



REPUBLIC OF NAMIBIA

STATEMENT ON ISSUANCE OF NEW MARINE FISHING RIGHTS IN 2018

by
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MINISTER OF FISHERIES AND MARINE RESOURCES

NATMIRC (MFMR) - SWAKOPMUND
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I hereby inform all Namibians that I have announced the period of application for fishing rights and the conditions to harvest some marine resources for commercial purposes, in terms of Marine Resources Act, 2000. This announcement is contained in **Government Notice (Gazette) No 92 and 93**, that was published on **Friday 24th May 2018**, which is now a public document, and can be obtained from Government Gazette Office, Ministry of Justice, or downloaded online.

I would like to highlight key aspects of this announcement for application of fishing rights, as follows:

1. There is a total of 96 fishing rights to be issued in 2018, in 9 fishery species namely hake, horse mackerel, monk, red crab, rock lobster, line fish, large pelagic, mullets and seals.
2. Fishing rights have been issued eight times since the independence of Namibia, in 1992, 1994, 1997, 1998, 1999, 2000, 2001 and 2012. This is therefore the 9th time this activity is being undertaken. However, this is the first time that some of the old fishing rights have expired, having attained the maximum 20 years in terms of Government Policy and regulatory framework, and are hence being replaced.
3. The 2018 application for new fishing rights is open to all Namibians, especially previously disadvantaged Namibians. All applicants will be treated equally, whether you are applying for the first time, or your fishing right has expired, and you are applying afresh for a new fishing right.
4. All right holders whose rights have expired in 2017, are expiring in 2018 or in 2019 after attaining the maximum 20 years since date of first issue may apply afresh for new fishing rights in 2018 (whether or not you have received a letter from the Ministry on this matter), because this public call for fishing rights will not be repeated again in 2019.
5. All applicants must be a shareholding company (Pty) (Ltd), in terms of Companies Act, 2004. Section 21 companies, trusts,

cc, or natural persons may be incorporated as shareholders in the applicant Pty(Ltd). All shareholders in an applicant Pty (Ltd) company must be issued with share certificates, and there must be a shareholder's agreement accompanying every application.

6. I have taken the measure of requiring applicants to be Pty/Ltd companies to address current practise whereby vulnerable communities and individuals have in the past been used by some Section 21 companies, cc or trusts for the purpose of applying for fishing rights. These communities or individuals are promised certain shareholding, e.g. 10 or 15% shares in the company. Once these Section 21 companies, cc or trusts receive fishing rights, they often exclude these vulnerable communities or persons from beneficiation in dividends sharing. Considering that the legal framework for Section 21 companies, cc and trust do not have obligatory issuance of shareholding certificates, it becomes difficult for such vulnerable communities to prove shareholding ownership and hence enforce dividend sharing.
7. I have also expressly excluded natural persons who currently are shareholders in rights which are not expiring in 2019, from applying for fishing rights under this Government Notice. This measure is aimed at ensuring that persons with shares in existing rights do not get new rights, whereas we have many Namibians without shares in fishing rights. **If you have a fishing right, do not apply for a new one, otherwise your application will automatically be disqualified.** Let Namibians who have no fishing rights also try and get a fishing right.
8. Companies which are listed in any stock exchange are not eligible to apply for fishing rights under this Government Notice, or to be shareholders in any applicant company. This measure is taken in line with our Marine Resources Act, 2000, which requires the Minister to determine whether or not an

applicant for a fishing right, or fishing quota, is a Namibian citizen. Ownership and hence citizenship in a company listed in a stock exchange changes by the hour, hence this legal requirement cannot be met by listed companies.

9. If you already held a fishing right before, which is expired or is about to expire in 2018 and 2019, you are eligible to apply again, and compete with all other Namibians for a fishing right. I would like to encourage all such companies to check if they have fulfilled conditions of their existing, or just expired rights, as this will be a key consideration in evaluation of such applicants.
10. I am aware that there will be those who will apply for the first time without any experience in the fishing sector, and those who will apply with a lot of experience in the sector. I am determined to treat all applicants equally, to protect jobs and investments in the sector, but also to give an opportunity to new entrants who are serious in investing to develop Namibian fisheries.
11. As stated before, all Namibians are welcome to apply for fishing rights, under the conditions stated in the Government Notices 92 and 93 of 2018. I particularly encourage applications from previously disadvantaged Namibians who are women, youth, people living with disabilities, liberation war veterans and people living in economically marginalised communities.
12. If you include a trust in your shareholding structure, it should be operated by trustees who are beneficiaries themselves, democratically elected by beneficiaries. I also advise applicant companies to consider setting up workers trusts operated by trustees who are workers, democratically elected by workers.

13. The procedure for application of fishing rights in 2018 is straightforward; all applicants will fill 9 forms, published as forms 1A, 1 – 8 in the Government Notices 92 and 93 of 2018, and also include a bankable business plan.
14. I have taken measures to ensure that all Namibians who wish to apply for rights are trained on how to apply by officials from the Ministry of Fisheries and Marine Resources at a venue in each of the 14 Regions in Namibia, on dates to be published in the newspapers and other mass media. **Anyone who wishes to apply for fishing rights in 2018 will be trained how to do so and provided with application forms right in their Region of residence.**
15. I have also taken measures to facilitate the application process by appointing Rights Application Officials (some form of returning officers) in every Regional Governor's Office, to receive applications and issue attestations to all applicants. This measure will save Namibians from travelling from distant regions to Windhoek to make applications for fishing rights, as was the case in the past. **In short, you don't need to travel to Windhoek to apply for a fishing right, you can apply right in your Region.**
16. After the application process is closed, all applicants will be published in a public web (internet) portal, and all successful applicants will be published as well.
17. The deadline for applications is 31st July 2018, which allows all applicants at least 2 months to prepare the documents required and submit their applications in a timely manner.

In Summary, I intend to ensure that the 2018 application for fishing rights is fair and transparent, aimed at protecting jobs and investments, and allowing all Namibians a fair chance to participate

in developing our fisheries, for the benefit of present and future generations.

I Thank You