeni izikhewu, ukusilela neziphene kwimigaqonkqubo yeshishini lezokuloba esele likhona kunye

namanyathelo olawulo.

Injongo yokulinganiselwa komsebenzi iza kuba kukuqinisekisa ukuba kuyahlangatyezwana na neenjongo zalo mgaqonkqubo ugqityiweyo.

19. ULWAPHULOMTHETHO

ISEBE lingagunyazisa iingxoxo zamatyala ngokwayamene neCandelo 28 le-MLRA kunye/okanye iingxoxo zamatyala phakathi kwabemi okanye zolwaphulomthetho kuye namphi na umnini wamalungelo ofunyaniswe aphule nawuphi na umqathango ilungelo elinikwe phantsi kwawo. Olu lwaphulo luquka:

- (a) Ukwaphulwa kwamagatya e-MLRA, imiGaqo ye-MLRA, imiQathango yamaPhephamvume, uMgaqonkqubo wokuDluliselwa kwamaLungelo kunye neminye imiThetho enxulumeneyo ebandakanyiweyo kwimiQathango yamaPhephamvume nguMnini weLungelo, okanye abasebenzi bakhe (nokuba ngaba basisigxina, basebenza ngokupheleleyo okanye ngamaxesha athile), iikontraka zakhe, iiarhente okanye abacebisi bakhe kunye neskipper senqanawa yokuloba;
- (b) UMnini weLungelo osilelayo ukusebenzisa ilungelo lakhe lokuloba ooKrebe abaHlala kumaZantsi oLwandle ngoSinga olude ngawo nawuphi na amaxesha onyaka amabini alandelelanayo okuloba ngesigaba sexesha elinikwe ngaso ilungelo elo ngaphandle kwenkcazelo evakalayo;
- (c) UMnini weLungelo osilelayo ukuhlangabezana neenjongo zalo mgaqonkqubo, njengoko kuchongiwe ngelixa lomsebenzi wokulinganiselwa kokusebenza;

kungagqibelela ekuqalisweni kweengxoxo zamatyala ezomthetho (okunokuquka ukuqaliswa kweengxoxo zamatyala zecandelo 28 ngokwayamene ne-MLRA kunye/okanye iingxoxo zamatyala eziphakathi kwabemi okanye ezolwaphulomthetho).

20. UKUBHANGISA

Lo Mgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba ooKrebe abaHlala emaZantsi oLwandle ngoSinga olude: 2021 ubhangisa uMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba ooKrebe abaHlala emaZantsi oLwandle ngoSinga olude: 2005.

~ ISIPHELO ~



ISEBE LEZAMAHLATHI, EZOKULOBA NEZENDALO

**UMGAQONKQUBO WOLWABELO NOLAWULO LWAMALUNGELO
OKULOBELA EZORHWEBO KWISHISHINI LEZOKULOBA IKOLOFISHI
YAMATYE YONXWEME OLUSEMZANTSI (SOUTH COAST ROCK LOBSTER):
2021**

**LO MGAQONKQUBO KUFUNeka UFUNDWE KUNYE NOMGAQONKQBO
JIKELELE NGOLWABELO LWAMALUNGELO OKULOBELA EZORHWEBO: 2021
KUNYE NOMGAQONKQUBO WODLULISELO LWAMALUNGELO OKULOBELA
EZORHWEBO:2021
(ufumaneka apha www.dffe.gov.za)**

ITHEYIBHILE YEZIQULATHO

INXENYE A: INTSHAYELELO.....	3
1. Intshayelelo.....	3
2. Iprofayili yeshishini lezokuloba.....	3
3. Inkqubo yolwabelo lwamalungelo okuloba yexesha elide yangaphambili.....	7
4. Iinjongo 8	
INXENYE B: INKQUBO YOLWABELO LWAMALUNGELO OKULOBELA EZORHWEBO.....	9
5. Ukunikwa kwamalungelo okuloba.....	9
5.1. Uhlobo lwabaNini bamaLungelo.....	10
5.2. Isithuba sexesha samalungelo.....	10
5.3. Ubandakanyeko kumacandelo amaninzi.....	10
5.4. Ukudluliselwa kwamaLungelo awaBelweyo ngokwayamene nalo Mgaqonkqubo.....	10
6. Inani leenqanawa zokuloba.....	11
7. ImiRhumo yesicelo kunye neyokuNikwa kweLungelo.....	11
8. Abaqalayo ukungena.....	11
9. Iindlela zokuhlaza zobungakanani obufunekayo.....	12
10. Iindlela zokuhlaza zokuvavanya.....	13
10.1 Iindlela zokuhlaza zokubekelwa bucala.....	13
(a) Ukuthobela 13	
(b) Ubumnini bemvume ngokwamaphepha.....	13
(c) Ukukhohlisa ngokobumnini.....	14
10.2. Iindlela zokuhlaza zozinziso lothelekiso.....	14
(a) Iindlela ekusetyenzwa ngayo ekulobeni (Kubhekiselelwe kubafakizicelo boDidi A).....	14
(b) Amava okuloba nolwazi (Kubhekiselelwe kubafakizicelo boDidi B no-C).....	15
(c) Iinqanawa zokuloba ezifanelekileyo (Kubhekiselelwe kubafakizicelo boDidi A, B no-C).....	15
(d) Ukuthobela (Kubhekiselelwe kubafakizicelo boDidi A no-B).....	16
(e) Utyalomali kwishishini lezokuloba (Kubhekiselelwe kubafakizicelo boDidi A, B no-C).....	17
(f) Utshintsho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C).....	17
(g) Ukudalwa kwamathuba emisebenzi kunye nemiqathango yengqesho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C).....	18
INXENYE C: AMANYATHELO OLAWULO.....	19
11. Inkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba.....	19
12. Inkqubo yomqwalaseli.....	20
13. Ubungakanani bokufunekayo bamalungelo arhoxisiweyo.....	20
14. Ukudluliselwa kwamaLungelo okuLobela ezoRhwebo kunye/okanye iZabelo kunye/okanye amaGunya oLawulo amaLungu 20	
15. Imiqathango yamaphephamvume.....	20
16. Ukubekwa iliso nokuvavanywa koMgaqonkqubo.....	21
17. Ulwaphulomthetho.....	22
18. Ukubhangisa.....	23

UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

INXENYE A: INTSHAYELELO

1. Intshayelelo

Lo mgaqonkqubo wolwabelo nolawulo lwamalungelo okulobela ezorhwebo kwiShishini lezokuloba iKolofishi yamaTye yoNxweme oluseMzantsi (South Coast Rock Lobster) (‘ishishini lezokuloba le-SCRL’) ukhutshwa nguMphathiswa wezamaHlathi, ezokuLoba nezeNdalo (‘uMphathiswa’) kwaye kuza kubhekiselelwa kuwo ngolu hlobo ‘UMgaqonkqubo weShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021’. Lo Mgaqonkqubo weShishini lezokuloba iKolofishi yamaTye yoNxweme oluseMzantsi kufuneka ufundwe kunye noMgaqonkqubo Jikelele woLwabelo lwamaLungelo okuLobela ezoRhwebo: 2021 (uMgaqonkqubo Jikelele: 2021) kunye noMgaqonkqubo woDluliselo kwamaLungelo okuLobela ezoRhwebo.

UMphathiswa uthe, ngokwayamene necandelo 79 loMthetho wooVimba abaPhila eLwandle (Marine Living Resources Act) 18 ka-1998 (‘i-MLRA’), wanikezela ngamandla ecandelo 18 ukunika amalungelo okulobela ezorhwebo ngokwayamene necandelo 79 loMthetho wooVimba abaPhila eLwandle 18 ka-1998 (‘i-MLRA’), kwiGosa eliyiNtloko leSebe lezamaHlathi, ezokuLoba nezeNdalo (‘iSebe’).

UMgaqonkqubo weShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021 wandlala iinjongo, iindlela zokuhluzi kunye neengcamango eziza kukhokela uvavanyo nolwabelo lwamalungelo okulobela eshishini lezokuloba iKolofishi yamaTye yoNxweme oluseMzantsi. Lo mgaqonkqubo uza kukhokela ugunyaziwe otyunjweyo ekuthatheni izigqibo ngezicelo kweli shishini lezokuloba.

2. Iprofayili yeshishini lezokuloba

2.1. Inkcazelo yeshishini lezokuloba

Ishishini lezokuloba i-SCRL lishishini lokuloba enzulwini yamanzi olwandle ngesigcayiseli sosinga olude elaqala ngowe-1974. Ngelo xesha, iinqanawa zokuloba zaseMzantsi Afrika nezingaphandle kwawo zaziloba lo vimba ufumaneka enzulwini

UMgaqonkqubo woLwabelo nolawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

yamanzi. Nangona kunjalo, ngowe-1976 uMzantsi Afrika wabhengeza uMmandla wezoQoqosho oKhethekileyo (Exclusive Economic Zone) weemayile ezingama-200 waza ngokuphumeleleyo wayekisa uthabathonxaxheba lwangaphandle kwishishini lezokuloba i-SCRL. Inqanawa zokuloba zaseMzantsi Afrika ezingama-26 zizonke zashiyeka ziqhubeka kwishishini lezokuloba elo. Eli nani lehla laya kutsho kwi-15 ngowe-1981 emva kweminyaka yokuloba ngokungazinzanga nangokungenamigaqo okwakhokelela ekuncipheni kwalo vimba. Ngowe-1975, ama-2092 eetoni ekolofishi yamatye yonxweme alotywa kwaye ngowe-1981 oku kwehla kwayokutsho kuma-176 eetoni nje kuphela.

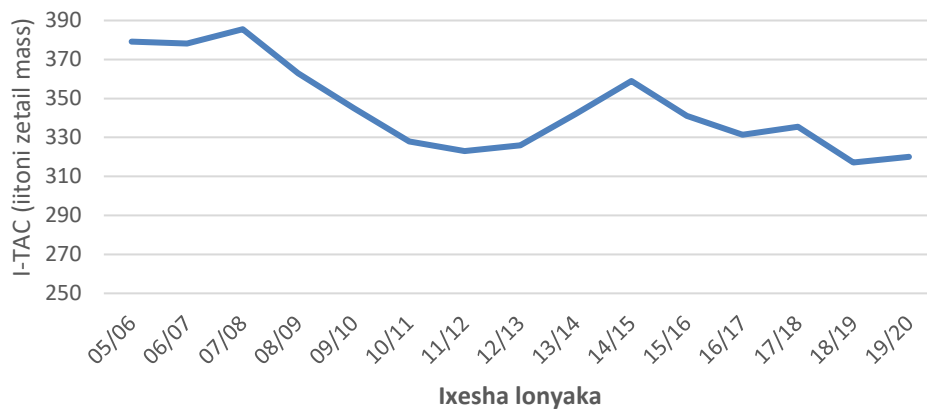
Ishishini lezokuloba i-SCRL laqalisa ukubekwa ngokomgaqo ngomgudu ovumelekileyo wokulotywayo kukonke (“i-TAC”) ngowe-1984. I-TAC yamiselwa kuma-450 eetoni (itail mass). Emva kweminyaka elishumi, uphando lubonakalise ukuba uvimba usaqhubeka nokuncipha. Isicwangcisoqhinga solawulo seli shishini lezokuloba satshintshwa ngokusisiseko ngowe-2000. Isicwangcisoqhinga esidibeneyo se-TAC nesomgudu osetyenziswayo uwonke (“i-TAE”) saqaliswa, okuthe kwaqingqa inani leentsuku inqanawa yokuloba i-SCRL enokuhlala ngazo elwandle. Uqingqo “Iweentsuku zaselwandle” lubalwa ngokwesabelo se-TAC esilotywayo yinqanawa yokuloba ethile, kuthathelwa ingqalelo umthamo waloo nqanawa.

Isicwangciso solawulo seSebe seshishini lezokuloba i-SCRL sibe neziqhamo. I-TAC ye-SCRL yenyuka ukusuka kuma-340 eetoni (kunye nama-1 922 eentsuku zaselwandle) ngexesha lonyaka lokuloba lowe-2001/2002 yaya kutsho kuma-382 eetoni (kunye nama-2 089 eentsuku zaselwandle) ngowe-2007/2008, kwaye itshintshatshintshe ngokungekho ngaphezulu kwe-5% phakathi konyaka phakathi kwama-317 eetoni nama-363 eetoni ukusukela ngoko. Isigqibo soqingqo lokulotywayo sikhokelwe yiNkqubo yoLawulo yokuSebenza (Operational Management Procedure) (“i-OMP”), eyathi yaziswa okokuqala ngowe-2008. Abanini bamalungelo baxhase i-OMP neenjongo zayo kwaye bancede ekuvuselelweni kovimba ngokuzinikela kwabo ekusebenzeni kakuhle kuhlolo nakulawulo lovimba, ngokuloba ngokwamazinga azinzileyo nangeprojekthi neenkqubo zophando zokuxhasa nangokunikeza ngemali kwicandelo. Kubekho ii-OMP ezininzi eziphuhlisiweyo kwaye zahlaziywa, kwaye

uhlaziyo olulandelayo lulungiselelwe owe-2022. Iinjongo ze-OMP yamva, 'i-OMP-2019', ibikukugcina utshintsho lwe-TAC yaphakathi enyakeni luhleli kwi-5%, ukunyusa ibiomass yokuzalwa kwamaqanda yalo vimba kuma-30% kwisigaba sexesha seminyaka engama-20 (owe-2006 ukuya kowe-2025) kwaye nokuba kungathotywa i-TAC ibe ngaphantsi kwama-321 eetoni ngamaxesho onyaka yowe-2019/2020 nowe-2020/2021. Ixesha lonyaka lokuloba lecandelo lokuloba i-SCRL kunyaka wonke liqala nge-1 Okthobha ukuya kwi-30 Septemba kwi-TAC emiselwe ngonyaka ngugunyaziwe otyunjiweyo.

Iinqanawa zokuloba zixhotyiswe ngomzimveliso wokulungisa okulotywayo

I-SCRL TAC kwiminyaka eli-15 edlulileyo



enqanaweni, iifasilithi zokupakisha nezokukhenkcisa okanye iifasilithi eziyilelwe ngokukodwa ukugcina iintlanzi eziphilileyo. Imisila yenkala neenkala ezipheleleyo ezikhenkcisiweyo zikhenkciswa elwandle kwaye, xa zisothulwa kumazibuko aseKapa nawaseGqeberha, zihlelwa ngokweendidi kwaye ziphinde zipakishwe kwiifasilithi eziselunxwemeni. Ngenxa yokuba ukulungiswa okuninzi kusenzeka elwandle, iziseko eziselunxwemeni zimbaleka. Iikolofishi eziphilayo zothulelwa kwiziseko zamatanki eekolofishi eziphilayo. Phantse konke okulotywayo kuthunyelwa kwamanye amazwe, kakhulu ezikhenkcisiweyo ziya e-USA zize eziphilayo zithunyelwe eItaly, eFrance naseTaiwan.

Iinqanawa zokuloba ziyaxhotyiswa ngezinto zokulungiselela ukuloba ngesigcayiseli esilusinga olude. Izigcayiseli zeplastiki ezimile okomphanda zimiswa ngokwezigaba

zexesha ezahlukehlukeneyo ukusuka kwiiyure ezingama-24 ukuya kwiintsuku ezininzi. Inqanawa yokuloba nganye ngokukodwa itsala kwaye imisa malunga nama-2 000 ukuya kuma-6000 ezigcayiseli ngosuku ngamaqela ezigcayiseli ezingama-100 ukuya kuma-200. Ukuloba ngezicayiseli zosinga olude yindlela yokuloba okunesidingo somsebenzi omninzi. Abasebenzi ngaphakathi kwenqanawa yokuloba ngabantu abafikelela kuma-35. Inqanawa zokuloba kwishishini lezokuloba i-SCRL zinkulu, iinqanawa zokuloba kunxweme ziphakathi kwama-27 nama-60 eemitha. Ziloba phakathi kweentsuku ezingama-180 ukuya kwezingama-300 ngonyaka. Ngelixa lesigaba sexesha selungelo sokugqibela, ukusuka kowe-2005 ukuya kowe-2020, inani leenqanawa zokuloba eziloba ngokuzimisela yayiziinqanawa zokuloba ezili-10 kumaxesha onyaka asekuqaleni kwaye ngokuhla kwe-TAC inani leenqanawa zokuloba lazinza laziinqanawa zokuloba ezisi-7 okanye ezisi-8 ngexesha lonyaka ngalinye. Ezi nqanawa zokuloba zisi-7/8 zilobe ngokuqhelekileyo ama-38 eetoni (itail mass) nganye kuzo ngexesha lonyaka ngalinye.

Ishishini lezokuloba i-SCRL linesidingo senkunzi eninzi, lifuna iinqanawa zokuloba ezinkulu, inani elibonakalayo labasebenza ngaphakathi enqanaweni, ukufikelela kwiimakethi zangaphandle kwelizwe kunye neengxowamali zeendleko ezinganxulumananga nomsebenzi ngokungqalileyo ezinje ngefuweli, ulondolozo lwenqanawa yokuloba kunye nemivuzo.

2.2. Ufundonzulu ngokuphilayo kunye nemibandela kavimba

ISouth Coast Rock Lobster (*iPalinurus gilchristi*) isoloko ikho kwithala lelizwekazi elingaphantsi kwamanzi olwandle yamazantsi oMzantsi Afrika, kwimaleko yemigangatho yamatye ngobunzulu obungama- 50 ukuya kuma-200 eemitha kwaye iphakathi kweCape Agulhas kumzantsi wentshona kunye naseMonti kumntla mpuma. Ezi zidalwa zohlobo olunye zifumaneka ngokwemilinganiselo yezorhwebo kwiindawo ezimbini: kude nonxweme kwiAgulhas Bank, kwindawo emalunga nama-200 eekhilomitha ukusuka elwandle, kwaye ekufutshane nonxweme (ezi-2 ukuya kuma-50 eekhilomitha ukusuka elwandle) phakathi kweMossel Bay neMonti. Imihlaba yemveli yokuloba yahlulwe ngokwemimandla emine, iAgulhas Bank, iBhayi kunye nePort Alfred. Ummandla wePort Alfred unethala lelizwekazi elimxinwa, elinabela eBhayi naseSt

Francis kwaye linabe kakhulu eAgulhas Bank. iKolofishi yamaTye yoNcweme oluseMzantsi sisidalwa esikhula ngokucothayo kwaye esiphila ixesha elide. Ummandla woncweme phakathi kweDanger Point neCape Agulhas ngummandla obalulekileyo wamantshontsho eekolofishi, afudukela kwiindawo ezihlala izidalwa esele zikhulile kwiAgulhas Bank kunye nakummandla woncweme ophakathi kweMossel Bay neBhayi. Ikolofishi zamatye eziphila phakathi kwePort Alfred neMonti ngokuqhelekileyo zincinci, zikhula ngokucothayo kwaye azifuduki. Ikolofishi islipper (*Scyllarides elisabethae*), iOctopus (*Octopus magnificus*), iPanga, iHagfish kunye neKingklip zaziwa ngokuba zizidalwa ezilotywe kungajongwanga kulotywa zona zeshishini lezokuloba i-SCRL.

3. Inkqubo yolwabelo lwamalungelo okuloba yexesha elide yangaphambili

Ngowe-2005 amalungelo okuloba aye abelwa isigaba sexesha seminyaka eli-15 kwiinkampani zokuloba ezili-17 (ngeenqanawa zokuloba ezisixhenxe zizonke). Iprofayili yotshintsho yecandelo ngowe-2005/2006 yaba:

- (a) Ngaphezulu kwama-60% abanini bamalungelo kwishishini lezokuloba langabaninizabelo abangabantsundu abangaphezulu kwama-50%;
- (b) Ipesenti ye-TAC neye-TAE ezaziphantsi kwabantu abantsundu yayingama-72.22% nama-72.18%, ngokwahlukahlukeneyo; kwaye
- (c) Ipesenti yobuninizabelo/inzala yelungu eyayiyeyamabhinqa yayiyi-18.42%.

Kwisigaba sexesha selungelo leminyaka eli-15, iinkampani zokuloba zihlanganise amalungelo azo kwaye ekupheleni kwelungelo ngowe-2020, zezisixhenxe kuphela kwishumi elinesixhenxe leenkampani ezaye zahlala ziqhubeka.

Ekupheleni kwamalungelo okuloba sexesha elide ngowe-2020, abanini bamalungelo abasixhenxe baloba ama-94% nama-100% olwabelo lwe-TAC yabo kwixesha lonyaka ngalinye. Abane kubanini bamalungelo abasixhenxe babene -TAC yama- < 40 eetoni baza abanini bamalungelo abane (inkampani eneyona TAC iphezulu kwaye neenkampani ezintathu ezineyona TAC incinci) babe namalungelo kwamanye amacandelo. Iinkampani ezimbini ezineyona TAC iphezulu yayinobumnini

obungama-100% eenqanawa ezine ngelixa abanini bamalungelo abaseleyo banokuba banenxenyeyobunini kwezinye iinqanawa zokuloba ezine ezisetyenziswayo kutshanje.

Umnini welungelo wangaphambili	I-TAC yakutshanje (i-kg yetail mass)	i-% ye-TAC	I-% eqhelekileyo ye-TAC elotywayo ngexesha lonyaka ngalinye	Inani leenqanawa zokuloba zobunini obungama-100%	Inani lamalungelo kwamanye amacandelo
Umnini welungelo 1	135 198	40.3	92	3	4 asebenzayo, 4 aphelelweyo
Umnini welungelo 2	83 842	25.0	100	1	0
Umnini welungelo 3	59 513	17.8	97		0
Umnini welungelo 4	23 508	7.0	98		0
Umnini welungelo 5	13 958	4.2	100		1 elisebenzayo, 1 eliphelelweyo
Umnini welungelo 6	11 379	3.4	94		1 elisebenzayo, 2 aphelelweyo
Umnini welungelo 7	7 667	2.3	98		1 eliphelelweyo

4. Iinjongo

4.1 Lo mgaqonkqubo uqaphela isidingo sokuqinisekisa usetyenziso lobutyebi bokuphila elwandle olugqibeleleyo, lwexesha elide kunye nolufanelekileyo ngenjongo yokuqinisekisa uphuhliso oluzinzileyo lwecandelo lokuloba ukuphumeza uhlumo lwezoqoqosho oluhlangeneyo, ukuphumeza iinjongo kunye nemithethosiseko edweliswe kwiCandelo 2 le-MRLA ngeNgxowamali yooVimba abaPhila eLwandle (Marine Living Resources Fund) (i-MLRF) kunye nokudala ingqesho ezinzileyo engqinelanayo neenjongo zophuhliso lukaRhulumente kaZwelonke. Ngokwayamene neMarine Living Resources Act (uMthetho wooVimba abaPhila eLwandle), 1998, oogunyaziwe abanoxanduva babophelelekile ukuphumeza ukusetyenziswa ngokwaneleyo kunye nophuhliso oluzinzileyo lofundonzulu ngendlela ezithi izidalwa ziphile ndaweninye kwiindawo zazo loovimba abaphila elwandle; balondolozwe oovimba abaphila elwandle ukulungiselela izizukulwana zangoku nezexesha elizayo; kusetyenziswe amanyathelo okulumkela ngokwayamene nolawulo nophuhliso loovimba baselwandle; basebenzise oovimba abaphila elwandle ukuphumeza uhlumo lwezoqoqosho, uphuhliso

UMgaqonkqubo woLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

Iwabasebenzi, ukuxhobisa ngezakhono kumacandelo ezoshishino lwezokuloba nawokukhuliswa kwezaselwandle, ukudalwa kwengqesho kunye nozinzo lofundonzulu ngendlela ezithi izidalwa ziphile ndaweninye kwiindawo zazo oluphilileyo olungqinelanayo neenjongo zophuhliso zikarhulumente kazwelonke; ukukhusela ubudlelane bezinto eziphilayo nokuzingqongileyo ngokupheleleyo, ukuquka izidalwa zohlobo olunye ekungajoliswanga kuzo ukuba zisetyenziswe; ukulondoloza iintlobo ngeentlobo zendalo, kunye nokunciphisa ungcoliseko lwezaselwandle.

4.2 Iinjongo zolwabelo lwamalungelo okuloba kwicandelo i-SCRL zezi:

- (a) Ukuphunyezwa kokusetyenziswa ngokwaneleyo kunye nophuhliso oluzinzileyo ngokuphathelele kufundonzulu ngokuphilayo neendawo okuphila kuzo loovimba abaphila elwandle;
- (b) ukulondoloza oovimba abaphila elwandle ukulungiselela izizukulwana zangoku nezexesha elizayo.
- (c) ukusebenzisa iindlela zokulumkisa ngokuphathelele kulawulo nophuhliso loovimba abaphila elwandle;
- (d) ukuxhasa uzinzo lwezoqoqosho nokuma kakuhle kweshishini lezokuloba;
- (e) ukukhuthaza utshintsho, ukwandisa uthabathonxaxheba olululutho (ukwandisa uthabathonxaxheba, ukudalwa kwexabiso, kunye nothungelwano) kunye nohlumo;
- (f) ukuphucula umgangatho wemisebenzi ngokukhuthazwa kwengqesho esisigxina nolwabelo lwamalungelo kwii-SMME zabantu abavinjwa amathuba ngaphambili;
- (g) ukukhuthaza ukuthobela ubulungisa ngokwezengqesho;
- (h) ukukhuthaza ukufumaneka kokutya kunye nokuncitshiswa kwendlala;
- (i) ukukhuthaza ukuba ulutsha namabhinqa babe ngabanini kwaye baphuhliswe.

INXENYE B: INKQUBO YOLWABELO LWAMALUNGELO OKULOBELA EZORHWEBO

5. Ukunikwa kwamalungelo okuloba

Amalungelo okuloba anikwa ngokwayamene necandelo 18 le-MLRA. Onke amalungelo anikiweyo

UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

aza kuba semthethweni ukusukela kumhla wolwabelo lwawo isigaba sexesha esingadlulanga kwiminyaka eli-15, kwaye emva koko ilungelo elo liza kuphelelwa ngokuzenzekelayo lize libuyele kuRhulumente.

5.1. Uhlobo lwabaNini bamaLungelo

5.1.1. Izicelo eziza kuthathelwa ingqalelo zezeenkampani zabanini baseMzantsi Afrika kunye namaqumrhu aqingqiweyo.

5.1.2. Abo bafakizicelo ababenamalungelo kushishino lwezokuloba i-SCRL ngesigaba sexesha sowe-2006 ukuya kutsho kowe-2020 bangathathwa ngokuba ngabaFakizicelo boDidi A. Abafakizicelo ababenamalungelo kumacandelo angengawo awoshishino lezokuloba i-SCRL ngesigaba sexesha sika-2006 ukuya kutsho ku-2020 bangathathwa ngokuba ngabaFakizicelo boDidi B. Abafakizicelo ababengenawo amalungelo okulobela ezorhwebo ngesigaba sexesha sowe-2006 ukuya kutsho kowe-2020 bangathathwa ngokuba ngabaFakizicelo boDidi C. Udidi lweqela lesibini likwabizwa ngokuba ngabafakizicelo “abaqalayo ukungena”.

5.2. Isithuba sexesha samalungelo

Ngokuthathelwa ingqalelo kwenkqubo yolwabelo lwamalungelo, kunye nesidingo sokukhuthazwa kotyalomali, iLungelo lokuLoba kwishishini lezokuloba i-SCRL liza kunikwa isigaba sexesha seminyaka eli-15 ubuninzi, kuze emva koko, liza kuphelelwa ngokuzenzekelayo lize libuyele kuRhulumente.

5.3. Ubandakanyeko kumacandelo amaninzi

Abafakizicelo kwishishini le-SCRL (ukuquka abaninizabelo babo abalawulayo kunye namalungu eqela labalawuli besigqeba abo) abaz'ukuvalelwa ukuba babe ngabanini bamalungelo okulobela ezorhwebo kwamanye amacandelo okuloba.

5.4. Ukudluliselwa kwamaLungelo awaBelweyo ngokwayamene nalo Mgaqonkqubo

Ngokwayamene necandelo 21 le-MLRA uMphathiswa unokwamkela udluliselo UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNcweme oluseMzantsi: 2021

Iwamalungelo okuloba ngokupheleleyo okanye ngokuyinxenye. Nangona kunjalo, amalungelo anikiweyo kwishishini lokuloba ngokwayamene ne-MLRA awaz'ukudluliselwa kwiminyaka emithathu (3) yokuqala yokwabelwa kwawo.

6. Inani leenqanawa zokuloba

Ngoku kukho iinqanawa zokuloba i-SCRL ezisibhozo ezisebenza kumanzi aseMzantsi Afrika kwaye nge-TAC yangoku yowe-2020/2021 TAC yama-337 eetoni. Nanjengoko abanye abafakizicelo abaphumeleleyo bengaz'ukuba ngabanini ngokupheleleyo beenqanawa zokuloba abajonge ukuzisebenzisa kwaye ngenxa yokuba iinqanawa zokuloba zifuna ukubuyiselwa ngezinye, iSebe liyaqonda ukuba abafakizicelo abaninzi abaphumeleleyo kuza kufuneka bazise ngokungaphaya neenqanawa zokuloba ezintsha emva kolwabelo lwamalungelo okuloba exesha elide ngokuye i-SCRL ibuyela esimeni sayo kwaye ne-TAC inyuka. ISebe liza kuvavanya ngononophelo impembelelo enyukayo yokwaziswa okungaphaya kunye neenqanawa zokuloba ezintsha kudederhu lweenqanawa. Abafakizicelo abaphumeleleyo abaz'ukuvunyelwa ukwazisa iinqanawa zokuloba ezinokuba ngumgudu oyinkcitho ongaphaya koko bakwabelweyo.

7. Imirhumo yesicelo kunye neyokuNikwa kweLungelo

Imirhumo esetyenziswayo ipapashwe kwiGazethi kaRhulumente No. 39451, Volume No. 605, 25 Novemba 2021, ngokwayamene necandelo 25 le-MLRA.

Imirhumo yesicelo ihlawulwa xa kungeniswa isicelo kwaye ayibuyiselwa.

Imirhumo yokunikwa kwelungelo ihlawulwa ngabo bonke abafakizicelo abaphumeleleyo kwiintsuku ezingama-60 lisakube linikiwe ilungelo.

8. Abaqalayo ukungena

Njengeshishini lezokuloba elinesidingo senkunzi eninzi, abafakizicelo boDidi A kuye kwafuneka bedale utyalomali olukhulu kwishishini lezokuloba kwiziseko (umz. kwiinqanawa zokuloba, kwiifasilithi zolungiselelo) kunye nokumaketha kwiminyaka eli-15 edlulileyo ukumisela amaqumrhu ame kakuhle kwezoqoqosho. Abafakizicelo boDidi A basebenzise ngokupheleleyo i-TAC yabo, beloba ngokuqhelekileyo ngaphezulu kwama-90% e-TAC abayabelweyo ixesha lonyaka ngalinye. Nangona amalungelo aye ahlanganiswa kwisigaba sexesha samalungelo sangaphambili,

UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

amanyathelo olawulo lonatyiso lwe-TAC akazange atshintshe kwaye akazange abeke phambili abo babelwe kancinci ukuba bancedise ekunikeneni amathuba ngokuthabatha inxaxheba ngokululutho kwishishini lokuloba.

Ngelixa siqonda imibandela yecandelo emiselweyo phantsi kwamalungelo exesha elide angaphambili ngokubhekiselele kutyalomali, ukusebenza, uzinzo lwezoqoqosho kunye nohlumo lweshishini, iSebe linokuthi lithathele ingqalelo ukuqukwa kwabaqalayo ukungena ukuthobela iiNjongo neMithethosiseko yecandelo 2, kunye necandelo 18(5) le-MLRA leSebe.

9. Iindlela zokuhlaza zobungakanani obufunekayo

Kweli shishini lezokuloba, inyathelo lokwabela ubungakanani bokufunekayo liza kubandakanya uhlalutyo oluhlangeneyo:

- lwe-TAC yangaphambili yabafakizicelo boDidi A;
- lezinga lokusetyenziswa kwe-TAC ngabafakizicelo boDidi A;
- lonatyiso lwe-TAC (oluqhutywe phambi kokomelezwa kwamalungelo) phakathi kwabafakizicelo boDidi A ukuphucula ulwabelo lwabafakizicelo boDidi A ngokwembali ababenobungakanani bokufunekayo obuncinci, ukuncedisa ngokuthabatha inxaxheba ngokululutho kwishishini lezokuloba;
- lolwabelo lwe-TAC kubafakizicelo boDidi B no-C oluhambelana nolwabelo lwabafakizicelo boDidi A ngelixa lamalungelo exesha elide angaphambili; kunye
- nangezinga umfakisicelo aphumeze ngalo iinjongo zeSebe.

Xa anokuthi uvimba angavuseleleka aphinde anciphe, i-TAC inokunyuswa okanye ihliswe ngesigaba sexesha samalungelo. Ulungelelwaniso kulwabelo lwe-TAC luza kwabiwa ngokulinganayo nangokomlinganiselo wokunyuka okanye ukwehla kwepesenti ye-TAC.

Ulwabelo lobungakanani bokufunekayo luza kubekwa phambili kude kugqitywe inkqubo yezibheno yolwabelo lwamalungelo kweli shishini lezokuloba. Ulungelelwaniso olwenziweyo kulwabelo lobungakanani bokwenziwayo, ekugqityweni kwezibheno, luza kusetyenziswa kwixesha lonyaka elizayo.

10. Iindlela zokuhluzwa zokuvavanya

Izicelo ziza kuhluzwa ngokwayamene neqela “leendlela zokuhluzwa zokubekelwa bucala”. Bonke abafakizicelo baza kuthi emva koko banikwe amanqaku ngokwahlukeneyo ngokwayamene “neendlela zokuhluzwa zokuzinzisa zothelekiso” ezilinganiselweyo. Kuza kumiselwa uhluzo ngenjongo yokuchongwa kwabafakizicelo abaphumeleleyo kwaye umgudu uza kwabelwa umfakisicelo ophumeleleyo ngamnye.

10.1 Iindlela zokuhluzwa zokubekelwa bucala

Ukongeza kwiindlela zokuhluzwa zokubekelwa bucala ezichazwe kuMgaqonkqubo Jikelele: 2021 ngokuphathelele ekufakweni kwezicelo ezineziphene ezibambekayo kunye neemfuno (icandelo 6), ugunyaziwe otyunjweyo uza kubekela bucala abafakizicelo abasilelayo ukuhlangabezana nezi mfundo zilandelayo:

(a) Ukuthobela

Umfakisicelo uza kubekelwa bucala ukuba uthe, okanye namphi na kubaLawuli bakhe, abaLawuli abaziiNtloko, abaNinizabelo okanye amaLungu (apho obo buninizabelo okanye igunya lolawulo lwamalungu luyadlula kwi-10%) okanye abaPhathi bezikhephe abangabaninizabelo abanegunya lolawulo, ilungu elinegunya lolawulo, okanye umlawuli, ugwetyelwe ukwaphula i-MLRA, imigaqo ebhengezwe phantsi kwayo kunye nemiqathango yamaphephamvume (ngaphandle kwendlela yokuhlululwa kwesohlwayo).

Umfakisicelo uza kubekelwa bucala kwakhona ukuba uthe, okanye namphi na kubaLawuli bakhe, abaLawuli abaziiNtloko, abaNinizabelo okanye amaLungu (apho obo buninizabelo okanye igunya lolawulo lwamalungu luyadlula kwi-10%) okanye abaPhathi bezikhephe baye banalo naliphi na ilungelo lokuloba labo elithe lacinywa okanye larhoxiswa ngokwayamene ne-MLRA.

(b) Ubumnini bemvume ngokwamaphepha

Izicelo ezifunyaniswe zizezabafakizicelo bobumnini bemvume ngokwamaphepha, njengoko kuchaziwe kuMgaqonkqubo Jikelele: 2021, ziza kubekelwa bucala.

(c) Ukukhohlisa ngokobumnini

Abafakizicelo abafunyaniswe bebandakanyeka ekukhohliseni ngobumnini njengoko kuchaziwe kuMgqonkqubo Jikelele: 2021 baza kubekelwa bucala.

Makuqatshelwe ukuba abafakizicelo ababekelwe bucala ngenye yeendlela zokuhluzza zokubekelwa bucala, baseza kuvavanyelwa kwaye bahlololwe iindlela zokuhluzza zokuzinzisa. Oku kuza kwenziwa ngeenjongo zokuvelisa amaphetshana amanqaku abo bafakizicelo babekelwe bucala.

10.2. Iindlela zokuhluzza zozinziso lothelekiso

Abafakizicelo baza kuvavanywa ngokwayamene nezi ndlela zokuhluzza zokuzinzisa zilandelayo, eziza kulinganiselwa ngeenjongo yokuvavanya nokuhlola izicelo.

(a) Indlela ekusetyenzwa ngayo ekulobeni (Kubhekiselelwe kubafakizicelo boDidi A)

1. Indlela ekusetyenzwa ngayo ekulobeni kwabafakizicelo ababenamalungelo okuloba kwishishini lezokuloba le-SCRL ukusukela kowe-2005 ukuya kowe-2020 iza kuvavanywa ukuqonda ukuba bawasebenzise ngokululutho na amalungelo abo okuloba. Ukusetyenziswa ngokululutho kuthetha ukuvuselela nokukhutshelwa iphephamvume lokuqhuba ukulobela ezorhwebo i-SCRL, ukothulwa kokulotyweyo kuze kulandele ngokungeniswa kwedatha yokulotyweyo iminyaka eli-12 ubuncinane ngesigaba sexesha 2005-2020. Ukongeza, kwangeso sigaba sexesha sinye, abafakizicelo boDidi A bangaphambili baza kulindeleka ukuba babe bothule ubuncinane bama-50% olwabelo lwabo lwe-SCRL ngexesha lonyaka lokuloba ngalinye ababezimisele ngalo.
2. Inani lamaxesha onyaka okuloba achithiweyo ngokuzimiseleyo ekulobeni, izithethe zokuloba ngokuzimiseleyo ngawo onke amaxesha okuloba alandelelanayo kunye nezinga lamandla okuloba (umz.

ipesenti ye-TAC elotyweyo, okulotywe ngokudluliseleyo kunye/okanye nganeno) liza kuthathelwa ingqalelo xa kunikwa inqaku le ndlela yokuhluzisa .

3. **Ukuhlawulwa kweelevi**

Abafakizicelo abaye banikwa amalungelo okuloba ngowe-2005 baza kulindeleka ukuba banike ubungqina bokuba bazihlawule bazigqiba iilevi zabo zeentlanzi ezothuliweyo ngomhla wokungeniswa kwezicelo zabo.

(b) **Amava okuloba nolwazi (Kubhekiselelwe kubafakizicelo boDidi B no-C)**

1. Ukubandakanyeka komfakizicelo kwamanye amacandelo okuloba kunye nemisebenzi enxulumeneyo (ukuloba, ukulungisa, ukumaketha kunye nolawulo lwezimali yinkampani kunye/okanye iqumrhu eliqingqiweyo kunye nabaninizabelo kunye/okanye amalungu), kunye
2. Ukubandakanyeka komfakizicelo kwishishini lezukuloba le-SCRL elinemisebenzi enxulumeneyo (ukuloba, ukulungisa, ukumaketha kunye nolawulo lwezimali yinkampani kunye/okanye iqumrhu eliqingqiweyo kunye nabaninizabelo kunye/okanye amalungu).

(c) **Iinqanawa zokuloba ezifanelekileyo (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)**

1. Umfakizicelo uza kulindeleka ukuba abonakalise ilungelo lokufikelela kwinqanawa yokufikelela efanelekileyo okuloba i-SCRL. Ukufikelela kunokuba ngendlela yokuba ngumnini, inxenye yobumnini, isivumelwano sokulotywayo, isivumelwano sokuqesha, okanye ukuthengwa kwenqanawa yokuloba okanye ukwakhiwa kwenqanawa yokuloba entsha. Ukuba umfakizicelo unenjongo yokuthenga inqanawa yokuloba, ubungqina besivumelwano sokuthenga kunye nesiqinisekiso sebhanki kufuneka zinikwe. Kwimeko yenqanawa yokuloba entsha

eyakhiweyo, iiplani zenqanawa yokuloba neendleko zenkampani ebisakha inqanawa yokuloba kunye bobungqina bentlawulo okanye inxenye yentlawulo kufuneka zinikwe. Akuyiyo injongo yokunyusa inani leenqanawa zokuloba ngelixa lenkqubo yolwabelo, koko uMphathiswa unokuba uthathela ingqalelo iinjongo zomgaqonkqubo ekuthatheni isigqibo senani leenqanawa zokuloba emazibandakanywe.

2. Inqanawa yokuloba efanelekileyo kwishishini lezokuloba le-SCRL yinqanawa yokuloba:
 - a. enobona bude buncinci obubhaliswe e-SAMSA obumalunga nama-25 eemitha.
 - b. inesixokelelwano sokubeka iliso esisebenzayo senqanawa yokuloba.
 - c. inesakhono sokumisela iintsinga ezimalunga nemayile enye ubude kunye nezigcayiseli ezingama-100;
 - d. inesakhono sokugcina izigcayiseli ezingama-2 000 ubuncinane;
 - e. inesakhono sokuthwala izixhobo ezifunekayo zokunyusa; kwaye
 - f. inesakhono sokuthwala malunga nabasebenza ngaphakathi kwenqanawa yokuloba abangama-30 okanye ngaphezulu

Ukuze kuqinisekiswa ukuba inqanawa yokuloba iyahlangabezana na neendlela zokuhlaza zenqanawa yokuloba, abafakizicelo kuza kufuneka bangenise iifoto zenqanawa yokuloba kunye neekopi zobhaliso ezisemthethweni ze-SAMSA. Iifoto zenqanawa yokuloba ezithathwe kwizibuko nakwistabhodi, umva nomphambili mazibandakanywe kwisicelo.

(d) Ukuthobela (Kubhekiselelwe kubafakizicelo boDidi A no-B)

Ukunyhasha okungephi nokubalaseleyo, ukuquka noko kuphathelele koko kwakuhlulwelelwe isohlwayo sokuvuma ityala okanye umfakizicelo ungene kwisibongozo sokuhliselwa isigwebo, phakathi kowe-2005 nowe-2020 kungathathelwa ingqalelo njengendlela yokuhlaza yokuzinzisa kwaye kungachaphazela ngokubalaseleyo isicelo.

(e) Utyalomali kwishishini lezokuloba (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)

Ugunyaziwe otyunjiweyo kufuneka athathele ingqalelo:

1. Abafakizicelo boDidi A, utyalomali olwenziweyo kwiinqanawa zokuloba kunye nezinye iimpahla ezinexabiso ezizinzileyo ezinje ngamaziko okulungisa nawokumaketha kwicandelo lokuloba le-SCRL (kunye, nakwamanye amacandelo, ukuba akhona, kodwa oku kuza kunikwa umlinganiselo omncinci) kwiminyaka eli-15 edlulileyo. Utyalomali ngendlela yobuninizabelo nalo luza kuthathelwa ingqalelo.
2. Kubafakizicelo boDidi B, utyalomali olwenziwe kwamanye amacandelo ngendlela yeenqanawa zokuloba, iimpahla zexabiso ezizinzileyo, amaziko akhoyo okulungisa nokumaketha, kodwa ukubonakalisa kwawo okucacileyo kokuzinikela (nesakhono) ekutyaleni imali kweli candelo (oko kukuthi, ufikelelo kwiinqanawa yokuloba) luza kufuneka.
3. Bonke abafakizicelo boDidi C balindeleke ukuba babonakalise ukuba banolwazi, isakhono kunye namandla okuloba nokulungisa i-SCRL. Utyalomali olwenziweyo kwiinqanawa zokuloba kunye nezinye iimpahla ezinexabiso ezizinzileyo ezinje ngamaziko akhoyo okulungisa nawokumaketha kwicandelo lokuloba le-SCRL luza kuthathelwa ingqalelo.

(f) Utshintsho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)

Xa kuhlolwa kwaye kunikwa izingcango, ugunyaziwe otyunjiweyo angakhethe abafakizicelo ngokusekelwe kwiindlela zohluzo zotshintsho. Xa kunikwa izingcango lendlela yokuhluzisa yotshintsho, ugunyaziwe otyunjiweyo angathathela ingqalelo: iinkcukachamanani zabalobantu okanye olunye ulwazi olunike zeZeenkcukachamanani zoMzantsi Afrika ngokuphathelele kulwakheko lwabantu belizwe baseMzantsi Afrika, kunye nepesenti yabo bantu belizwe eyenziwa ngamaqela eenkcukachamanani zabemi awohlukeneyo;

isidingo sokuqinisekisa ukuqondwa nokuthabatha inxaxheba ngokululutho kwishishini lokuloba kwaBantu abaNinjinjwa amaThuba ngaPhambili (ii-HDI) (okuquka abantsundu, amabhinqa, ulutsha, abantu abaphila nokukhubazeka); kunye neenqobo zokusebenza kakuhle phantsi koMthetho oLungisiweyo wokuXhotyiswa kwabaNtsundu kwezoQoqosho okuFikelela ngokuNabileyo (Broad Based Economic Empowerment Amended Act).

Abafakizicelo, ngokuxhomekeke kuhlobo lomfakizicelo, baza kuhlolwa kwaye banikwe amanqaku –

ngezi ndlela zohluzo zotshintsho zilandelayo:

1. Ipesenti yabantu abahlelekileyo nee-HDI ebonakalisiweyo kumanqanaba omvuzo ophezulu, ebhodi yabalawuli, amalungu kunye nawamagosa aphezulu nawolawulo;
2. Indlela ubungakanani bobumnini bomfakizicelo neziqinisekiso zolawulo lotshintsho lwabantu abahlelekileyo kunye nee-HDI obuthe baphucuka ngayo, bahlala kunjalo ngayo, okanye behla ngayo kwisigaba sexesha esilandela emva kokunikwa kwamalungelo kwinkqubo yolwabelo lwamalungelo ka-2005;
3. Ukuba ingaba abasebenzi (ngaphandle kwabazusa imivuzo ephezulu) bayazuza na kwisikim sezabelo sabasebenzi;
4. Ukuthobela uMthetho wobuLungisa kwezeNgqesho (Employment Equity Act) 55 ka-1998 kunye nokubonakalisa abo bahlelekileyo nee-HDI kumanqanaba awohlukahlukeneyo engqesho engaphantsi kwenqanaba legosa eliphezulu nelolawulo;
5. Inkqubo yokufumana abanikinkonzo ukunika amathuba kwabo bawavinjwayo ngaphambili;
6. Ukuthobela uwisomthetho ngophuhliso lwezakhono kunye nezixamali ezichithiweyo kwiinkqubo zoqeqesho zezokufunda umsebenzi kwingqesho zabantu abahlelekileyo nee-HDI; kunye
7. Utyalomali lwequmrhu lwezentslalo.

(g) Ukudalwa kwamathuba emisebenzi kunye nemiqathango yengqesho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)

Ugunyaziwe otyunjiweyo angabeka phambili namphina umfakisicelo ozinikelayo ekugcineni amathuba akhoyo engqesho, okanye ukwandisa amathuba engqesho ukuba wabelwe ilungelo kwishishini lezokuloba le-SCRL. Ngenxa yezi njongo ugunyaziwe otyunjiweyo uza kuthathela ingqalelo umgangatho wamathuba engqesho aza kudalwa, ukuquka nokuthobela uMthetho wemiQathango esisiSeko yeNgqesho (Basic Conditions of Employment Act), 1997 (No. 75 ka-1997) ("i-BCEA"); uMthetho woBudlelane babaSebenzi kunye noMthetho weeNqanawa zoRhwebo (Merchant Shipping Act) 57 ka-1951 kunye nokuzinikela komfakisicelo ukunika abasebenzi:

1. ingqesho esisigxina;
2. uncedo lwezonyango okanye naluphi na uhlobo lwenkxaso yezonyango;
3. ingxowamali yomhlalaphantsi naleyo ifunyanwa ngokwesixa;
4. imiqathango yokusebenza ngokukhuselekileyo ngokwayamene neemfuno zowisomthetho ezisebenzayo; kunye
5. nesikim sezabelo sabasebenzi, esiqinisekisa ukuba abasebenzi bonwabela ubuninizabelo obululutho kumnini welungelo.

INXENYE C: AMANYATHELO OLAWULO

11. Inkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba

Eli shishini lezokuloba liza kulawulwa ngokwayamene nenkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba ("i-EAF"). Ulawulo lwenkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba yinkqubo epholeleyo elondoloza okanye ephucula impilo yobudlelane bezidalwa nokuzingqongileyo kwaye izinzise izidingo ezahlukahlukeneyo zasekuhlaleni kunye nemikhwa esulungekileyo. Le nkqubo ichaza kwakhona ubudlelane bezidalwa nokuzingqongileyo ngokuthe gabalala kwaye iquka iinkqubo zobudlelane bezidalwa nokuzingqongileyo, zezentlalo, zezoqoqosho nezolawulo.

12. Inkqubo yomqwalaseli

- a. Umninilungelo welungelo lokuloba i-SCRL uza kubandakanya umqwalaseli okwinqanawa yokuloba echongiweyo yomnini welungelo xa kufunwa enze njalo liSebe okanye yiarhente yalo.
- b. Umnini welungelo kufuneka ahlawule iindleko zokuziswa komqwalaseli xa kufunwa njalo liSebe.
- c. Umnini welungelo uza kuvumela umqwalaseli ukuba afikelele ngaphandle kokuthintelwa ukubeka iliso kumsebenzi wokuloba, kunye nokuvavanya ukuthobela imiqathango yamaphephamvume kunye nayo yonke imithetho esebenzayo.
- d. Xa linokuthi iSebe likholelwe ngokufanelekileyo ukuba umqwalaseli uyathintelwa ekuqhubeni izibophelelo zakhe ngayo nayiphi na indlela okanye uyoyikiswa ngayo nayiphi na indlela ngelixa akwinqanawa yokuloba yomnini welungelo, iSebe lingaqalisa iingxoxo zamatyala phantsi kwecandelo 28 le-MLRA.

13. Ubungakanani bokufunekayo bamalungelo arhoxisiweyo

Xa kunokuthi naliphi na ilungelo lokulobela ezorhwebo lirhoxiswe ngokwayamene necandelo 28 le-MLRA okanye naliphi na elinye ilungelo emva kokugqitywa kwazo naziphi na iingxoxo zamatyala zokujongwa kwakhona ezisungulweyo, amagatya ngokuphathelele kuMgaqo Jikelele: 2021 aza kusetyenziswa.

14. Ukudluliselwa kwamaLungelo okuLobela ezoRhwebo kunye/okanye iZabelo kunye/okanye amaGunya oLawulo amaLungu

AbaNini bamaLungelo kweli candelo baza kuthathela ingqalelo uMgaqonkqubo wokuDluliselwa kwamaLungelo okuLobela ezoRhwebo okanye amaLungelo okanye iiNxenye zawo (uMgaqonkqubo wokuDlulisela) xa kudluliselwa amalungelo abo okuloba kunye/okanye izabelo kunye/okanye iinzala zelungu.

15. Imiqathango yamaphephamvume

UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

Imiqathango yamaphephamvume yeli shishini lezokuloba iza kukhutshwa rhoqo ngonyaka. Imiqathango yamaphephamvume iza kuqinisekiswa emva kokubonisana nabafakizicelo abaphumeleleyo kweli shishini lezokuloba kwaye iza kuhlaziywa xa kufanelekile.

16. Ukubekwa iliso nokuvavanywa koMgaqonkqubo

- 16.1 ISebe liza kubeka iliso kwaye livavanye umgaqonkqubo ngokuqalisa imisebenzi emininzi yokulinganisa ukusebenza okusesikweni ngesithuba sexesha seminyaka eli-15. Kuyaqikelelwa ukuba iqela lokuqala lemisebenzi yokulinganisela ukusebenza liza kuqalisa emva kweminyaka esixhenxe (7).
- 16.2 Nangona iSebe liza kugqiba imiqathango ngqo yabaNini bamaLungelo abaza kulinganiselwa ngayo emva kolwabelo lwamaLungelo okulobela ezorhwebo, kwaye nasemva kokubonisana nabaNini bamaLungelo, le miqathango ilandelayo inabileyo inxulumene nokusebenza ingasetyenziswa:
- (a) Utshintsho.
 - (b) Utyalomali kwiinqanawa zokuloba, imizimveliso kunye nezixhobo zokuloba.
 - (c) Ukusetyenziswa okuzinzileyo.
 - (d) Imisebenzi yokulotywa kweSouth Coast Rock Lobster.
 - (e) Ukuthobela ukuncitshiswa kwezidalwa ezilotywe kungajongwanga kulotywa zona ngemithetho nemigaqo esebenzayo.
 - (f) Ukuthobela imithetho esebenzayo nemigaqo.
 - (g) Ukunikwa kwengxelo kwangexesha nangokugqibeleleyo ngokulotyweyo kunye nolunye ulwazi olusebenzayo.
- 16.3 UMzantsi Afrika awukhange ungachaphazeleki kwiimpembelelo ezingantlanga zoguquko lobume bezulu koovimba boshishino lwezokuloba kunye nakuluntu oluxhomekeke kushishino lwezokuloba ngokuphila kwabo. Iimpembelelo zoguquko lobume bezulu kungajongwana nazo ngokuvelisa amanyathelo okuqhelanisa nokunciphisa kwicandelo lokuloba. Uphando kunye nokubeka iliso okuqhubekayo liSebe kunye nangabachaphazelekayo ziza kudlala indima ebalulekileyo ekuchongeni izikhewu, ukusilela neziphene kwimigaqonkqubo yoshishino lwezokuloba esele lukhona kunye namanyathelo olawulo.

UMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021

- 16.4 UMzantsi Afrika upapashe isiCwangciso sikaZwelonke sokuSebenza ukuLondoloza nokuLawula ooKrebe (National Plan of Action for the Conservation and Management of Sharks) (i-NPOA-Sharks) kunye nesiCwangciso sikaZwelonke sokuSebenza sokuNciphisa ukuBanjwa ngeNgozi kweeNtaka zoLwandle kuShishino lwezokuLoba ngeNtonga noSinga (National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries) (i-NPOA-Seabirds). I-NPOA-Sharks kunye ne-NPOA-Seabirds ibhekiselele phakathi kwezinye izinto, kumashishini ezokuloba aloba kwaye othule ookrebe neentaka zolwandle njengezidalwa ekujoliswe kuzo okanye njengezidalwa ekungajoliswanga kuzo (isidalwa esilotywe kungajongwanga kulotywa sona). Ukuze kuphunyezwe usetyenziso olwaneleyo kunye nophuhliso oluzinzileyo lofundonzulu ngendlela ezithi izidalwa ziphile ndaweninye kwiindawo zazo loovimba abaphila elwandle, uMzantsi Afrika uza kuphumeza indlela yokuSebenza kwe-NPOA-Sharks kuwo onke amashishini ezokuloba achongiweyo ukuqinisekisa ukuba ubudlelane bezinto eziphilayo nokuzingqongileyo bukuselele, kwaye nokuba izicwangcisoqhinga zokuloba ziyangqinelana nemithethosiseko yozinzo yenzululwazi ngokuphilayo kunye nosetyenziso lwezoqoqosho lwexesha elide olunengqiqo.
- 16.5 Injongo yokulinganiselwa komsebenzi iza kuba kukuqinisekisa ukuba kuyahlangatyezwana na neenjongo zalo mgaqonkqubo.

17. **Ulwaphulomthetho**

Ulwaphulomthetho olunje ngolu:

- (a) Umfakisicelo ophumeleleyo osilelayo ukusebenzisa ilungelo lakhe le-SCRL ngalo naliphi na ixesha lonyaka elinye ngesigaba sexesha elinikwe ngaso ilungelo elo ngaphandle kwenkcazelo evakalayo;
- (b) Ukwaphulwa kwamagatya e-MLRA, imigaqo ye-MLRA, imiQathango yamaPhephamvume, uMgaqonkqubo wokuDluliselwa kwamaLungelo kunye neminye imiThetho enxulumeneyo ebandakanyiweyo kwimiqathango yamaPhephamvume nguMnini weLungelo, okanye abasebenzi bakhe (nokuba ngaba basisigxina, basebenza ngokupheleleyo okanye

ngamaxesha athile), iikontraka zakhe, iiarhente okanye abacebisi bakhe kunye neskipper senqanawa yokuloba;

kungagqibelela ekuqalisweni kweengxoxo zamatyala ezomthetho (okunokuquka ukuqaliswa kweengxoxo zamatyala zecandelo 28 ngokwayamene ne-MLRA nezinye iingxoxo zamatyala zolwaphulomthetho).

18. Ukubhangisa

Lo Mgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2021 ubhangisa uMgaqonkqubo woLwabelo noLawulo lwamaLungelo okuLobela ezoRhwebo kwiShishini lezokuLoba iKolofishi yamaTye yoNxweme oluseMzantsi: 2013.

~ ISIPHELO ~