



**RESPONSE TO THE REPORT OF THE SELECT
COMMITTEE OF THE NATIONAL ASSEMBLY ON
THE MASS RESIGNATION OF FISHERMEN
EMPLOYED UNDER THE GOVERNMENTAL
EMPLOYMENT REDRESSING PROGRAMME IN
WALVIS BAY**

**23 NOVEMBER 2022
NATIONAL ASSEMBLY
Windhoek**

Honourable Speaker
Honourable Members

I appreciate the opportunity to discuss the report of the Parliamentary Select-Committee on the Mass Resignation of Fishermen employed under the Governmental Employment Redress Program in Walvis Bay.

At the outset, I wish to point out that any job losses or gross dissatisfaction amongst workers employed under this program or any, remains a serious concern to the Ministry of Fisheries and Marine Resources as we remain sympathetically aware of all the socio-economic hardships that accompanies such losses or unhappiness.

Also, please allow me to thank you Honourable Speaker, for your prompt response in constituting the Select Committee in accordance with Rule 54(3) of the Standing Rules and Orders.

I am indebted to the Select Committee for their passion, resolve and sympathy which we all must display at all times when dealing with these and other pressing matters.

Honourable Speaker
Honourable Members

I now turn to the tabled report and make the following remarks as points of to enrich the discussion

1. In 2020 the Ministry of Fisheries and Marine Resources ran an open public bid calling on experienced and competent fishing companies to re-employ fishermen who lost their jobs as a result of the NamSov retrenchments and those who took part in an ill-fated industrial strike
2. Following the adjudication process in 2020, Dr Albert Kawana, then Minister of Fisheries and Marine Resources,

submitted to Cabinet for consideration and approval a Governmental Employment Redressing Program in terms of sections 3(3) and 4 of the Marine Resources Act 2000 (Act 27 of 2000) as amended and requested Cabinet to designate the successful companies.

3. As a result, various companies became designated entities and an agreement for the re-employment of fishermen was entered into and gazetted by Government Gazette Notice No 74 on the 24th of July 2020.
4. It is important to note that the signing of the agreement was preceded by numerous engagements including offers and counter offers on the exact amount of fishing quota to be granted and consultations with the various fishing companies, Confederation of Fishing Associations, Fishing Associations, Recognized Workers Unions, Workers Representative Committee, Ministry of Labour Industrial Relations and Employment Creation and the Office of the Governors of Erongo and //Kharas Regions.

Honourable Speaker
Honourable Members

Let me briefly deal with aspects raised in the report:

The Namibia Fishing Industries and Fishermen Workers' Union alleges that they were side-lined by the Ministry of Fisheries and Marine Resources during the negotiations for the employment of the fishermen and the signing of the agreements.

Extensive consultations were held with all the recognized labour unions during the negotiations to re-employing the fishermen

I do however concede to the fact that the unions are not a party to these agreements because the agreements are between the Ministry of Fisheries and Marine Resources with the Ministry of Labour,

Industrial Relations and Employment Creation on one hand and the designated entities on another and it contains key deliverables, duties and binding contractual terms.

Further, the same union speaks of Walu Fishing Investments Pty (Ltd) being willing and able to employ the affected fishermen and having made a presentation to the Ministry of Fisheries and Marine Resources.

Walu Fishing Investments Pty (Ltd) made a presentation to the Ministry of Fisheries and Marine Resources after the workers tendered their resignation with the designated entities whose designation was for the entire season. Designation of entities by Cabinet would only take place after a public Request for Proposals and after a fishing company is awarded participation in the Governmental Employment Redress Program.

Simply put, it is not simply a matter of making a presentation to the Ministry but the procuring of the services of companies in an open and transparent manner consistent with our laws.

Honourable Speaker
Honourable Members

it is being alleged in this report by participating companies that the agreements for the employment of fishermen does not guarantee permanent jobs because it is renewed and reviewed annually.

The nature of the agreements requires that the employer employs the fishermen on his permanent staff compliment with full benefits and remuneration. The review and renewal mechanism in the agreement is for the assessment of full compliance to the terms and spirit of the agreement only.

As such, these agreements are permanent and hence our inability to transferring these agreements to new entities and even impossible in law to transferring it to entities that are not designated.

Furthermore, in this report, the designated entities alleges that the agreements compelled the companies to only employ the fishermen in factories and not at sea.

Conversely, a quick perusal of the agreement under clause 5.2.1 will provide clarity that the designated companies are to employ the fishermen both onshore and offshore.

Let me now turn to the averments by Walu Fishing Investments Pty (Ltd)

Walu Fishing Investment Pty (Ltd) was established in 2018 and bought quota from the National Fishing Corporation of Namibia (Fishcor) in 2021

Walu Fishing Investment Pty (Ltd) did not submit a proposal to re-employ the fishermen in 2020 and as such it was never considered for designation by Cabinet in terms of section 3(3) of the Marine Resources Act, (Act 27 of 2000) as amended.

As such, it is un-tenable for the Minister of Fisheries and Marine Resources to have agreed in principle, during the meeting to entering into an agreement with the company while fully cognizant of its legal status as an un-designated entity.

Honourable Speaker
Honourable Members

The Report makes the following observations:

“The fishing companies suggested that as remedies to the current difficulties with regard to the creation and expansion of jobs in the industry there is a need by the Ministry to increasing the Total Allowable Catch (TAC)....”

While a true need for an increase in TAC exists within the fishing industry the primary driving force behind an increase remains the

increase in biomass within a particular fishery. The Ministry of Fisheries and Marine Resources conducts stock assessments to determine the health of the stock before determining an increase or decrease in the TAC.

As regards to the strengthening of aqua-culture, the Ministry of Fisheries and Marine resources recognizes that reliance on wild-captured fisheries is not sustainable and as such has various robust programs in place aimed at accelerating aqua-culture and inland fisheries investments as a supplement to job creation, improved supply chains and nutritional security at household levels.

Honourable Speaker
Honourable Members

I want to in conclusion speak on the key findings of the report, the recommendations and the conclusion and request the Mover of the Report to amend the recommendations: I shall for the purpose of being brief only mention the recommendations that need amending and leave out those the Ministry is satisfied with.

Bullet Point 1. 15.2.

The Labour Unions are not a party to the section 4 agreement of the Marine Resources Act because this agreement binds the contracting parties and there are no additional or new conditions under which the unions can be legally bound without contradicting the existing labour laws. As a matter of good practice any agreement between the union is best entered with the employer regarding especially bargaining power, wage negotiations and dispute resolutions.

However, the Ministry of Fisheries and Marine Resources maintains its open-door policy of engagement and consultations with the unions for the maintenance or betterment of labour relations in the industry.

Bullet Point 6

15.6.

The companies concerned have already reinstated the affected workers and are currently paying their back-pay [31 December extended to workers get paid. We agreed with operators to keep paying them]

Bullet Point 7

15.7

The Ministry of Fisheries and Marine Resources cannot consider the proposal by Walu Fishing Investment Pty (Ltd) because Walu Fishing is not a fishing right-holder and nor is it a designated entity.

Bullet Point 8

15.8

The Ministry of Fisheries and Marine Resources will not be able to ensure that the employment of the concerned fishermen is secured before the commencement of the next fishing season and prior to the allocation of the fishing quotas in 2023 because the Ministry ~~will this week run an advertisement calling for an expression of interest for~~ ^{with process} competent and suitably qualified entities to employ the affected fishermen. This process will take a while from the time the proposals are received to the evaluation and awarding.

Honourable Speaker
Honourable Members

While the Ministry of Fisheries and Marine Resources accepts that the ultimate goal of re-employing the fishermen was active and gainful permanent employment, the specific fishermen had since *en masse* retracted their resignation and have been re-entered on the respective companies' payrolls until the end of this fishing season, December 31, 2022 and are receiving their back-pay with respect to September and October 2022. ^{This will continue until process of employment is completed}

The Ministry of Fisheries and Marine Resources has been directed by Cabinet to go out on a public bid open and transparent to all so that

companies able to offer all the fishermen active jobs can submit their proposals for consideration and appointment.

The request for proposals has already run its course and the committee evaluating companies for their suitability to absorb the workers is close to appointing the successful companies.

Finally, I want to thank all the members of the Parliamentary Select Committee on the Mass Resignation of Fishermen Employed under the Governmental Employment Redress Program for vividly capturing the plight of the companies, fishermen, the labour Unions and the two responsible government Ministries and for placing the need for urgent intervention to and by this august house.

I so submit.