



REPUBLIC OF NAMIBIA

**MOTIVATION SPEECH FOR THE FIRST AMENDMENT TO THE MARINE
RESOURCES ACT, ACT 27 OF 2000**

BY

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MINISTER OF FISHERIES AND MARINE RESOURCES

Honorable Speaker and Honorable members of Parliament,

I stand before this August House to table the Amendment Bill to the Marine Resources Act, Act No. 27 of 2000. It suffice to indicate before you honourable members that global challenges both in terms of climate conditions and marine eco-systems have heralded some changes in domestic legislative and policy frameworks of many coastal nations to best respond to these critically important matters.

Namibia, as a signatory to some mayor international treaties which seeks to uphold, protect and responsibly harvest marine and related products on a sustainable basis for the benefit of present and future generations is equally duty bound to interrogate, review and realign its authorizing legal framework in order to help optimum alignment between its available marine resources and the international economic development agenda.

The legislative framework governing fishing activities in Namibia's Marine Sectors is embodied in the 'Namibia's Marine Resources Policy: Towards Responsible Development of the Marine Resources Sector' which came into operation in August 2004, and the Marine Resources Act, No. 27 of 2000 that came into force in 2000 and it's Regulations, as set out in the Regulations Relating to the Exploitation of Marine Resources Schedule, No. 241 of 2001. The Marine Resources Act, 2000 was enacted to "provide for the conservation of the marine ecosystem and the responsible utilization, conservation, protection and promotion of marine resources on a

sustainable basis; for that purpose to provide for the exercise of control over marine resources; and to provide for matters connected therewith.”

The Act has been in operation for fifteen years now and has never been amended or revised. However, the fishery sector is very dynamic and ever changing in response to the global trading climate as well as local market demand. Equally it is imperative that the Act responds to these dynamics and national interest as articulated by H.E. Dr. Hage Geingob, President of the Republic of Namibia. In his inaugural address plus recent statement on the occasion of his 100 days in Office, our President His Excellency emphasized and reiterated the focus of the Government in addressing the socio-economic gaps that exist in our society, fight abject poverty and high income inequality.

These therefore necessitate that the laws administered by the Ministry of Fisheries and Marine Resources, which is one of the economic Ministries, should be aligned to Government goals and objectives of:

- *poverty eradication and reduction of inequality and disparities;
- *sustainable economic growth and diversification;
- *job creation; and
- *improved service delivery.

Further, the Marine Resources Act needs to be streamlined to support the government policies and strategies of “Growth at Home” aimed at accelerating industrialisation in the commodity-based sectors of our

economy as catalyst to growth and economic transformation, such as fish processing which translates into greater value addition.

The amendment will therefore create policy space for the Minister of Fisheries and Marine Resources to identify entities that are diligently contributing to the above mentioned governmental objective, policies and strategies so that such entities may be incentivised with special quotas aimed at cementing such initiatives that positively contribute to our governmental objectives. These cardinal objects could not be effectively achieved should the Marine Resources Act, 27 of 2000 be maintained in its current form.

The current Marine Resources Act has, its primary focus, of resources management. While this is commendable and should be maintained, the Act needs to take into account socio-economic needs and aspiration of the Namibian people. Thus it is important that amendments are introduced to the Marine Resources Act to give government scope to actively pursue policy decisions aimed at addressing the socio-economic needs of our people. In addition, there is a need to amend the law to reflect governmental policy and objectives of the use of resources for poverty alleviation and other social programmes.

Amendment to the Act is required to allow the Minister, in consultation with Cabinet, some scope particularly with regard to abnormal situations that warrant government intervention.

There is also a need to make it possible for the State to respond to the urgent needs of its citizenry in distress, for example due to flood or drought. The government has to be in a position to meet such needs in the form of fish for food if we are able to keep a part of the set TAC in reserve for such natural calamities that might be unforeseen.

The amendments introduced by the Bill also take into account the recent increased numbers of right holders in the fishing industry from 155 to 338 right holders at the moment. This is aimed at broad based and maximum participation and sharing of wealth from our natural resources which will in turn lead to the realisation of the reduction in inequalities and poverty alleviation. Despite these increase, the resource has relatively remained stable, thus it requires greater flexibility in its management approach. Therefore the amendment observes the Marine Resources Policy of managing and allocating TACs to right holders in different industries to ensure sustainable and diverse utilisation of the resources while enhancing fishery specific sectors and the national economy.

The current provisions of the Marine Resources Act, 2000 are deficient towards allocation of quotas to non-right holders for whatever purposes. While the Act will maintain that the harvesting of marine resources for commercial purposes should be exclusively reserved by those with harvesting rights, the Ministry views it necessary to allow allocation of quota for non-commercial purposes to non-right holders as well, provided that such allocation is aimed at the furtherance of governmental objectives and is in the public interest.

In addition, the proposed amendment provides for the exercise of “sovereign rights of the State for the purpose of exploring and exploiting marine resources and further control over marine resources in accordance with provisions of the United Nations Convention on the law of the Sea of 10 December 1982 (UNCLOS) of which Namibia is a party; and for matters incidental thereto.”

It is a matter of the UNCLOS that a state shall exercise sovereign rights over its marine resources and the question of ownership over resources as per Article 100 of the Namibian Constitution and this amendment amplifies such provisions dealing with marine resources, which is currently inadequately provided for in the Marine Resources Act, 2000.

CONCLUSION

Honorable Speaker,

Allow me to submit, to this August House, the Marine Resources Amendment Bill, 2015, for consideration and approval.

I thank you.