

Policies of the Ministry

Major fisheries policies were set out in December 1991 in a White Paper entitled *Towards Responsible Development of the Fisheries Sector*. Policies outlined in this document were translated into legislation by the Marine Fisheries Act, which came into force 1 October 1992.

While environmental uncertainties must always be recognised as an issue in any strategy for the fishing industry, the government has accepted that some level of certainty for fishing companies must be in place. A clear statement of the government's intent in the development and management of the fisheries sector has thus been made and the mechanisms for long term rights and fish quotas established.

Details on the new system of long term fishing rights and vessel quotas were set out in the *Policy Statement on the Granting of Rights of Exploitation to Utilise Marine Resources and on the Allocation of Fishing Quotas* of 8 July 1993. Critical main sector issues are as follows:

- *Maintaining stock recovery* This is required to ensure the sustainable utilisation of marine resources. This will be achieved by the promotion of stock recovery to long term sustainable yield levels through the conservation of marine resources and the protection of the Namibian EEZ. The current strategy is setting total allowable catches (TACs) at levels low enough to promote recovery of depleted stocks.
- ***Compliance Control***

To protect the Namibian EEZ, the Ministry will continue to curb illegal fishing and harmful fishing practices. Monitoring, control and surveillance will become an even more important issue in the future, since the enhanced status of fish stocks will become an increasingly attractive target for illegal fishing.

- ***Industrial development***

To ensure that gains in rebuilding fish resources are translated into economic gains in terms of increased private incomes, employment and government revenue, the industry must be given a viable economic environment. Furthermore, to ensure that the central importance of maintaining a policy environment that encourages investment is recognised. This is especially important in on-shore processing and in areas such as quality control and export promotion.

- ***Namibianisation***

To be able to take up opportunities provided by development of the fisheries sector, Namibians must be able to acquire skills through training. In addition, to increase the role which Namibian businesses play in the sector, supporting policies and programmes are needed for the allocation of fishing rights and quotas. This goal will be achieved by strengthening the research and training capacities of the fishing industry.

- *Advancement of socially or educationally disadvantaged persons*

To ensure greater beneficial participation in the sector for Namibians coming from groups previously subject to discriminatory laws and practices. This will be achieved through affirmative action.

- *Improving the services of the Ministry of Fisheries and Marine Resources*

This is required to ensure effectiveness, efficiency and economy of the Ministry. Achieving this requires the training of qualified and competent personnel in the fishing industry, as well as the Ministry. Also, fair returns from the fishing industry to the government need to be ensured. The Ministry must guarantee the conservation and protection of Namibia's freshwater fish resources. To remain a focused Ministry and to keep abreast of the changes in the industry, the Ministry has developed a strategic plan spelling out strategies and initiatives for a period of five years.

- *Successfully promoting regional co-operation in marine fisheries*

Regional co-operation is to be enhanced through the activities of the SADC Sector Co-ordinating Unit for Marine Fisheries and Resources.

Implementation of Fisheries Legislation

To put into effect the legislation, as set out in the Marine Fisheries Act, the Ministry has adopted two broad categories of control measures:

- *Input controls*

These relate to controlling fishing effort and gear, and to the permissible time and place that fishing may take place. This is implemented mainly by limiting the number of vessels licensed to fish in Namibian waters, setting regulations regarding the types of fishing gear vessels may use, and by restricting the time of year fishing can take place and seasons.

- *Output controls*

These relate to setting limits and regulations on the amount of fish that may be caught, and on the size and other characteristics of the fish that may be landed. The main control is by the establishment of TACs and quota allocations.

Immediately following Independence, the government moved to ensure control over fishing activities in the EEZ by largely excluding the large numbers of foreign vessels that had been fishing without restrictions. Currently, one of the main resource management challenges remains the regulation of fishing capacity at a level consistent with the potential yield of fish stocks, i.e., fishing effort control.

Ensuring the potential yield is close to maximum depends on successfully rebuilding stocks using a complex mixture of both input and output controls. For each fishery, a rebuilding strategy has been defined in general terms. The success of these strategies is evident in TAC increases since 1990, although oceanographic events in the mid-1990s were responsible for some TAC declines. The information and scientific analyses now available should enable the Ministry to refine and improve its predictions in the future. The improving accuracy of predictive capabilities and results must be taken into account even though there may be political and economic pressures to maintain catches at levels supporting current investment in the fishing industry.

Marine Fisheries Act

All existing rights of exploitation granted under the Marine Fisheries Act 1992 (Part IV: Rights of Exploitation, Section 14(4) and in accordance with the above, were allowed to expire on 31 December 1993. In consequence, both existing right holders and persons wishing to enter the sector were required to apply for new rights of exploitation. The criteria for granting rights and allocation of quotas are spelt out in the Sea Fisheries Act and further prescribed in the Marine Fisheries Regulations. A composite of these criteria is as follows:

- ***Marine Fisheries Act, 14 (6) (a)-(d)***

"When considering applications for either a right of exploitation or a quota consideration may be given to:

- a. Whether or not the applicant is a Namibian citizen;
- b. Where the applicant is a company, whether or not the beneficial control of the company is vested in Namibian citizens;
- c. The beneficial ownership of any vessel which will be used by the applicant;
- d. The ability of the applicant to exercise the right of exploitation in a satisfactory manner."

- ***Marine Fisheries Regulations, 2 (2) (a)-(d)***

- a. The advancement of persons in Namibia who have been socially or educationally disadvantaged by discriminatory laws or practices which have been enacted or practised before the independence of Namibia;
- b. Regional development within Namibia;
- c. Co-operation with other countries, especially those in the Southern African Development Community; and
- d. The conservation and economic development of marine resources.

- ***Investment***

Except in specified fisheries, every applicant for a right of exploitation is required to show how there will be investments in vessels within three years of the date from which the right becomes

valid. Exempted from this are fisheries where the economic viability of fishing operations is such that some level of charter arrangement may be necessary in the medium term. Even in these cases, however, priority is given to applicants prepared to make investments in vessels and/or onshore processing facilities.

Inland Fisheries Legislation

Consultative meetings were held with Regional Councillors and the Traditional Authorities in the various regions on aspects of the Inland Fisheries Bill and Regulations. Good progress was made during 1998 towards the finalisation of an inland fishery legislation.