



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 3 February 2003

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### CONTENTS

	<i>Page</i>
<b>PROCLAMATION</b>	
No. 2 Agreement between the Government of the Republic of Namibia and the Government of the Republic of Mozambique on Co-operation in the Fisheries Sector .....	1

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## Proclamation

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by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 2

2003

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
NAMIBIA AND THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE  
ON CO-OPERATION IN THE FISHERIES SECTOR**

In terms of Article 35(1) of the Marine Resources Act, 2000 (Act No. 27 of 2000), I hereby announce that the Government of the Republic of Namibia on 2 November 2001 entered into an agreement with the Government of the Republic of Mozambique on co-operation in the fisheries sector.

The agreement, setting out the arrangements made, is published under the Schedule to this Proclamation.

Given under my Hand and the Seal of the Republic of Namibia, at Windhoek, this 2nd day of November, Two Thousand and One.

**S. NUJOMA  
PRESIDENT**

**BY ORDER OF THE PRESIDENT-IN-CABINET**

**AGREEMENT ON CO-OPERATION IN THE FISHERIES SECTOR**

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA**

AND

**THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE**

The Government of the Republic of Namibia and the Government of the Republic of Mozambique (hereinafter referred to as "the Parties"),

**Desiring** to reinforce their relations for co-operation and friendship in fisheries and their responsibilities for the development of their respective fisheries sectors;

**Bearing in mind** the commitment of the governments and peoples of the region to work towards closer economic and social interaction through SADC;

**Noting** the importance of the role that the fishing sector plays in the economic and social development of both countries, including the contribution of marine resources to food security;

**Conscious** that as coastal states, each country exercises sovereign rights in respect of the exploration and exploitation, management and conservation of the living marine resources of their Exclusive Economic Zones in conformity with international law;

**Concerned** to ensure the conservation of the living marine resources of their Exclusive Economic Zones and their responsible utilization for the optimal sustainable benefit of their of peoples; and

**Wishing** to provide for actions to implement their desire to reinforce their relations in fisheries;

Therefor the Parties have agreed as follows:

## ARTICLE 1

**Framework for Co-operation**

This Agreement provides for the implementation of the General Agreement on Economic, Scientific, Technical and Cultural Co-operation between the Government of the Republic of Mozambique and the Government of the Republic of Namibia (hereinafter referred to as "the General Agreement") in respect of the fisheries.

## ARTICLE 2

**Areas of Co-operation**

The areas in which the Parties shall reinforce their bilateral relations shall include the following:

- 2.1 creation of an enabling environment for the establishment of fisheries and fisheries-related joint ventures;
- 2.2 promotion of trade and investment in marine products and related goods and services;
- 2.3 the use of harbour facilities and shipyards;
- 2.4 fisheries research, surveillance and other aspects of fisheries management;
- 2.5 training;
- 2.6 any such other matters as may be agreed upon by the Parties.

## ARTICLE 3

**Establishment of Joint Ventures**

The Parties agree that the strengthening of commercial relations in fisheries shall be based on the establishment and operation of mutually beneficial joint ventures, and undertake to facilitate appropriate contacts between their respective business entities/sectors, and to exchange information on conditions governing fishing, laws and policies relating to fishing and foreign investment.

## ARTICLE 4

**Promotion of Trade and Investment**

The Parties agree to promote bilateral trade and investment in marine products and related goods and services, including exchanging information on marine products, facilitating business contacts, and working towards reducing barriers to trade and investment.

## ARTICLE 5

**Use of Harbour Facilities and Shipyards**

The Parties agree to facilitate the use of their respective harbour facilities for the fishing crews and vessels of either Party and the use of shipyards by ship owners of either Party for repairs and construction of fishing vessels, subject to the applicable domestic laws and regulations of the Parties.

## ARTICLE 6

**Fisheries Research, Surveillance and other Aspects of Fisheries Management**

The Parties agree to exchange statistics, technical information, personnel and to co-operate on strengthening their research, surveillance and fisheries management capacities subject to the Parties' respective rules, policies and procedures applicable in the circumstances.

## ARTICLE 7

**Training**

- 7.1 The Parties agree to co-operate in strengthening the capacities of their nationals, their fisheries administration organisations and their fisheries related industries on the whole;
- 7.2 This shall include the exchange of information and personnel, and access to their respective training programmes and institutions, subject to agreed conditions by the Parties.

## ARTICLE 8

**Establishment of the Fisheries Technical Committee**

- 8.1 The Parties shall establish a Fisheries Technical Committee consisting of not more than eight (8) members. The members of such Committee shall be nominated by each Party in equal representation, and each Party's representation shall be headed by a person at a level of a Director. The Committee shall meet at least once a year, alternately between Mozambique and Namibia and in extraordinary session at the request of either Party.
- 8.2 The functions of the Fisheries Technical Committee shall be:
  - 8.2.1 to agree on an annual programme for co-operation with regard to matters under this Agreement.
  - 8.2.2 to ensure that all Protocols under this Agreement are duly put into effect.
  - 8.2.3 to submit recommendations to their respective Ministries and to take measures deemed necessary for the implementation of this Agreement and Protocols.

- 8.2.4 to liaise on matters of common concern in general and in particular with regard to matters concerning fishing licences or any other commitment made in terms of this Agreement.
- 8.3 The Parties agree that the Fisheries Technical Committee shall function on the basis of consensus.

ARTICLE 9  
**Implementation Arrangements**

The recommendations by the Fisheries Technical Committee to their respective Ministries shall be finalised and endorsed by Exchange of Notes between the two Ministers responsible for fisheries.

ARTICLE 10  
**Instruments of Further Co-operation**

The Parties may enter into Protocols or other forms of agreement as appropriate to set out the details of further co-operation in any of the areas referred to in this Agreement.

ARTICLE 11  
**Settlement of Disputes**

In accordance with Article 3.2 of the General Agreement, any disputes arising during the implementation of this Agreement shall be settled through negotiation between the Parties.

ARTICLE 12  
**Entry into force, Termination and Amendments**

- 12.1 This Agreement shall enter into force on the date of signature and shall remain in force for a period of three (3) years from such date. On expiration, this Agreement shall automatically be extended for an additional period of three (3) years, unless either Party gives a six (6) months written notice to the other Party of its intention to terminate this Agreement.
- 12.2 Expiration or termination of this Agreement shall not affect the provisions of any separate protocol or agreement, or unexpired and existing obligations or projects undertaken by the Parties within the framework of this Agreement.
- 12.3 Any amendment to this Agreement shall be agreed upon in writing by both Parties and will be effected by Exchange of Notes between the Parties.

IN WITNESS WHEREOF the undersigned, in the name of their respective governments, have signed this Agreement in duplicate in the English and Portuguese languages, both texts being equally authentic.

THUS DONE AND SIGNED AT MAPUTO ON THE 2ND DAY OF NOVEMBER 2001.

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FOR THE GOVERNMENT OF  
THE REPUBLIC OF NAMIBIA

Alpheus G. Naruseb  
(Deputy Minister of Fisheries  
and Marine Resources)

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FOR THE GOVERNMENT OF THE  
REPUBLIC OF MOZAMBIQUE

Alfredo V.R. Massinga  
(Deputy Minister of Fisheries)