
ISAZISO SIKAHULUMENI

UMNYANGO WEZEMVELO NEZOKUVAKASHA

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**UMTHETHO KAZWELONKE WOKUPHATHWA KWEMVELO: IMVELO
EHLUKAHLUNE WE-2004 (UMTHETHO WE-10 WE-2004): UKUQALISWA
KWEMITHETHONQUBO YE-BIOPROSPECTING, UKUFINYELELEKA
NOKWABIWA KWENZUZO**

Mina, Marthinus van Schalkwyk, uNgqongqoshe Wezemvelo Nezokuvakasha, lapha, ngaphansi koMthethonqubo we-*Bioprospecting*, Ukufinyeleleka Nokwabiwa Kwenzuzo eshicilelwe kwiGazethi Kahulumeni No.138 yomhla wesi-08-02-2008, unquma ukuthi imiThethonqubo eshiwo izoqala ukusebenza Mhla lu-1 ku-Ephreli 2008.

UNgqongqoshe Wezemvelo Nezokuvakasha

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**UMTHETHO KAZWELONKE WOKUPHATHWA KWEMVELO: IMVELO EHLUKAHLUNE
WE-2004: IMITHETHONQUBO YE-BIOPROSPECTING, UKUFINYELELEKA
NOKWABIWA KWENZUZO**

UNgqongqoshe Wezemvelo Nezokuvakasha, ngaphansi kwesahluko sama-97(1) (d), (e), (f), (g) no-(h) soMthetho Kazwelonke Wokuphathwa Kwemvelo: Imvelo Ehlukahlukene we-2004 (uMthetho we-10 we-2004), wenze imiThethonqubo ekuSheduli.

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3. Ukusetshenziswa kwemiThethonqubo

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UKUHUMUSHA NEZINHLOSO ZEMITHETHONQUBO

Izincazelo

1. Kule miThethonqubo, igama noma okushiwoyo okunikwe incazelo kulo Mthetho kunencazelo okunikwe yona futhi, ngaphandle uma inqikithi isho okunye —

"uMthetho" usho uMthetho Kazwelonke Wokuphathwa Kwemvelo Ehlukahlukene we-2004 (uMthetho we-10 we-2004).

"uhlobo noma ngabe iluphi locwaningo" lusho ucwaningo ngaphandle kwe-*Boiprospecting* futhi -

(a) lumbandakanya ukuqokelelwa okuhleliwe, ukufunda noma ukuphenya ngemithombo yomdabu yemvelo, okwenziwa ngaphansi kwesikhungo seqiniso socwaningo noma inhlango ukuze kukhiqizwe ulwazi lwesayensi; kodwa

(b) kushiya ngaphandle izifundo nocwaningo ngokwezizathu;

"umfakisicelo" usho umuntu osefake, isicelo sephemithi;

"Isivumelwano sokwabiwa kwenzuzo" sisho isivumelwano esinguhlobo leSengezo sesi-8, esiphakathi komfakisicelo nonokunotho, esihlinzekela ukwabiwa ngonotho kunoma iyiphi inzuzo yakusasa engahle itholakale ocwaningweni lwe-*Bioprospecting* isicelo esimayelana nalo;

"iphemithi ye-*Bioprospecting*" isho iphemithi, ekhishwe ngokwesahluko sama-38 soMthetho, yokubaneqhaza ezingeni lokufumanisa futhi/nomana sezingeni lokuhweba kwiphrojekhthi ye-*Bioprospecting*;

"Isikhwama Sethrasti ye-*Bioprospecting*" sisho isikhwama esasungulwa ngokwesahluko sama-85(1) soMthetho;

"ukuhweba" kumbandakanya okwenziwayo okulandelayo mayelana nemithombo yomdabu yemvelo-

- (a) ukufayila isicelo sokuqamba impahla noma iyiphi, noma ngabe iseNingizimu Afrika noma kwenye indawo;
- (b) ukuthola noma ukwedlulisa amalungelo okuqamba impahla noma amanye amalungelo;
- (c) ukuqala ukuhlolwa emitholampilo kanye nokuthuthukiswa komkhiqizo, kumbandakanya ukwenza ucwaningo lwemakethe kanye nokuthola ukuvunyelwa kwangaphambili yimakethe ukuze kuthengiswe umkhiqizo ophumayo; noma
- (d) ukuphindaphindwa kwemithombo yomdabu yemvelo ngokuyitshala, ukuyisabalalisa, ukuyiklona noma ezinye izindlela zokuthuthukisa nokwenza umkhiqizo, ofana nemithi, ama-enzaymi enziwa ezimbonini, izinambithekisi zokudla, amakha, iziqholo, izihlanganisiketshezi, ama-oleoresin, imibala kanye nokukhanywayo;

"izinga lokuhweba kwiphrojekhthi ye-Bioprospecting" lisho noma ngabe iluphi ucwaningo, noma ukuthuthukiswa noma ukufakwa kwesicelo, ngemithombo yomdabu yemvelo lapho uhlobo kanye nanoma ibuphi ubukhulu noma ukuhweba okungahle kubekhona noma ukuxhashazwa ezimbonini okumayelana nephrojekhthi kusungulwe ngokwanele ukuze kuqaliswe inqubo yokuhweba;

"ulwazi oluyimfihlo" lusho ulwazi, uma ludalulwa, olungaba yingozi ekuhwebeni noma emnothweni wenxenye yesivumelwano sokuzuza okwabiwayo, futhi-

- (a) okumbandakanya -
 - (i) ulwazi mayelana nocwaningo olwenziwayo noma olusazokwenziwa olumbandakanya iminingwane yezinhlobo ezizoqokelelwa kanye nezindawo eziphawuliwe lapho lezi zinhlobo zizoqokelelwa khona;
 - (ii) ukuhweba ngemali, ngolwazi lwesayensi noma lobuchwepheshe kumbandkanya izimfihlo nokuthengiselana;

(iii) ulwazi lomdabu uma ukudalula ulwazi kungahle kube yingozi kumphakathi ofanele wendabuko; kodwa

(a) lushiya ngaphandle ulwazi-

(i) lolo oseludaluliwe ngokuthi lushicilelwe kwijenali yesayensi;

(ii) uma ukuvuma izingxenye zonke zivuma ukuludalula;

"izinga lokukwazi kwiphrojekhthi ye-Bioprospecting" lisho noma ngabe iluphi ucwaningo, noma ukuthuthukiswa noma ukufakwa kwesicelo, ngemithombo yomdabu yemvelo lapho uhlobo kanye nanoma ibuphi ubukhulu noma ukuhweba okungahle kubekhona noma ukusetshenziswa ezimbonini okumayelana nephrojekhthi okusungulwe ngokwanele ukuze kuqaliswe inqubo yokuhweba;

"iphemithi yokukhipha izinto ezweni ukuze kwenziwe ucwaningo ngaphandle kwe-Bioprospecting" isho iphemithi, ekhishwe ngokwesahluko sama-88 soMthetho, yokukhipha imithombo yomdabu yemvelo eRiphabhlikhi ngenhloso yokuya kokwenza ucwaningo ngaphandle kwe-bioprospecting;

"umphakathi womdabu" usho umphakathi noma imuphi wabantu abahlala noma abanamalungelo noma ukunaka endaweni ethile ekhethekile etholakala kuRiphabhlikhi yaseNingizimu Afrika enohlaka lobuholi futhi -

(a) okusebenzisa kwawo ngokwesintu imithombo yomdabu yemvelo kumayelana nokufakwa kwesicelo sephemithi, kuqalise noma kuzoba neqhaza noma kwakhe ingxenye ye-Bioprospecting ehlongozwayo; noma

(b) ulwazi noma ukutholwa kwawo imithombo yomdabu yemvelo kuqalise noma kuzoba neqhaza noma kuzoba yingxenye ye-Bioprospecting ehlongozwayo;

"ukusetshenziswa ngokwesintu noma ulwazi lwesintu" lumbandakanya ulwazi, ukuthola noma ukusetshenziswa kwesintu kwemithombo yomdabu yemvelo, uma lolo lwazi, ukuthola noma ukusetshenziswa kwalo kuqalise noma kuzoba neqhaza engxenyeni ehlongozwayo ye-Bioprospecting noma kwiphrojekhthi yocwaningo okungukuthi ukufakwa kwesicelo sephemithi kumayelana nayo;

"iphemithi embandakanya ukukhishwa kwezinto ezweni kanye ne-Bioprospecting" isho iphemithi, ekhishwe ngokwesahluko sama-88 soMthetho, yokukhipha ezweni imithombo yomdabu yemvelo ngenhloso ye-*Bioprospecting*;

"Isivumelwano sokudluliswa kwezinto" sisho isivumelwano esingohlobo lweSengezo sesi-7, esiphakathi komfakisicelo sephemithi nomuntu, ombandakanya noma iziphi izinhlobo zikahulumeni noma umphakathi, ohlinzeka noma onikeza ukufinyeleleka kwimithombo yomdabu yemvelo ukufakwa kwesicelo okumayelana nayo;

"i-NEMA" isho uMthetho Kazwelonke Wokuphathwa Kwemvelo we-1998 (uMthetho we-107 we-1998);

"iphemithi" isho iphemithi ekhishwe ngokwesiQephu sesi-7, kungaba iphemithi ye-*Bioprospecting*, iphemithi embandakanya ukukhipha impahla ezweni ne-*Bioprospecting*, iphemithi yokhipha impahla ezweni ngenhloso yokukwenza ucwaningo ngaphandle kwe-*Bioprospecting*;

"ukusetshenziswa kwesintu noma ulwazi lomdabu" kusho ukusetshenziswa ngokwamasiko noma ulwazi lwemithombo yomdabu yemvelo lomphakathi, ngokuhambelana nemithetho ebhaliwe noma engabhaliwe, ukusetshenziswa, amasiko noma izindlela okubonwa ngazo ngokwesintu, zamukelwa futhi zaziswa yiwo, futhi zimbandakanya ukuthola imithombo efanele yomdabu yemvelo yilowo mphakathi.

Izinhloso zemiThethonqubo

2. Izinhloso zale miThethonqubo:

- (a) ukuqhubeka nokulawula uhlelo lamaphemithi achazwe kusiQephu sesi-7 soMthetho mayelana nokusebenza kwalolo hlelo ku-*Bioprospecting* efaka imithombo yomdabu yemvelo noma ukukhishwa kwanoma imiphi imithombo yomdabu yemvelo eRiphabhlikhi ukwenzela izinhloso zanoma iluphi ucwaningo kanye;
- (b) nokuchaza okuqukethwe, izidingo nezindlela zokwabiwa kokuzuziwe kanye nezivumelwano zokudluliswa kwezinto.

3. Ukusetshenziswa kwemiThethonqubo

- (1) Le miThethonqubo ilawula -
- (a) izinga lokufumanisa futhi/noma izinga lokuhweba kwiphrojekhthi ye-*Bioprospecting*;
 - (b) ukukhipha eRiphabhlikhi nanoma iyiphi imithombo yomdabu yemvelo ngenhloso ye-*Bioprospecting*; kanye
 - (b) nokukhipha eRiphabhlikhi nanoma iyiphi imithombo yomdabu yemvelo ngenhloso yanoma iluphi uhlobo locwaningo.

ISIQEPHI SOKU-1

IZIMO OKUNGENZIWA NGAPHANSI KWAZO I-BIOPROSPECTING KANYE NANOMA ILUPHI UCWANINGO NGAPHANDLE KWE-BIOPROSPECTING

I-Bioprospecting

4. (1) Izinga lokufumanisa futhi/noma izinga lokuhweba kwiphrojekhthi ye-*Bioprospecting* lingenziwa kuphela ngokutholakala kwephemithi ekhishwe nguNgqongqoshe.

(2) Uma umfakisicelo sephemithi ye-*Bioprospecting* efuna ukukhipha imithombo yomdabu yemvelo ezweni okungukuthi isicelo simayelana nalo, umfakisicelo kufanele afake isicelo kuNgqongqoshe ukuze athole iphemithi embandakanya ukukhishwa kwezinto ezweni kanye ne-*Bioprospecting*.

(3) UNgqongqoshe angakhipha iphemithi ye-*Bioprospecting* noma iphemithi embandakanya ukukhishwa kwezinto ezweni ne-*Bioprospecting* ngemuva kokufeza izidingo zoMthethonqubo wesi-8(1) nesi-9(1) kuphela.

Ucwaningo ngaphandle kwe-*Bioprospecting*

5. (1) Imithombo yomdabu yemvelo ingakhishwa ezweni ikhishelwe inhloso yocwaningo kuphela ngaphandle uma iphemithi ye-*Bioprospecting* ikhishiwe yisiphathimandla esiyikhipha amaphemithi esishiwo kuMthethonqubo wesi-6.

(2) Iphemithi yokukhipha izinto ezweni ukuze kwenziwe ucwaningo ngaphandle kwe-*Bioprospecting* ingakhishwa njengengxenywe yephemithi embandakanyayo ngaphandle uma isiphathimandla esiyikhiphayo sihambisana nesahluko sama-92 soMthetho.

(3) Ngaphambu kokukhipha iphemithi yokukhishwa kwezinto ezweni ngaphandle kwe-*Bioprospecting*, ukukhishwa kwephemithi yisiphamandla esiyikhiphayo kufanele sihambisane noMthethonqubo wesi-9(1) nowe-13(1).

ISIQEPHU SESI-2

UHLELO LAMAPHEMITHI E-BIOPROSPECTING KANYE NOKUKHISHWA EZWENI KWEMITHOMBO YOMDABU YEMVELO

Ingxenye yoku-1: Iziphathimandla eziwakhapha amaphemithi

Imizebenzi yeziphathimandla ezikhipha amaphemithi

6. (1) UNgqongqoshe uyisiphathimandla esikhipha -

- (a) amaphemithi ye-*Bioprospecting*; kanye
- (b) amaphemithi ambandakanyayo okukhipha izinto ezweni nawe-*Bioprospecting*, uma imithombo yomdabu yemvelo iphuma ezweni ngenhloso ye-*Bioprospecting*.

(2) U-MEC ubekiwe ngokwesikhundla somsebenzi njengesiphathimandla esikhipha amaphemithi okukhipha izinto ezweni, uma imithombo yomdabu yemvelo ikhishwa ezweni ikhishelwa ucwaningo ngaphandle kwe-bioprospecting, futhi imithombo yomdabu yemvelo kufanele iqokelelwe noma ibuthelwe ndawonye kuleso sifundazwe.

(3) Ukunikezela amandla nemisebenzi kwesiphathimandla esikhipha amaphemithi kungenziwa kuphela ngokuhambelana nesahluko sama-42 nesama-42A se-NEMA.

Amandla nemisebenzi yeziphathimandla ezikhipha amaphemithi

7. (1) Isiphathimandla esikhipha amaphemithi kufanele sisebenze zonke izicelo ngesikhathi esifanele.

(2) Ngaphambu kokukhipha iphemithi ngokwale miThethonqubo, isiphathimandla esikhipha amaphemithi kufanele sizanelise ukuthi -

- (a) umphumela wokwenziwayo okufanele kumithombo yomdabu yemvelo uzoba mncane noma uzokwehliswa futhi ulungiswe;
- (b) okwenziwayo okufanele akuzukuqeda imithombo yomdabu yemvelo kwedlule ezingeni lapho ubunjalo bayo bulimala.

(5) Ekutholeni isicelo sephemithi isiphathimandla esikhipha amaphemithi -

- (a) kufanele sicabangisise izicelo;
- (b) singadinga umfakisicelo noma omunye onotho ukuba alethe ulwazi olungeziwe.
- (c) singadinga umfakisicelo ukuba enze uhlolo lwengozi ngokuhambelana nesahluko sama-89 somThetho noma ngokombandela wanoma imiphi imithethonqubo yoMthetho.

(3) Ngemuva kokuthatha isinqumo ngesicelo sephemithi isiphathimandla esikhipha amaphemithi kufanele –

- (a) sazise umfakisicelo ngesinqumo ngokubhaliwe kungakapheli izinsuku eziyi-15 zokusebenza ngemuva kokwenza isinqumo;
- (b) uma isicelo sivunyiwe, sikiphe iphemithi, sichibiyele iphemithi, noma siyivuselele, njengoba kunokwenzeka, kungakapheli izinsuku eziyi-15 zokusebenza ngemuva kokwenza isinqumo;
- (c) Uma isicelo sichithwa -

- (i) sazise umfakisicelo ngesinqumo ngokubhaliwe kungakapheli izinsuku esiyi-15 zokusebenza ngemuva kokwenza isinqumo;
- (ii) sinike izizathu zokunqaba; futhi
- (ii) sazise umfakisicelo ngelungelo lomfakisicelo lokukhalaza aphikise isinqumo ngokwesahluko sama-94 soMthetho kanye noMthethonqubo we-16.

(4) Isiphathimandla esikhipha amaphemithi kufanele siqaphe bonke abagcinimaphemithi ukuqinisekisa ukuhambisana nezimo zamaphemithi.

Izimo okungakhishwa ngaphansi kwazo amaphemithi

8. (1) UNgqongqoshe angakhipha iphemithi ye-*Bioprospecting* noma iphemithi embandakanya ukukhishwa kwezimpahla ezweni kuphela, uma uNgqongqoshe enelisiwe ukuthi –

- (a) abanotho abafanele sebeyaziwa ngokuhambelana nezinqubomgomo ezichazwe kwisahluko sama-82 soMthetho;
- (b) kube khona ukudalulwa kolwazi okufanele kubo bonke abanotho abaziwayo;
- (c) umfakisicelo uthole ngaphambili ukuvunyelwa kwanoma imuphi umuntu, kumbandakanya izinhlaka zikahulumeni noma umphakathi ohlinzeka noma onike ukufinyeleleka kwimithombo yomdabu yemvelo efakelwa isicelo, futhi isivumelwano sokudluliswa kwezinto kanye nesivumelwano sokwabiwa kwenzuzo senziwe nabanotho abafana nalaba;
- (d) umfakisicelo uthole ngaphambili ukuvunyelwa kwemithombo yomdabu yemvelo ethintekayo, futhi nesivumelwano sokwabiwa kwenzuzo senziwe nemiphakathi efana nalena.

(2) Ukuze azenelise ngokuthi izidingo zoMthetho nemiThethonqubo zifeziwe, uNgqongqoshe angadinga ukuba umfakisicelo sephemithi ye-*Bioprospecting* noma sephemithi embandakanyayo yokukhipha izinto ezweni ne-*Bioprospecting* -

- (a) abonise ukuthi iziphi izinyathelo ezenziwe ukukhomba abanotho;
- (b) athathe ezinye izinyathelo zokuthola abanotho;
- (c) ahlinzeke ubufakazi bokuthi ulwazi olufanele olumayelana ne-*Bioprospecting* ludaluliwe kubantu abatholakele abanotho;
- (d) ahlinzeke ubufakazi bokuthi ukuvuma kwabantu ababonakele abanotho butholakele ngaphambilini.

Ingxenye yesi-2: Ukufaka isicelo samaphemithi

Umfakisicelo

- 9** (1) Iphemithi ngokoMthetho ingakhishelwa kuphela -
- (a) umuntu oyisazimthetho esibhalisile ngokomthetho waseNingizimu Afrika;
 - (b) umuntu wemvelo, oyisakhamuzi saseNingizimu Afrika noma ongumhlali ngokuphelele eNingizimu Afrika;
 - (c) umuntu oyisazimthetho esibhalisile ngokomthetho waseNingizimu Afrika noma umuntu wemvelo ongesona isakhamuzi saseNingizimu Afrika noma umhlali waseNingizimu Afrika, uma leso sazimthetho noma isakhamuzi sakwelinye izwe sifaka isicelo kanye nomuntu wakulele noma wemvelo okukhulunywa ngaye kwisigaba (a) no-(b) phezulu.
- (2) Umfakisicelo sephemithi kufanele -
- (a) adalule uma, mayelana nemithombo yomdabu yemvelo eyenzelwa isicelo –
 - (i) noma isiphi esinye isicelo sephemithi ngokoMthetho noma nganoma iliphi elinye iqoqomthetho esifakwe kusiphathimandla ngaphambilini noma ngokuhambisana nesicelo samanje; futhi
 - (ii) uma ngabe leso sicelo sachithwa noma savunywa noma sisalindiwe;
 - (b) uma i-*Bioprospecting* yandulelwe ucwaningo ngaphandle kwe-*Bioprospecting* mayelana nemithombo yomdabu yemvelo isicelo esimayelana nayo, sidalula

ulwazi ngohlobo locwaningo kanye nokwenziwe okuholele ekufakweni kwesicelo sephemithi ye-*Bioprospecting*.

Indlela yokufaka izicelo

10. (1) Isicelo sephemithi ye-*Bioprospecting* kufanelwe sifakwe kuNgqongqoshe futhi kufanele –

(a) sibe ngohlobo lweNgxenye yoku-1 yeSengezo sesi-2 kule miThethonqubo;

(b) sibe nolwazi oluzovumela uNgqongqoshe ukuba asicwaninge ngemfanelo.

(2) Isicelo sephemithi embandakanyayo yokukhishwa kwezinto ezweni kanye ne-*Bioprospecting* kufanele sifakwe kuNgqongqoshe futhi kufanele –

(a) sibe ngohlobo lweNgxenye yoku-1 yeSengezo sesi-2 kule miThethonqubo;

(b) sibe nolwazi oluzovumela uNgqongqoshe ukuba asicwaninge ngemfanelo.

(3) Uma izivumelwano zokudluliswa kwezinto noma izivumelwano zokwabiwa kwenzuzo zidingeka, umfakisisicelo sephemithi ye-*Bioprospecting* noma iphemithi embandakanya ukukhishwa kwezimpahla ezweni ne-*Bioprospecting* kufanele afake kwisicelo sephemithi enjengalena –

(a) izivumelwano ezisayindiwe zokudluliswa kwezinto noma izivumelwano zokwabiwa kwenzuzo ezisayindiwe uma izivumelwano ezifana nalezi zenziwe; noma

(b) uma kungazange kukhoneke ukwenza izivumelwano ezifana nalezi, isicelo sokungenela kukaNgqongqoshe ngezinhloso zokuxoxisana ngezivumelwano ezinjengalezi, ngokuhambisna nesahluko sama-82(4)(b) soMthetho.

(4) Isicelo sephemithi yokukhishwa kwezimpahla ezweni ukwenzela izinhloso zocwaningo ngaphandle kwe-*Bioprospecting*, kufanele sifakwe ku-MEC oshiwo kuMthethonqubo wesi-6(2) futhi kufanele -

(a) sibe ngohlobo lweSengezo sesi-3 kule miThethonqubo;

- (b) sibe nolwazi oluzovumela u-MEC ukuba asicwaninge ngemfanelo.

***Ingxenye yesi-3: Ukukhishwa kwamaphemithi kanye nokuqukethwe
ngamaphemithi***

Amaphemithi e-Bioprospecting

11. (1) Amaphemithi e-*Bioprospecting* angakhishwa kuphela uma -

(a) uNgqongqoshe ephasise noma ngabe iziphi izivumelwano zokudluliswa kwezinto noma izivumelwano zokwabiwa ezidingwa nguMthetho futhi zafakwa kuNgqongqoshe; futhi

(b) imali ekhokhwayo engabuyi echazwe kuSengezo soku-1 ikhokhiwe.

(2) Iphemithi ye-*Bioprospecting* kufanele -

(a) ibe ngohlobo lweSengezo sesi-4 kule miThethinqubo;

(b) isho isikhathi iphemithi esemthethweni ngaso;

(c) isho uhlobo lwemithombo yomdabu yemvelo ethintekayo;

(d) isho inani lemithombo yomdabu yemvelo elithintekayo;

(e) isho lapho kutholakala khona lemithombo yomdabu yemvelo ethintekayo;

(f) ikhishwe ngokuhambelana nemibandela enqunywe nguNgqongqoshe, okufanele le mibandela imbandakanye ukuthi-

(i) zonke izimali zabanotho ngekwesivumelwano sokwabiwa kwenzuzo kufanele zikhokhwe kwisiKhwama Sethrasti ye-*Bioprospecting*, njengoba kudingwa isahluko sama-85(1) soMthetho;

(ii) umgciniphemithi kufanele, njalo unyaka nonyaka, afake umbiko wesimo kuNgqongqoshe ngendlela enqunywe nguNgqongqoshe;

- (iii) umgciniphemithi uzokhokha zonke izindleko zokulamulwa noma ukuxazululaumphumela we-*Bioprospecting* kwimvelo, ngokuhambelana nesahluko sama-28 se-NEMA; futhi
- (iv) imithombo yomdabu yemvelo iphemithi emayelana nayo ingethengiswe, inikelwe noma idluliselwe kwingxenye yesithathu ngaphandle kokuvuma ngokubhaliwe kukaNgqongqoshe.

Amaphemithi ambandakanya ukukhishwa kwezinto ezweni kanye ne-*Bioprospecting*

12. (1) Iphemithi ambandakanya ukukhishwa kwezinto ezweni ne-*Bioprospecting* ingakhishwa kuphela uma uNgqongqoshe eneliswa ukuthi ukukhishwa kwezinto kwemithombo yomdabu yemvelo ye- *Bioprospecting* kuzobe kungenhloso ezozuzisa umphakathi, kumbandakanya -

- (a) ukulondolozwa kwemvelo ehlukahlukene eNingizimu Afrika;
- (b) ukuthuthukiswa koMnotho waseNingizimu Afrika; noma
- (c) ukwenziwa ngcono kolwazi lwesayensi nokuhlonyiswa kobuchwepheshe kwabantu nezikhungo zaseNingizimu Afrika.

(2) Iphemithi embandakanya ukukhishwa kwezinto ezweni ne-*Bioprospecting* kufanele -

- (a) ibe ngohlobo lweSengezo sesi-5 kule miThethonqubo;
- (b) isho isikhathi iphemithi esemthethweni ngaso;
- (c) isho uhlobo lwemithombo yomdabu yemvelo ethintekayo;
- (d) isho inani lemithombo yomdabu yemvelo elithintekayo;
- (e) isho lapho kutholakala khona lemithombo yomdabu yemvelo ethintekayo;
- (f) ikhishwe ngokuhambelana nemibandela enqunywe nguNgqongqoshe, okufanele leyo mibandela imbandakanye ukuthi-
 - (i) zonke izimali zabanotho ngekwesivumelwano sokwabiwa kwenzuzo kufanele zikhokhwe kwisiKhwama Sethrasti ye-*Bioprospecting*, njengoba kudingwa isahluko sama-85(1) soMthetho;
 - (ii) umgciniphemithi kufanele, njalo unyaka nonyaka, afake umbiko wesimo kuNgqongqoshe ngendlela enqunywe nguNgqongqoshe;

- (iii) umgciniphemithi uzokhokha zonke izindleko zokulamulwa noma ukuxazululaumphumela we-*Bioprospecting* kwimvelo, ngokuhambelana nesahluko sama-28 se-NEMA; futhi
- (iv) imithombo yomdabu yemvelo iphemithi emayelana nayo ingethengiswe, inikelwe noma idluliselwe kwingxenye yesithathu ngaphandle kokuvuma ngokubhaliwe nguNgqongqoshe.

Amaphemithi okhipha izinto ocwaningo ngaphandle kwe-*Bioprospecting*

13. (1) Iphemithi yokukhipha impahla ezweni ukuze kwenziwe ucwaningo ngaphandle kwe-*Bioprospecting* ingakhishwa kuphela uma isiphathimandla esikhipha amaphemithi esishiwo kuMthethonqubo wesi-6 sanelisiwe ukuthi ukukhishwa zweni kwemithombo yomdabu yemvelo efanele kuzobe kungenhloso ezozuzisa umphakathi, kumbandakanya –

- (a) ukulondolozwa kwemvelo ehlukehlukehene eNingizimu Afrika;
- (b) ukuthuthukiswa koMnotho waseNingizimu Afrika; noma
- (c) ukwenziwa ngcono kolwazi lwesayensi nokuhlonyiswa kobuchwepheshe kwabantu nezikhungo zaseNingizimu Afrika.

(2) Iphemithi yokukhipha imithombo yomdabu yemvelo ezweni ngenhloso yocwaningo ngaphandle kwe-*Bioprospecting* —

- (a) kufanele ibe ngohlobo lweSengezo sesi-6 kule miThethonqubo;
- (b) kufanele isho isikhathi iphemithi esemthethweni ngaso;
- (c) kufanele isho uhlobo lwemithombo yomdabu yemvelo ethintekayo;
- (d) kufanele isho inani lemithombo yomdabu yemvelo elithintekayo;
- (e) kufanele isho lapho kutholakala khona lemithombo yomdabu yemvelo; futhi
- (f) kufanele ikhishwe ngokuhambelana nezimo ezilandelayo -

- (i) imithombo yomdabu yemvelo iphemithi emayelana nayo, ingasetshenziselwa izinhloso okungezona ezokuyithengisa kuphela njengoba kuchaziwe kuphemithi;
- (ii) imithombo yomdabu yemvelo iphemithi emayelana nayo, ingasetshenziselwa izinhloso ze-*Bioprospecting*;
- (iii) umgciniphemithi uzokhokha zonke izindleko zokulamulwa noma ukuxazulula emvelweni umphumela wokuzikhipha ezweni, ngokuhambelana nesahluko sama-28 se-NEMA;
- (iv) imithombo yomdabu yemvelo iphemithi emayelana nayo ingethengiswe, inikelwe noma idluliselwe kwingxenye yesithathu ngaphandle kokuvuma ngokubhaliwe kwesiphathimandla esikhipha amaphemithi, okungukuthi ukuvuma kwaso kungeke kutholakale uma ingxenye yesithathu ifuna ukusebenzisa imithombo iyisebenzisele izinhloso ze-*Bioprospecting*; futhi
- (v) umgciniphemithi kufanele, njalo unyaka nonyaka noma ngesikhathi ezibekiwe njengoba zinqunywe yisiphathimandla esikhipha amaphemithi, afake umbiko wesimo kusiphathimandla esikhipha amaphemithi ngendlela enqunywe yiso;

Ingxenye yesi-4: Izikhalazo

Izinqumo okufanele zikhalazelwe

14. (1) Umfakisiselo angakhalaza, ngokwesahluko sama-94 soMthetho, aphikise noma isiphi isinqumo –

- (a) esenqaba iphemithi;
- (b) angabeka izimo zephemithi ezingeziwe kwizimo ezigunyazayo ezibekwe ngokwale miThethonqubo;
- (c) angaqeda iphemithi.

Inkambiso yokukhalaza

15. (1) Isikhalazo kufanele sifakwe kuNgqongqoshe kungakapheli izinsuku ezingama-30 ngemuva kokuthi umfakisicelo ethole isaziso sesinqumo okufakwa isikhalazo siphikiswa.

(2) Abanotho abanokunaka ekukhalazeni kufanele bahlinzekwe ngekopi yesikhalazo futhi kufanele baziswe ukuthi banezinsuku eziyi-15 kusukela ngosuku lokwaziswa ukuba bafake isethulo mayelana nesikhalazo kuNgqongqoshe.

(3) Isikhalazo kufanele –

- (a) sibeke izizathu zokuthi kungani kukhalazwa ngesinqumo;
- (b) sikhombe noma yibaphi abanokunaka ekukhalazeni futhi sinike ubufakazi ukuthi ikopi yesikhalazo bayitholile bonke abanotho; futhi
- (c) siphелеkezelwe imali ekhokhwayo engabuyi eshiwo kwiSengezo soku-1.

ISIQEPHU SESI-3

IZIVUMELWANO ZOKUDLULISWA KWEZINTO, IZIVUMELWANO ZOKWABIWA KWENZUZO KANYE NOKULAWULWA KWE-KWSIKHWAMA SETHRASTI YE-BIOPROSPECTING

Ingxenye yoku-1: Izivumelwano

Izivumelwano zokudluliswa kwezinto

16. (1) Izingxenye zesivumelwano sokudluliswa kwezinto singabafakisicelo nabanotho njengoba kuchaziwe esigabeni sama-82(1)(a) no-(b) soMthetho ohlinzeka noma onikeza ukufinyelela kumithombo yomdabu yemvelo isicelo esimayelana nayo.

(2) UNgqongqoshe kufanele aphasise konke ukudluliswa kwezinto noma ukuchibiyelwa noma yikuphi kwesivumelwano esinjengalesi, ngokuhambisana nesahluko sama-84(2) soMthetho.

(3) Isivumelwano sokudluliswa kwezinto kufanele sibe ngohlobo lweSengezo sesi-7 futhi kufanele siphathe ulwazi oluchaziwe kwisahluko sama-84(1)(b) soMthetho.

Izivumelwano zokwabiwa kwenzuzo

17. (1) Izingxenye zesivumelwano sokwabiwa kwenzuzo zingabafakisicelo futhi nabanotho okukhulunywa ngabo kwisahluko sama-82(1)(a) no-(b) soMthetho.

(2) Isivumelwano sokwabiwa kwenzuzo kufanele sibe ngohlobo lweSengezo sesi-8 futhi kufanele siphathi ulwazi oluchaziwe kwisahluko sama-84(1)(b) soMthetho.

(3) Ngaphambu kokuphasisa isivumelwano sokwabiwa kwenzuzo noma ukushicilela, uNgqongqoshe –

(a) kufanele aneliswe ukuthi isivumelwano asenzeleli futhi siyalingana kuzo zonke izingxenye;

(b) angaxhumana nomuntu ofanele ukuba eluleke ngesivumelwano; futhi

(c) angamema umphakathi ukuba ube nombono ngesivumelwano ngaphandle uma kungekho lwazi oluyimfihlo olubekwa obala.

(4) UNgqongqoshe angala ukuphasisa isivumelwano sokwabiwa kwenzuzo ngaphandle uma isivumelwano esinjena senza imibalandlela -

(a) yokwenza ngcono ulwazi kanye nokuhlomisa abantu, izinhlaka zikahulumeni noma imiphakathi yendabuko ukulondoloza, ukusebenzisa nokuthuthukisa imithombo yomdabu yemvelo; noma

(b) okunye okwenziwayo ukuqhubekisela phambili ukulondolozwa kwemvelo, ukusebenzisa ngokungapheli kanye nokuthuthukisa kwemithombo yomdabu yemvelo efanele.

(5) Abagcinimaphemithi kufanele bafake ikopi yazo zonke izivumelwano zokwabiwa kwenzuzo Umqondisi-Jikelele, kungakapheli inyanga isivumelwano senziwe noma kungakapheli inyanga kwanoma yikuphi ukuchibiyelwa kusivumelwano esinjengalesi senziwe.

Imisebenzi yoMniniphemithi

18. Umgciniphemithi e-*Bioprospecting* wephemithi embandakanya ukukhishwa kwezimpahla ezweni ne-*Bioprospecting* kufanele -

- (a) azise uMqindisi-Jikelele ngokuthi imali ilindeleke nini ukuba ifike kwabanotho njengoba kuchaziwe esivumelwaneni sokwabiwa kwenzuzo;
- (b) azise abanotho abafanele bathole inzuzo yemali ngokwesivumelwano sokwabiwa kwenzuzo ukuthi imali idluliselwe noma ikhokhwe kuziKwama zeThrasti Ye-*Bioprospecting*.

Ingxenye yesi-2: UkuLawulwa KwesiKhwama Sethrasti ye-Bioprospecting

UkuLawulwa KwesiKhwama Sethrasti ye-Bioprospecting

19. (1) Ngokwesahluko sama-85(1) soMthetho, zonke izimali ezivela kuzivumelwano zokwabiwa kwenzuzo futhi okufanele zikhokhelwe abanotho kufanele zikhokhwe kwisiKhwama Sethrasti ye-*Bioprospecting*.

(2) IsiKhwama Sethrasti ye-*Bioprospecting* sizolawulwa ngokuhambela nemiThethonqubo Kasikhwama ekhishwe ngokoMthetho wokuphatha Izimali Zomphakathi we-1999 (uMthetho woku-1 we-1999).

(3) Ngenhloso yokubambelela kumiThethonqubo Kasikhwama –

- (a) isivumelwano ngazinye sokwabiwa kwenzuzo kufanele sithathwe njengethuluzi lethrasti elichaza kabanzi inhloso imali engene kwasikhwama Sethrasti ye-*Bioprospecting* okufanele isetshenziselwe yona;
- (b) Umqondisi-Jikelele ubhekela ukuphepha nokusetshenziswa kahle kwayo yonke imali etholwe isiKhwama Sethrasti ye-*Bioprospecting*, ngokuhambelana nesivumelwano esifanele sokwabiwa kwenzuzo;
- (c) nguMqondisi-Jikelele angabiza imali engatheni yokulawulwa kwemali etholwe ngokwesivumelwano sokwabiwa kwenzuzo.

(4) Umqondisi-Jikelele kufanele -

- (a) azise zonke iziphathimandla ezikhipha amaphemithi imininingwane yasebhangi yesiKhwama Sethrasti ye-*Bioprospecting*, okufanele inikwe abagcinimaphemithi ekukhishweni kwawo wonke amaphemithi;
- (b) eluleke izingxenye ngesivumelwano sokwabiwa kwenzuzo nganoma –
 - (i) iyiphi imali etholakele mayelana naleso sivumelwano;
 - (ii) imali ekufanele ikhokhelwe onotho ngamunye ngokwesivumelwano; futhi
- (c) ukusabalalisa zonke izimali ezitholiwe ngokuhambelana nesivumelwano sokwabiwa kwenzuzo.

(5) Isibopho soMqondisi-Jikelele ngokomthethonqutshana wesi-(4) angasuswa njalo ngonyaka ngaphandle uma isikhathi esehlukile –

- (a) sichaziwe kusivumelwano sokwabiwa kwenzuzo; noma
- (b) kuvunyelwene ngaso phakathi koMqondisi-jikelele nezingxenye zesivumelwano sokwabiwa kwenzuzo.

(6) Uma nganoma isiphi isizathu, kunemali engaphezulu kweyanele kwisiKhwama Sethrasti ye-*Bioprospecting* engakolodwa noma iyiphi ingxenye ngokwesivumelwano sokwabiwa kwenzuzo, uMqondisi-Jikelele kufanele asebenzise leyo ukwenza okukodwa noma okuningi kwalokhu okulandelayo -

- (a) ukulondoloza imithombo yomdabu yemvelo;
- (b) ukusekela ucwaningo oluqhubekayo ngemithombo yomdabu yemvelo kanye nolwazi lwendabuko;
- (c) ukuhlomisa imiphakathi yendabuko;
 - (i) ngamalungelo ayo ngokoMthetho; futhi
 - (ii) ngokuyivumela ukuba ixoxisane kuzivumelwano zokwabiwa kwenzuzo ezingenzeleli nezilinganayo;

- (d) ukwenza ngcono ulwazi lwezesayensi nokuhlomisa abantu, izinhlaka zikahulumeni noma imiphakathi yendabuko, ukulondoloza, ukusebenzisa nokuthuthukisa imithombo yomdabu yemvelo; noma
- (e) nanoma yikuphi okunye okwenziwayo ukuqhubekisela phambili ukulondolozwa kwemvelo, ukusebenzisa ngokungapheli nokuthuthukiswa kwemithombo yomdabu yemvelo yaseNingizimu Afrika.

(7) Uma kungakhoneki, nganoma isiphi isizathu, akhokhele noma iyiphi ingxenye imali eyikolodwayo ngokwesivumelwano sokwabiwa kwenzuzo, uMqondisi-Jikelele kufanele –

- (a) aqinisekise uma kunomunye umuntu noma umgwamanda okufanele ukhokhelwe imali ngokusemthethweni;
- (b) uma kungekho muntu otholakalayo okufanele imali ikhokhelwe yena, axhumane nanoma iziphi izingxenye zezivumelwano esifanele ngokuhlukanisa kwaleyo mali, bese ngemuva kwalokho ngokungenzeleli nangokulingana ayihlukanisele bonke abanotho, uma bekhona;
- (c) uma bengekho abanotho, ayihlukanise ngokomthethonqutshana wesi-(6)

ISIQEPHU SESI-4

JIKELELE

Amacala

20. Umuntu utholakala enecala uma lowo muntu–

- (a) engenayo iphemithi -
 - (ii) enza i-*Bioprospecting* ngemithombo yomdabu yemvelo;
 - (ii) ekhipha eRiphabhlikhi nanoma iyiphi imithombo yomdabu yemvelo ngenhloso ye-*Bioprospecting* noma yokwenza ucwaningo noma iluphi;

- (b) enza okwenziwayo okwakhishelwa iphemithi ngezinye izindlela kunokuhambelana nezimo iphemithi eyakhishwa ngazo;
- (c) evumela nanoma ngabe ubani ukuba enze, noma ashiye ukwenza okuthile okuyicala ngokwale miThethonqubo.

Inhlawulo

21. (1) Umuntu otholakele enecala ngokomthethonqubo wama-20–

- (a) angaboshwa agqunywe ejele isikhathi esingadluli iminyaka emihlanu;
- (b) ahlawuliswe akhokhe imali; noma
- (c) kokubili ukuhlawuliswa nokuboshwa okufana nalokhu.

(2) Inhlawulo ngokomthethonqutshana woku-(1) ingeke yedlula imali ebekwe ngokoMthetho Wokulinganisela we-1991(uMthetho we-101 we-1991).

Imibandela yesikhashana

22. (1) Kuye ngomthethonqutshana wesi-(2) nowesi-(3), noma ngubani othintekayo ekuqalisweni kwale miThethonqubo kwiphrojekhthi ye-*Bioprospecting*, angaqhubeka nephrojekhthi kulale ekukhishweni kwephemithi ye-*Bioprospecting*.

(2) Umuntu othintekayo kwiphrojekhthi ye-*Bioprospecting* osevele eseqalile kufanele, kungakapheli **izinyanga eziyisithupha** zokuqalisa ukusebenza kwale miThethonqubo, afake isicelo sephemithi ye-*Bioprospecting* kuNgqongqoshe ngokuhambelana nesiQephu sesi-2 sale miThethonqubo.

(3) Uma iphrojekhthi ye-*Bioprospecting* esivele iqalile ethinta abanotho okudingeka ukuba bavikelwe ngokwesahluko sama-82 soMthetho, umfakisicelo sephemithi ye-*Bioprospecting* kufanele –

- (a) axoxisane futhi enze izivumelwano ezifanele zokwabiwa kwenzuzo nabanotho abaziwayo;

- (b) afake isicelo sephemithi ye-*Bioprospecting* esifakwe kuNgqongqoshe ngokoMthethonqutshana wesi-(2) –
- (i) isivumelwano esisayindiwe sokwabiwa kwenzuzo esenziwe nabanotho; noma
 - (ii) isicelo esibhalwe phansi sokungelelela kukaNgqongqoshe ngezinhloso zokuxoxisana ngezivumelwano ezifana nalezi, ngokuhambelana nesahluko sama-82(4)(b) soMthetho, uma kungeke kukhoneke ukwenza isivumelwano sokwabiwa kwenzuzo esikhathini esingaphansi kwezinyanga eziyisithupha okukhulunywe ngazo kuMthethonqutshana wesi-(2).
- (4) Iphrojekhthi ye-*Bioprospecting* esivele iqalile -
- (a) kufanele iqedwe uma -
 - (i) isicelo sephemithi ye-*Bioprospecting* saliwa, noma
 - (ii) isivumelwano sokwabiwa kwenzuzo singaqediwe futhi kungalindiwe ukungelelela kukaNgqongqoshe;
 - (b) ingaqhubeka uma iphemithi ye-*Bioprospecting* ikhishiwe, kuye nganoma iziphi izimo eziqukethwe kuleyo phemithi.

Isihloko esifushane nokuqaliswa

23. Le miThethonqubo ibizwa imiThethonqubo ye-Bioprospecting, Ukufinyelela Nokwabiwa Kwenzuzo ye-2009 futhi izoqala ukusebenza ngosuku olubekwe nguNgqongqoshe ngesaziso esikuGazethi.

ISENGEZO SOKU-1

EZIMALI EZIKHOKHWAYO EZIBEKIWE EZINGABUYIYO

1. Izimali zamaphemithi

1.1. IPhemithi ye-*Bioprospecting* (uMthethonqubo we-11)

R5 000

1.2. Iphemithi embandakanya ukukhishwa kwezinto ezweni kanye ne-*Bioprospecting* (uMthethonqubo we-12)

1.3. 5 200

1.4. Iphemithi yokukhipha izinto ezweni ngenhloso yocwaningo ngaphandle kwe-*Bioprospecting* (uMthethonqubo we-13)

R 100

2. Isikhalazo ngokoMthethonqubo we-15

Imali ekhokhwayo yesikhalazo

R50

ISENGEZO SESI-2

INGXENYE YOKU-1: UFAKA ISICELO SEPHEMITHI YE-*BIOPROSPECTING*

INGXENYE YESI-2: UFAKA ISICELO SEPHEMITHI YOKUKHIPHA IZINTO EZWENI NGENHLOSO YE-*BIOPROSPECTING*

Amanothi ngokugcwaliswa kwefomu:

1. Uma ufaka isicelo sephemithi ye-*Bioprospecting* futhi ufuna ukukhipha imithombo yomdabu yemvelo efanele, udinga ukugcwalisa ingxenye yoku-1 yaleli fomu.
2. Uma ufaka isicelo sephemithi embandakanya ukukhishwa kwezinto ezweni kanye ne-*Bioprospecting* kufanele ugcalise ingxenye yoku-1 neyesi-2 yaleli fomu.
3. Uma isikhala osinikiwe singanele kuleli fomu, ulwazi olungeziwe lungafakwa ngendlela yeZengezo.

UHLOBO LWEPHEMITHI EFAKELWA ISICELO (Faka uphawu ebhokisini elifanele)

Iphemithi ye-*Bioprospecting*:

Iphemithi embandakanya ukukhishwa kwezinto ezweni

kanye ne-*Bioprospecting*:

IZINGA LE-BIOPROSPECTING (Faka uphawu ebhokisini elifanele)

Izinga lokufumana:

Izinga lokuhweba:

INGXENYE YOKU-1: UKUFAKA ISICELO SEPHEMITHI YE-*BIOPROSPECTING*

UMFAKISICELO

Uma umfakisicelo eyisazimthetho qedelela imishwana ukusuka kowoku-1– 7 ngezansi

1. Igama eliphelele lesikhungo noma lomgwamanda:

2. Ingabe umgwamanda ubhalisile njengesazimthetho eNingizimu Afrika? Yebo/Cha

3. Uma impendulo kungu Yebo, nikeza inombolo yaseNingizimu Afrika yokurejista kwesazimthetho:

4. Uma kungu Cha, ubhalise kuliphi izwe ukuba umgwamanda oyisazimthetho futhi hlinzeka ngenombolo yereferensi:

5. Hlinzeka ngemininingwane yokuxhumana yomgwamanda oyisazimthetho (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

6. Igama lomuntu okumgwamanda wesazimthetho (faka ikopi eqinisekisiwe ye-ID/kamazisi):

7. Isikhundla sosayindayo: _____

Uma umfakisicelo engumuntu wemvelo qedelela imishwana usuka kowesi-8–12 ngezansi

8. Igama lomfakisicelo: _____

9. Inombolo kamazisi womfakisicelo (faka futhi ikopi eqinisekisiwe ye-ID/kamazisi):

10. Imininingwane yokuxhumana yomfakisicelo (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

11. Ingabe umfakisicelo ungumgwamanda oyisazimthetho? Yebo/Cha

12. Uma impendulo kungu yebo, nikeza igama neminingwane yokuxhumana yomgwamanda oyisazimthetho (kumbandakanya igama lomuntu okuxhunyanwa naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

Yonke ingxenye esele igcwaliswa yibo bonke abafakizicelo

13. Amagama neminingwane yokuxhumana (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*) zabo bonke enibambisene nabo:

14. Izinombolo zomazisi babo bonke enibambisene nabo (faka futhi amakopi aqinisekisiwe ama-ID/omazisi):

15. Amagama neminingwane yokuxhumana (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*) abo bonke abazokwenza iphrojekhthi ye-*Bioprospecting*:

16. Izinombolo zomazisi zabo bonke abazokwenza iphrojekhthi ye-*Bioprospecting* (faka futhi amakopi aqinisekisiwe ama-ID/omazisi):

17. Ingabe bakhona abakwamanye amazwe abaxhase ngezimali le phrojekhthi?

Yebo/Cha

18. Uma impendulo kungu yebo, nikeza amagama neminingwane yokuxhumana yabo (kumbandakanya igama lomuntu okuxhunanwa naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-email):

19. Ingabe bakhona abantu baseNingizimu Afrika abaxhase ngezimali le phrojekhthi?

Yebo/Cha

20. Uma impendulo kungu Yebo, nikeza amagama neminingwane yokuxhumana yabo (kumbandakanya igama lomuntu okuxhunanwa naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

IMITHOMBO YOMDABU YEMVELO

21. Chaza uhlobo lwemithombo yomdabu yemvelo etholelwe iphemithi, umndeni, iqembu noma uhlobo, ingxenye yesilokazane ekufanele iqokelelwe, inani lemithombo okufanele liqokelelwe noma litholwe futhi nendawo noma lapho okufanele kutholakele umthombo ngamunye okufanele uqokelelwe.

Izinhlabo zezilokazana	UMndeni, iQembu, noma uHlobo (igama lesayensi nelijwayelekile)	izingxenye zokuphilayo okufanele ziqokelelwe	Inani	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)
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) (uma kukhoneka)			
Isibonelo: Isitshalo	Inhlaba (Aloe ferox)	Amagxolo	6 kg

UCWANINGO LWANGAPHAMBILINI NEZICELO ZAMAPHEMITHI

22. Mayelana nemithombo yokuphilayo komdabu okushiwo ngenhla, ingabe kuke kwenziwa noma isiphi esinye isicelo sephemithi ngokoMthetho noma nganoma iliphi elinye iqoqomthetho ngaphambilini noma ngokuhambisana nesicelo samanje? Yebo/Cha

23. Uma impendulo kungu Yebo, ingabe lesi sicelo sachithwa noma savunywa noma sisalindiwe?

24. Uma isicelo savunywa, nikeza ulwazi olulandelayo bese ufaka nekopi yephemithi.

Inombolo yephemithi	Isiphathimandla esikhipha iphemithi	Usuku eyaphuma ngalo

25. Uma isicelo sisalindiwe, nikeza inombolo yereferensi yesiphathimandla esikhipha iphemithi:

UKUDALULWA KOLWAZI

26. Ingabe lonke ulwazi lwezinto ludaluliwe kunoma imuphi umuntu, izinhlaka zikahulumeni noma umphakathi ohlinzeka noma onika ukufinyeleleka kwimithombo yomdabu yemvelo nakumiphakathi yendabuko enolwazi lwamasiko noma ukusetshenziswa kwemithombo yomdabu yemvelo?

Yebo/Cha

27. Chaza kabanzi ngempendulo yakho yesigaba esingenhla ngokuthi uchaze lonke ulwazi oludalulile.

ABANOTHO

QAPHELA: Uma umuntu noma imuphi, uhlaka lukahulumeni noma umphakathi odinga ukuhlinzeka noma unikeze ukufinyeleleka kwimithombo yomdabu yemvelo, ukuvuma kwawo kufanele kutholakale futhi isivumelwano sokudluliswa kwento (i-MTA) ngohlobo lweSengezo sesi-4 kanye nesivumelwano sokwabiwa kwenzuzo(i-BSA) ngohlobo lweSengezo sesi-5 kufanele kufakwe kulesi sicelo.

28. Ukuthola umuntu, izinhlaka zikahulumeni noma umphakathi ukuvuma kwakhe okudingekayo futhi esimweni ngasinye uma i-MTA ne-BSA sezenziwe nabo. Lezi zivumelwano kufanele zifakiwe kulesi sicelo.

Ohlinzeka	I-MTA yenziwe futhi	I-BSA yenziwe futhi
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ngokufinyeleleka	yafakwa?	yafakwa?

QAPHELA: Uma um(imi)phakathi isibonakele, isivumelwano sokwabiwa kwenzuzo (i-BSA) kufanele senziwe ngohlobo lweSengezo sesi-5 nalowo m(mi)phakathi futhi kufanele kufakwe kulesi sicelo.

29. Iziphi izinyathelo ezithathiwe ukukhomba noma ngabe imuphi umphakathi wendabuko osebenzisa noma onolwazi lwemithombo yomdabu yemvelo lesi sicelo esimayelana nayo, okungenzeka ukuthi uqale noma ube neqhaza kwi-*Bioprospecting* ehlongozwayo

30. Ukuchazwa kolwazi lwe lwendabuko/ukwazi ukulisebenzisa:

31. Chaza noma ngabe yimuphi umphakathi obonakele wendabuko futhi esimweni ngasinye uma i-BSA seyenziwe nabo futhi uma leso sivumelwano sifakiwe kulesi sicelo.

Umphakathi Wendabuko	I-BSA yenziwe?	I-BSA ifakiwe?

32. Ingabe kukhona izivumelwano ezenziwe nezingxenye okusetshenziswana nazo ezingenalo utho mayelana nemithombo yomdabu yemvelo ngokoMthetho?

Yebo/Cha

33. Uma impendulo kungu Yebo, ingabe lezo zivumelwano zidaluliwe –

kunoma imuphi umuntu, izinhlaka zikahulumeni noma um(imi)phakathi ohlinzeka noma onika ukufinyeleleka kwimithombo? Yebo/Cha

33.2 kunoma imuphi um(imi)phakathi enolwazi lwendabuko noma lokusebenzisa imithombo yomdabu wemvelo? Yebo/Cha

34. Ingabe kudinga usizo oluvela kusiphathimandla esikhipha iphemithi ekwenzeni isivumelwano esifunekayo? Yebo/Cha

35. Uma impendulo kungu Yebo, chaza uhlobo losizo oludingekayo nokuthi kungani losizo ludingeka.

UKUHLONGOZWA KWEPHROJEKHTHI

36. Ukuhlongoza okulandayo kwephrojekhthi kufanele kufakwe kulesi sicelo kuchaza ngalokhu okulandelayo –

36.1 izinhloso zephrojekhthi ye-bioprosect;

36.2 inzuzo engahle ibe ngumphumela wephrojekhthi;

36.3 indlela yokwenza esetshenziswayo;

36.4 isikhathi esihlongozwayo (isikhathi sokusebenza kwepthemithi);

36.5 ukucatshangelwa kwemvelo noma ikuphi kumbandakanya imiphumela yokuqokelela imithombo yomdabu yemvelo kanye nezinyathelo zokwehlisa noma ukuxazululwa kwaleyo miphumela;

36.6 izindlela zokubika;

36.7 umphumela odingekayo wephrojekhthi; futhi

36.8 kuzokwenzakani ngokulahliwe/okusele obekusetshenziselwa ucwaningo ekupheleni kocwaningo.

IZIMALI EZIKHOKHWAYO

37. Ingabe imali ekhokhwayo engama-R500 isikhokhiwe? Sicela ufake ikopi ye-invoysi. Yebo/Cha

Isiginesha yomfakisicelo sephemithi ye-*Bioprospecting*:

_____ **Usuku:** _____

Isikhundla sosayindayo: _____

Ukuqinisekiswa komgwamanda oyisazimthetho, uma ukhona

Igama lomgwamanda oyisazimthetho:

**Isiginesha yomsebenzi ogunyazwe ngokuvunyelwa ngumgwamanda
oyisazimthetho:**

_____ **Usuku:** _____

INGXENYE YESI-2: UKUFAKA ISICELO SEPHEMITHI YOKUKHIPHA IZINTO EZWENI NGENHLOSO YE-BIOPROSPECTING

Umfakisicelo oqedela lengxenye kufanele aphinde aqedele futhi asayinde ingxenye yoku-1

OWEMUKELA IMITHOMBO YOMDABU YEMVELO EKHISHWE EZWENI (ESIWA KUYE KWELINYE IZWE)

1. Igama lowemukelayo/okusiwa kuye:

2. Imininingwane yokuxhumana yomukelayo/okusiwa kuye (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

IZIDINGO ZELINYE IQOQOMTHETHO

3. Uke wahambisana, noma wathatha izinyathelo zokuhambisana, nezidingo zekuqokelelwa nokukhipha ezweni kwemithombo yomdabu yemvelo? Nikeza imininingwane, kumbandakanye nenombolo yereferensi nombalo okhishwa umthuthi onika imininingwane neziyalo ngokuthuthwayo (*i-waybill*) nenombolo ye-*waybill* lapho kufanele: _____

INHLOSO YOKUKHISHWA EZWENI KWEZINTO

4. Shono inhloso ekhishwelwa yona ezweni imithombo yomdabu yemvelo:

5. Kuzofunwa ukwenziwa i-*Bioprospecting* okufanele ithole iphemithi , futhi izozuzisa

–

- | | |
|---|----------|
| 5.1. ukulondolozwa kwemvelo ehlukahlukene eNingizimu Afrika | Yebo/Cha |
| 5.2. ukuthuthukiswa koMnotho waseNingizimu Afrika | Yebo/Cha |
| 5.3. noma ikuphi okunye okunakwa ngumphakathi? | Yebo/Cha |

6. Uma kungu Yebo, nikeza iminingwane:

IZIMALI EZIKHOKHWAYO

7. Ingabe imali ekhokhwayo eyi-R5200 isikhokhiwe? Sicela ufake ikopi ye-invoysi

Yebo/Cha

Isiginesha yomfakisisicelo sephemithi:

_____ **Usuku:** _____

Isikhundla sosayindayo: _____

Ukuqinisekiswa komgwamanda oyisazimthetho, uma kukhona

Igama lomgwamanda oyisazimthetho:

Isiginesha yomsebenzi ogunyazwe ngokuvunyelwa ngumgwamanda oyisazimthetho:

Usuku:

ISENGEZO SESI-3

UKUFAKA ISICELO SEPHEMITHI YOKUKHIPHA IZINTO EZWENI NGENHLOSO YE-BIOPROSPECTING

YOKWENZA UCWANINGO NGAPHANDLE KWE-BIOPROSPECTING

Amanothi ngokugcwaliswa kwefomu:

Uma isikhala osinikiwe singanele kuleli fomu, ulwazi olungeziwe lungafakwa ngendlela yeZengezo.

UMFAKISICELO

Uma umfakisicelo eyisazimthetho gcwalisa imishwana usuka kowoku-1– 7 ngezansi

1. Igama eliphelele lesikhungo noma lomgwamanda:

2. Ingabe umgwamanda ubhalisile njengesazimthetho eNingizimu Afrika?

Yebo/Cha

3. Uma impendulo kungu Yebo, nikeza inombolo yaseNingizimu Afrika yokubhalisa kwesazimthetho:

4. Uma impendulo kungu Cha, ubhalise kuliphi izwe umgwamanda oyisazimthetho futhi hlinzeka ngenombolo yereferensi:

5. Hlinzeka ngemininingwane yokuxhumana yomgwamanda oyisazimthetho (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le- *email*):_____

6. Igama lomuntu okumgwamanda oysisazimthetho (faka ikopi eqinisekisiwe ye-ID/kamazisi): _____

7. Isikhundla sosayindayo: _____

Uma umfakisicelo engumuntu wemvelo gcwalisa imishwana usuka kowesi-8–12 ngezansi

8. Igama lomfakisicelo: _____

9. Inombolo kamazisi yomfakisicelo (faka futhi ikopi eqinisekisiwe ye-ID/kamazisi):

10. Imininingwane yokuxhumana yomfakisicelo (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*): _____

11. Ingabe umfakisicelo uyilungu lanoma imuphi umgwamanda oysisazimthetho?
Yebo/Cha

12. Uma impendulo kungu Yebo, nikeza igama neminingwane yokuxhumana yomgwamanda oysisazimthetho (kumbandakanya igama lomuntu okuxhunyana naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le- *email*):

Yonke ingxenye esele igcwaliswa yibo bonke abafakizicelo

13. Amagama neminingwane yokuxhumana (kumbandakanya Ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*) zabo bonke enibambisene nabo:

14. Izinombolo zomazisi zabo bonke enibambisene nabo (faka futhi amakopi aqinisekisiwe ama-ID/omazisi):

15. Amagama neminingwane yokuxhumana (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le- *email*) zabo bonke abazokwenza ucwaningo:

16. Izinombolo zomazisi zabo bonke abazokwenza ucwaningo (faka futhi amakopi aqinisekisiwe ama-ID/omazisi):

17. Ingabe bakhona abakwamanye amazwe axhase ngezimali le phrojekhthi?
Yebo/Cha

18. Uma impendulo kungu yebo, nikeza amagama abaxhasi neminingwane yokuxhumana nabo(kumbandakanya igama lomuntu okuxhunyanwa naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le- *email*):

19. Ingabe bakhona abantu baseNingizimu Afrika abaxhase ngezimali le phrojekhthi?
Yebo/Cha

20. Uma impendulo kungu Yebo, nikeza amagama abaxhasi neminingwane yokuxhumana nabo(kumbandakanya igama lomuntu okuxhunyanwa naye, ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-email):

OWEMUKELA IMITHOMBO YOMDABU YEMVELO EKHISHWE EZWENI (ESIWA KUYE KWELINYE IZWE)

21. Igama lowemukelayo/okusiwa kuye:

22. Imininingwane yokuxhumana yomukelayo/okusiwa kuye (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le- *email*):

IMITHOMBO YOMDABU YEMVELO

23. Chaza uhlobo lwemithombo yomdabu yemvelo efunelwa iphemithi, umndeni, iqembu noma uhlobo, ingxenye yesilokazane ekufanele siqokelelwe, inani lemithombo okufanele liqokelelwe noma litholwe futhi nendawo noma lapho kufanele kutholakele umthombo ngamunye okufanele uqokelelwe noma utholakale.

Izinhlabo zezilokazana	UMndeni, iQembu, noma uHlobo (igama lesayensi nelijwayelekile)(uma kukhoneka)	izingxenye zokuphilayo okufanele ziqokelelwe	Inani	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)
<i>Isibonelo:</i> Isitshalo	Inhlaba (Aloe ferox)	Amagxolo	6 kg

AMAPHEMITHI ADLULE

24. Mayelana nemithombo yokuphilayo komdabu okushiwo ngenhla, ingabe kuke kwenziwa noma isiphi esinye isicelo sephemithi ngokoMthetho noma nganoma iliphi elinye iqoqomthetho ngaphambilini noma ngokuhambisana nesicelo samanje? Yebo/Cha

25. Uma impendulo kungu Yebo, ingabe lesi sicelo sachithwa noma savunywa noma sisalindiwe?

26. Uma isicelo savunywa, nikeza ulwazi olulandelayo bese ufaka nekopi yephemithi.

Inombolo yephemithi	Isiphathimandla esikhipha iphemithi	Usuku eyaphuma ngalo

Uma isicelo sisalindiwe, nikeza inombolo yereferensi yesiphathimandla esiyikhipha iphemithi:

IZIDINGO ZOMUNYE UMTHETHO

27. Uke wahambisana, noma wathatha izinyathelo zokuhambisana, nezidingo zekuqokelelwa nokukhipha ezweni kwemithombo yomdabu yemvelo? Nikeza imininingwane, kumbandakanye nenombolo yereferensi nombalo okhishwa umthuthi onika imininingwane neziyalo ngokuthuthwayo (i-waybill) nenombolo ye-waybill lapho kufanele.

UKUHLONGOZWA KWEPHROJEKHTHI

28. Ukuhlongoza okulandayo kwephrojekhthi kufanele kufakwe kulesi sicelo kuchaza ngalokhu okulandelayo –

- 28.1. izinhloso zocwaningo;
- 28.2. inzuzo engahle ibe ngumphumela wephrojekhthi;
- 28.3. indlela yokwenza esetshenziswayo;
- 28.4. isikhathi esihlongozwayo (isikhathi sokusebenza kwephemithi);
- 28.5. ukucatshangelwa kwemvelo noma ikuphi okufanele kumbandakanya imiphumela yokuqokelela imithombo noma ukuxazulula leyo miphumela;
- 28.6. izindlela zokubika;
- 28.7. umphumela odingekayo wephrojekhthi; futhi
- 28.8. kuzokwenzakani ngokulahliwe/okusele obekusetshenziselwa ucwaningo ekupheleni kocwaningo.

INHLOSO YOKUKHISHWA EZWENI KWEZINTO

29. Shono inhloso ekhishwelwa yona ezweni imithombo yomdabu yemvelo:

30. Kuzofunwa ukwenziwa ucwaningo okufanele luthole iphemithi , futhi lizozuzisa–

- 30.1. ukulondolozwa kwemvelo ehlukehlukeni eNingizimu Afrika Yebo/Cha
- 30.2. ukuthuthukiswa koMnotho waseNingizimu Afrika Yebo/Cha
- 30.3. noma ikuphi okunye okunakwa ngumphakathi? Yebo/Cha

31. Uma kungu Yebo, nikeza iminingwane:

IZIMALI EZIKHOKHWAYO

32. Ingabe imali ekhokhwayo engama-R200 isikhokhiwe? Sicela ufake ikopi ye-invoysi. Yebo/Cha

Isiginesha yomfakisicelo sephemithi:

_____ **Usuku:** _____

Isikhundla sosayindayo: _____

Ukuqinisekiswa komgwamanda oyisazimthetho, uma kukhona:

Igama lomgwamanda oyisazimthetho:

Isiginesha yomsebenzi ogunyazwe ngokuvunyelwa ngumgwamanda oyisazimthetho:

_____ **Usuku:** _____

ISENGEZO SESI-4

IPHEMITHI YE-BIOPROSPECTING

**Le phemithi ikhishwe ngokoMthethonqubo we-12 wemiThethonqubo ye-
Bioprospecting, Ukufinyeleleka Nokwabiwa Kwenzuzo**

1. 1. Igama lomgciniphemithi:

2. Ikheli lendawo/leposi lomgciniphemithi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*:

3. Igama lomuntu obheke i-*Bioprospecting* (uma ehlukile kumgciniphemithi):

4. Inombolo kamazisi yomgciniphemithi noma yomuntu obheke i-*Bioprospecting*:

5. Uma ngabe ukufakwa kwesicelo kwenziwe ngabantu abaningana, amagama anoma yibaphi abanye abafakizicelo:

6. Imininingwane yokuxhumana nabo bonke abafakizicelo:

7. Uhlobo lwephemithi: Le phemithi iguyaza umgciniphemithi ukuba asebenzise imithombo yomdabu yemvelo elandelayo ngenhloso ye-*Bioprospecting*, ngenani elichaziwe futhi ukuba aqokelele imithombo yomdabu yemvelo ezindaweni ezichazwe ngezansi:

Izinhlobo zezilokazana	UMndeni, iQembu,	izingxenye zokuphilayo	Inani (Isho uma	Idatha ephelele
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	noma uHlobo (igama lesayensi nelijwayelekile) (uma kukhoneka)	okufanele ziqokelelwe	kunemkhawulo yenani lamasampuli)	yendawo (izifundo ze-GIS uma kukhoneka)
Isibonelo: Isitshalo	Inhlaba (Aloe ferox)	Amagxolo	6 kg

8. Isikhathi sephemithi: Le phemithi isethethweni kuze kube_____.

9. Isivumelwano sokwabiwa kwenzuzo kanye nesivumelwano sokudluliswa kwezinto: Lesi sivumelwano kufanele sifundwe nezivumelwano zokwabiwa kwenzuzo kanye nezivumelwano zokudluliswa ezenziwe nabanotho ebalindelekile kwisahluko sama-82(1) somthetho Wemvelo Ehlukahlukene.

10. Izimo: Le phemithi kufanele ikhishwe ngokuhambelana nezimo ezilandelayo

-
- 10.1. umgciniphemithi kavunyelwe ukudlulisa imithombo yomdabu yemvelo le phemithi emayelana nayo kunoma iyiphi ingxenye yesithathu ngaphambu kokuvuma okubhalwe phansi kwesiphathimandla esikhipha iphemithi futhi kuphela ngaphansi kwesivumelwano esibhalwe phansi esiqukethe izimo ezingekho ngaphansi ezinqanda labo abafaka isicelo sephemithi ngokwale phemithi nangezinye izivumelwano okukhulunywe ngazo kwisigaba sesi-9;

- 10.2. umgciniphemithi kufanele afake umbiko kusiphathimandla esikhipha amaphemithi kungakapheli unyaka owodwa wale phemithi futhi enze njalo unyaka nonyaka ngemuva kwalokho.
- 10.3. uma kukhona okusetshenziswana nabo abajoyine iphrojekhthi ye-*Bioprospecting* enikwe le phemithi, umgciniphemithi kufanele azise ngokubhalwe phansi isiphathimandla esikhipha amaphemithi;
- 10.4. zonke izimali okufanele zikhokhelwe abantu abanotho ngokwesivumelwano sokwabiwa kwenzuzo kufanele kukhokhelwe isiKhwama Sethrasti ye-Bioprosprecting, njengoba kudingwa isahluka sama-85(1) somThetho, futhi
- 10.5. umgciniphemithi uzokhokhela zonke izindleko zokulamula noma ukuxazulula umphumela we-*Bioprospecting* kwimvelo, ngokuhambelana nesahluko sama-28 soMthetho Kazwelonke Wokuphathwa Kwemvelo we-107 we-1998; futhi
- 10.6. (izimo ezingeziwe zingafakwa lapha)_____
-

Isayindwe nguNgqongqoshe Wezemvelo Nezokuvasha

Isiginesha

USUKU

ISENGEZO SESI-5

**IPHEMITHI EMBANDAKANYA UKUKHISHWA KWEZINTO EZWENI KANYE NE-
*BIOPROSPECTING***

**Le phemithi ikhishwe ngokoMthethonqubo we-12 wemiThethonqubo ye-
Bioprospecting, Ukufinyeleleka Nokwabiwa Kwenzuzo**

1. Igama lomgciniphemithi:

**(iv) Ikheli lendawo/leposi lomgciniphemithi, izinombolo zocingo,
izinombolo zefeksi, kanye nekheli le-email:**

**(v) Igama lomuntu obheke i-bioprospecting (uma ehlukile
kumgciniphemithi):**

**(vi) Inombolo kamazisi yomgciniphemithi noma yomuntu obhe i-
Bioprospecting:**

**(vii) Uma ngabe ukufakwa kwesicelo kwenziwe ngabantu
abaningana, amagama anoma abaphi abanye abafakizicelo:**

(viii) Imininingwane yokuxhumana nabo bonke abafakizicelo:

(ix) Igama neminingwane yokuxhumana noletha izinto ezweni:

(x) Uhlobo lephemithi: Le phemithi igunyaza umgciniphemithi ukuba asebenzise aphinde akhiphe ezweni imithombo yomdabu yemvelo elandelayo ngenhloso ye-*Bioprospecting*, ngenani elichaziwe futhi ukuba aqokelele imithombo yomdabu yemvelo ezindaweni ezichazwe ngezansi:

Izinhlobo zezilokazana	UMndeni, iQembu, noma uHlobo (Igama lesayensi nelijwayelekile)	Indlela ezokhishwa ngayo ezweni	Inani (Isho uma kunemkhawulo yenani lamasampuli)	Izwe lapho ikhishwa khona	Izwe lapho isiwa khona	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)

9. Isikhathi sephemithi: Le phemithi isemthethweni kuze kube

_____.

10. Isivumelwano sokwabiwa kwenzuzo kanye nesivumelwano sokudluliswa kwezinto: Lesi sivumelwano kufanele sifundwe nezivumelwano zokwabiwa kwenzuzo kanye nezivumelwano zokudluliswa ezenziwe zabanotho ebalindelekile kwisahluko sama-82(1) somthetho Wemvelo Ehlukahlukene.

11. Izimo: Le phemithi kufanele ikhishwe ngokuhambelana nezimo ezilandelayo -

- 11.1. Umgciniphemithi angasebenzisa imithombo yomdabu yemvelo eyisebenzisela izizathu ezilandelayo kuphela:
-
- 11.2. umgciniphemithi kufanele ahambisane nazo zonke izidingo zeqoqomthetho zokukhishwa okusebenzayo ezweni kwemithombo yomdabu yemvelo;
- 11.3. umgciniphemithi kavunyelwe ukudlulisa imithombo yomdabu yemvelo kunoma iyiphi ingxenye yesithathu ngaphambu kokuvuma okubhalwe phansi kwesiphathimandla esikhipha iphemithi mayelana nephemithi yokukhipha izinto ezweni futhi kuphela ngaphansi kwesivumelwano esibhalwe phansi esiqukethe izimo ezingekho ngaphansi ezinqanda labo abafaka isicelo sephemithi ngokwale phemithi nangezinye izivumelwano okukhulunywe ngazo kwisigaba se-10;
- 11.4. umgciniphemithi kufanele afake umbiko kusiphathimandla esikhipha amaphemithi kungakapheli unyaka owodwa wale phemithi benze enze njalo unyaka nonyaka ngemuva kwalokho.
- 11.5. uma kukhona okusetshenziswana nabo abajoyine iprojekhthi ye-*Bioprospecting* enikwe iphemithi, umgciniphemithi kufanele azise isiphathimandla esikhipha amaphemithi;
- 11.6. zonke izimali okufanele zikhokhelwe abantu abanotoho ngokwesivumelwano sokwabiwa kwenzuzo kufanele kukhokhelwe isiKhwama seThrasti ye-Bioprosprecting, njengoba kudingwa isahluka sama-85(1) somThetho, futhi
- 11.7. umgciniphemithi uzokhokhela zonke izindleko zokulamula noma ukuxazululaumphumela we-*Bioprospecting* kwimvelo, ngokuhambelana nesahluko sama-28 soMthetho Kazwelonke Wokuphathwa Kwemvelo we-107 we-1998; futhi

11.8. izimo ezingeziwe zingafakwa lapha

Isayindwe nguNgqongqoshe Wezemvelo Nezokuvasha

Isiginesha

USUKU

ISENGEZO SESI-6

IPHEMITHI YOKUSA KWEMANYE AMAZWE NGENHLSO YOCWANINGO NGAPHANDLE KWE-BIOPROSPECTING

Le phemithi ikhishwe ngokoMthethonqubo we-13 wemiThethonqubo ye-*Bioprospecting*, Ukufinyeleleka Nokwabiwa Kwenzuzo

1. Igama lomgciniphemithi: _____
2. Ikheli lendawo/leposi lomgciniphemithi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*: _____
—
3. Igama lomuntu obheke i-bioprospecting (uma ehlukile kumgciniphemithi):

4. Inombolo kamazisi yomgciniphemithi noma yomuntu obheke i-*Bioprospecting*:

5. Uma ngabe ukufakwa kwesicelo kwenziwe ngabantu abaningana, amagama anoma abaphi abanye abafakizicelo:

6. Imininingwane yokuxhumana nabo bonke abafakizicelo:

7. Igama neminingwane yokuxhumana noletha izinto ezweni:

8. Uhlobo lephemithi: Le phemithi igunyaza umgciniphemithi ukuba akhiphe ezweni, ngenani elichaziwe, imithombo yomdabu yemvelo elandelayo imithombo yomdabu yemvelo elandelayo ngenhloso yokwenza ucwaningo ngaphandle kwe-*Bioprospecting*.

Izinhlobo zezilokazana	UMndeni, iQembu, noma uhlobo (Amagama esayensi najwayelekile)	Indlela ezokhishwa ngayo ezweni	Inani (Isho uma kunemkhawulo yenani lamasampuli)	Izwe lapho ikhishwa khona	Izwe lapho isiwa khona	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)

9. Isikhathi sephemithi: Le phemithi isebenza kuze kube _____.

10. Izimo: Le phemithi kufanele ikhishwe ngokuhambelana nezimo ezilandelayo -

10.1. imithombo yomdabu yemvelo iphemithi emayelana nayo, ingasetshenziselwa izinhloso okungezona ezocwaningo lwezohwebo:

10.2 umgciniphemithi kufanele ahambisane nazo zonke izidingo zeqoqomthetho zokuqokelelwa nokukhipha ezweni imithombo yomdabu yemvelo;

10.3 imithombo yomdabu yemvelo iphemithi emayelana nayo ingasetshenziselwa izinhloso ze-*Bioprospecting*;

- 10.4 umgciniphemithi uzokhokha zonke izindleko zokulamulwa noma ukuxazulula umphumela we-*Bioprospecting* kwimvelo, ngokuhambelana nesahluko sama-28 soMthetho Kazwelonke Wokuphathwa Kwemvelo we-107 we-1998;
- 10.5 umgciniphemithi kavunyelwe ukudlulisa imithombo yomdabu yemvelo kwingxenye yesithathu ngaphambu kokuvuma okubhalwe phansi kwesiphathimandla esikhipha iphemithi mayelana naleyo phemithi yokukhipha ezweni izinto futhi kuphela ngaphansi kwesivumelwano esibhalwe phansi esiqukethe izimo ezingekho ngaphansi kwalezo ezisetshenziselwa abafuna ukufaka isicelo sephemithi ngokwale phemithi. Isiphathimandla esikhipha amaphemithi angeke savuma uma ingxenye yesithathu ifuna ukusebenzisa imithombo yomdabu yemvelo iyisebenzisela izinhloso ze-*Bioprospecting*.
- 10.6 umgcinimaphemithi kufanele afake umbiko wokuqhubeka kusiphathimandla_____noma ngemuva konyaka wosuku lokukhishwa kwephemithi (cisha lokho okungekhona lapha). Ngemuva kwalokho, umgciniphemithi kufanele afake umbiko wokuqhubeka njalo ngonyaka, noma ngomhla ka _____ (cisha lokho okungekhona lapha)
- 10.7 uma kukhona okusetshenziswana nabo abajoyine iphrojekthi yocwaningo enikwe le phemithi, umgciniphemithi kufanele abalethe ngokubhalwe phansi kusiphathimandla esikhipha amaphemithi; futhi
- 10.8 izimo ezingeziwe zingafakwa lapha (cisha lokho okungekhona lapha)
-
-

Isayindwe iLungu Lomkhandlu Ophakeme obheke Ezemvelo Nezokuvasha

Isiginesha

USUKU

ISENGEZO SESI-7

ISIVUMELWANO SOKUDLULISWA KWEZINTO

Amanothi:

1. Lesi sivumelwano kufanele senziwe ngumfakisicelo sephemithi kanye nanoma imuphi umuntu onotho owaziwayo ngokomThethonqubo ohlinzeka noma onikeza ngokufinyeleleka kumithombo yomdabu yemvelo.
2. Uma kunabantu abanotho abedlule koyedwa kufanele kwenziwe isivumelwano esiseceleni nomuntu onotho ngamunye.
3. Uma isikhala osinikiwe singanele kuleli fomu, ulwazi olungeziwe lungafakwa ngendlela yezengezo. Noma izingxenye zingakhetha ukusebenzisa amafomu azo anesikhala esanele esihlinzekiwe ngaphansi koMthethonqubo ngamunye, kuphela nje uma lawo mafomu ezolandela isakhiwo saleli fomu.
4. Izingxenye zalesi sivumelwano kufanele zisayinde isivumelwano endaweni eziyikhonjiwe futhi kufanele sisayinde ikhasi ngalinye ezansi lesivumelwano, kumbandakanya nezengezo.

Izingxenye zesivumelwano

1. Owemukela imithombo yomdabu yemvelo, uma owemukelayo eyisazimthetho:

1.1. Igama lesikhungo noma umgwamanda:

1.2. Inombolo yokubhaliswa kwesikhungo noma yomgwamanda:

1.3. Imininingwane yokuxhumana yesikhungo noma umgwamanda (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*): _____

1.4. Igama lomuntu okuxhunywana naye esikhungweni noma kumgwamanda (faka ikopi eqinisekisiwe ye-ID/kamazisi):

—

1.5. Isikhundla sokuxhunywana naye:

2. Owemukela imithombo yomdabu yemvelo, uma owemukelayo engumuntu wemvelo:

2.1. Igama lowemukelayo: _____

2.2. Inombolo kamazisi yomfakisicelo:

2.3. Imininingwane yokuxhumana yomukelayo (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

3. Ohlinzeka ngokufinyelela kumithombo yomdabu yemvelo

3.1. Igama: _____

3.2. Isikhundla: _____

3.3. Uma ungena esivumelwani ngokuthi umelele abantu, shono igama lesikhulu:

3.4. Imininingwane yokuxhumana (imbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*e-mail*):

4. Imithombo yomdabu yemvelo

Uhlobo nenani nendawo lapho itholakala kukhona imithombo yomdabu yemvelo lesi sivumelwano emayelana nayo –

Izinhlolo zezilokazana	UMndeni, iqembu, noma uhlobo (igama lesayensi nelijwayelekile)(uma kukhoneka)	izingxenye zokuphilayo okufanele ziqokelelwe	Inani (Umkhawulo wenani lamasampuli)	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)

5. Ukusetshenziswa kwamanje kwemithombo yomdabu yemvelo -

Okungahle isetshenziselwe kona njengamanje imithombo yomdabu yemvelo eyoqokelelwa yilokhu okulandelayo –

6. Inhloso yokukhipha ezweni (uma ikhona)

Imithombo yomdabu yemvelo ifanele iphume ezweni ukwenzela izinhloso ze-*Bioprospecting* –

7. Izingxenye zesuthathu

Owamukelayo anganika noma ngabe yimiphi imithombo yomdabu yemvelo noma izingane zayo kuzingxenye zesithathu kuphela ngokwezimo ezilandelayo (faka imininingwane ngezansi) -

Omukelayo uvuma ukuthatha izinyathelo zokuqaphela ezizwakalayo ukunqanda ukufinyeleleka kwemithombo yomdabu yemvelo kwingxenye engagunyaziwe yesithathu.

8. Isivumelwano Esiphelele

Lesi sivumelwano sakha isivumelwano esiphelele phakathi kwezingxenye mayelana nokukhulunywa ngakho kulesi sivumelwano futhi akukho ukwengezwa, ukwehluka noma ukuqedwa kwalesi sivumelwano noma ukuguqulwa kwanoma iliphi ilungelo ngaphansi kwalesi sivumelwano ngokuphoqwayo nganoma iyiphi indlela noma ukusebenza ngaphandle uma kubhaliwe futhi kwasayindwa yizingxenye kulesi sivumelwano.

Isiginesha yomfakisicelo wephemithi: _____ **Usuku** _____

Isikhundla sosayindayo: _____

Esayindela: _____

Isiginesha yohlinzeka ngokufinyelela kumthombo: _____ Usuku:

Isikhundla sosayindayo: _____

Esayindela: _____

Igunyazwe nguNgqongqoshe Wezemvelo Nezokuvasha

Isiginesha

USUKU

(d)

ISENGEZO SESI-8
ISIVUMELWANO ZOKWABIWA KWENZUZO

Amanothi:

1. Lesi sivumelwano kufanele senziwe ngumfakisicelo sephemithi kanye nanoma imuphi umuntu onotho owaziwayo ngokoMthetho kanye nemiThethonqubo.
2. Uma kunabantu abanotho abedlule koyedwa kufanele kwenziwe isivumelwano esiseceleni nomuntu onotho ngamunye.
3. Uma isikhala osinikiwe singanele kuleli fomu, ulwazi olungeziwe lungafakwa ngendlela yezengezo. Noma izingxenye zingakhetha ukusebenzisa amafomu azo anezikhala ezanele ezihlinzekiwe ngaphansi komthethonqubo ngamunye, kuphela nje uma lawo mafomu ezolandela isakhiwo saleli fomu.
4. Izingxenye zalesi sivumelwano kufanele zisayindwe isivumelwano endaweni eziyikhonjiwe futhi kufanele sisayinde ikhasi ngalinye ezansi lesivumelwano, kumbandakanya nezengezo.

1. Umfakisicelo sephemithi uma umfakisicelo eyisazimthetho

1.1. Igama lesikhungo noma umgwamanda:

1.2. Inombolo yokubhalisa yesikhungo noma yomgwamanda:

1.3. Imininingwane yokuxhumana yesikhungo noma umgwamanda (kumbandakanya Ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*): _____

1.4. Igama lomuntu okuxhunywana naye esikhungweni noma kumgwamanda:

1.5. Isikhundla sokuxhunywana naye:

2. Umfakisiselo sephemithi uma engumuntu wemvelo

2.1. Igama lomfakisiselo: _____

2.2. Inombolo kamazisi womfakisiselo:

2.4. Imininingwane yokuxhumana yabamukelayo (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

3. Abahlinzeka ngokufinyelela kumithombo yomdabu yemvelo (uma bekhona)

3.1. Igama: _____

3.2. Isikhundla: _____

3.3. Uma ungena esivumelwani ngokuthi umelele abantu, shono igama lokuphethe:

3.4. Imininingwane yokuxhunywana nabo (imbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-*email*):

4. Umphakathi Wendabuko (uma ukhona)

4.1. Ukuchazwa komphakathi wendabuko:

4.2. Igama lomele umphakathi wendabuko ozosayinda lesi sivumelwano esisayindela umphakathi wendabuko: _____

4.3. Isikhundla: _____

4.4. Imininingwane yokuxhumana (kumbandakanya ikheli lendawo/leposi, izinombolo zocingo, izinombolo zefeksi, kanye nekheli le-email) labo bonke abamele umphakathi wendabuko:

Isixazululo okufinyelelwe kuso ngumphakathi wendabuko kufanele sifakwe. Isixazululo kufanele siqinisekise ukuthi omele umphakathi wendabuko ochazwe ngenhla unikwe igunya lokuba enze lesi sivumelwano esenzela umphakathi wendabuko ; sokuthi umphakathi wendabuko unolwazi oluphelele lwephrojekhthi ye-Bioprospecting; futhi uvumile ukuba lwenziwe isivumelwano sokwabiwa kwenzuzo.

5. Uhlobo nenani lemithombo yomdabu yemvelo

Lesi sivumelwano simayelana nale mithombo yomdabu yemvelo - (chaza uhlobo ngezansi, inani lemithombo okufanele liqokelelwe kanye nendawo lapho kufanele kutholakele imithombo okufanele iqokelelwe)

Izinhlobo zezilokazana	UMndeni, iqembu, noma uhlobo (uma kukhoneka) (amagama esayensi najwayelekile)	izingxenye zokuphilayo okufanele ziqokelelwe	Inani (Umkhawulo wenani lamasampuli)	Idatha ephelele yendawo (izifundo ze-GIS uma kukhoneka)

6. Ukusetshenziswa kwamanje kwemithombo yomdabu yemvelo

Okungahle isetshenziselwe kona njengamanje imithombo yomdabu yemvelo eyoqokelelwa yilokhu okulandelayo –

7. indlela okuhloswe ngayo ukusetshenziswa kwemithombo yomdabu yemvelo

Izindlela kanye nobukhulu okufanele kusetshenziswe ngayo imithombo yomdabu yemvelo noma ixashazwe ukwenzela izinhloso ze-*Bioprospecting* yilezi (chaza imininingwane) –

8. Ukusetshenziswa ngokwamasiko noma ulwazi(uma lukhona)

Umphakathi wendabuko oyingxenye yalesi sivumelwano unolwazi lwendabuko olulandelayo lwemithombo yomdabu yemvelo noma ulwazi lwendabuko lokusetshenziswa kwemithombo yomdabu yemvelo ngendlela elandelayo–

9. Ukwaba kwenzuzo

Ukuzuza kuyehluka isimo nesimo futhi ikakhulukazi, ukuzuza kwehluka ngokuthi abanotho abahlinzeka ngokufinyeleleka kwemithombo yomdabu yemvelo noma umphakathi wendabuko. Uhlu olungezansi lizokunika izibonelo ukuzuza ngokwezimali nokuzuza okungesiho okwezimali okungahle kuvele kwiphrojekhthi ye-*Bioprospecting*. Uhlu lokuqala lufanele kakhulu uma onotho kulesi sivumelwano ehlinzeka ngokufinyeleleka kwemithombo yomdabu yemvelo

ngenkathi uhlu lwesibili lifaneleka kakhulu uma onotho kulesi sivumelwano kungumphakathi wendabuko. Faka uphawu kwibhlokhi ngayinye efanele kulesi sivumelwano bese usho ngezansi ukuthi ngubani ozozuza inzuzo ngayinye futhi uzozuza kangakanani (hlinzeka ngokusekela lapho kunesidingo).

Kugcwaliswa uma onotho ehlinzeka noma enikeza ukufinyelela kwimithombo yendabuko yemvelo

Inzuzo engeyona imali, neyimali kanye 'neyisenzo sobuhle'			
Ukwazisa izingxenye ezinika ukufinyeleleka kumithombo yomdabu yemvelo		Ivawusha yezinhlobo ezisezikhungweni zikazwelonke	
Imiphumela yocwaningo namakopi amaphepha		Ukubamba iqhaza ocwaningeni lwaseNingizimu Afrika	
Ukwesekela ukulondolozwa kwemvelo		Ukufinyelela ekunqokeleleni kwamazwe namazwe kweNingizimu Afrika	
Uhlu lwezinhlobo zemvelo		Ukwaziswa nokuqhubekisela phambili ulwazi lwendabuko/ukulisebenzisa	
Ukuqeqeshwa nokusekelwa kwabafundi		Amaphrojekhthi okuthuthukiswa komphakathi	
Ukuthuthukiswa kokuhlonyiswa ngesayensi		Imfundo yezemvelo	
Ukudluliswa kobuchwepheshe		Izimali ezikhokhwayo	
Ucwaningo ngokubambisana		Imivuzo	
Ulwazi		Ukukhokhela phambili	

Amathuluzi nezingqalasizinda		Ukukhokhwa okuyizinga lengqophamlando	
Okunye(kuchaze)		Okunye ukuzuzwa kwezimali (kuchaze)	
Okunye(kuchaze)		Okunye(kuchaze)	

Kugcwaliswa uma onotho engumphakathi wendabuko

Inzuzo engeyona imali, neyimali kanye 'neyisenzo sobuhle'			
Ukuxhumana okuqhubekayo ngezinhloso ze- <i>Bioprospecting</i> , izindlela ezisetshenziswayo nokutholakele, zihunyushelwe kwizilimi zendawo		Amakopi okuhlongozwayo, imibiko nokushicilelwe	
Ukwenza lula nokuwadumisa amaphosta, izincwajana zolwazi, amaphamfulethi neminye imibhalo ehunyushelwe kwizilimi zendawo		Ukwaziswa nokuqhubekisela phambili ulwazi lwendabuko/ukulisebenzisa	
Ukubhala ngokubambisana okushicilelwayo		Ukufakwa kokusetshenziswayo ocwaningweni	
Ukufinyelela kwidatha yocwaningo		Izibonelelo zokuthuthukiswa kanye nezamaphrojekhthi okufunda ngemvelo	
Amakopi ezithombe namaslayidi		Izimali ezikhokhwayo (isib:	

		imali yokuxhumana, abantu okusetshenziswa nabo, abasizi, ukusetshenziswa kwezindawo kanye nezingqalasizinda)	
Ukumbandakanywa ocwaningweni kwabantu okusetshenziswa nabo, abasizi, abahlahlindlela kanye nabanika ulwazi		Imivuzo	
Ukuqeqeshwa kwabantu bendawo njengoba kufanele ezinkundleni zesayensi, zomthetho kanye nezokuphatha		Ukukhokhela phambili	
Ukusekelwa kwamathuluzi nezingqalasizinda		Ukukhokhwa okuyizinga lengqophamlendo	
Ubumnini ngokubambisana kwanoma imaphi amalungelo okuqamba impahla		Okunye ukuzuza kwezimali (kuchaze)	
Okunye(kuchaze)		Okunye(kuchaze)	

10. Ukukhokhwa kwenzuzo

Zonke izimali ezizovela kulesi sivumelwani futhi okufanele zikhokhelwe izingxenye kufanele zikhokhwe kwisiKhwama Sethrasti ye-*Bioprospecting*.

11. ukubukezwa kwesivumelwano

Lesi sivumelwano sizobukezwa njalo _____(gcwalisa isikhathi okuvunyelwene ngaso), ngombono wokuchibiyelwa kwesivumelwano uma kunesidingo. Inyanga ngaphambu kokubukezwa konke, umgciniphemithi kuzofanele adalule noma ngabe iluphi ulwazi olusha mayelana ne-*Bioprospecting* kubo bonke abanotho ukuvumela abanotho ukuba babambe iqhaza ngolwazi ekubukezweni.

12. Eminye imidanti

Noma ngabe iluphi olunye udaba noma izimo izingxenye zalesi sivumelwano ezifisa ukuzirekhoda zingafakwa kulesi sivumelwano njengesengezo.

Ikopi yalesi sivumelwano kufanele ifakwe kuMqondisi-Jikelele woMnyango Wezemvelo Nezokuvakasha kungapheli inyanga eyodwa yokwenziwa kwalesi sivumelwano.

Lesi sivumelwano sakha isivumelwano esiphelele phakathi kwezingxenye mayelana nokukhulunywa ngakho kulesi sivumelwano futhi akukho ukwengezwa, ukwehluka noma ukuqedwa kwalesi sivumelwano noma ukugululwa kwanoma iliphi ilungelo ngaphansi kwalesi sivumelwano ngokuphoqwayo nganoma iyiphi indlela noma ukusebenza ngaphandle uma kubhaliwe futhi kwasayindwa yizingxenye kulesi sivumelwano.

Isiginesha yomfakisicelo sephemithi: _____

Usuku: _____

Isikhundla sosayindayo: _____

Esayindela: _____

Ukuqinisekiswa komgwamanda oyisazimthetho, uma ukhona

Igama lomgwamanda oyisazimthetho:

Isiginesha yomsebenzi ogunyazwe ngokuvunyelwa ngumgwamanda oyisazimthetho:

_____ **Usuku:** _____

Isiginesha yohlinzeka ngokufinyeleleka kumthombo womdabu wemvelo:

_____ **Usuku:** _____

Isikhundla sosayindayo: _____

Esayindela: _____

Isignesha yomele umphakathi wendabuko:

_____ **Usuku:** _____

Isikhundla sosayindayo: _____

Esayindela: _____

Igunyazwe nguNgqongqoshe Wezemvelo Nezokuvasha

Isiginesha

USUKU

ISAZISO SOKUDEDELWA

UMNYANGO WEZEMVELO NEZOKUVAKASHA

No. R....**2008**

UMTHETHO KAZWELONKE WOKUPHATHWA

KWEZEMVELO:UKUHLUKAHLUKANA KWEMVELO WE-2004:

ISAZISO SOKUDEDELWA NGOKWESAHLUKO SAMA-86

UNgqongqoshe Wezemvelo Nezokuvakasha ngokwesahluko sama-86 soMthetho Kazwelonke Wokuphathwa Kwemvelo Ehlukahlukene we-2004 (uMthetho we-10 we-2004), udedele kusiQephu sesi-6 imithombo yomdabu yemvelo noma okwenziwayo okumayelana nemithombo yomdabu yemvelo okuchaziwe kuSheduli elapha.

Isheduli

Izincazelo

1. Kulesi Saziso, ngaphandle uma indikimba isho okuhlukile, igama noma okushiwoyo okunikwe incazelo eMthethweni Wemvelo Ehlukahlukeni noma kumiThethonqubo ye-*Bioprospecting*, Ukufinyelela Nokwabiwa Kwenzuzo kunencazelo okunikwe yona, futhi —

"uMthetho Wokuhlukahlukana Kwemvelo" usho uMthetho Kazwelonke Wokuphathwa Kwemvelo Ehlukahlukene we-2004 (uMthetho we-10 we-2004).

"i-bioprospector" isho umuntu wemvelo noma umuntu oyisazimthetho onokwenza nezinga lokuhweba lephrojekhthi ye-*Bioprospecting*;

"ukusebenzisa kwasekhaya" kusho ukusetshenziswa kwemithombo yomdabu yemvelo isetshenzwa ngqo noma ukusetshenziselwa izindlela zamasiko futhi kushiya

ngaphandle ukusungulwa kwemikhiqizo emisha ukwenzela ukuhweba noma ukuxhaphaza imboni kukodwa noma ngokubambisana nengxenye yesithathu;

"imithombo yomdabu yemvelo etholakala ngaphandle" isho imithombo yendabuko yemvelo evela ngokuqokelelwa ngaphandle kwendawo ejwayele ukumila kuyo;

"izilwane zasendle" zimbandakanya ezincelisayo, izinyoni, izikhasayo, eziphila emanzini nasemhlabeni, izilokazane, izinhlanzi nezitshalo.

Ukudedelwa

2. Lokhu okwenziwayo okulandelayo kumayelana nemithombo yomdabu yemvelo ededelwe kusiQephu sesi-6 somthetho -

2.1. ucwaningo ngaphandle kwe-*Bioprospecting*, ngaphandle uma ucwaningo lwenziwa ngaphakathi kwemicele yaseNingizimu Afrika futhi ucwaningo alwenzelwa izinhloso zokuhweba noma zokuxhaphaza imboni;

2.2. ukukhishwa ezweni kwemithombo yomdabu yemvelo ngezinhloso zocwaningo ngaphandle kwe-*Bioprospecting*, ngaphandle uma oyikhiphayo ezweni enze isivumelwano sokukhipha izinto ezweni futhi azise isiphathimandla esikhipha iphemithi ngokunjalo;

2.3. ukuthengiswa kwezimpahla ezithengwe kwi-bioprospector, ngaphandle uma i-bioprospector ihambisana nemiThethonqubo ye-*Bioprospecting*, Ukufinyeleleka Nokwabiwa Kwenzuzo;

2.4. ekugcineni, ekwandiseni uhlobo, ekutshaleni, ekuhambiseni ekuhwebeni nasekusebenziseni imvelo yasendle okungaqondisiwe ekuthuthukiseni nasekukhiqizeni –

2.4.1. imikhiqizo efana nemithi, ama-enzaymi eziwa ezimbonini, izinambithekisi zokudla, amakha, iziqholo, izihlanganisiketshezi, ama-*oleoresin*, imibala kanye nokukhanywayo; noma

2.4.2. izitshalo ezintsha nemikhiqizo eyahlukahlukene;

- 2.5. ukuqoqwa, ukusetshenziswa, ukusabaliswa ngokulima noma ukuhweba ngemithombo yomdabu yemvelo ukwenzela izinhloso zasekhaya noma ukuziphilisa;
- 2.6. ukusatshalaliswa kusetshenziswa amathuluzi, ukuphindaphindwa noma ukulinywa kwezinhlobo zezimila zezimbali zezimakethe zasekhaya nezomhlaba zezitshalo;
- 2.7. okwenzeka kuzilwane zasemanzini ezaziwayo ezifaka izilwane ezimbandakanya ezamanzi amasha nezasolwandle ukukhiqiza izinhlobo ngezinhloso zokuzisebenzisa.