



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

---

N\$6.00

WINDHOEK - 15 May 2017

No. 6307

---

### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 113	Amendment of co-operation agreement between Ministry of fisheries and Marine Resources and National Fishing Corporation of Namibia Limited: Marine Resources Act, 2000 .....	1
---------	--	---

---

## Government Notice

---

### MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 113

2017

#### AMENDMENT OF CO-OPERATION AGREEMENT BETWEEN MINISTRY OF FISHERIES AND MARINE RESOURCES AND NATIONAL FISHING CORPORATION OF NAMIBIA LIMITED: MARINE RESOURCES ACT, 2000

In terms of subsection (3) and (4) of section 3 of the Marine Resources Act, 2000 (Act No. 27 of 2000) read with section 13 of the Interpretation of Laws Proclamation, 1920 (Proc. No. 37 of 1920), I amend Government Notice No. 99 of 27 May 2016 by the addition of Addendum No. 1 to the Co-operation Agreement as set out in the Schedule.

**B. ESAU**

**MINISTER OF FISHERIES AND MARINE RESOURCES**

Windhoek, 21 April 2017

**ADDENDUM No. 1****CO-OPERATION AGREEMENT OF DECEMBER 8, 2015**

[Entered into between the Minister of Fisheries and Marine Resources on behalf of the Government of the Republic of Namibia and the Chairperson of the National Fishing Corporation of Namibia Limited in terms of section 5 (1)(a)(i) and (ii), (b) and (c) of the National Fishing Corporation of Namibia Limited Act, 1991 (Act No. 28 of 1991), section 39(3A) of the Marine Resources Act, 2000 (Act No. 27 of 2000 and the Designation Agreement of December 8, 2015 published in the Government Gazette of May 27, 2016 (No. 6017) in Government Notice No. 99 of 2016]

ENTERED INTO BETWEEN

**MINISTRY OF FISHERIES AND MARINE RESOURCES**

[Herein represented by the Minister of Fisheries and Marine Resources, Bernhard Esau, duly authorized under section 5 (1)(a)(i) and (ii), (b) and (c) of the National Fishing Corporation of Namibia Act, 1991 (Act No. 28 of 1991) to consent to the activities of the National Fishing Corporation of Namibia, read together with section 39(3A) of the Marine Resources Act, 2000 (Act No. 27 of 2000)]

AND

**THE NATIONAL FISHING CORPORATION OF NAMIBIA LIMITED**

[Hereinafter represented by the Chairperson of the board of Directors, J.N. Hatuikulipi, duly authorized by resolution of the board of Directors under to act under section 5 (1)(a)(i) and (a), (b) and (c) of the National Fishing Corporation of Namibia Act, 1991 (Act No. 28 of 1991) and to further seek the concurrence of the Minister}

**FOR THE PURPOSES OF RECORDING CERTAIN COMMITMENTS****1. RECORDALS**

**WHEREAS** the Parties have entered into a Co-operation Agreement specifying their principle common ambitions, expectations, commitments and understanding with respect to the Corporation's performance for the duration of the Agreement, in terms of the Marine Resource Act, 2000 (Act No. 27 of 2000) and the National Fishing Corporation of Namibia Limited Act, 1991 (Act No. 28 of 1991);

**AND WHEREAS** the National Fishing Corporation of Namibia Limited has acted in terms of the Co-operation Agreement and embarked upon the acquisition of property, construction thereupon for the operation of a land based processing plant for Horse Mackerel (*Trachurus Capensis*) and the acquisition of a suitable Refrigerated Sea Water (RSW) Trawler;

**AND WHEREAS** the National Fishing Corporation of Namibia Limited Act, 1991 prescribes that the National Fishing Corporation of Namibia Limited shall be compensated for projects undertaken per agreement with the Minister of Fisheries and Marine Resources;

**NOW THEREFORE** the Parties hereby agree, further to the Co-operation Agreement, to record the agreed compensation into the Co-operation Agreement by Addendum hereof as contained herein:

## 2. UNDERTAKEN MARINE & FISHERIES SECTOR PROJECT

2.1 Pursuant to the Co-operation Agreement of December 8, 2015 the National Fishing Corporation of Namibia Limited has sought out a partner to assist it in the design, construction and operation of a land based processing plant for Horse Mackerel (*Trachurus Capensis*) and the acquisition of suitable Refrigerated Sea Water (RSW) Trawlers, and pursuant thereto:

2.2.1 Purchased and acquired the property owned by Etale Properties (Pty) Ltd at the port of Walvis Bay to the tune of N\$ 160 '000 '000.00 (One Hundred and Sixty Million Namibia Dollars);

2.2.2 Entered into a shareholders agreement with the identified partner for the purposes of the establishment of a subsidiary entity, Seaflower Pelagic Processing (Pty) Ltd, into which the said property at the port of Walvis Bay shall be transferred into, developed and operated from; and

2.2.3 Requires the commitment of the Government of the Republic of Namibia through the Ministry of Fisheries and Marine Resources to compensate it as prescribed under section 5 (1)(b) of the National Fishing Corporation of Namibia Limited Act, 1991.

2.2 The envisaged land based processing plant will have the capacity of processing 600 (Six Hundred) tonnes of Horse Mackerel (*Trachurus Capensis*) per day, and shall be completed at a cost of circa N\$ 530 '000 '000.00 (Five Hundred and Thirty Million Namibia Dollars). A maximum of 700 direct employment opportunities will be created in the land based processing plant and the required RSW vessels, which will operate in conjunction with the land based processing plant.

## 3. COMPENSATION FOR PROJECT DEVELOPMENT

3.1 In keeping with section 5 (1)(b) of the National Fishing Corporation of Namibia Limited Act, 1991 the Minister hereby undertakes to reserve and avail 50 '000 (Fifty Thousand) metric tonnes or more of Horse Mackerel (*Trachurus Capensis*) per annum to the National Fishing Corporation of Namibia Limited from either the Total Allowable Catch (TAC) determined under section 38(2) of the Marine Resources Act, 2000 (Act No. 27 of 2000) either as Commercial, Non-Commercial or Reserve Quota.

3.2 The undertaking supra shall remain valid for the duration of the committed financing period of the land based processing plant and RSW vessels or for 15 (Fifteen) years from the date of signature of this Addendum.

3.3 The undertaking of the Minister shall be subject to the scientific determination of the TAC and any other Governmental objective, provided: if the Minister is unable to perform under Clause 3.1. supra, the Minister shall otherwise act in terms of section 5(1)(c) of the National Fishing Corporation of Namibia Limited Act, 1991 and avail and transfer funds to finance the land based processing plant project so as to enable the National Fishing Corporation of Namibia Limited to meet its financing obligations for the project as agreed with the Minister specifically and generally in terms of the Co-operation Agreement.

**4. GENERAL TERMS AND CONDITIONS**

- 4.1 In this Addendum, all defined terms in the Co-operation Agreement are incorporated herein by reference thereto and bear the same meaning in this Addendum as they do in the Co-operation Agreement, unless otherwise stated herein.

AS WITNESSETH by the hands of the Parties, executed on this day of 9th day of March 2017 at WINDHOEK in the presence of the recorded witnesses below:

**B. ESAU,  
THE MINISTER  
FISHERIES AND MARINE RESOURCES**

**J. N. HATUIKULIPI  
CHAIRPERSON  
NATIONAL FISHING CORPORATION OF  
NAMIBIA LTD**

---