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**INQUBOMGOMO YABADOBI ABATHENGISAYO EZINGENI ELINCANE BASE-
NINGIZIMU AFRICA**

MAY 2012

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**UHLA NENCAZELO YAMAGAMA NEZIFINYEZO OKUSETSHENZISIWE
LULENQUBOMGOMO**

Igama	Incazelo
Ukuphatha ngokubambisana	Kusho indlela yokuphatha lapho uhulumeni, imiphakathi yabadobi bezinga elincane, babelana amandla nomsebenzi wokulawulwa kwengcebo yasolwandle
Umphakathi	Kuchaza nomayiliphi iqegeba labantu noma yingxenye laleloqegeba labanezifiso ezifanayo abazibiza ngomphakathi. (Abadobi bezinga elincane bachaziwe ngezansi)
Umkhakha wezomthetho wophakathi	Kuchaza inhlangotho yomkhakha wabadobi bezinga elincane abavezwe ohlwini lomphakathi wabadobi bezinga elincane olwasungulwa ngemiyalelo yemithetho, kanti lomkhakha unamandla omthetho (<i>legal capacity</i>) okungena ezivumelwaneni,awokwenza izinqumo, ukwenza nokukhokhela izikweletu, uphinde ubeke noma ubekwe icala ngokwawo, uphinde ukwazi ukumela izenzo zawo lomkhakha.Izibonelo zemikhakha yezomthetho womphakathi ezingabakhona kulenqubomgomo zihlanganiza izinkampani <i>eziwuSection 21 Company, ama cooperatives nomaitrust.</i>
Ukudoba kwezinga elincane	Kusho ukusetshenziswa kwezilwane zasolwandle ngesikhathi esigcwele noma esingagcwele nomangezikhathi zamasizini, ukubhekelela ukweseleka kokudla. Ngokwalenqubomgomo, ukudoba kubuye kusho ukungena emisebenzini ehambisana nokudoba, njengokwenziwa kwamaneti, ukwakhiwa kwezikebhe, okubhekelela ukwakheka kweminye imisebenzi yakwezokudoba, namathuba kwakha inzuzo kulemiphakathi.
Indlela ebhekene namalungelo esintu	Kuchaza indlela yenqubomgomo eqinisekisa ithuthuko ngokohlelo lwamalungelo esintu nangamathuluzi ayalela ukuhlela nokukala impumelelo esitholakele, ekufezeni izinjongo zenqubomgomo.
Izinto zokudoba ezisezingeni eliphansi (<i>Low technology or passive gear</i>)	Kuchaza izinto zokudoba ezilula njengamanethi, izinqola ezishayelwa ngezandla kuphela, okwakusetshenziswa kudala ukudoba noma ukuvuna izilwane zasolwandle.

Indlela ebheke ama-Multi-species	Kuchaza uhlela lapho izinhlonhlobo zezilwanyana ezikhethiwe zasolwandle zivunwa noma zidobwa
Abadobi bezinga elincane	Kuchaza labobantu abadoba ukufeza izidingo zokudla nezokuphila, abangene ngqo ekuvuneni: abasebenzela euzane noma osebeni noma ogwini; nokwakudlala babesebenzela eduza noma ezindaweni zokudoba, besebenzika kakhulukazi izindlela zakudala zohlobo lokudoba okuphansi (<i>low technology or passive fishing gear</i>); besebenza ekudobeni ngosuku ngalunye (amahora awu24) ; baphile ngemidobo yabo baphinde bangene ekudayisweni noma emisebenzini yokuhweba kwemidobo.
Umkhakha wabadobi abasezingeni elincane	Kusho umkhakha wabadobi abasebenzisa izindlela zokudlala zokudoba ngezindlela ezinomsebenzi onzima wokuvuna ukuhlunga nokusabalalisa uma kuvunwe izilwane zasolwandle ngezikhathi ezigcelwle noma ezingagcwelel,a noma ukuqinisekisa ukungesweleki kokudla. Lomkhakha wabadobi ungazifaka kweminye imisebenzi njengokuzakhela amanethi, ukwakha izikebhe, okungadala eminye imisebenzi kwezokudoba, kanye nezinzuzo emiphakathini.
Umphakathi wabadobi abasezingeni elincane	Lokhu kuchaza iqeqeba lomphakathi elisunguliwe labantu okubalwa abesifazane nabadobi besilisa okuhlenganisa nabasebenzi nemindeni yabo, abanemilando yothando nokuzinikela ekuvuneni, ukudobwa nokuhlaziywa kezilwane zasolwande, futhi benomlando wokusebenza kwezokudoba okusezingeni elincane. Kodwa ngenxa yokususwa ngemphoqo ezindaweni, abafakiwe ezindaweni zezwe noma zamanzi, kodwa bebe besasebenzela eduze noma osebeni lolwandle noma ezindaweni zamanzi ezisogwini, lapho bebekwazi ukufinyelela ezilwaneni zolwandle, futhi benamalungelo omuntu ngamunye, noma beqhubeka ukusebenzisa amalungelo abo ngendlela yomphakathi ngokwesivumelwano, noma ngokomthetho.
Ukuthuthukisa okugcinekayo	Lokhu ukuhlenganisa ezomphakathi, ezomnotho, ezemvelo ekuhleleni, nasekuthatheni izinqumo ukuqiniseka ukuthi intuthuko isiza nezizukulwane zangomuso.

Ukusezibenziswa okugcinekayo	Ukulawulwa nokusetshenziswa kwezilwane zasolwandle ekudobeni ngendlela evikela imvelo, nengaphazamisi ukuba izizukulwane zifeze izidingo zazo ngawo wona lama-<i>resources</i>.
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A: IZIFINYEZO NEZIKUMELE

CAF	Consultative Advisory Forum
Umthethosise kelo	Constitution of the Republic of South Africa Act, 1996
Umnyango	Department of Agriculture, Forestry and Abadobi in the National Government
ECRL	East Coat Rock Lobster
FSRD	Farming Systems Research and Developmen-ucwaningo nokuthuthukiswa kwezindlela zokulima
ICMA	National Environmental Management: Integrated Coastal Management Act, 24 of 2008
IGDP	Agriculture, Forestry and Fisheries Intergrated Growth and Development Plan (uhlaka) 2 September 2010
INFP	Intergrated National Fisheries Plan and Programme of Action 20 May 2010
IDP	Integrated Development Plan –Uhlelo lwentuthuko oluhlangasisayo
MIS	Management Information System – <i>uhlelo lokulawula ulwazi</i>
MLRA	Marine Living Resources Act, 18 of 1998 – <i>umthetho wezilwane zasolwandle</i>
NEMA	National Environmental Management Act, 107 of 1998 – <i>umthetho wezwe wokulawula imvelo</i>
NEMBA	National Environmental Management: Biodiversity Act, 10 of 2004
NEMPAA	National Environmental Management: Protected Areas Act, 57 of 2003
NGOs	Non-Governmental Organisations-izinhlangano ezizimele ngaphandle kukahulumeni
NTT	National Task Team – <i>yithimba lezwe</i>
PGDS	Provincial Growth and Thuthukiswa Strategy – umhlahlandela wokuthuthukisa nokukhulisa isifundazwe
SETA	Services Sector Education and Training Authority
SFTG	Subsistence Fishers Task Group
TAC	Total Allowable Catch –isibalo esivunyelwe ukudobwa
TAE	Total Applied Effort

WCRL	West Coast Rock Lobster
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1. ISETHULO NOMSUKA

Le nqubomgomo ihlose ukulungisa isimo nokunikezela kwamalungelo emiphakathi Abadobi abezinga elincane, esasidalwe imithetho yobuhlanga eyayinikeza izimvumo ngokomuntu ngamunye, nemithetho ebhekelela ukonga. Ngendlela emiselwe ukushintsha umkhakha wezokudoba, le nqubomgomo iza nohlaka olukhuthaza/oluthuthukisa amalungelo abadobi ukufezekisa isithembiso ngokokulingana. Ngokomthethosisekelo uhulumeni uzibophezele ekuhlonipheni, ekuvikeleni, ekuthuthukiseni nasekufezekiseni amalungelo abadobi bezinga elincane.

Ngokwenzenjalo, le nqubomgomo iveza isibophezelo sikahulumeni (article 1) ye Charter on Humans and Peoples' Rights ukusenbenzisa izindlela ezisemthethweni nezinye izindlela ukuqalisa amalungelweni aqokethwe yile Charter. Le nqubomgomo iqalisa ukuvikelwa kwamalungelo abantu "ukuthuthukisa umnotho kanye nenhlalohle ngokuzikhethela"

1.1 Umlando womkhakha wabadobi abasezingeni elincane umkhakha

Ingcebo ephilayo yasolwandle ibisetshenziselwa ukudla, ukuziphilisa kanye namakhambi okwelapha, lokhu bekuyindlela yenqubo ebesetshenziswa isikhathi eside ezindaweni ezigudle ugu (entshonalanga, empumalanga naseningizimu). Kusakela kubufakazi bomlando oxoxwayo kanye nobonakala kwi-archeology, kuyacaca ukuthi abadobi abasezingeni elincane, banomlando omude wokuvuna izilwane zasolwandle. Isibonelo, ngasezindaweni ezithile ogwini lwaKwaZuluNatal, izilwane ezihlala ematsheni bezivunwa iminyaka eyi-100.000 edlulile. Imiphakathi eminingi yabadobi abasebancane banobudlelwano bobabamkhulu nemiphakathi ekulezindawo, kanti nobufakazi obunjengo-noxhaka bezinhlanzi, amaShell middens lamarekhodi nezinkomba zokwenziwa kwezinto zomphakathi busasele.

¹

Amashell middens achaza ukuqoqana kwezinsalela zokudla eziphuma emaqeqebaneni avakasehele noma ehlala eduze nasogwini asebenzisa izilwane zasolwandle ikhakhulukazi ama shellfish. Amashell middens angatholwa eceleni kwalo lonke ugu lwaseMazansi kodwa atholakala kakhulu eduzane noma ezindaweni ezinamatshe. Lezinsalela zivame ukuba nokusalele, kwezilwandle nezilwane zogwadule, njengamathambo kafishi, ucrayfish, i seal, izinyoni, izimfudu, nezinyamazane ezincane. Nokusalele ekuncwatshweni komuntu kunokutholakala kwesinye isikhathi. AmaShell middens kungenzeka atshengise ukubakho¹ kwa-camp-site esikhashana lokhu kubala izinsalela zezakhiwo nezindawo nezokubasa umlilo njalo njalo .

Ngezikhathi zobandlululo, imiphakathi eminingi edobayo yaphucwa izindawo zayo ezigudle ugu, ngeminyaka yo 1890's Iningizimu Afrika yabeka imithetho yokuphatha izindlela zokudoba. Lolu hlelo lwaluhlose ekukhuliseni abadobi abasezingeni lokuthengisa (commercial fisheries), lushiya abadobi abadoba ngezinga elincane. Loluhlelo lokudoba (commercial sector) lwalungolwabamhlophe abacebile. Babesizwa ngezinto ezahlukahlukene ukusukela ngeminyaka yo 1940, ngalezo zikhathi uhulumeni wencindezelo wayexhasa ekutheni bakwazi ukuthendisa emazweni angaphandle kuleli. Ngalezo zikhathi abantu abamnyama namakhaladi (coloured) babehlaliswa ezindaweni ezibizwa i"bantustans" lapho babengasakwazi ukufinyelela ezindaweni zabo lapho bebelala bedoba khona phambilini, imithetho yayibavimba ibavumela ukuthi basebenzele abamhlophe kuphela. Ukuphucwa kwabo umhlaba nemithetho emisha yezokudoba yaphoqa abadobi abezinga elincane ukuthi balahlekelwe yingxenye onma yizozonke ezindlela ebebephila ngazo. Imiphakathi embalwa ikwazile ukubuyisa izindlela zokudoba zendalo.

1.1.1 Indlela yokuphila yabadobi abasezingeni elincane

Abadobi abancane, bayingxenye ebalulekile yomphakathi wasemaphandleni, kanye nasogwini lapho abahlala khona. Lokhu kuvezwa kucwaningo-lobunjalo bomphakathi ofana nalona. EMpumalanga Koloni (Easrtern Cape), KwaZulu-Natal naseNyakatho Kapa (Northern Cape), abadobi abancane bahlala kakhulukazi emaphandleni uma kuqhathaniswa naseNtshona Kapa, lapho behlala kakhulukazi ezindaweni ezingamadolobha nezisamadolobhana.

Ngokolwazi olugciniwe lomnyango abadobi abaseNtshonalanga Koloni iningi labo abesilisa, kuye kwehle ngezinga makuya eMpumalanga Koloni, naKwaZulu Natali. ENtshonalanga Koloni, abesifazane babengene nabo ekudobeni (ekuvuneni), kodwa kuleminyaka yakamuva, bese benokubandlululeka kwabesifazane. Kodwake abesifazane bangene emisebenzini eminingi eyingxenye ebalulekile emphakathini womkhakha wabadobi abazingeni elincane.

Abadobi abasezingeni elincane baziphilisa ngemisebenzi eminingi ngaphandle kokudoba, ukufeza izidingo zabo.. Lokho kuhlanganise, imisebenzi engaqinisekile (insecure), enenzuzo ephansi nenganamathuba okuthuthukiswa, izibonelelo zikahulumeni, kanye nemisebenzi ebaliwe emkhakheni wezemisebenzi.

1.1.2 Izinhlombohlobo zengcebo nesimo sokusetshenziswa kwayo

Izinhlombo ezahlukene zezingcebo : okubalwa kuzo ama- fin-fish, izimbaza (mussels), octopus-(ingwane), imidambi (rock lobster), amashelebisi (sand and mud prawns), limpets nama senene (red bait), nama periwinkle (alikleukel), izinkalankala, ukhwathu (oysters), utshani obutholakala olwandle (seaweed), izimfazi (sea lice), imisundu (worms) kanye ne abalone, yizona ezazivame ukuvunwa kwasemandulo ngabadobi abasezingeni elincane. IFin-fish, umdambi kanye ne abalone zona bebevame ukuvunelwa kakhulukazi ukudayiswa. Kodwake simo sokusebenzisa lezinhlanzi ezivuniwe njengokudla, siya ngokwenyuka makusuka entshonalanga kuya empumalanga. Kubalulekile ukucacisa ukuthi kunomehluko ogqamile, wemvelo, ngokwesizinda, endleleni ekuvunwa nokusetshenziswa ngayo izilwanyana ezithize.

Nakuba umdambi waseNtshonalanga (West Coast Rock Lobster) icishe idayiswe yonke. Umdambi waseMpumalanga (east coast rock lobster) ibuye isetshenziswe ekuyengeni (ibheyithi) makudotshwa, iphinde isetshenziswe njengokudla, kanye nokuyidayisa.. Utshani basemanzini (Seaweed) ogwini lwasentshonalanga buyadayiswa, buvunwe ngabesilisa ikakhulukazi, bese luphinde buvunwe abesifazane abaphuma emakhaya ahlwempu asemaphadleni asogwini lwaseMzansi.

Amashelebisi, imisundu (worms) kanye namasenene avunwa asetshenziswa njengebheyithi ngabadobi.

Lolu hlobo lwezinhlanzi ezitholakala ematsheni luvunelwa ukudliwa kakhulu imizi ehlwempu ezindaweni zasemaphandleni. Yize noma kungekho ohlweni oluphezulu

ezinhlanzini ezidotshwayo, abelaphi bondabuko baqonda izilwanyane ezithile ukuzisebenzisela ukwelapha.

Izinto (equipment) ezisetshenziswa abadobi abasebancane zihlangasisa, izikebhe ezincane ezigwedlwayo kwezinye izindawo, izikebhe ezinenjini ogwini oluseningizimu nasentshonalanga kanye nezinto zokudoba ezijwayelekile, okubalwa ukusebenzisa izandla izinyawo, ama, screw drivers, imibese, ama- hand lines, amaphampu okumba amashelembisi (prawn pumps), imishini yokudoba (rods with reels), gaffs, hoop nets, gill nets, seine/trek nets nezibaya zesikhathi eside (semi-permanently fixed kraal traps).

Ukwehlukahlukana, kuabadobi abasebancane, neqhaza abangase balibambe ekulweni nobuphofu kanye nokwentuleka kokudla, akubhekeleliwe, emthethweni olawula izilwane eziphilayo zasolwandle, iMarine Living Resources Act (MLRA).

Ukufaka isicelo nokhishwa kwaso, njengoba kubhekelelwe kwi GFP AMLTCFR (General Fishery Policy on the Allocation and Management of Long-Term Commercial Fishing Rights) (May 2005,) kwakudida futhi kwakutshengisa ukuncintisana kubadobi abasezingeni elincane. Lokhu kuholele ekutheni isibalo esikhulu sabadobi abasebancane bakudala, sivalelwe ngaphandle kohlelo.

1.2 Ukuphathwa ngendlela enokonga kwengcebo/izinhlanzi ngabadobi abasezingeni elincane

Kudala, abadobi abasebancane bebevuna izinhlobonhlobo zezinhlanzi zasolwandle, besebenzisa izinhlobo ezahlukene zokuvuna. Izilwane ebezivunwa endaweni ethile bezihambisana nendlela yokusabalala kwezinhlobo zezilwane zasolwandle , lokhu kudinga ukubhekwa uma kuhlaziywa ukuthi yiziphi izilwane zolwandle ezihambisana nomkhakha wabadobi abancane.

Umnyango uyasibona isidingo sokubaluleka sabadobi abasezingeni ekincane neqhaza abalibambe emphakathini, nasemnothweni womphakathi ekuxosheni indlala

Umnyango uyakuqonda ukuthi indlela yokubhekela imvelo yonkana yakuleyo naleyondawo (ecosystem approach) yiyona ndlela esemqoka yokuphatha ezokudoba

(fisheries management system). Ukuphathwa kwezinhlanzi/ingcebo ezidotshwa ngabadoba ngokwezinga elincane kuzophathwa ngokwendlela yokwabelana ngemisebenzi phakathi kuka hulumeni kanye nabadobi emiphakathini (community based co-management approach) ezoqinisekisa ukuthi kuqotshwa ngendlela enokonga ehambisa nalolonke uhlobo lwezinhlanzi ezitholakala kuleyo ndawo.

1.3 Iqhaza labadobi abasebancane ekuthuthukiseni umnotho nokwesweleka kokudla

Umnyango uyalibona iqhaza elingabanjwa yilabadobi abasezingeni elincane emnothweni wezwe nesidingo sokusabalalisa izindlela ezilwisana nobubha ziyadingeka. Uxhaso luyadingenga kwingqalasizinda kanye nemisebenzi ebalulekile ekuthuthukiseni umnotho kodwa engaqhamuki emkhakheni wezinkampane ezizimele, isbonelo, ukwakhiwa kwengqalasizinda yokuthuthela ukuhweba, ukuhlinzekela ngezidingo zokufundisa, kanye nezempilo. Ngakho, umnyango uyabona ukuthi kumele kube nohlelo lwentuthuko ukuze kuthuthukiswe abadobi abasezingeni elincane.

1.3.1 Ukulwa Nobubha

Njengamanje, iqhaza elibalulekile kakhulu labadobi abancane ekulweni nobubha, kungaba sekusebenziseni lezilwane zasolwanide ekulekeleni ukwesweleka kokudla. Kubonakele sengathi emakhaya amaningi asemkhakheni wokudoba, emazweni asathuthuka, ukudoba nokunye okuhlangene nakho akuzange kulethe inzuzo enkulu emnothweni kodwa kubasizile, ukuqhuba izimpilo zabo kwabavimbela ekungeneni kakhulu ekuhluphekeni.

Kulezozimo, lapho ukufinyelela osizweni, ngenxa yomnotho noma ngenxa yezimiso zezinkampani, (Isibonelo: ekutholeni imali-mboleko) noma izindlela zokukhiqiza, (isibonelo: ukuthola umhlaba) indlela elula nefinyelelisa kalula ezindaweni zokudoba, yenza labo abahlwempu ukuba bathembele kakhulu engcebweni (resources) abanawo endaweni ukuqhuba izimpilo zabo noma bafinyelele ekutholeni imisebenzi. Lendlela yokuvikela abadobi ibaluleke kakhulu kulabo abahlwempu nabahlukumezekile, ikakhulukazi labo abangafinyeleli kalula emhlabeni (land) nezinye izinhlobo

Yize lezindlela zokulwa nobhubha kungenzeka zingahehi, ngokwezomnotho (akunarenti engangenayo) iqhaza labadobi abasezingeni elincane ekuxhaseni izimpilo zabahlwempu, libalulekile ngokwezomphakathi ikakhulukazi ezindaweni lapho eminye imisebenzi iyindlala, nalapho uxhaso lukahulumeni luluncane noma lungekho. Kulezondawo ukudoba kungabamba iqhaza elibalulekile njengohlelo lwe “welfare” obelungaze lutholakale ngezindlela zesibonelelo sikamasipala, noma uhulumeni wesifunda, okanye uhulumeni wezwe.

Abadobi abasezingeni elincane kumele babe wusizo, emindenini yabadobi esencupheni yokubahlwempu, kanye naleyo eyayingahluphekile uma kwenzeka lemindenini yehlelwa inzuzo. Lokhu kungenzeka, isibonelo, uma oyinhloko yekhaya ephelelwa umsebenzi, nomake esimweni esikhulu lapho umnotho wendawo, noma wezwe, wehla.

Ukwethembela kubadobi ukufakela inzuzo kwabahlwempu akuhlangene nokudoba nje kuphela kodwa kuhlanguisa nemisebenzi yokuhlaziya nokuhweba. Lokhuke sekufaka ingxenye ebalulekile yobulili kubadobi abasezingeni elincane, njengoba kungabezifazane abavame ukubamba iqhaza kuleyomikhakha

1.3.2 Ukudalwa kwemisebenzi nesimo sezimpilo

Abadobi abasezingeni elincane bangabamba iqhaza ekwakheni imisebenzi kanye namathuba okuphila uma labadobi nemiphakathi bezimbandakanyile baba yingxenye yayo yonke imisebenzi. Umnyango uyalibona iqhaza lawo nelikahulumeni lokubhekelela isimo esivumela ukudaleka kwemisebenzi ngokubakhona komkhakha wabadobi abasezingeni elincane ekulawulweni kwabadobi eNingizimu Africa.

1.3.3 Ukwantuleka kokudla.

Inhlanzi iwumthombo obalulekile wezakhamzimba (protein), ikakhulukazi uma ezinye izinhlobo zezakhamzimba zezilwane zingatholakali noma zibiza ngokwentengiso. ENingizimu Africa ukusentshensiswa kwenhlanzi ngokwemindenini, kusezingeni eliphansi ngoba iningi lemiphakathi likhetha izilwane ezifuywayo kanye nezakhamzimba ezitholakala ezinkukhwini. Iqhaza labadobi abasezingeni elincane ekulweni nokwesweleka kokudla kumele lingabukelwa phansi, njengomthombo

obalulekile wezakhamzimba ezintengo ephansi, kanti nenzuzo engatholakala khona ingasetshenziswa ukuthenga ukudla. Lenqubomgomo ihlose ukubhekelela loludaba, ngokuqinisekisa ukufinyelela kulezozilwane zasolwandle, nokukhipha imihlomulo engase itholwe abadobi, kulengcebo (resources).

1.3.4 iValue Chain kanye sezinye izindlela zokuziphilisa

Uhulumeni ubona kunamathuba amahle okungezwa kwe value nasekwakheni amathuba omsebenzi kweminye imikhakha yezokudoba kodwa kumele kube nem imihlomulo (incentives) ezogqugquzela ukuthuthukisa indlela yokwengeza ivalue ezinhlanzini. Uhlaka lohlelo lokukhulisa oluhlangene nokuthuthukisa (Draft Agriculture, Forestry and Fisheries Intergrated Growth and Development Plan) lomnyango wezolimo, amahlathi nezezinhlanzi ucabanga ukwenza uhlelo oluthuthukisa luvake ivalue ezinhlanzini kodwa lokho kuhambisane nomsebenzi onikezwe umnyango wezezimboni (department of Trade an Industry mandate). Uhlelo lokuthuthukisa lomkhakha luzogxila kulokhu

- a) Ukulingana kwi Value Chain
- b) Ukukhulisa nokuncintisana ngokunikeza uxhaso kosomabhezini abancane (njengabadobi abezinga elincane) ukuze kuthuthuke abakudobile nenzuzo, ibe iqiniseka ukuthi ukudobela ukuhweba nacho kuyakhula
- c) Ukulondolozwa kwemvelo okuqiniseka ukuthi ingcebo yemvelo isetshenziswa ngendlela engezukushabalala

Lokhu kubalulekile ekelekeleleni abadobi abasezingeni eliphansi, kuphinde kuvele/kubonakale kwi IFDP yomnyango. Loluhlelo luhlanganisa amacebo/ amasu azocacisa nge value chain nezinye izindlela zokuziphilisa emiphakathi agudle ugu, ukuze kwehlise ukusweleka nokuphela kwengcebo yasolwandle. Inhloso ukwenza isimo sibe lula ukukwazi ukwengeza ivalue kokudotshiwe nokuqhakambisa ukwakhiwa kwezinye izindlela zokuziphilisa kubadobi abezinga elincane. IFDP ibhekene nokungenelela kukahulumeni ekulethweni kwamakhona amasha azokhulisa/thuthukisa umnotho kudale namathuba emisebenzi amahle. Okunye ukungenelela kuka hulumeni okukuloluhlelo ukuthuthukisa nokusiza ekwakheni ezinye izindlela zokuphila. Uhulumeni uzibophezele ekucubungilisiseni ngokunzulu imikhakha yokudobela ukuhweba engamashumi amabili nambili (22) ukuze aqonde ukwahlukana komnotho womphakathi ethintekayo ukusiza ekuthatheni izinqumo.

Kuyethenjwa ukuthi lokhu kuzosiza ekuthuthukiseni umnotho lapho wonke umuntu obambe iqhaza okuhlanganisa abadobi abasezingeni elincane, abahwebayo kanye no nohulumeni bazothokozela ukuhlomula nakwezezimali engcebweni yasolwandle, ngendlela enokonga. Lokhu kuhlanganisa lokhu okulandelayo:

- a) Ukutshala (invest) ekwenzeni nakwinqalasizinda zokuthengisa (marketing infrastructure)
- b) Ukwakha amasu okuthengisa ezindaweni zokudoba
- c) Uqeqesho nokwabelana ngolwazi
- d) Ukuthuthukisa kwezindawo nomnotho wezindawo zokudoba ngenhloso yokuthuthukisa indawo ngendawo
- e) Ukuthuthukisa amachweba asekhona ukuze kube lula ukufinyelela ngokulinganayo engcebweni kuze kuthuthuze umnotho emphakathini
- f) Ukudala amathuba emisebenzi nguletha izinhlelo ze Working for Fisheries
- g) Ukuthuthukiswa kohlelo lokufuya kwezinhlanzi (aquaculture)

iFDP ikhethe izinhlelo zokungenelela okuhloswe ukunikeza usizo ngazo, okuzothi uma seziqalisile kuhlomule abadobi abasezingeni eliphansi. Lokhu kuhlanganisa ukuqalisa uhlelo lokusiza nohlelo lwezokweluleka nohlelo lwezezimali kwezabadobi, nokuthuthukisa uhlelo olunzulu lwemihlomulo oluzoqinisekisa inzuzo ephezulu kwabaqalayo ukungena kanye nohlelo loku kwengezwa kwe value kulo lonke uhlobo lokudoba.

Loluhlelo luhlanganisa amacebo/ amasu azocacisa nge value chain nezinye izindlela zokuziphilisa emiphakathi agudle ugu, ukuze kwehlise ukusweleka nokuphela kwengcebo yasolwandle. Inhloso ukwenza isimo sibe lula ukukwazi ukwengeza ivalue kokudotshiwe nokuqhakambisa ukwakhiwa kwezinye izindlela zokuziphilisa kubadobi abezinga elincane

1.4 Ukulandiswa kwenkinga

Ukubhalwa kwalenqubomgomo, kwenzeka esimweni esinzima nesinenselelo kanti futhi kunezinto eziningi ezizolawula ukubhalwa kwayo lenqubomgomo. Lokhu kubala:

- a) Ukungabi khona kwendlela ehlanganisayo eyinqubo yabadobi, njengoba lenqubo yabadobi nokulawulwa kwabo kuqhamuka ngemva kweminyaka engaphezu kwengamashumi amabili kwasungulwa iMLRA, kanti futhi kungemva kwesikhathi eside, amalungelo okuhweba anikezwa.²
- b) Lendlela ekhona yokulawula abadobi, enikeza amalungelo omuntu ngamunye, ngendlela yokunikwa isikhathi eside, ngokomlando, (ngaphandle kwalowo mkhakha owodwa noma emibili yokudoba izinhlanzi ezijwayelekile) ibiloku iqondaniswe ekuhwebeleni ngaphandle kwadadobi abasemkhakheni wokuhweba eMzansi.
- c) Iqiniso ukuthi abadobi abasezingeni eliphansi ababhekiwe ngaphansi komkhakha wabadobi, emthethweni olawula ukufinyelela nokusetshenziswa kwezilwane zasolwandle.
- d) Ukunikezwa kwamalungelo okudwebela ukuhweba, kubadobi abasezingeni eliphansi abayindlanzana kube nomthelela omubi, emiphakathini edobayo kanye nasendleleni yabo yokuphila, njengoba phela isibalo esiningi salabadobi singanikezwanga amalungelo
- e) Ukungabi nobuqiniso ezinqumeni zakudala, zokunikeza izilwane zasolwandle, ngendlela ekhipha eceleni, (leyo yokuvumela ukuhweba kanye nokuzijabulisa kuphela) nangaphandle kokubhekelela ukuthi abadobi abasebancane bayoba sencupheni kanjani uma bencintisana nomkhakha wezokuhweba.
- f) Imithetho yasenkantolo yezokulingana, ephoqa uhulumeni ukuba aqedele inqubomgomo ezohlanganisa ngokufanele, abadobi bakudala abasezingeni eliphansi, ekutholakaleni kwamalungelo okudoba, ngokuqinisa amalungelo abo omphakathi, nokuqiniseka, ukuthi labadobi bafinyelela ngokulinganayo ezilwaneni zasolwandle.
- g) Izivumelwano zamazwe kanye nezangaphakathi, iNingizimu Africa ezoba yingxenye yazo, ezimayelana nokuthuthukisa ukudoba okuphephile, nokuzohlala isikhathi eside;
- h) Ukwenyuka kokukhathazeka ngesimo sezilwane zasolwandle, nokuthi ziyohlala esingakanani isikhathi.

² Amalungelo esikhathi eside okuhweba ngokudoba akhishwa ngabo2006 emba kokushicilelwa kweGeneral Policy) kanye nezinqubomgomo eziquondene nemikhakha ethize.

- i) Ukungcoliseka nokudungeka kwezilwane nempilo yolwandle.
- j) Ukushintsha kwesimo sezulu (*climate change*) kungaba nomthelela emiphakathini esogwini: ukushintsha ekusabalaleni kwe *biodiversity* kanye nokuphela kwezinye zezilwanyana nemisebenzi yezemvelo abantu abancike kukho, kungaphazamisa kabi ukutholakala kokudla, amanzi, nefuweli, kanti ukuphazamisa koshintsho lwesimo sezulu, kungathinta kabi izindawo ezisentshona nezwe, lapho izimvula zisezingeni eliphansi, namazinga okushisa aphezulu engathinta ubukhona nokufinyelela (nokudingwa kwamanzi) emanzini, kwezolimo, ezamahlathi kanye nezokudoba kanye ne *biodiversity*;³
- k) Ukwenyuka kwezinga lobuphofu, nokwentuleka kokudla, emiphakathini ethintekayo esezindaweni ezigudle ugu, kanye naseMzansi uwonkana.
- l) Ukungabikhona kwohlelo lwamalungelo obulili kanye
- m) Nokwehla kwesimo somnotho umhlaba wonke.

2. UBUBANZI BENQUBOMGOMO

Inqubomgomo yabadobi abasezingeni elincane ibona abadobi bendabuko ababeshiwe ngaphandle ekunikezweni kwamalungelo esikhathi eside ngaphansi komthetho ka 2005 iGeneral Policy yokukhishwa kwamalungelo esikhathi eside, nomthelela okube nawo emiphakathini yabadobi abasezingeni elincane. Inezindlela zokunikeza amalungelo okudoba emiphakathini yabadobi bezinga elincane, iqiniseke ukufinyelela okulingana kwemiphakathi ekutholeni ingcebo yasolwandle

2.1 Ukubaluleka

Ukwahlukana kubadobi abasezingeni elincane kwenyusa iqhaza abangalibamba ekulweni nobubha, nokwesweleka kokudla ngakhoke kubalulekile ukuba nenqubomgomo ezosebenza kakhulu ukuqiniseka ukuhti lokukwahlukahlukana kwabo, kuyabasebenzela ezimweni zokuletha ukudla emakhaya, kanye nasekuthengeni ukudla. Lokhu kwahlukahlukana, kubhalwe njengengxenye

³ YiNkambiso Yezwe ewuhlaka yokuthuthukiswa okugcinekayo yango Januwari 2010 (DEA, *Draft National Strategy on Sustainable Development, January 2010.*)

ehlanganisile yokulawula kulomkhakha kwaphinde kwazofakazela emazingeni aphezulu ngokwenqubomgomo, njengomsuka wawo wonke umthetho.

Lenqubomgomo, izosungula umsuka osebenzisekayo, wokubhekelela ukuthi yiziphi izilwane zasolwandle ezihambelanayo nabadobi abasezingeni elincane.

Lokhu kuzohlangukisa:

- a) Umthetho, wokufinyelelisa kuqala imiphakathi yabadobi bakudala abasezingeni elincane ababekade kudala bephila ngazo lezilwane zasolwandle.
- b) Ukusebenzisa indlela ehlanganisa izinhlanzi ezahlukahlukene (multi-species) , uma kunikezwa amalungelo kubadobi abasezingeni elincane
- c) Indlela yokuphatha ngokubambisana, kumkhakha wabadobi abasezingeni elincane kanye
- d) Nokuvikeleka nokugcineka isikhathi eside kwezilwane nempilo yasolwandle kungaphazamiseki.

2.2 Isidingo senqubomgomo

Ngemuva kuka 1994 isithikamezo esibalulekile ekushitsheni umkhakha wabadobi, kwaba yincazelo yomthetho iMLRA yokuthi ukudoba kuvunyelwe labo abadobela isibalo esincane, ngaleyondlela kwakubashiya ngaphandle labo badobi bezinga elincane abadoba badayise ukuze baziphilise, yize kungezinga elincane. Kanti futhi lencazelo ibuye iphelele ekuvuneni kuphela, ngakho-ke ibandlulula labo abangene kakhulu, kungakavunwa, noma sekuvuniwe. Lokhuke kunemiphumela engemihle ikakhulukazi kwabesifazane abasezindaweni lapho bengahlangene ngqo nokuvuna kodwa behlangene nokulungiswa kwezinto zokudoba, ukuhlanza, nokulungiselela, kanye nokudayiswa kwalokho okudotshiwe.

Umthelela walencazelo kubadobi abasebancane wabonakala ngo 2007 kwiNational Summit yabadobi abasezingeni elincane yakhetha yanxusa iNational Task Team (the NTT) eyayimelwe imiphakathi wabadobi esogwini lwezifundazwe ezine ukubhekelela

ukwenziwa kwenqubomgomo ezolungisa ukungalingani kulesimo samanje somkhakha wabadobi abasezingeni elincane. Abadobi bendabuko abasezingeni elincane bafuna izindlela zabo zendabuko zamukelwe ngokwendlela yokuphatha ezokudoba.

Uma kubhekwa ukubaluleka kwalenqubomgomo kuyacaca ukuthi kudingeka indlela entsha yokulungisa ukugcineka ngokwemvelo kwale-resource nokubhekelela ukufezwa kwamalungelo abantu kuleyomiphakathi ethintekayo. Umnyango uyabona ukuthi ukuze kufezwe lokho kwinqubomgomo kumele:kubenoku

- a) qiniseka ukusebenziswa ngokonga kwengcebo yasolwandle okuqinisekisa ukufinyelela ngokulinganayo engcebweni ukwehlisa nokuqeda ukuvimbeleka obekwenzeka kubadobi abasezingeni elincane. ukubeka izinhlobo zezindlela ezizophakamisa ukuhlanganyela ngomuso, ziphinde zixazulule izinkinga ezingabakhona ngalesosikhathi;
- b) bhekelela inqubo ezobamba iqhaza ekwehliseni ububha, iqiniseke ukungesweleki kokudla, iphakamise ukulingana ngaphandle kokuzibeka encupheni ukugcineka kwezilwane zasozolwandle.
- c) Ukufakwa kwezindlela ezizolekelela ekulweni nendlala, iqinisekise ukubakhona kokudla, igqugquzela ukulingana ngaphandle kokufaka engozini ingcebo yasolwandle.
- d) bhekelela ukuphakanyiswa kwemiphakathi ngokusezibenzisa izinsiza, ukufundiswa ukuqeqeshwa ukuba nengqalasizinda kanye nemigomo yokulawula ngokubambisana.
- e) Ukubhekelela ukuthuthukiswa kwemiphakathi (upliftment) ngokusebenzisa izindlela ezifanele, ukufundisa noqeqesho, inqalasizinda kanye nezindlela zokuphatha ezihambisana nentando yeningi

2.3 Ukuzibeka ngomhlahlandela

Lomkhakha uneqhaza elikhulu ekusetshenzisweni kwengcebo yasolwandle ngendlela ezohlala isikhathi eside, njengoba zibe ngabasebenzisi bayo abanomthelela omkhulu ekwentulekeni kokudla okunjengenhlanzi, nokudoba, kanye

neminye imisebenzi efakela inzuzo yokuthenga ukudla ezindaweni lapho ukudoba kuyindlela yokuphila.

Lenqubomgomo izoba yindlela ezohlanganisa lezi zinhloso zikahulumeni (Government's 2010 – 2014 Medium Term Strategic Framework priorities):

- a) Ukukhula komnotho nokushintshwa kwawo ukwakha imisebenzi esile, kanye nempilo eqhubekayo.
- b) Ukwenza imiphakathi yasemaphandeleni ephapheme, elinganayo, neqhubekayo, ikwazi ukubamba iqhaza ekulweni nokwesweleka kokudla kwawokuwonke.
- c) Ukuvikela nokuqinisa izimpahla zethu zemvelo kanye nezengcebo yomhlaba ngendlela yokulawula nokusebenziswa ngendlela eqhubekayo.

Lomkhakha uletha imihlomulo ebalulekile ngokwemvelo nangokomphakathi okuhlobene nokwezimboni. Umnyango uzibophezele ekuqinisekiseni ukuthi lemihlomulo ibonakale ngokunikeza usizo lakudingeka khona.

Iyophinde ihole ukuhlanganiswa kwezinyathelo eziningi ezizoholela ekuhlangisweni kwabadobi abasezingeni elincane, emkhakheni omkhulu wokulawulwa kwezasolwandle.

2.4 Uhlaka lwezomthetho

Ezokudoba zingena ngaphansi kwemithetho yonke kahulumeni wezwe yokulawula, kanti zigadwe kakhulu phansi komthetho weMLRA. Lokhu kuhambisana nomyalelo wokubonisana ukuvikela imvelo nokuthuthukiswa okugcinekayo nokusetshenziswa kwezemvelo kube kuphakanyiswa ukuthuthukiswa kwezomnotho nezenhlalo. Lomthetho weMLRA uhlanganisa imibandela elawula ukusetshenziswa kwezilwane zasolwandle ukuthola ukwenyuka komnotho, ukuthuthukiswa kwabantu abasemisebenzini, kanye nomthamo wabadobi, kube kusetshenziswa izindlela eziphephile kuleyomisebenzi. Lomthetho uhlose ukushintsha ukungalingani kwakudala ohlelweni lwabadobi.

Ngaphezu komthetho iMLRA, kuneminye imithetho yezwe embalwa ebalulekile kumkhakha wabadobi abasezingeni elincane kanye nasekusetshenzisweni kwezilwane zasolwandle. Leyo ibala:

- a) National Environmental Management: Integrated Coasta Management Act, 2008 (Act No. 24 of 2008) (ICMA);
- b) National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA);
- c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA);
- d) National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA);
- e) Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);
- f) Animals Protection Act, 1962 (Act No. 71 of 1962) ;
- g) National Ports Authority Act, 2005 (Act No.12 of 2005);
- h) Companies Act, 2008 (Act No. 71 of 2008); and
- i) Co-operatives Act, 2005 (Act No. 14 of 2005).

Umnyango uyabona ukuthi ushintsho emphakathini, ukuthuthukiswa kwamakhono nokufinyelela kumhlaba ngendlela ephaphile, nasezinsizakalweni nezinto zokuqhuba impilo, kubaluleke kakhulu ekulweni nobubha, kanye nasekulungiseni ukungalingani kwakudala. Labadobi kanye nemiphakathi kumele basizakale lapho kudingeka khona ukufinyelela ezidingweni nemithetho elawula ukulungiswe kokungalingani kwakudala.

3. IZINHLOSO NEZIPHAKAMISO ZALE NQUBOMGOMO

3.1 Iziphakamiso

Leziphakamiso ezibekwe lana ziyimisebenzi kahulumeni kanye:

- a) Izosebenza ngokuhambisana nomsebenzi kahulumeni wokuhlonipha, vikela, gqugquzela nokufezekisa kwamalungelo omphakathi nomnotho atholakala

esiqephini sesibili (chapter 2) somthethosisekelo, ikakhulukazi lawo ababenganakiwe ngokobandlululo.

- b) Sebenza njengohlaka oluzosiza ekwakhiweni kohlaka lokuqalisa ukusebenza (implementation plan), nokusungulwa kwemifela ndawonye abadobi esemthethweni (legal entities)
- c) Izosebenza njengomhlahlandlela okuzobhekwa kuwo kokuphathelene nokuphathwa kwaloluhlelo.
- d) Izosebenza njengohlaka oluzosiza ekuxazululeni ukungaboni ngeso elilodwa
- e) Izosebenza njengohlaka ekutolikeni, ekuphathweni nasekuqaliseni ukusebenza kwale nqubomgomo.

Lengxenywe yalomgomo, izobeka imilandelo yabadobi abasezingeni elincane ezohola uhulumeni nabathintekayo, ekuphumeleliseni izinhloso zalenqubomgomo. Lemibandelo iyisiqalo sokuthatha izinqumo, ukulawula, nokubhekwa kwezilwane zasolwandle kulomkhakha. uhulumeni kumele:

- a) Ukwamukela ubukhona bamalungelo njengoba ebekiwe ngumthetho
- b) Ubone, uvikele amalungelo abadobi abasezingeni elincane ngendlela yezinsiza zomhlaba wonke kanye nezangaphakathi ezweni.
- c) Athathe indlela ehlanganisayo ezobheka emalungelweni abantu;
- d) Abone indlela ezoba neqhaza ekulweni nobubha nokwesweleka kokudla kanye nokuthuthuka kwezomnotho womphakathi
- e) Aphakamise ukwahlukahlukana nokusebenzisa ngokonga nokulawulwa kwezilwane zasolwandle nempilo emphathelene nazo.
- f) Abone ukuphazamiseka kwezolwandle nemvelo ukuthi kumele kuvinjwe, uma kungavimbeki kube sezingeni elincane.
- g) Ukubona ukusebenzisana kwezomphakathi, ezamasiko, ezomnotho, kanye nezimo zezolwandle;

- h) Ukusungula indlela yokulawula ngokubambisana ezonyusa izinga labadobi, ngemfundo, ukuqeqeshwa, kanye nokuthuthukisa amakhono kuzozonke izinto zokudoba.
- i) Ukusungula izinsika nezindlela ezethembekile;
- j) Ukuphakamisa ukubamba iqhaza ekwenziweni kwenqubomgomo, ekulawuleni nasekuthatheni izinqumo;⁴
- k) Ukuphakamisa ukufinyelela nokuzimbandakanya ngokulinganayo kuzozonke izinto eziphathelene nokudoba ikakhulukazi ngokubhekelewa kokucindezelwa kwabesifazane namanye amaqembu abandlululekile.⁵
- l) Ukuphakamisa ukufinyelela ngokukhethekile kwabadobi abasezingeni elincane abayingxenye yomphakathi wabadobi abathola ukuziphilisa olwandle futhi abahambisana nemikhakha yezemithetho yomphakathi, ukuvuna izilwane zasolwandle;
- m) Kuqiniseke ukuthi imiphakathi yabadobi abasezingeni elincane ayivinjelwa ukufinyelela kwinqalasisizinda nezinsizakalo ezibalulekile uma besebenzisa amalungelo abo okudoba;
- n) Kuhlenganise nendlela yokufaka amalungelo omphakathi uma kwabiwa amalungelo okudoba ingcebo yasolwandle.
- o) kwamukelwe ukuthi ingcebo yasolwandle ingabiwa ngendlela ngokwezinhlobo ezahlukene (multi-species)

⁴ Lenkambiso ihambisana nemibandela yeNEMA yakubamba iqhaza nesidingo sokuthuthukiswa ekubambheni kangcono iqhaza.

⁵ Lenkambiso ihambisana noMqulu wamalungelo (Bill of Rights.)

- p) Kubhekwe ukubaluleka kolwazi lwendawo lwakudala .
- q) Lapho ubunini bomhlaba buthinta imiphathi, buphazamisa ukuqalisa kwenqubomgomo, kumele kube nokuxhumana okuthile kwamaziko kahulumeni ukuze kuxazululwe inking.
- r) Ukusiza ekukhuliseni uhlelo lokudoba olusezingeni elincane ngokuphakamisa kochungechunge lokufakwa kwe value ezinhlanzini, kuhlanganisa konke okudibene nomnotho ekudobeni, ukulungisa, ukuthutha neminye imisebenzi edibene nokwengezwa kwevalue kokudotshiwe, ukuthuthukisa imiphakathi yabadobi ngezindlela ezizothuthukisa ukwengezwa kochungechunge lokuthuthukisa okudotshiwe.

3.2 Izinhloso

Inhloso engqala yalomgomo, ukuletha ushintsho oluthile endleleni uhulumeni abelawula ngayo abadobi abasezingeni elincane umkhakha. Lokhu kuhlanganisa ukuthatha indlela enokuthuthukisa nohlelo oluhlanganisa ukubhekela wamalungelo uma kukhishwa amalungelo, lolohlelo oluzobhekela ukuqiniseka ukuthi lengcebo iyaqhubeka isikhathi, kuphinde kubhekwe abadobi abasebancane njengabadobi abanomkhakha wabo ukuze kuhambisane nomthetho we MLRA. Ibuye ibhekele umphakathi ekulawuleni ingcebo yasolwandle ekuvunweni yilabobadobi.

Sekubhekwe lenhloso engqala kubuye kwabekwa izinhloso eziwumhlahlandlela:

- a) Ukunikeza ukwaziwa okubhaliwe, nokuvikeleka okusemthwethweni kwabadobi abasezingeni elincane, ngendlela yokwabelwa kwamalungelo okudoba;
- b) Ukuphakamisa ngokulanganayo (ngokobulili, ngokobuzwe, nangokukhubazeka) ukufinyelela nokuzuza engcebweni yasolwandle ngokubhekela umlando walabadobi.

- c) Ukuqinisa ukufinyelela kulengcebo yasolwandle ngezindlela ezivumela ukukhethwa kwabadobi abasezingeni elincane okuhlanganisa nasezindaweni ezikhethiwe ezisogwini.⁶ ;
- d) Ukulawula ngokubambisana, abadobi abasezingeni elincane umkhakha nengcebo ephila olwandle, ngendlela ehlanganisayo ephinde ibheke nemibandela yokulawulwa kukahulumeni uma kusetshenzwa ngesimo sasendaweni.
- e) Ukuqinisekisa ukusebenzisa ngokonga isikhathi eside nokulawulwa kwengcebo yasolwandle nokusondelene nayo.
- f) Ukuqinisekisa ukuthuthukiswa okugcinekayo kwabadobi abathathwa njengabasezingeni elincane, kuqinisekwe nokuthi lemiphakathi yabadobi abasezingeni elincane bayayikhuphula imivuzo kulengcebo kanti futhi kuba yibo abazuza kuqala.
- g) Ukusiza ekuthuthukiweni ukwengezwa kwevalue nosizo ekulungiseni nezindawo zokuthengisaezindaweni ezinomkhiqizo/ isivuno, ukuthuthukiswa kwezindlela zokuthengisa (marketing strategies) ezindaweni zokudoba, nokuthuthukiswa kwezinhlelo zolwazi
- h) Ukusiza ekusunguleni kwemigomo ezigabeni ezahlukene zikahulumeni, ikakhulukazi izinhlelo zokulawula ngokubambisana ukuze kwenze lenqubomgomo; isebenze.
- i) Ukusiza ukuphatha ngokubambisana neminyango ebalulekile kaHulumeni ehlangene nemiphakathi ethembele kwezokudoba ukwehlisa ububha, nokwentuleka kokudla nokuthuthukiswa kwenhlalo nomnotho wendawo ngendlela egcinekayo;
- j) Ukusiza ukwenziwa kwezindlela ezizobhekelela ukufinyelela kwemiphakathi kwabadobi abasezingeni elincane emitatani, ezindaweni ezivikelekile kanye nakokunye uma besebenzisa amalungelo abo okudoba;
- k) Ukunika ulwazi uma kushintshwa umthetho weMLRA;
- l) Ukuveza izindlela ezizoqhakambisa umkhakha wabadobi abasezingeni elincane

⁶ Lenkambiso ihambisana nesigaba 18 seICMA (Section 18 of the ICMA.)

- m) Ukuveza izindlela nezinhlaka okuphakamisa ukubhekwa komphakathi ekulawuleni ngokubambisana kanye nendlela ebeka phambili umphakathi ekuvuneni nokulawulwa kwezilwane zasolwandle emkhakheni wabadobi abasezingeni elincane
- n) Ukulekelela ekubambeni iqhaza kwemiphakathi ethintekayo ekuhleleni nokuqalisa kokuvikelwa kwezindawo ezithile ezisolwandle, yiminyango kahulumeni eqondene nalokho

4. ZINDAWO EZIBHEKWE YILENQUBOMGOMO (FOCAL AREAS) KANYE NOKUSHINTSHA KOKUCABANGA (PARADIGM SHIFT)

Ukushintsha kokucabanga ekulawulweni kwabadobi abasezingeni elincane

Umbono wabadobi bomkhakheni wezokudoba okusezingeni elincane, okunokugcineka, nokulingana, lapho ukuphatheka kahle nempilo yokudoba neyomphakathi osogwini okuvikelekile, kuphinde kunakekelwe impilo yasolwandle (marine ecosystems). Abadobi abasezingeni elincane babonakala benikwa amandla okubamba iqhaza ekwenziweni kwenqubomgomo nasekulawuleni ngokubambisana kwezilwane zasowandle ezingasosebeni. Ohulumeni bendawo, bezifundazwe, kanye nowezwe, babhekele ngosizo ukuqiniseka ukuthi ukhakha wabadobi abasezingeni elincane uyakhona ukubamba iqhaza ekupheliseni ububha nasekuvimbeni ukweseleka kokudla, kanye nokukhuliswa nokuthuthukiswa kweminotho yomphakathi ephapheme, ngokuhambisana kezinkambiso zobulungiswa benhlalo, nokubamba iqhaza kwintando yeningi, kanye nokusentshenziswa kwezasolwandle ngendlela egcinekayo.

Lenqubomgomo yethula ukushintsha ngokucabanga nendlela entsha yenqubomgomo yomkhakha wabadobi abasezingeni elincane. Umnyango uyabona ukuthi lendlela entsha kumele ilungise ukugcineka ngokwemvelo (ecological sustainability), ukubhekelwa kwamalungelo esintu okuqhubekayo kuleyomiphakathi ethintekayo, nokubanezinhloso zokuthuthukisa kanye nokubheka izimo ezikhona zomnotho

4.1 Abantu nemiphakathi

4.1.1 Ukuqondisa emphakathini kanye nezindlela zokwenza ezibheke umphakathi

Lenqubomgomo iphakamisa ukushintsha okusukayo ezindleleni zakudala zokulawulwa kuye kulezo ezigcizelela umphakathi ziphinde zibeke izindlela nezinhlaka zomphakathi zokuvuna, nokulawulwa kwengcebo yasolwandle kulomkhakha kanye nokwabiwa kwamalungelo okudoba kulowomkhakha womthetho osondelene nabadobi abasezingeni elincane. Lolushintsho lunikeza ukukhethwa kwabadobi nemiphakathi engaveza ukuzimbhandakanya kwayo kwakudala emkhakheni nasekusebenzisweni kwezindlela zakudala zokudoba. Igqugquzela ukunconywa kokuhle okulethwa abadobi abasezingeni elincane ngokugcineka kwemvelo ukusebenza kwe-energy nokusebenza kanzima okungaba khona.

Umnyango uyabona ukuthi ukwabiwa kwamalungelo kuyingxenye yokukhuphula umphakathi, kodwa uxhaso oluqhubekayo emikhakheni yonke luyadingeka ukufeza lokhu. Lenqubomgomo iphinde yethule umkhakha ophakamisa ukuthuthukiswa nokunyuswa komphakathi wabadobi abasezingeni elincane ngokufaka izindlela zokuqeda ububha, ukuqiniseka ukungesweleki kokudla, nokuphakamisa ukulingana okungabeki encupheni ukugcineka kwengcebo umphakathi oncike kuyo.

Lenqubomgomo iqonde ukunika umyalelo wokuthi ubudlelwano phakathi kwabadobi abasezingeni elincane kanye nengcebo yasolwandle nezindawo , abadobi abakuvunayo, nalokho izimpilo zabo zincike kukho buzolawulwa kanjani futhi busebenze kanjani.. Ekusebensiseni lendlela ebhekelela umphakathi futhi ixhasa umpakathi lenqubomgomo iphinde ibone isidingo sokulinganisa amalungelo abantu, kubuye kubhekwe nokugcineka ngokwemvelo.

Lenqubomgomo iphakamisa ukuthi umsebenzi wokuvuna nokulawulwa kwezilwane zasolwandle nama-ecosystems, kulekelelwane nohulumeni kanye nabadobi abasezingeni elincane. Lokhu kuholela kulezizinto:

Ukuphathwa kwelungelo;

- Izinhlolo zamathuluzi okuphatha (management instruments and tools);
- *Izinhlolo zemikhandlu (institutional arrangements); kanye*
- Uqeqesho, nokuhambisana, nokuhlolwa, kanye nokugcizelelwa – konke kuchaziwe ngezansi.⁷

Lendlela ichaza ukubandakanywa kwabadobi abasezingeni elincane nemiphakathi esogwini ezinqumweni zokuvunwa/doba nokulawula/phatha kanye nokulandelwa kwalomkhakha. Ukuphatha ngokubambisana kuphinde kuphakamise ukubamba iqhaza komphakathi ezinyathelweni zokuphathwa kwengcebo yemvelo kanye nezinhlelo (projects). Umqondo wokusebenza ngokubambisana phakathi kukahulumeni nemiphakathi ekuphathweni kwengcebo (kulawula-ngokubambisana)⁸ usungulwe ngaphansi kokuphathwa nokuphathwa kwemikhakha yezemvelo ikakhulukazi kulezozindawo ezivikelwe neziphathelene nokugcinwa kwemvelo.

4.1.2 Ushintsho kanye nobulili

Umnyango uyabona ukuthi umkhakha wabadobi abasezingeni elincane kumele ubhekelelwe ngokubaluleka kwesimo senhlalo-yomnotho wabo (socio-economic and macro-economic importance). Iqhaza elibanjwa izinkulungwane eziningi zabantu abasebenza ngqo nabasebenzisana nemikhakha yabadobi abasezingeni elincane, libalulekile kakhulu emnothweni wezwe. Kubalulkeile ukuqhakambisa ithubu lokutholakala kwezinhlanzi zohlobo oluphambili kulomkhakha ngokusetshenziswa kwamathuluzi akhethiwe okudoba, kanye nokuqondisisa indlela ekahle yokusebenza ngezinhlanzi. Lomkhakha kumele ushintshwe ukuze lezizinto ezibalulekile zisebenze ukuletha umvuzo omkhulu emiphakathini yabadobi abasezingeni eliphansi. Lolushitsho ludinga ukuthi abadobi abasezingeni elincane babuyiselwe izindlela zakudala zokufinyelela ezindaweni zokudoba, banikwe noxhaso namathuba

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Lenqubomgomo akuwona umhlahlandlela, noma uhlelo lokufakela, okanye umyalelo wokenza, ngakho ayibhali imininingwane yokusebenza kohlelo lokulawula uma selusebenza ngemplea. imininingwane yokusebenza iyocaciswa emiyalelweni yokwenza uma lenqubomgomo isiyamukeliwe.

⁸ Currently the statutory basis for co-management exists under NEMPAA (s42). Kodwake lapha kubhekwe ukulawulwa ngokubambisana okuphathelene nezindawo ezivikelekile, kanti njegoba lokhu kungafaneleka emiphakathini ehlala ngasogwini (njengasemzekelweni yaseMpuma Kapa lapho kunama Natuer reserves – iziqiwi)nma ngaseduze nezindawo ezivikelwe. Kuwumbono omuhle ukuthi kufakwe nokulawulwa ngokubambisana kwezilwane zasolwandle nama –ecosystems okungaphandle kwezindawo ezivikelwe,ngaphansi kometho weMLRA ngokwesikhathi eside

okusebenza phansi kwezimo ezivumelayo kwezindawo zokubekwa kwezinhlanzi ezitholakele kuholele ekulahlekeni kwemisebenzi ezindaweni zasemaphandleIn.

Ukulethwa komthetho wokulingana kobulili ngaboma 1990's, kuhlangele nokugcizelelwa kwamalungelo abesifazane kumthethosisekelo kuholele ekutheni uhulumeni agqugquzele abesibesifazane ukufaka izicelo zokudoba ngezikhathi zabo (2002) kanye nokwesikhathi eside (2005) yokufakwa kwezicelo. Lokhu kubathinte kakhulu abesifazane abaseNyakatho kanye naseNsthona Kapa lapho banikezwa umthamo (quota) othile emkhakheni wel WCRL(umdambi wasebtshonalanga) kanye nezinhlazi esikhathini esiphakathi nendawo (medium-term). Isibalo esiningi sabesibesifazane, ababengenasipiliyoni sokudoba abazisebenzisanga izibalo zabo ngokwabo, kodwa ngenxa yokuba nalezozibalo bazithola bengabathinteka ngokusemthethweni kwezokudoba. Lokhu kwalethe ngokunikezwa kwamalungelo esikhathi eside ngoba laba besibesifazane babekholelwa ukuthi banamalungelo okumele bawathole. Labo abangaphumelelanga sebejikele kwi Interim Relief (2007 and 2008) njengendlela yokuthola inzuzo. Iningi lalaba besifazane lasebenza kuma processing plants ngaphambi kokuba avalwe sekudilizwa. Emadolobheni asogwini, mancane amathuba omsebenzi owehlukile kangangoba iningi libheke kubadobi njengendlela yokuthola inzuzo.

Isibalo esincane sabesifazane abathola lezibalo kwithemu ephakathi bathola ukuqeqeshwa banikwa izitifiketi zokuphepha (safety-certificate). Laba besifazane sebenogqozi lokuziyela bona mathupha olwandle, kodwa bambalwa abanezikebhe zokufinyelela phakathi olwandle. EMpumalanga Koloni naKwaZulu Natal iningi labesifazane ababethole izimvume bebedoba ngezindlela zakudala. Abesifazane bayakufuna ukuzikhethela ukuya olwandle uma bethanda. Yize noma bambalwa abangakhetha ukuya olwandle kodwa kumele bonke bazuze kumkhakha wabadobi abasezingeni elincane.

Okuningi kwalokhu kulindeleke ngenxa yokungena kwabo phambilini emkhakheni, kanye nasemazingeni aphezulu obubha emiphakathini yabo, kanye nokwesweleka kwezinye izindlela zokuthola inzuzo. Njengabaphathi ababuye babhekelele ukungesweleki kokudla laba besifazane bayaye befune lesidingo ngoba kungekho okunye okungasebenza. Ekuphakamiseni indlela yokubheka amalungelo esintu

lenqubomgomo iyasibona isidingo sokulungisa umlando wokucwaswa nokungalinganiswa kwabesifazane; nokubaluleka kokubeka ukulingana kobulili phakathi nendawo uma kwenziwa ushintsho kulomkhakha ngokuhambisana nesibonakaliso, nezinkambiso ezibekwe kwinqalasisizinda yenqubomgomo yobulili yezwe (National Gender Policy Framework). Lenqubomgomo igcizelela iqhaza labesifazane ekukhuphuleni izinga lomkhakha wabadobi abasezingeni elincane. Kumelwe kubhekisiswe kakhulukazi ukucaciswa kweqhaza labesifazane ekuhlanganiseni izinhlelo zokulawulwa ukuxoxisana ezivumelwaneni zokuphatha ngokubambisana kanye nokusungulwa kwezinhlelo ezizo:

- Phakamisa intuthuko yomntotho kwabesifazane kumkhakha wabadobi abasezingeni elincane; afuthi
- Kushintshwe izindlela ebezivimba abesifazane ukufinyelela nokuzuza kuma, resources, imisebenzi amathuba omnotho kanye nasekuthathweni kwezinqumo

Lenqubomgomo iphinde iphakamise indlela yokubambisana phakathi kwemikhakha ukuqiniseka ukuthi ukulingana ngobulili kuyafezeka kumkhakha wabadobi abasezingeni elincane, naphakathi kwemikhakha yemithetho yompakathi. Izindlela nezinhlelo ezibalwe kulenqubomgomo kumele zifake lokhu okumayelana nobulili:

- a) Abesifazane kumele baqiniseke ukusebenzisa amalungelo abo okubamba iqhaza ukuphathwa kwengcebo yasolwandle. Lokhu kubalulekile ngoba abesifazane bavame ukubeka phambili kakhulu izindlela zokulwisana nezinkinga ezikhungethe ezenhlalo-nomnotho nokwentuleka kokudla (*socio-economic issues and food security* ;)
- b) Abesifazane kumele baqinisekwe ukubamba iqhaza ekwenziweni nasekuhlolweni kwenqubomgomo yabadobi;
- c) Ukuqeqeshwa kwabesifazane ukuba babambe iqhaza ekudayiseni. Lokhu kuhlangukisa ukunikezwa kwamakhono okuphatha ibhizinizi, awokuhlela nokukhangisa.;
- d) Ukuqeqeshwa kwabesifazane ukuzifaka emathubeni ezokuvakasha namanye omnotho wogu, njengezimenenga, oShefu, ama *tour operators, guides* njalonzalo; futhi,

- e) Ukusiza ekuthuthukiseni izinsiza ezizokwenza kube lula ukungema emkhakheni wokudoba
- f) Ukulwela ukumelwa ngokulinganayo ezinhlakeni zokudoba ngokwezinganeliphansi, kanye
- g) Kufundiwe abesifazane ukuqiniseka ukuqashwa nokuphatha ezimbonini zomkhakha wokufuywa kwezinhlanzi -aquaculture industries.

4.1.3 Ukuvikeleka kweNhlalo and nosizo ezinhlekeleleni

Umnyango uyazi ukuthi abadobi abasezingeni elincane bebengakwazi ukufinyelela ezinhlelweni ezivikela inhlalo kudala. Ukuqiniseka ukuthi abadobi abasezingeni elincane abangamalungu omfelandawonye oseomthethweni wophakathi (community-based legal entity) bayanakekwelwa ezinhlelweni zikahulumeni zokuvikelwa kwenhlalo, umnyango uzolekelela ukusungulwa kwezindlela ezifanele lokhu

Umnyango uyazi ukuthi umphakathi wabadobi abasezingeni elincane ungadinga uxhaso uma kubakhona izinhlekelele, okungaba ezemvelo noma ezidalwa ngabantu, ezingaphazamisa, noma ziholele ekufeni, ekulimaleni, noma ezifweni, noma ziphazamise impilo emphakathinii. Umnyango kumele usungule izindlela ezizobhekana nalezozehlakalo nokuqiniseka ukuthi umphakathi wabadobi abasezingeni elincane bayofinyelela kulolo xhaso lwenhlekelele (disaster relief) nomake ukuthola usizo ngezimo ezithile.⁹

Umnyango uyabona ukuthi indlela ehlanganisa ibambisane neminye iminyango enjengeye yezemvelo, ukuthutha kanye nokuthuthukiswa komphakathi, kanye nohulumeni wesifunda, neziphathimandla zendawo, iyadingeka ukufeza loku.

Ama Trust funds angasungulwa yimifelandawonye esemthethweni yomphakathi ukubhekelela abadobi ngosizo-lwemali uma beludinga

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Usizo oluthile lubhekelela abalimi ngokwemiyalelo yeConservation of Agricultural Resources Act 43 of 1983, kodwa lokhu kusho ama“natural agricultural resources” (ezolimo zangokwemvelo ezingalimwanga abalimi)kuphela,

4.1.4 Amalungelo okusebenza nokuvikeleka olwandle

Njengabasebenzi basemapulazini nabasemakhishini, nabadobi basencupheni uma kuphele imisebenzi, kugulwa, noma kushona oyinhloko yekhaya. Nabo basencupheni youkuxhaphazwa abaninizikebhe abanobugebengu, abadayisi, abaphathi bamalungelo okudoba abahwebayo, lapho amalungelo abo emibandela yokusebenza kungenzeka acindezelwe. Kumele kube namazinga akhona abekelwe imibandela yokusebenza kulomkhakha(olwandle) ezovikela izidingo zokuphepha olwandle kumkhakha wabadobi abasezingeni elincane, kumele abekwe ngokuhambisana nezincwadi zeInternational Labour Organization.

Umnyango uyazi ukuthi abadobi abasezingeni elincane bafaka isandla (contribute) kwiRoad Accident Fund kodwa abavikelekile ezingozini ezingenzeka olwandle. Umnyango uyabona` isidingo sendlela ehlanganisayo nenokubambisana, futhi uzokwenza izingxoxo mayelana naloku kanye nezinye izindaba, nomnyango wezokuthutha, lapho kobuye kubhekwe ukusetshenziswa kwamazinga okuvikelela afanele (appropriate minimum safety standards.)

4.2 Uhlelo lokwedluliswa kokudotshiwe (catch) ezimakethe

Umnyango uyabona ukuthi imibandela yokudayisa njengoba kudingeka yi Long Term Fishing Policy nemibandela eminingi ezivumelwaneni phakathi kwabadobi nabaphathi bezindawo zokulungiselelwa kwezinhlanzi, lapho ukukhokhelwa (advance payment) kwasebenza ngendlela ecindezela abadobi.

Umnyango uyazi ukuthi ukuze imiphakathi ithole imivuzo ephezulu engcebweni yasolwandle kulezondawo zabo, leyomiphakathi kumele isebenze nayo ukukhuphula izinga kokudotshiwe futhi leyomivuzo itholakale ngqo kuyona leyomiphakathi. Umnyango kumele usize imiphakathi ngoxhaso olufanele kwinqalasisinda, ukubonisa kanye nezinyeke izindlela ukufeza nenhloso. Lenqubomgomo ibhekelela izindlela ezizosiza abadobi ekumaketheni izilwane zasolwandle. Lezindlela inqubomgomo ezozibeka zihlanganisa kodwa azipheleli kulokhu okulandelayo:

- a) Izinhlelo zoxhaso lokugcinwa kwezinhlanzi. Lokhu kungaba ngokoxhaso lwemali youthenga izinto zokugcina izinhlanzi, kanye nemishini yokubandisa;

- b) Ukuqeqeshiswa amakhono kwabantu abasemiphakathini yabadobi nabangadobi emikhakheni yokulungiselela, ukugcina nokupakisha, ukudayiswa, nokuthuthwa, kanye nokuhwebela ngaphandle kwezwe kwezinhlanzi, kanye namakhono kwezebhizinisi, njengokulawulwa kwezezimali, ukulawulwa kwezezabasebenzi nokuqashwa, *ama logistics*, kanye nokulawulwa kwezamabhizinisi.
- c) Izinhlelo zoxhaso lokusungula izinkampani zasendaweni ikakhulukazi lezo ezibheke ukudobwa kwezilwane zasolwandle ezisezingeni eliphezulu zidotshwa abadobi abasezingeni elincane besebenzisa izindlela zokudoba ezihambisana nemvelo; and
- d) ukuthuthukiswa kwemikhiqizo enelebuli noma isitifiketi saseNingizimu Africa, edotshwe abadobi abasezingeni elincane ngendlela ehambisana nemvelo besebenzisa izindlela zaudal kodwa kube kunesibalo esincane kakhulu sokudobeke ngephutha(*by-catch*). Lesitifiketi kumeme siqiniseke ukuthi izinkampani ezimakethayo zizinikela ekusebenzeni ngendlela enokwethembeka nenhlalo esezingeni eliphezulu. Umvuzo ezilwaneni zasolwandle ukusizakala kwabadobi, izinkampani ezidayisayo, kanye neNingizimu Africa yonkana
- e) Ukwakhiwa/ukuthuthukiswa kwezinhlelo ezizothuthukisa /lungisa ezizoqinisekisa ukuhlomula kwabaqala ukuzimbandakanya kuloluhlelo lokudlulisela kokudotshiwe ezimakethe.
- f) Ukusungulwa kohlelo lokuncedisa kwezezimali kwezokudoba.

4.3 Ukuphathwa ngokuhlola nokuqceleliswa

4.3.1 Ukulawula ngokubambisana kwezokudoba

Umnyango uyayixhasa indlela yokukuphatha ngokubambisana uma kulawulwa ezokudoba. Lendlela ibheke kakhulu abantu kanye nophakathi, Umnyango kanye nemiphakathi yabadobi abasezingeni elincane bazokwabelana umsebenzi wokulawulwa ezokudoba. Ukuphatha ngokubambisana kungumsebenzi wokubambisana, ophakamisa inhlalo enokulingana, ubulungiswa, kanye nokuphathwa okubambisene, kwengcebo yasolwandle..

Ukulaphatha ngokubambisana kwengcebo yasolwandle kuchaza ukuthi abathintekayo emphakathi, ikakhulukazi abadobi banikwa amandla okubamba iqhaza nohulumeni ekuthuthukiseni nasekubekeni izinqubo nezihlelo zokuphathwa kwezokudoba. Ukuphatha ngokubambisana kudinga ukudluliselwa kwamandla emphakathini wabadobi, kwezinye izinqumo kanye nokufakwa kohulumeni besifunda nabezindawo. Abamele umpakathi wabadobi abasezingeni elincane abasendaweni ethile ehlangene nohulumeni bangaba yingxenye yamakomidi okuphatha ngokubambisana.

Ukuphatha ngokubambisana kwezokudoba kungenziwa kuqinise ngezikhathi eziqhubekayo. Indlela yokuphatha ebhekelela indawo ngayinye kumele ibekwe. Emva kwesikhathi eside ukuphatha ngokubambisana kwabadobi abasezingeni elincane kuyosiza

- a) inhlalo ethuthukile nokuphathwa kwemvelo kubadobi namanye amalunga omphakathi;
- b) ukuhambisana nemithetho okuthuthukile kwezokudoba;
- c) Ukunikwa amandla komuntu ngamunye kanye noquqaba lomphakathi odobayo;
- d) ukuqinisa intando-yeningi; kanye
- e) nokusetshenziswa ngokonga kwengcebo yasolwandle

Izihlelo zokulawulwa ezokudoba ezahlukeni kuzomele zisungulelwe izindawo ezahlukeni ngenxa yokwahlukahluhana kwezimo zolwandle nemvelo ezogwini, kanye nezinhlobonhlobo zezindlela zokudoba nokuziphilisa ezindaweni ezigudle ugu lwaseNingizimu African.

4.3.2 kuhambisana nokuhlola nokugcizeleliswa.

Umnyango uyabona ukuthi imiphakathi yabadobi basogwini, kumele ubesesimweni esikahle ukwelekelwa ekuvikeleni ingc, ekubhekebo yasolwandle nasekubekeni izenzo ezingekho emthethweni. Lomgomo, ubhekelele ukuhambisana, nokugcizelelisa ukulawulwa ngokubambisana, okungabanjwa yilabadobi abasezingeni elincane. Nakuba umnyango kuyiwona obhekene nokuqinisekiswa ukuthi umthetho

uyalandelwa, inqubomgomo inikeza izindlela eziphakamisa ukuthi kubekhona ukuzigada, neqhaza okumelwe lidlalwe abadobi abasezingeni elincane. Ubugebengu obuhleliwe, buyobhekwa yiminyango yezokuphepha nezinhlelo zayo, kuhulumeni.

Ukufundiswa nokuqeqeshwa kubalulekile ukuqiniseka ukuthi amalunga omphakathi anamakhono noxhaso oludingekayo ukubhala phansi nokuqapha nokunye okuhambisana nokudoba, kanye nokwelekelela ukugwema ukudoba okungekho emthethweni. Umnyango uzobeka imigomo ezofundisa amalungu nabadobi ukuze kuqiniseke ukuqeqeshwa kulokhu.

- a) Nika umhlahlandlela ukuthi izinhlaka zokuphatha ngokubambisana ziqapha zibuye ziqiniseke ukuthi uhlelo lwe TAC/TAE olunikezwe abadobi bezinga elincane
- b) Ukuvumela imifelandawonye esemthethweni kube yizo ezizogcina imininingwane ephathelene nokudoba (okudotshiwe, namiphumela yezicubungulo (analysis report))
- c) Nikeza uqeqesho lokwazi ukwehlukana kwezinhlobo ezibalulekile, ukuqapha nokuhlolisisa

Lenqubomgomo, ibhekelela ukulawula ngokubambisana nokukanywa kwezindawo ezizoqondana nabadobi abasezingeni elincane. Kusekusizakaleni kwalabobadobi ukuvikelwa kwengcebo abaydobayo. Lokhu kungaphumeleliswa okokuqala ngokugadwa nokubikwa kwesibalo sezilwane zasolwandle ezivunwa abadobi abasezingeni elincane kulezondawo zomphakathi wabalabadobi. Okwesibili abadobi bangagada ukufinyelela kulezondawo zomphakathi wabadobi abasebancance, ukuze baqinikese ukuthi labo abangenawo amalungelo okanye labo abangewona amalungu, abaxhaphazi lengcebo ngoba lokho kungaphazamisa izinga leTAC noma iTAE ezotholakala.

Izinhlelo zokugada kumele zibekwe yikomidi eliphatha ngokubambisana, kanti kulowo nalowo mphakathi wabadobi abasezingeni eliphansi, kubekwe umqaphi, Lowo ozoqapha kumele aqeqeshwe uMnyango. Kungaba nesidingo sokukhetha abaqaphi abangaphezulu koyedwa. Ulwazi oluzoqoqwa yilowo mqaphi, kanye nolwazi nje lwabadobi luyobe selufakwa ngqo, eqoqweni lolwazi lwekomiti,

ngaleyondlela kuyosiza ukuhlola ngedlela eqhubekayo, izinhlelo zokuphatha kuphinde kusize ekulweni nokwehla kwesibalo sezinhlanzi.

UNgqongqoshe (minister) angaphinde akhethe amalungu omphakathi wabadobi abasezingeni elincane nomake ilungu lomphakathi njengamalungu azoqapha namandla angasetshenziswa yilowo. Iwezokuvikelwa kwemvelo yolwandle, kanti labo banganikwa amandla athize abangawasebenzisa. Okanye (ngokwesigaba 50 somthetho we MLRA -ngabheki –observers) nabo lababheki bangelulelwa amalungelo ukuze banyuselwe amandla azokwedlulela kulabo ababekwe ezindaweni eziphakathi nezwe (land observers). Labo bazomele basebenze ngokuhambelana, nokuhlola, neminye imisebenzi ebekwe nguNgqongqoshe.¹⁰

Kulelobhuku lokusungulwa, kungabekwa nombandela wokuthi ilunga lohlaka lomphakathi, lingakhiswa kulohlaka uma lithokakala linecala ngokomthetho weMLRA.

4.4 Ukufunda, ukwazi kanye nokugcineka

4.4.1 Ukwakheka kwamandla

Inqubomgomo iphakamisa ukuthi umhlahlandlela wezinhlelo zoqeqeqsho lwabadobi abasebancane ngomnyango wezemsebenzi namaSeta (Department of Labour and SETA's). Umnyango uyabona ukuthi lokhu kubalulekile ekuqinisekeni ukuthi imiphakathi edobayo iyakwazi ukuphatha, isebenzise in ezingcebo yasolwandle ezindaweni zabo, akhuphule nobungako bentengo, babuye babambe iqhaza ezinqumweni zemihlahlandlela ezothinta izimpilo zabo, njengohlelo lweIDP. Umnyango uyazi ukuhti uqeqesho nokuthuthukiswa kwamakhono kumele kubhekelelwe, isbonelo, ukusungulwa kwemikhakha yezomthetho womphakathi; ukulungielelwa nokubekwa kwezinhlelo zokulawula; ukuxazulula izinxabano, ukuhlolwa nokubhala phansi kokudotshiweukwengezwa kwe value kokudotshiwe; kanye nokusebenza ngendlela kwamakomidi okulawula ngokubambisana. Ohulumeni bezwe nabesifunda kanye nezinhlangano ezizimele (NGO) bazobamba iqhaza ekhukhuphuleni izinga nasekunikezelnI ngoqeqesho emiphakathini yabandobi

¹⁰ Section 50(4): “Umbheki angasebenzisa izindlela zesayensi, nokuhambisana, nokuhlola, ebekwe nguNgqongqoshe.”

basendaweini. Izindlela zokukhuphula izinga kumele zibheke izidingo zabesifazane. Umnyango uyabona ukuthi nawo kumele ukhuphule elawo izinga ukuze ubhekane nokuletha izinsiza ezifanelekile kulomkhakha wabadobi abasezingeni elincane, nokuthi uphinde ubeke indlela yokubambisana eyalelwe kulenqubomgomo.

4.4.2 Inqubomgomo nomthetho

Inqubomgomo kumele ibhekwe ngokuhambelana nezinhlalo, kanti nembibono yabazimbandakanyile ikhathalelwe. Labo abazimbandakanyile kumele babikelwe ngokugcwele ngemithetho nenqubomgomo, ehlanganisa imithetho ephuma kuhulumeni, wesifunda, kanye naleyo yomasipala ethinta izimpilo zabo. (National legislation, Provincial ordinances and Municipal by-laws.) Indlela yokulawula ngokubambisana nomphakathi kumele ibhekele ukunikeza inkundla ezonkwenza bonke abathintekayo bayiqonde, futhi bayisebenzise inqubomgomo.

4.4.3 Ucwaningo lokuphatha kwezokudoba ngendlela ebhekela nemvelo yonkana

Izinqumo mayelana nokugcina nokulawula kwabadobi kumele zithathwe ebufakazini besayensi obukhona kanye nolwazi lwendawo mayelana nengcebo nokuphila kwayo, kanye nemidanti yezemvelo, ezonotho, nezenhlalo (ngamanye amazwi kube nendlela ye-ecosystem) Umnyango kumele uqhakambise ucwaningo nokuqoqwa kolwazi lwabadobi abasezingeni kanye nama multi-species ukuze ulungise ulwazi lwesayensi nolutechnical lwabadobi kanye nendlela abaphilisana ngayo ne ecosystem.¹¹

4.4.4 Ucwaningo lwe technology

Ucwaningo kumele lufake zonke izinto zalomkhakha wabadobi abasezingeni elincane kanti futhi naleyo technology esetshenziswayo kumele ihlolwe ngokusebenzisa i"fisher systems" efana naleyo yabalimi iFSRD. Lokhu kumele kuhlenganise ucwaningo lwezomnotho nezimakethe, kuqoqwe kuhlaziywe lololwazi ngendlela ezosebenziseka, kubhekwe itechnology esetshenzisiwe kwamanye amazwe asathuthuka anemikhakha yabadobi abasezingeni elincane, kuphinde, kuqoqwe ulwazi mayelana netechnology yokuhlaziya engabanokusetshenziswa.

¹¹

Kuthathelwe kwi FAO, Code of Conduct for responsible Fisheries, yango1995, article 6.4

Umnyango kumele ubeke phambili ucwaningo oluzobamba iqhaza ekuthuthukiseni umnotho wemvelo (green economy and green technologies).

4.4.5 Izinsiza zoxhaso lokusebenza nokuboniswa

Umnyango uyabona ukuthi ukuphumelela kwalenqubomgomo kuncike ekubeni noxhaso lokuboniswa mayelana nokusebenziswa ezobuchwephesha nolwazi emazingeni aphantsi. Loluxhaso kumele lufinyelele ekuqeqesheni nolwazi lwazonke izinto zomkhakha wabadobi abasezingeni elincane futhi kumele, uma kwenzeka kube nesizinda esingamasenta sabadobi (support center) lapho abadobi bengafinyelela ocwaningweni nolwazi ngesimo sezulu, ukuhamba kwezinhlanzi, ubuchwephesha obufanelekile, izimvume neminye imibhalo okuqhamuka kwi National Databank ngaphandle kokuba baze baye eCape Town.

Lamasenta angalawulwa ngokubambisana aphinde afake izinsiza (facility) ezolawulwa umphakathi ozobhekelela ukudoba nezinye izidingo okunzima ukufinyelela kuzo ngenxa yobude bamabanga nokweseleka kwezokuthutha. Lamasenta angaba nosebenza ehhovisi ozokwazi ukusebenzisa lobobuchwepheshe uma kunezindaba ezingakhuphula ukusebenza kwaloluhlelo.

5 IZINDLELA NAMATHULUZI OKULAWULWA OF ABADOBI ABASEZINGENI ELINCANE

5.1 Amathululi okuphatha

Lenqubomgomo ihlongoza isibalo esikhulu samathuluzi angasetshenziswa kulomkhakha wabadobi abasezingeni elincane, lokhu kuhlenganisa ukubhekwa kobungako bengcebo yemvelo, amasu okuphatha (management plans), ukukanywa kwezindawo ezibekelwe abadobi bezinga elincane, izivumelwano. Lamathuluzi achaziwe ngenzansi kodwa lokho akuvaleli ngaphandle ezinye izinhlelo noma amathuluzi angasetshenziswa

5.1.1 Ubuyekezo kobungako bengcebo obunzulu

Kuyayahlongozwa ukuthi kubhekwe ubungako bengcebo ukuze kuzokwaziwa ukuthi yiluphi uhlobo lwezinhlanzi olunganikezwa kubadobi abasemazingeni amancane, ubungako obamukelekile bokungadotshwa, izindawo ezikanyelwe abadobi abasezingeni elincane. Lokhu kuzogxila kakhulu ekutholeni ukuthi lungakanani nokuthi lutholakala kuphi lolo hlobo oludotshwa abadobi abasezingeni elincane, kulolonke uhlobo lwaleyo nhlanzi. Lokhu kubhekwa kakhulu ezinhlanzini kunokubheka imiphakathi edobayo. Lolu kumele kwenziwe, kuboniswana nabobonke abathinkekayo kuloluhlelo lokudoba, kanti futhi okuba yimiphumela kumele kubelula ukutholakala kuyoyonke imiphakathi edoba ngokwezinga elincane. Lokhu kwazisa kumele kwenzeke ngokwezinhlaka ezikhona njenge komidi eliphatha ngokuhlanganyela lakuleyo ndawo. Lolu cwaningo kumele lufake phakathi ubudlelwano bemvelo yonkana yasolwandle (marine ecosystem) kanye nobungako balolohlobo lwemvelo nalapho lutholakala khona, nocwaningo lomnotho womphakathi olukhomba izidingo zomphakathi, amathuba kanye nokudinga okukhungethe lowo mphakathi.

Lokhu kungenzeka ngokwazisa izinhlaka ezahlukene njengo hulumeni wesifunda, abavele sebenamalungelo (uma kudingeka), izinhlangano okungezona ezika hulumeni. Ukufakwa kweziphathimandla zesifunda kungaqinisekisa ukuthi uhla lwezinto okumele zenziwe ziyavela kuhumeni wesifunda kanye kohulumeni wasemakhaya, kufakwe nakwi IDP (uhlelo lwentuthuko oluhlangene), kanye namacebo okukhuliswa nokuthuthukiswa komnotho aphenhula izimfuno zabadobi emazingeni amancane.

5.1.2 Ukukanywa kwezindawo zabadibi abasemazingeni aphantsi.

Lenqubomgomo ihlongoza ukuthi kubekhona izindawo ogwini ezizokanywa njengezabadobi abasemazingeni aphantsi, uma umphakathi usuwusungulile umfelandawonye osemthethweni njengoba kuchaziwe ku 5.5.2 , umphakathi usungafaka isicelo kungqongqoshe ukuze bathole indawo ezokanyelwa bona. Umnyango uzoxoxisana neminye iminyango kahulumeni enemithetho evimbeni ukuya kulezozindawo ezidingwa abadobi, nabanye abathintekayo.

Uma kwenzeka kuba nezinqinamba mayelana nokukanywa kwenincele yezindawo zokudoba, ungqongqoshe, umqondisi jikelele noma imiphakathi yabadobi abasezingeni elincane, angathinteka ukuxazulula leyonqinamba njengoba kuchaziwe ngaphansi kokuxazululwa kokungaboni ngasolinye. Kwezinye izindawo.

Kungasetshenziswa izindlela eziningi kulokhu, kwezinye izindawo indawo ingakanyekwa ukusetshenziswa ngabadobi abasezingeni eliphansi kuphela. Leyo ndawo ingasetshenziselwa ukuyodoba kuphela futhi iphathe ngokuhlanganyela ngamalunga aleli komidi kanye nohulumeni. Imincele ingathathwa ngokubheka isimo somnotho kanye nehlalo yomphakathi, ukufuduka kwezinhlanzi kanye nokubhekelela imvelo yonkana, nomlando wokusetshenziswa abadobi abadobela ukuzijabulisa (recreational fishers). Izindawo lapho kuzongenwa/kuphumiwe khona zizobekwa nezindlela okumele zilandelwe zokuqapha nokubhala phansi okudotshiwe. Lezo zindawo kumele zivele naku IDP ukuze zizothuthukiswa, kanye nasezinhlalweni zokuphathwa kogu nakwezinye izinhlelo zomthetho ezithinta imiphakathi edoba ngokwezinga eliphansi. Izinhlelo zombuso uma zakha izinhlelo zokuthuthukisa kufanele zibhekele izindawo ezikanyelwe imiphakathi yabadobi abasemazingeni amancane ukuze kukhubazi ukufinyelela kwabo ezindaweni zokudoba.

5.1.3 Izinhlelo zokuphatha

Umnyango kumele ubeke izinhlelo yezindawo ozophatha, isize ekuqaliseni nasezinweni okumele zenziwe emazingeni aphantsi, ukuqinisekisa ukuthi konke okumele kwenziwe kuhlelekile. Izidingo ezithile kanye nabadobi kumele

babhekelelwe ekukwakhiweni kwezindlela zokuphatha, nemigomo ehlanganisa ilungelo lokudoba, okuvunyelenwe ngalo elitholakale ngokubamba iqhaza.

Okuqukethwe, izimfuno zolwazi lapho nezindlela okumele zilandelwe ukuze kuqalwe kuphinde kuthathwe lezozindlela, kumele zifakwe emigomeni(uma kwenzeka ziba isidingo esisemthethweni), noma kube imibandela noma okubhaliwe okumele kulandelwe (procedural manuals) okulula ukuthi kubuyezwe. Izinhlelo zokuphatha kumele agqugquzele ukwengezwa kwe value kokudotshiwe nokuthuthukiswa kwezindawo zokuthengisa ezindaweni abakuzo. Kuyahlongozwa ukuthi lezizinhlelo zifakwe ezinhlelweni ezihlanganyele zentuthuko kanye nasezinhlelweni zokuphatha ugu. Lezizinhlelo kumele uma kwenzeka zenze izimo zibe lula ukuze kufakwe nezimfuno zabangaphansi kweminyaka ayishumi nesishiyagalolunye (18), ikakhulikazi ley mizi esibhekwe abantwana. Izinhlelo zokuphatha kumele zibhekane nokulingana ngokobulili kuloluhlelo emiphakathini, kufake nezinhlelo eziqinisekisa ukuthi izinkambiso zezabasebenzi ziyalandelwa emphakathini.

5.1.4 Izindlela zokuqondisa

Inqubomgomo ihlongoza ukuthi izindlela eziningi ezahlukene zisetshenziswe ekuphathweni kwengcebo yasolwandle kulomkhakha wabadobi abasezingeni elincane ezizohluka ngokwezindawo. Lokhu kufaka umthamo wokuvunyelwe ukudotshwa (TAC) nomthamo opholele wamandla asetshenzisiwe (TAE), izindawo ezivaliwe, nezikhathi zokuvala, imilinganiselo kanye nobude bokuvunyelwe ukuthi kudotshwe, nezindlela okumele kudotshwe ngazo, ukuqapha kanye nokubhala phansi kweminingwane yezokudoba.

5.1.5 Izivumelwano

Ukuqinisekisa ukulawula ngokubambisana lenqubomgomo iphakamisa umbandela owenzelwa ukuphatha ngokubambisana, izivumelwano ezizolawula ubudlelwane phakathi kukaHulumeni nabadobi abasezingeni elincane ekulawuleni amaresource. Kumele kucaciswe imisebenzi neqhaza lomunye nomunye. Lezizivumelwano kumele zibekwe ngedlela engeke yenze imihlomulo yabadobi abasezingeni elincane

icindezele ubudlelwano bengcebo yonkana kodwa ixhase ukuphumelela kwezinhloso zalenqubomgomo. Izivumelwano zokulawula ngokubambisana zingaqhubeka zibhekelele:

- a) imisezibenzi kanye nezibophezelo zalabo abangene ezivumelwaneni
- b) ukufinyelela nokusetshenziswa kwengcebo yasolwandle emphakathini wabadobi abasezingeni elincane ezindaweni ezivikelwe;
- c) thuthukiswa kwamathuba omnotho namathuba (abangenamandla/abacindezelwe)
- d) Unxhaso mali nolunye usizo, ukuqinisekisa ukuphathwa nokumiswa ngendlela yesivumelwano sokuphatha ngokubambisana;
- e) Ubude besikhathi sesivumelwano;
- f) Ukwep hulwa kwesivumelwano kanye
- g) Nezindlela zokubhekana nokuxazulula izingxabano nokungezwani

Uma kudingeka izinhloso ezisemphakathini zingavunelwa ukungena ezivumelwaneni nemikhakha engomakhelwane lapho amalungelo okudoba kwabadobi abasezingeni elincane enikwe khona ukuze kufinyelelwe kwenye ingcebo/izinhlobo zezinhlanzi eziyingxenywe yezinhlonhlobo zezinhlanzi eziseqoqweni elilodwa noma ngabe zifudukele ezindaweni ezingomakhelwane Kodwake kungakangenwa kulesi sivumelwano umnyango kumele ubikelwe ngaloku, wonake usungavumela isicelo uma leso sicelo singeke siholele ekuxhaphazweni kwengcebo okungemukelekile, okanye ngeke kuphikisane nezinhloso zenqubomgomo noma lezo zomkhakha womthetho womphakathi othintekayo. Asikho isivumelano ekongenwa kusona uma umnyango ungavumanga.

Impumelelo yokuqalisa loluhlelo lokuphatha ngokubambisana olugxile emphakathini luncike ezikhungwini ezintathu ezisunguliwe kanye nalezo okungezona ezikahulumeni, lapho kunesidingo khona. Lokhu kuchazwa ngenzansi.

5.2 Izinhlalo zemikhandlu (institutional arrangements)

Lenqubomgomo iphakamisa ukusungulwa kwendlela ehlanganisa abamele izikhungo zontantu zikakhulumeni, abomkhakha wabadobi abasezingeni elincane kanye nezinhlaka ezibhekene nomphakathi.

5.2.1 Uhlelo lokusebenza oluhlanganise okwahlukahlukene (Multi-tiered organisational model)

Lenqubomgomo iphakamisa ukusungulwa kwendlela ehlanganisa izinhlaka ezimbalwa zokuphatha. Ezingeni lika hulumeni kuphakamiswa ukuthi i Consultative Advisory Forum (CAF) njengokubalulwe emthethweni olawula ingcebo yasolwandle (MLRA) , iphinde iluleke ezindabeni eziphathelene nomkhakha wabadobi abasezingeni elincane. Esigabeni esilandelayo iqembu elibekiwe lokulawulwa komkhakha wabadobi abasezingeni elincane liyaphakanyiswa ukusebenza njengenqola exhumanisa umkhakha noMnyango ukubheka nokuxazulula izindaba ezimayelana nokulawulwa komkhakha wabadobi abasezingeni elincane. Esigabeni sazindaweni okukhona kuzo abadobi kuphakamiswa ukuba amakomidi asebenza ngokuphatha ngokubambisana kanye nalawo omkhakha womthetho womphakathi babhekelele izindaba zabadobi ngamunye kanye nemiphakathi ethize.

5.2.2 Izinhlaka ezigabeni zomphakathi

Umfelandawonye osemthethweni wabadobi ezindaweni

Lenqubomgomo iphakamisa ukuthi wonke umphakathi wabadobi abasezingeni elincane usungule umfelandawonye osemthethweni wabadobi abangasebenza phansi kwayo. Inhloso yalezihlaka kuyoba ukusebenza ukulawulwa endaweni nokwenza ukuphatha ngokubambisana kubesemabhukwini nokuthi indlela ehlanganisa umphakathi ikhuthazeke kulenqubomgomo. Lezinhlaka zizomele ziqiniseke ukuthi yonke imisebenzi ehlangene nokuvuna nokulawulwa kwezilwane zasolwandle iyalandeleka ngendlela eyiyo. Loku kubala ukuhambisana nemibandela yelungelo lokudoba nemisebenzi ehambisana nako. Lezinhlaka zizobamba iqhaza ekuqinisekeni ukuthi izinjongo zomphakathi wabadobi kanye nokuvikeleka kwezemvelo okugcinekayo, nokwezilwane zasolwandle akucindezeleki. Lezinhlaka

eziqondene nophakathi zizoqhubeka zisebenze njengenkundla lapho abadobi bezoveza izifiso, izidingo kanye nezingqinamba abahlangabezana nazo.

Ubunjalo bomfelandawonye osemthethweni womphakathini buyonqunywa umphakathi wendawo kubuye kuhambelane nokuthi luhlobo luni lomfelandawonye kangcono ekusizeni izinjongo nezidingo zalowo mphakathi. Imifelandawonye esemthethweni ingangena esigabeni sika “section 21” wezinkampani nomake olunye uhlobo, okanye i’trust’ noma i’co-operative. Umkhakha yiwo oyokwenza izincomo kuNgqongqoshe ukuthi yibaphi abadobi abangase bavunyelwe ukukhipha ilungelo lokudoba kuleyondawo.

Umfelandawonye osemthethweni womphakathi unganika amalunga awo ngokukhululeka ekuthatheni izinqumo zokuthi ngubani onganikezwa ilungelo lokudoba elinikezwe umfelandawonye, nokuthi bazodayisa kanjani abakudobileyo nokuthi amalunga abo azokwengeza kanjani ivalue ezinhlanzini abazidobileyo. Uma konke lokhu sekwenzeka kuyanconywa ukuthi abasefazane kube yibo ababekwa phambili.

Amakomidi aphatha ngokubambisana

Ukuqalisa lindlela yokuphatha ngokubambisana echazwe esahlukweni 4.4, kumele kube namakomidi okulawula ngokubambisana. Lamakomidi kumele nemikhakha yomithathu kahulumeni kanye namalunga omfelandawonye, Ezindaweni lapho amakomidi aphatha ngokubambisana kunezindawo ezivikelekile kumele abamele iziphathimandla zaleyondawo evikelekile nazo zibe yinxenye yekomidi.

5.2.3 Ukwahlukaniswa kweqhaza nemisebenzi

Umnnyango uyobhekelela ukwenziwa kwenqubomgomo; ukuhlola abadobi abafaka izicelo, ukuhlola izicelo, ukubheka uhlelo lokufaka izicelo (okubalwa ukusungula amafomu, ukukhangisela izicelo, nokukhishwa kwamafomu) kanye nokukhishwa kwamalungelo okudoba nezimvume. Umnnyango uyokwabelana umsebenzi wokulawula ingcebo yasolwandle, kanye nomfelandawonye osemthethweni womphakathi ngokusebenzisa ikomitini lokuphatha ngokubambisana.

Lemifelandawonye esemithethweni yomphakathi yolindeleka ukusebenzisa imithetho ebekwe amakomiti okulawula ngokubambisana.

6 UKUPHATHWA KWAMALUNGelo NOKUNIKEZELWA KWAMALUNGelo **ABADOBI ABASEZINGENI ELINCANE**

Lenqubomgomo ihlongoza ukuthi amalungelo anikezelwe kumfelandawonye osemthethweni kuleyo ndawo la abadobi abasezingeni elincane bebedoba khona. Akukho malungelo azonikezwa umuntu ngamunye, nakuba abadobi bengamalunga omfelandawonye ngokwe nqubomgomo, ezozuza elungelweni elikhishelwe umfelandawonye. Ingcebo ephila olwandle izolawulwa/phathwa ngokwekomidi eliphatha ngokubambisana.

Izinto okumele zilandelwe umfelandawonye osemthethweni ukuze athole amalungelo kulenqubomgomo, achaziwe kwigaba esichaza ngenqubo ezolandelwa ukukhishwa kwamalungelo (6.2.5)

Indlela yokuphathwa kwamalungelo njengokuchazwa kulenqubomgomo kuveziwe kulomdwebo ongezansi. Ingaphandle lomfanekiso-qanda liveza indawo la abadobi behlala babuye badobe khona, umfanekiso-qanda wesibili umele imiphakathi yabadobi abasezingeni elincane ehlanganisa abadobi besilisa nabesifazane abebedoba phambilini (kuhlanganisa imindeni yabo nabobonke abasebenzi) abahlala babuye badobe kuyo; umfanekiso-qanda wesithathu umele abadobi abachazwe emibandeleni yokuhlunga abadobi echazwe kulenqubomgomo; umfanekiso-qanda wesithathu umele umfelandawonye osemthethweni womphaathi (okungabanini belungelo)



6.1 UKwabiwa kwamalungelo

Lesisigaba sicacisa ngokushintsha kwendlela yocucabanga/yokwenza kuloluhlobo lokudoba ngezinga elincane, le eyethulwe kulenqubomgomo ecaciswe kafushane esigabeni 4. Lendlela yokwenza yethule indlela enstha ebona isidingo sendlela zakudala zokudoba ingcebo yasolwandle ngabadobi abazinga elincane, ibuye ibheke izindlela ezizosiza ukuthi ingcebo ingapheni, nokubaluleka kwamalungelo abantu ahambisana nomnotho womphakathi. Lendlela yokushintsha ukucabanga ixazulula izinto ezahlukene kodwa ezokuxhumana ezihlanganisa;

- a) Ukushintshwa nokulungiswa kokwenziwa okungalunganga kwakudala (*past injustices*), kulomkhakha;
- b) Indlela ethatha isebenzise imiyalelo yabadobi, kanye
- c) Nezindlela zokulawula lomkhakha

Inqubomgomo iphakamisa ukuba kusukwe ezindleleni zokuphatha zakudala kuye kulezo eziphakamisa umphakathi zibuye zibeke nezindlela nezinhlelo ezibheke umpkahathi ekuvuneni nokuphathwa ingcebo yasolwandle kulomkhakha kanye

nokwabelwa kwamalungelo kubadobi abasezingeni elincane. Lokhu kuhambisana nezindlela zamazwe omhlaba ezintshengisa ushitsho ekuphatheni kwabadobi oluya endleleni evulekile ebheka iqhaza labadobi, ukuphathwa kwendawo kanye nokuthathwa kwezinqumo ngokuhlanganyela. Lolushintsho kwinqubomgomo lukhetha abadobi nemiphakathi ezokwazi ukutshengisa umlando wayo kulomkakha nezindlela zakudala zokudoba.

6.1.1 Indlela yokubheka ukwabiwa

Amalungelo abiwe ngokwale nqubomgomo awokuphakamisa nokuzuza kwemiphakathi ethize kanye nomphakathi wonkana. Izinsiza ezibalulekile zamazwe, amalungelo njengoba kubhekelelwe kumthethosisekelo, kanye nemigomo nezinhloso ezibhekelelwe kwiMLRA nakwinqubomgomo konke kuyobhekwa ukuqiniseka amalungelo ezenhlalo-nomnotho wabadobi abasezingeni elincane, ayalinganiswa ukufinyelela ezilwaneni zasolwandle kanye nokuthuthukiswa kwemiphakathi esimeme. Kumelwe kubhekelelwe ukuphakanyiswa kwabesifazane, abakhubazekile, kanye nalabo, uma kunesidingo, abasemakhaya aphethwe yizingane.

6.1.2 Indlela yokwabiwa kwamalungelo, ebhekene nomphakathi

Amalungelo abadobi abasezingeni elincane kumele anikwe imifelandawonye esemthethweni yomphakathi. Lemifelandawonye esemithethweni yomphakathi ihlanganise amalunga okungabantu abachazwa imibandela yokukhetha abadobi abasezingeni elincane. Imibandela yokukhetha abavumeleke ukuba ngaphansi kwabadobi abasezingeni elincane icacisiwe ku 6.2.4

Umnyango kumelele usungule izindlela zokubuyekeza ubulunga, nalapho kukhona izimpikiswano ngokufanele afakwe kulomphakathi noma kulomfelandawonye, izodluliselwa ekuxazululweni kwengxabano njengoba kuchaziwe kulenqubomgomo.

Umnyango ikhipha ilungelo lokudoba, nelendawo la kulungiswa khona izinhlanzi uma kunesidingo kumfelandawonye lapho sekwazisiwe ukuthi lowo mphakathi ufakwe ngaphansi kwemiphakathi edoba ngokusezingeni elincane. Umphakathi wabadobi uzonquma indlela okuzoqoqosha ngayo nokuthi ilungelo elikhishwe unqoqoshe lizosebenziswa kanjani kumalunga omfelandawonye osemthethweni . Imiphakathi yabadobi kumele ubonisane ngokugxilayo nomnyango abasezingeni

elincane ethintekayo, kulesigaba kuze umnyango uhlale wazi ngezizathu kanye nendlela ezosetshenziswa ukukhetha abadobi.

Abesifanze nabakhubazekile bangabhekelelwa kuqala. kungenzeka kungabilula ukuvumela bonke abadobi nabavuni abayingxenyane yompakathi wabadobi abasezingeni elincane nalabo abangamalungu omfelandawonye ukwenza imisebeni enjengokuya olwandle. Izindlela, ezifana nokubeka uhlu olujikelezayo kungenzeka zisetshenziswe uma kunesidingo. Awekho amalungelo azonikwa umdobi ngomdobi ngaphansi kwalenqubomgomo. Abadobi abezinga elincane abanamalungelo esikhathi eside abangeyona ingxenyane yomfelandawonye abavumelekile ukuthi babe namalungelo aloluhlelo ngokwalenqubomgomo.

Ukudayiswa nokudliwa endaweni kwengcebo ephilayo yasolwandle kubalulekile. ngakho umnyango uzogqugquzela ukwakhiwa kwezindawo zokuthengisela ukuze kukhule inzuzo inzuzo etholakala ngokudoba ngokusezingeni elincane. Lokhu kuzofaka imihlomulo eminingi ezothuthukisa izimakethe ezindaweni zasemekhaya ukukhuphula izindawo zasemakhaya. Izinhlelo ezifanele zizokwethulwa ukusiza abesifazane ekuthuthukiseni izinhlelo eziqondene nokwengezwa kwe value kokudotshiwe.

6.1.3 Indlela eyindidiyela yezinhlanzi (multi species approach)

Umnyango uyabona ukuthi abadobi abasezingeni elincane ngokwakudala bebevuna izinhlonhlobo zengcebo. Lendlela izovumela kudotshwe izinhlobo ezahlukene zengcebo etholakala kuleyo ndawo. Isinqumo ngokuthi hloboluni lwezinhlanzi ezingadotshwa sizofakwa kwisabelo, nokuthi kungakanani okumele kudotshwe kuzocaciswa ubungako bemvelo yonkana. Ukufakwa kwezinhlobo ezahlukene zezinhlanzi/ngcebo kuyoncika ezintweni ezithile ukufaka lokhu:

- a) Ukubakhona kwengcebo kuleyondawo ngokwemvelo
- b) Ukubakhona ngokwendawo kwengcebo efudukayo kulowo mphakathi nomthamo osetshenziswayo. Angeke kube lula ukwabiwa kohlobo lwezinhlanzi ezifudukayo kulowo mphakathi (omunye), ukwabiwa kwezinhlobo ezifudukayo lakufanele khona, kuyonikezelwa kulezozindawo ezakha indawo (region)

okutholakala khona lolohlobo lwezinhlanzi ezifudukayo, kodwa angeke kweqe emlinganiselweni walolohlobo.

- c) Yizinga lokusetshenziswa kwayo lengcebo ngendlela egcinekayo
- d) Yizinga ingcebo ethile esivele seyisetshenziswe ngalo ngokwemibandela yohlelo lokwabiwa kwamalungelo isikhathi eside;
- e) Ukubakhona kohlobo oluthize la umthamo wokuvunyelwe ukuthi kuqoqwe (TAC) ukhandwe izindawo ezithile zaleyondawo (zonal allocation) kubhelelwe ukuthi eminye imikhakha yokudoba (njengezinkaphani ezinkulu ezidobela ukudayisa kuphela kanye nabadobela ukuzijabulisa) ukuthi akweqi emthamin ovumelekile ukudosthwa (TAC) awudlulwa, isilinganiso senzuzo uma kudayiswa kwengcebo leyo kubalwa nokwengezwa kwe value.
- f) Ubunjalo, ubungako nomhlando wokudoba ngokwendabuko kwaleyondawo.

Lezi yizinto umnyango ongazibheka uma ukhetha izinhlanzi ezingabalwa uma kwabiwa amalungelo kubabadobi abasezingeni elincane. Isibonelo uma isibalo samalunga omfelandawonye afuna ukudoba kuleyondawo, ubani oyosebanzisa lelolungelo ukudoba lolohlobo lwenhlanzi, nalokho kuzobhekelwa ukuze ukudotshwa kwenzeke ngendlela enokonga. umnyango, makunesidingo ungase uqhakambise izilwanyana “ezintsha” ezingase ziqhamuke kubadobi abasezingeni elincane.

6.1.4 Indlela ezosetshenziswa ukwabiwa amalungelo

Indlela ezosetshenziswa ukwabiwa amalungelo nezindawo la kulungiswa khona inhlanzi emiphakathini edoba elingeni elincane, ukunikeza izindlela ezizosiza ukuqoka labo badobi abasezingeni elincane kanye nemiphakathi, leyondlela ichaziwe ngezansi; Ukwengeza ekusetshenzisweni kwalendlela echazwe ngezansi ukuchaza ukuthi umphakathi uyangena noma awungeni emiphakathini edoba ngezanga elincane, othatha izinqumo kumele abheke nalokhu, lokhu kuhlenganisa;

- a) Ukunika intsha (ephakathi kuka 18 no 35) ithuba lokungena kulomkhakha wokudoba nakuba ingenawo umlando oyishumi leminyaka wokudoba, kanye
- b) Ukubhekana nezicelo zabahlali okungebona base Mzansi Afrika, kodwa bebeyilento echazwe yilendlela yokuhlunga engezansi,

Indlela esetshenziswayo ukuhlunga imifelandawonye esemthethweni yemiphakathi (umini lungelo)	Indlela yokuhlunga abadobi babe amalunga omfelandawonye osemthethweni womphakathi
Umphakathi wabadobi abezinga elincane owaziwayo	Kumele kube umhlali (owesilisa noma owesifazane) waseNingizimu Afrika ophuma emphakathimi odoba ngokwezinga elincane
Umfelandawonye osemthethweni womphakathi	Kumele abe neminyaka engu 18(emizini esiphethwe yizingane, kungakhethwa umuntu emphakathini ukuba azimele njengelunga lomfelandawonye
Uhla lwabadobi abakhethiweyo	Kumele azivunele yena mathupha noma kube ukuthi uyathinteka emisebenzini yosuku nosuku ekulungiseni inhlanzi noma ukudayisa (ngaphandle uma kunokukhubazeka)
	Kumele akwazi ukuveza ubufakazi bomlando wokudoba ezingeni elincane (eminyakeni eyishuni kodwa okungasho ukuthi kube yishumi leminyaka)
	Kumele aveze ubufakazi bokuzibandakanya ezindleleni zokudoba ngendabuko, okuhlanganisa ukudoba, ukulungisa, noma ukuthengisa kwezinhlanzi
	Kumele okuyinxenye enkulu yempilo yabo kuphume ekudobeni kwezinga

	elincane noma ukudoba kwendabuko, akwazi ukuveza umlando wempilo encike kwingcebo yasolwandle, mathupha noma omunye ekhaya elilodwa, ukuze baphile
	Kumele angabi ngoqashwe ngokuphelele
	Baphile ngabakudobile noma bathengise, bashintshise noma ukudobela ukuthengisa okusezingeni elincane

6.1.5 Uhlelo lokwabiwa kwamalunelo

Umpaka odoba ngezianenga elincane ufaka isicelo kungqongqoshe sokuba umphakathi odoba ngezininga elincane. Ngaphambi kokufaka isicelo, umnyango kumele wazise imiphakathi ngemibandela elandelwayo ukuze ibe sohlweni lemiphakathi edoba kulelizinga nemithelela yakhona ngokwalenqubomgomo. Umnyango kumele wazise imiphakathi ngemihlangano, kwazisa emaphepheni, emisakazweni nangezinye izindlela ezamukelekile

Umphakathi ufaka isicelo sokuba umphakathi odoba ngezininga elincane kungqongqoshe ngokwale nqubomgomo . Kungenzeka kube khomna ukuxoxisana phakathi komnyango kanye nomphakathi ngaphambi kokuyiswa kwesicelo kungqongqoshe. Lokho kuzobe kwenzelwa ukuqinisekisa ukuthi umphakathi uyayazi imithelela yokufakwa ngaphansi kwemiphakathi edobela ukuziphilisa. Indlela okwenziwa ngayo nomdwebo kuchaziwe ngezansi.

Ungqongqoshe uzozenelisa ukuthi umphakathi ungodobayo kusukela kudala aphinde awufake ehlweni, bese echaza nemithelela yakhona.

Uma umphakathi usufakile isicelo kungqongqoshe, ungqongqoshe uzocubungula isicelo ngokohlelo lokwabiwa olukulenqubomgomo. Uma ungqongqoshe eneliseka

ukuthi umphakathi ungodoba ngokwezinga elincane, uzobe esewufaka ngaphansi kwalolohlelo aphinde achaze imithelela yalokho. Lokhukufakwa kuzokwaziswa kusomqulu kahulumeni(government gazette) nakumaphephandaba asendaweni.

Umphakathi odoba ngezinga elincane wona uzokhetha abadobi njengokuchazwe imibandela ukuze babe yinxenye yomfelandawonye osemthethweni womphakathi, loluhlu luhanjiswe kungqongqoshe.

Kungumsebenzi womphakathi ukukhetha abadobi kulowomphakathi, ngokwendlela echazwe imibandela kulenqubomgomo ukuze babe ngamalunga omfelandawonye osemthethweni. Izinhlango ezizimele zingasiza ukuqinisekisa ukuthi imibandela yokuhlunga ilandeliwe nokuthi uhla luqukethe amagama abadobi bangempela.

Isaziso sokufaka amagama singenziwa ngokufaka emaphephandabeni asezingaweni noma olunye uhlobo umnyango ozobona ufanele. Amalunga omphakathi azophawula ngamagama asohlweni kulandelwa imibandela ebekiwe yokuba lilunga lomfelandawonye osemthethweni. Umphakathi wabadobi abasezingeni elincane uzokwenza uhla lwamagama abadobi bakulowo mphakathi. Uhla luzodluliselwa ngungqongqoshe.

Umdobi osezizingeni elincane angaya kodoba noma aye koqoqa uma kuphela uma igama lakhe likhona ohlwini, udoba ngokuhambisana nezivumelwana ezichaza ukuthi ubani ozokwazi ukusebenzisa ilungelo, adobe ngokuhambisana nemigomo ekhishwe umnyango. Kungumsebenzi womfelandawonye ukugcina uhla lusesimeni, kodwa umnyango kumele waziswe ngezinguquko.

Ungqongqoshe, umnyango noma owesithathu uzohlaziya uhla ngokwemibandela yokukhetha abadobi. Abadobi bazokwaziswa ukuthi sebengaqala ukwakha umfelandawonye osemthethweni womphakathi.

Uhlu lwamagama luzoqhathaniswa nemibandela yokuhlunga esetshenzisiwe kulowo mphakathi. Inqubomgomo ihlongoza ukuthi ukuqhathaniswa kwenziwe umuntu ozimele (independent party). Lokhu kuzoqinisekisa ukuthi imibandela ilandelwe nokuthi bonke abasohlweni bazoba ngamalunga omfelandawonye osemthethweni. Lapho umfelandawonye ulungisa amagama, unghlaziya amagama.

6.1.6 Uma umfelandawonye usuqalisiwe

Uma amagama asohlwini asebhekiwe, umfelandawonye usungaqalwa. Umfelandawonye owakhiwe ngabadobi, okungebona kuphela abadobayo kodwa nabalungisa okudotshiwe. Ukuze umnyango uzokwazi ukusiza kahle abadobi nemiphakathi kumele usize ekwakhiweni kwemifelandawonye esemthethweni, ube nemihlangano ucacisele abadobi kanye memiphakathi ubuye ubanike ulwazi ngonlobo lwemifelandawonye ekhona emiphakathini. Abadobi nemiphakathi kumele banqume ukuthi iluphi uhlobo lomfelandawonye olungahambisana nezidingo zabo. Umnyango ngosizo lweminye iminyango kahulumeni banganikeza uqeqesho ukuze umphakathi uzokwazi ukuthatha isinqumo okuyiso mayelana nomfelandawonye.

Uhlobo lomfelandawonye lungakhethwa emhlanganweni lapho amalunga amaningi ekhona emhlanganweni, Lowo mhlango ungapathwa umuntu womnyango noma omunye umnyango kahulumeni noma umuntu ophuma kwinhlangano ezimele (NGO). Kumele kukhethwe ikomodi elizoqiniseka ukuthi umfelandawonye uyasungulwa, ubhalisiwe ngokwemithetho yemifelandawonye

Umphakathi wabadobi usungula (lapho umnyango unbona isidingo sokusungula engaphezu komunye) umfelandawonye osemthethweni womphakathi kuleyo ndawo. Ilungelo lokudoba nelendawo yokulungisa izinhlanzi (fishing processing establishment) ligcinwe umfelandawonye osemthethweni womphakathi onabadobi(lokhu kuhlenganisa abantu abaphathelene nokudayisa kanye nokulungisa). Amalungelo omdobi ngamunye walomfelandawonye kumele ahlale agcinwe emaphepheni anemininingwane omfelandawonye.

Umfelandawonye osemthethweni wenza uhla lwamagama amalunga abazosebenzisa isabelo sabo, uma kunesidingo nelungelo lendawo yokulungisa (processing right)

Umfelandawonye osemthethweni wenza uhlu lwabangaya olwandle bayosebenzisa ilungelo labo, elinikezwe umfelandawonye. Akukho lungelo elizonikezwa umdobi ngamunye njengoba ilungelo lizonikezwa umfelandawonye. Kungenzeka kungabi nguwowonke umuntu oseluhlwini ozoya kodoba. Lokhu kungaba ngenxa yomthamo wezinhlazi ezivunyelwe ukudotshwa (TAC) noma umthamo ophelele

osetshenzisiwe (TAE) onikezwe lowo mfelandawonye, ukuthi awanele ukuthi wonke amalungu angaya olwandle ayodoba. Umfelandawonye ungenza indlela yokuthi kushintshwane ngendlela noma enye indlela yokuthi abangafuni ukuya olwandle enze njalo.

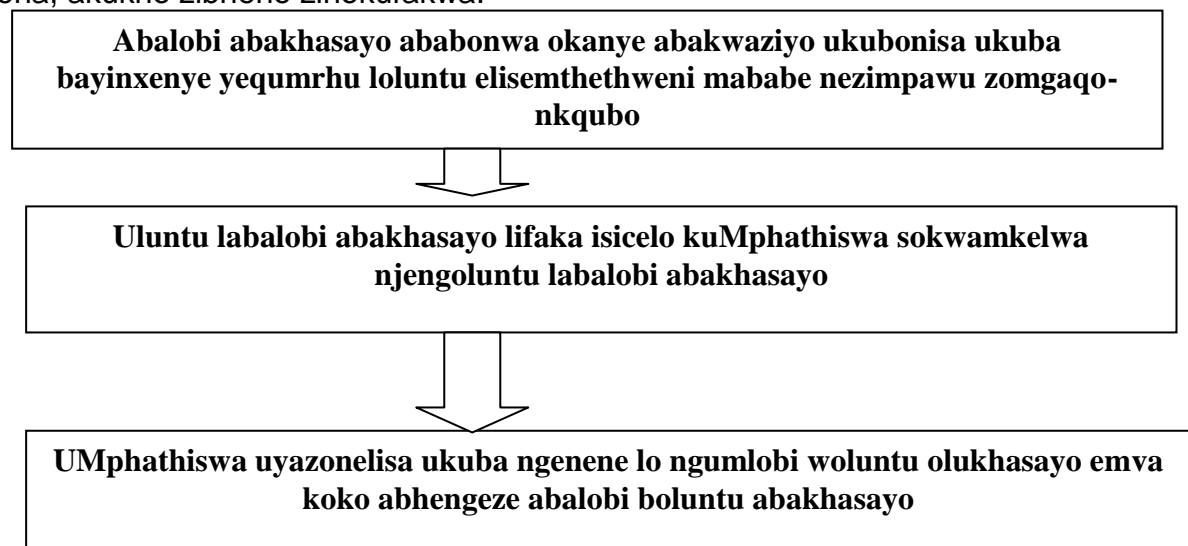
Iminingwane yokuthi labobadobi bazohlomula kanjani ngokokudoba kwabo izolungiswa kuqala nakuba kuba kungahlaziywa ekuhambeni kwesikhathi. Iminingwane izocacisa uma abadobi kumele bakhokhelwe ngokudoba kwabo, noma kube abadobi abakhokhelwayo nendlela abadobi azokwabelana ngayo inzuzo etholwe kwengezwa ivalue kokudotshiwe. Iminingwane izochazwa ezincwadini ezichazisa ngokuqalwa komfelandawonye.

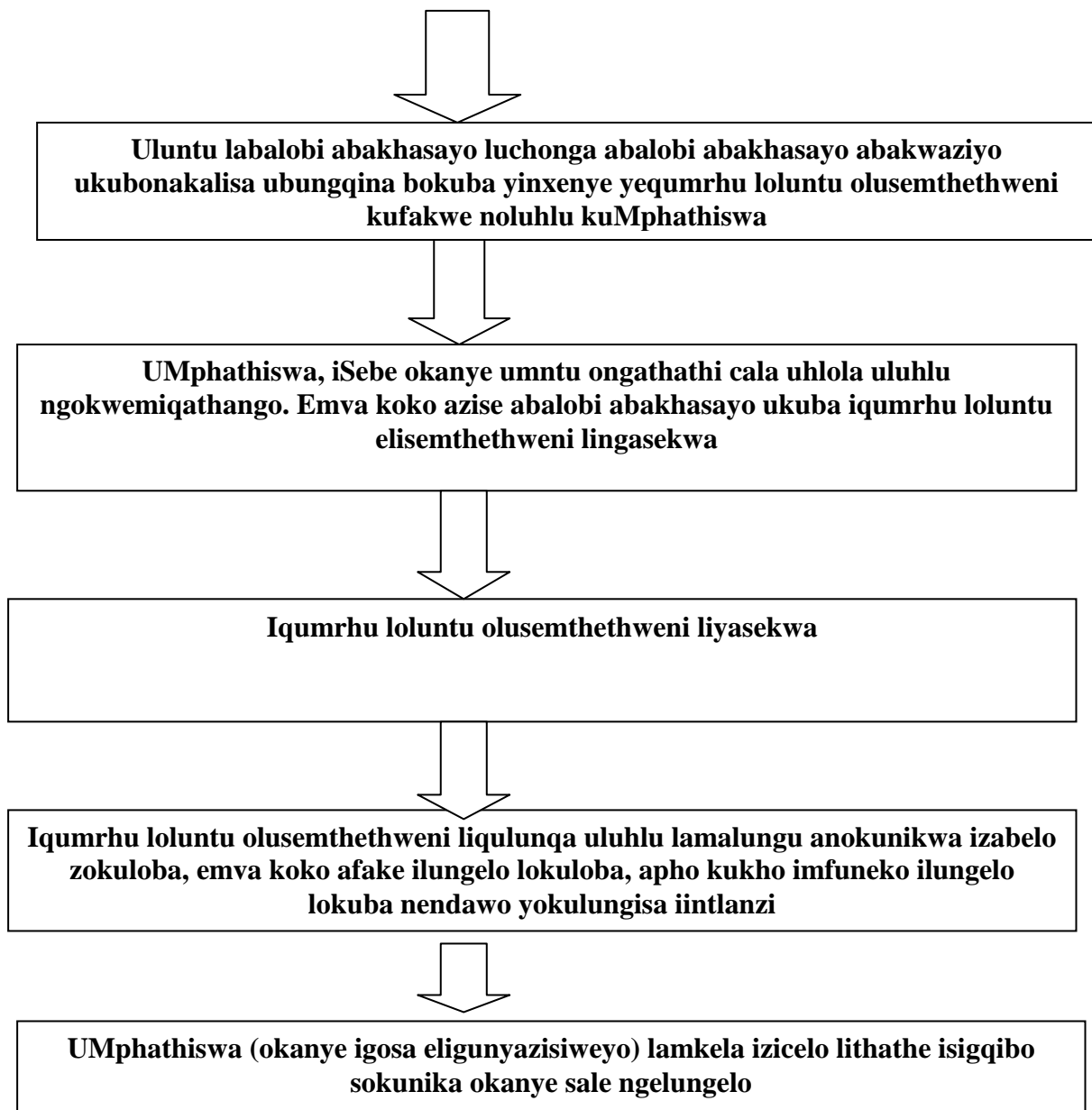
Uma uhla selwenziwe oluchaza ukuthi ngubani ongadoba selwenziwe lwaqedwa umfelandawonye osemthethweni uzohambisa isicelo selungelo lokudoba, nesendawo yokulungisa uma kunesidingo.

Ungqongqoshe (okanye isithunywa) uzobheka isicelo anqume ukunika noma anganiki ilungelo noma amalungelo

Ungqongqoshe (okanye isithunywa) uzothatha isinqumo ukuthi uyawunikeza noma akawunikezi umfelandawonye ilungelo. Uma isithunywa sesiqumile, kungadluliswa isicelo kungqongqoshe. Uma ungqongqoshe esesithathile isinqumo akusakubakhona ukudluliswa kwesicelo.

isigqibo izibheni zizakuziswa kuMphathiswa. AphouMphathiswa athathe isigqibo khona, akukho zibheni zinokufakwa.





6.1.7 Ubude bamalungelo

Amalungelo okudoba abadobi abasezingeni elincane ayokhishwa isikhathi eside sokwabelwa. Lokhu kunika umnyango isikhathi esanele ukuhlaziya lezozilwanyana abadobi abasezingeni elincane abavunyelwe ukufinyelela kuzo. Lokhu futhi kunosizo ekutheni lenqubomgomo ize ihambisane nezinye izindlela zokwabiwa kwamalungelo, kuhlanganisa ukuxoxisana nabanini bamalungelo asasetshenziswa.

6.1.8 Ukudluliswa kwezikhalo

Noma ngubani ozithola ethinteka yisinqumo esithathwe ngumuntu esebenzisa amandla anikezwe wona ngaphansi komthetho ophathene nengcebo ephila

plwandle (MRLA) isakhuko 238 (abenza imisebenzi benzela abathile) somthethosisekelo, bangadlulisela ngungqongqoshe

Lapho ungqongqoshe enikeze amandla kwisithunywa ukuba sithathe isinqumo ngaphansi komthetho MRLA ukunikeza amalungelo noma (njengoba kuchaziwe ku 6.3.2 ngenhla) umthamo kumfelandawonye osemthethweni womphakathi lesosinqumo singadluliselwa kungqongqoshe. Akukho kudluliswa okuzokwenziwa uma ungqongqoshe esenqumile.

Izinqumo ezingathathwa zingahlanganisa lokhu;

Ukunjaba ukufaka umphakathi ngaphansi kwemiphakathi edoba ngezinga elincane
Ukukanywa kwendawo engasetshenziselwa umphakathi othize ukudoba ngezinga eliphansi

Ukunjaba ukunika umfelandawonye osemthethweni ilungelo

Lapho umfelandawonye osemthethweni womphakathi unikwe ilungelo kodwa unganelisekanga ngesabelo onikezwe sona

Lapho ukudluliswa kwesikhalazo kudluliselwe kungqongqoshe, isinqumo okudluliswe isikhalazo ngaso sizomiswa aze athathe isinqumo ungqongqoshe.

6.1.9 Izindlela zokuxazulula inxabano

Uma kuba nengxabano phakathi kwamalungu omphakathi wabadobi abasezingeni elincane, leyongxabano kumele ixazululwe ngezindlela zemibandela yokuxazululwa kwezingxabano zangaphakathi ekwavunyelwana ngayo ngesikhathi kusungulwa umfelandawonye osemthethweni womphakathi. Akukho zikhalo eziyiswa kuNgqongqoshe. Uma lowomuntu oyingxenywe yomfelandawonye womphakathi ehlukekile ngesinqumo esithathwe kulezonhlaka akanayo indlela yokukhalaza njengoba kuyaleliwe kwiMLRA.

Kodwake umqondisi-jikelele (Director-General), ngokuzinqumela yena, noma ecelwe umpakathi wabadobi abasezingeni elincane, okanye ilunga lawo, angakhetha umxazululi ozokwamukeleka kuzinhlangothi zombili, ukuzolekelela ekuxazululweni kwanoma iyiphi inkinga ehlanganisa,

Ukuvumeleka komuntu ukuba ilunga lomfelandawonye osemthethweni womphakathi
Ukulungisa noma ukwamukela umthethosisekelo

- a) Inxabano phakathi kwemiphathi edobayo

Ingxabano phakathi komphakathi odobayo kanye nomfelandawonye osemthethweni womphakathi

Ingxabano phakathi kwemifelandawonye esemthethweni

Ingxabano phakathi komfelandawonye kanye namalunga awo noma nekomidi

Umqondisi-jikelele ngokubona kwakhe noma ngokucelwa ngoyingxenye yengxabano , aqoke umxazululi olowazi ukuxazulula ingxaki

6.1.10 Abanini bamalungelo awamanje

Abadobi ababelwa amalungelo esikhathi eside okudoba ngokwemigomo yokwabiwa kwesikhathi eside, uma ehambisana nemiyalelo yabadobi abasezingeni elincane bangawagcine amalungelo isikhathi esingangaleso sokwabiwa kwamalungelo esikhathi eside (long-term rights) Kodwake uma sekuphela amalungelo okudoba esikhathi eside, labobadobi abasezingeni elincane bangafakwa kule uma behambisana nemiyalelo yabadobi abasezingeni elincane.

Umdobi (ngokuchazwa imibandela yabadobi abezinga elincane) elincane uma kubhekwa umphakathi wabadobi bezinga elincane noma umfelandawonye osemthethweni womphakathi onamalungelo okudoba ngaphansi kweLong Term Policy angakhetha ukufakwa naye kulenqubomgomo. Kulokhu uyobe engavumelekile ukugcina ilungelo alithola ngaphansi kweGeneral Fishery policy on the Allocation and Management of Long-Term Commercial Rights 2005. UNgqongqoshe anganquma ngokwakhe uma kunesidingo ukuhlanganisa iTAC noma/kanye ne TAE ekubanini bezimvume ngaphansi kweLong Term Policy, abayonquma bona ukuzihlanganisa nalenqubomgomo futhi uNgqongqoshe angayifaka kwiTAC noma/kanye ne TAE yalowo mphakathi wabadobi abasezingeni elincane, noma umfelandawonye osemthethweni womphakathi.

Miningi imikhakha yabadobi abanamalungelo, angaphansi komthetho wamanje we Long Term Fisheries Policy, lemikhakha iletha inselelo ngakwezomthetho uma kuthuthukiswa inqubomgomo entsha. Isibonelo, isibalo esiningi sabantu abangaphumulela ukubalwa njengabadobi abasezingeni elincane ngokweNqubomgomo sebavuma ukuba amagama nomazisi babo kusetshenziswe ukuvula izinkampani ezinamalungelo okuhweba. Kodwake abaningi balabadobi abakaze bakhokhwelwe inzuzo ngokufanelekile, basaqhubeka bancike kumkhakha

wabadobi abasezingeni elincane ukuqhuba izimpilo zabo. Labadobi kuyomele uma sekwenziwa uhlu lwamagama, bacele ukuba amagama abo afakwe. Kodwake kumele babheke imininigwane yaleyomikhakha yomifelandawonye enamalungelo okuhweba kwezokudoba abayingxenye yayo, nobufakazi benkokhelo abayitholile kusukela lezonkampani zithole amalungelo esikhathi eside okuwheba kwezokudoba, bakudlulisele kumnyango nakumfelandawonye osemthethweni womphakathi. Umnyango ungaphenya uma udaba seludluliselwe kuwo bese uthatha isinqumo.

6.1.11 Izikhungo zokulungisa izinhlanzi

Akunamuntu ozoba nesikhungo sokuhlaziya izinhlanzi ngaphandle uma ilungelo lokwenza lokho lakhishelwa lowomuntu likhishwa UNgqongqoshe. Imisebenzi eyenziwa imifelandawonye esemthethweni yomphakathi ingangena phansi kwencazelo yezikhungo zokulungisa kwezinhlanzi". Lokhu kuchaza ukuthi ngaphezu kokuba namalungelo okudoba abadobi abasezingeni elincane ilungelo lokusebenza endaweni enjalo kumele litholakale. Okumele kucaciswe kakhulu ukuqiniswa kweqhaza labesifazane ekuhlaziyweni kwezinhlanzi, njengendlela yokunika amandla abesifazane abasemkhakheni wabadobi abasezingeni elincane.

Ekwabeleni amalungelo, umnyango kumele ukhumbuze lezozinhlaka zompakathi ukuthi kuzomele zifake izicelo zokuba nezikhungo zokulungisa izinhlanzi nokuthi amalungu abo azobe elungisa izinhlanzi kulezondawo lena kungaba yindlela yokuhlola okudotshiwe nokubhekelela ukuqoqwa kwaleyo midobo, kanye nokubalulekile, ukusabalaliswa kwezimali ezitholakale ekudayisweni kwenhlanzi. Konake kungabuye kube nobunzima bokwenza lokhu kuzozonke izindawo.

6.2 Ukwenziwa kwezimvume, izintelo kanye nezimali

6.2.1 Izimvume, izintela (levies) nezimali zokufaka izicelo

Umnyango uzimisele ukuqiniseka ukuthi ukufinyelela kuwona mayelana nezinto ezinjengo kwenziwa kwezinqumo, nezimvume, kuzocaca, futhi uma kwenzeka, kusabalaliiswe. Umnyango uyabubona ubunzima obuzwiwa abadobi uma bedinga ukuzeza izinkinga zabo okumelele zilungiswe. Ukusungulwa kwemikhakha yemithetho yomphakathi nokulawula ngokubambisana kungaziqeda ezinye zalezinkinga ebezitholakala, ngokunikezwa inkundla lapho izinkinga zingabhekwa

khona ngokwezigaba zasendaweni, kubuye kusungulwe izikhungo zolwazii ezizosiza abadobi.

Abadobi abasezingeni elincane bayokhokha imali ethile yokufaka isicelo uma befuna ukucela amalungelo okudoba, lelonani liyonqunywa ngokubonisana uma lenqubomgomo isifakiwe. U Umnyango ungakhokhisa intela (levies) ethile ezilwanyaneni ezikhokhelwa leyontela, (ezisazohlungwa) ngokwenhlanzi edobiwe.

6.2.2 Imibandela yamalungelo abadobi abasezingeni elincane

Umnyango ungafaka lemibandela uma ukhipha amalungelo nezimvumo

Uma Umnyango ukhipha amalungelo noma izimvume ungabala imibandela, ehambelana nalomkhakha kwinqubomgomo.

Umnyango ungabala lemibandela uma wabela amalungelo

- Imiyalelo okuvunyelwene ngayo akugudlukwanga kuyo;
- Kunokucatshangelwa okuthile kwabesifazane nabakhubazekile nezaguga;
- *Ama-statistics* ayagcinwa futhi athunyelwe kumnyango; okanye
- Lapho kunesidingo ama-*levies* akhokhiwe.
- Lemibandela elandelayo ingafakwa ezimvumeni:
- Uhlobo lwenqola esetshenziswayo;
- Impahla yokudoba ezosetshenziswa;
- Izindawo lapho ukudoba nokuvuna kwenzeka khona;
- Izindawo lapho izilwane zasolwandle zingabekwa khona;
- Izindawo lapho zilwane zasolwandle zingadayiswa khona;
- Nokuthi imigomo yokuphepha kokudla iyalandelwa
- Nokuthi kumele kulandelwe imithetho yezokusebenza.

Ukwedluliselwa kamalungelo okudoba

Amalungelo abadobi abasezingeni elincane angadluliswa ezimweni ezithile kuphela futhi kulabo abasemkhakheni wezomthetho wophakathi ngokwenqubomgomo.

Ukwedluliswa kwalamalungelo okudoba kuyomele kuhambisane nemigomo, nezinhloso zenqubomgomo.

Isicelo sokwadlulisa amalungelo kumele senziwe kuNgqongqoshe. UNgqongqoshe uyanquma ukuthi lelulungelo lingadluliswa noma cha. Ekwenzeni lokho uNgqongqoshe kumele abheke imiyalelo ebekwe kwinqubomgomo, mayelana

nokwabiwa kwamalungelo okudoba abadobi abasezingeni elincane nokuthi lowomphakathi okanye umkhakha wezomthetho wophakathi okuzodluliselwa kuwona ilungelo, wona uhambisana kangakanani nemiyalelo.

UNgqongqoshe kungenzeka ngaphambi kokubheka isicelo sokwamukeliswa amalungelo okudoba, acele imibono emphakathini wabadobi abasezingeni elincane, emkhakheni wezemithetho yomphakathi nasendaweni, noma kubantu bendawo lapho kuyosebenziswa lelolungelo.

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