

NAMIBIA



SEA FISHING LAWS AND REGULATIONS HANDBOOK

VOLUME 1
STRATEGIC INFORMATION AND BASIC LAWS



International Business Publications, USA
Washington DC, USA - Namibia

NAMIBIA

SEA FISHING LAWS AND REGULATIONS HANDBOOK

VOLUME 1 STRATEGIC INFORMATION AND BASIC LAWS

UPDATED ANNUALLY

We express our sincere appreciation to all government agencies and international organizations which provided information and other materials for this handbook

Cover Design: International Business Publications, USA

International Business Publications, USA. has used its best efforts in collecting, analyzing and preparing data, information and materials for this unique handbook. Due to the dynamic nature and fast development of the economy and business environment, we cannot warrant that all information herein is complete and accurate. IBP does not assume and hereby disclaim any liability to any person for any loss or damage caused by possible errors or omissions in the handbook.
This handbook is for individual use only. Use this handbook for any other purpose, included but not limited to reproducing and storing in a retrieval system by any means, electronic, photocopying or using the addresses or other information contained in this handbook for any commercial purposes requires a special written permission from the publisher.

**2015 Updated Reprint International Business Publications, USA
ISBN 978-1577-51491-6**

For customer service and information, please contact:

in the USA: Global Publishing Company, USA
P.O.Box 15343, Washington, DC 20003
Phone: (202) 546-2103, Fax: (202) 546-3275.
E-mail: rusrlic@erols.com

Printed in the USA

For additional analytical, business and investment opportunities information,
please contact Global Investment & Business Center, USA
at (202) 546-2103. Fax: (202) 546-3275. E-mail: ibpusa3@gmail.com

NAMIBIA

SEA FISHING LAWS AND REGULATIONS HANDBOOK

VOLUME 1 STRATEGIC INFORMATION AND BASIC LAWS

SARCHI CHAIR LAW

TABLE OF CONTENTS

STRATEGIC AND DEVELOPMENT PROFILES.....	9
STRATEGIC PROFILE.....	9
<i>Geography</i>	10
<i>People</i>	11
<i>Government</i>	13
<i>Economy</i>	16
<i>Energy</i>	19
<i>Communications</i>	21
<i>Transportation</i>	22
<i>Military</i>	22
<i>Transnational Issues</i>	23
IMPORTANT INFORMATION FOR UNDERSTANDING THE COUNTRY	23
<i>PROFILE</i>	23
<i>PEOPLE</i>	24
<i>HISTORY</i>	24
<i>GOVERNMENT AND POLITICAL CONDITIONS</i>	27
<i>ECONOMY</i>	28
<i>NATIONAL SECURITY</i>	33
<i>FOREIGN RELATIONS</i>	33
<i>U.S.-NAMIBIAN RELATIONS</i>	33
<i>TRAVEL AND BUSINESS INFORMATION</i>	34
NAMIBIA LEGAL SYSTEM BASICS.....	34
<i>CONSTITUTION</i>	35
<i>ORGANS OF STATE</i>	36
<i>The Executive</i>	36
<i>The Legislature</i>	37
<i>The Judiciary</i>	38
<i>The High Court</i>	39
<i>LEGAL PROFESSIONS</i>	41
<i>Attorney-General</i>	41
<i>Ombudsman</i>	42
<i>Conveyancing and Notarial Practice</i>	42
<i>LEGAL EDUCATION</i>	42
IMPORTANT LAWS AND REGULATIONS AFFECTING BUSINESS.....	43
<i>Constitutional Law</i>	43
<i>Human Rights</i>	43
<i>Litigation And Court Procedure</i>	43
<i>Electoral Law</i>	44

Administrative / Public Law	44
Criminal Law	45
Civil Law	45
Commercial Law	45
Company Law	45
Labor Law	45
Health Law	46
Mining Law	46
Tax Law	46
Banking Law	46
Insurance Law	47
Communications And Media Law	47
Transport And Maritime Law	47
Environmental Law	48
Intellectual Property Law	48
Energy Law	48
Construction Law	48
Agriculture Law	48
Treaties	48
NAMIBIA FISHING INDUSTRY - STRATEGIC INFORMATION AND DEVELOPMENTS	49
BASIC FACTS	49
LOCATION OF LANDINGS SITES	49
MARINE CAPTURE FISHERIES	49
INLAND FISHERIES	50
AQUACULTURE	50
ORGANISATIONAL STRUCTURE	51
MISSION STATEMENT AND OBJECTIVES	52
DIRECTORATE OF RESOURCE MANAGEMENT	53
DIRECTORATE OF OPERATIONS	53
DIRECTORATE OF POLICY, PLANNING AND ECONOMICS	54
TRAINING	54
POLICIES, OBJECTIVES AND STRATEGIES	54
MARINE FISHERIES	55
INLAND FISHERIES	55
AQUACULTURE	55
INVESTMENT AND SUBSIDIES	55
INCREASING FISH CONSUMPTION	56
MANAGEMENT SYSTEMS	56
LEGISLATIVE FRAMEWORK	56
MARINE FISHERIES MANAGEMENT SYSTEM	57
SECTOR-SPECIFIC MANAGEMENT SYSTEMS	62
HAKE	62
MONKFISH AND SOLE	62
ORANGE ROUGHY	63
HORSE MACKEREL	64
PILCHARD	65
LARGE PELAGIC SPECIES	65
DEEP-SEA RED CRAB	66
ROCK LOBSTER	67
LIME-FISH FISHERY	67
SHARK FISHERIES	69
ARRANGEMENTS	69
PARTNERS IN THE DECISION-MAKING PROCESS	70
TOOLS FOR USE IN DECISION MAKING	70

REGIONAL AND INTERNATIONAL COLLABORATION	71
IMPORTANT INFORMATION SOURCES AND CONTACTS.....	73
POLICIES OF THE MINISTRY OF FISHING	75
<i>Maintaining stock recovery</i>	76
<i>Industrial development</i>	76
<i>Namibianisation</i>	76
<i>Implementation of Fisheries Legislation</i>	77
<i>Marine Fisheries Act</i>	77
<i>Investment</i>	78
<i>Fees & levies</i>	78
TRADE AND INVESTMENT REGIME	79
<i>Institutional Framework</i>	79
<i>Policy Formulation</i>	79
<i>Policy Objectives</i>	81
<i>Laws and Regulations</i>	82
<i>Trade Agreements</i>	83
<i>Trade Policy Reforms</i>	91
TRADE POLICIES AND PRACTICES BY MEASURE.....	93
<i>Measures Directly Affecting Imports</i>	93
<i>Measures Directly Affecting Exports</i>	100
TRADE POLICIES AND PRACTICES BY SECTOR.....	107
<i>Agriculture</i>	107
<i>Fisheries</i>	111
<i>Forestry</i>	114
<i>Mining</i>	115
<i>Energy</i>	121
<i>Services</i>	122
IMPORTANT LAWS AND REGULATIONS FOR THE FISHERIES SECTOR	129
MARINE RESOURCES ACT, 2000	129
PART I PRELIMINARY PROVISIONS <i>Definitions</i>	129
PART III OFFICERS.....	131
PART IV FISHERIES OBSERVER AGENCY	133
PART V MARINE RESOURCES ADVISORY COUNCIL.....	138
PART VI COMMERCIAL HARVESTING OF MARINE RESOURCES <i>Prerequisites to harvesting</i> ..	141
PART VII FINANCIAL PROVISIONS	147
PART VIII MANAGEMENT AND CONTROL MEASURES <i>Management measures</i>	150
PART IX OFFENCES AND PROCEEDINGS.....	152
PART X GENERAL.....	159
REGULATIONS RELATING TO THE EXPLOITATION OF MARINE RESOURCES.....	164
PART I DEFINITIONS <i>Definitions</i>	164
PART III FISHING FOR RECREATIONAL PURPOSES	165
PART IV CONSERVATION MEASURES.....	171
PART V PROTECTION OF THE MARINE ENVIRONMENT	180
PART VI DOCUMENTS AND MEASURING OF MASS.....	181
PART VII LANDING OF BY-CATCHES.....	184
PART VIII COMPLIANCE CONTROL	185
PART IX OFFENCES AND PENALTIES AND REPEAL OF REGULATIONS	187
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES FOR COMMERCIAL PURPOSES	189
APPLICATION FOR AN EXPLORATORY RIGHT TO HARVEST MARINE RESOURCES	190
APPLICATION FOR A QUOTA.....	190
APPLICATION FOR A LICENCE TO USE A FISHING VESSEL FOR COMMERCIAL PURPOSES IN NAMIBIAN WATERS.....	191

LICENCE TO USE A FISHING VESSEL FOR COMMERCIAL PURPOSES IN NAMIBIAN WATERS	193
LICENCE TO USE A NAMIBIAN FLAG VESSEL FOR HARVESTING MARINE RESOURCES OUTSIDE NAMIBIAN WATERS	193
FEE PAYABLE FOR LICENCE	193
APPLICATION FOR THE IMPORTATION OF LIVE MARINE RESOURCES	194
SIZE LIMITS OF MARINE RESOURCES IN DAILY BAG	194
QUANTITY OR MASS OF MARINE RESOURCES THAT MAY BE HARVESTED WITHOUT A FISHING PERMIT	195
FISHING PERMIT FOR HARVESTING FOR RECREATIONAL PURPOSES	196
CONVERSION FACTORS APPLICABLE TO FISH CAUGHT IN NAMIBIAN WATERS	197
MARKING OF FISHING GEAR	197
INLAND FISHERIES RESOURCES ACT, 2003	200
PART I INTERPRETATION	201
PART III INLAND FISHERIES COUNCIL	201
PART IV FISHING LICENCES AND REGISTRATION OF NETS	203
PART V CONTROL OF FISHING ACTIVITIES	205
PART VI MANAGEMENT, CONSERVATION AND PROTECTION MEASURES	207
PART VII ENFORCEMENT	208
PART VIII OFFENCES AND PENALTIES	209
PART IX GENERAL	210
PRACTICAL AND LEGAL INFORMATION FOR BUSINESS AND INVESTMENTS	215
COMPANY REGISTRATION	215
Requirements to Apply for SME Certificate	217
NAMIBIAN CORPORATE STRUCTURES	218
PROTECTION OF FOREIGN INVESTORS	218
TAXATION	219
NAMIBIA'S MEMBERSHIP TO INTERNATIONAL ORGANISATIONS	220
Africa Growth and Opportunity Act (AGOA)	220
Namibia/Zimbabwe Preferential Trade Agreement	220
Southern African Customs Union (SACU)	221
World Trade Organisation (WTO)	221
WTO rules applicable to exports	221
Common Market for Eastern and Southern Africa (COMESA)	222
Southern Africa Development Community (SADC)	222
Cotonou Agreement	223
Generalised System of Preferences (GSP)	223
IMPORT AND EXPORT PROCEDURES	224
DOING BUSINESS IN NAMIBIA - IMPORTANT INFORMATION	225
Market Overview	227
Market Challenges	227
Market Opportunities	228
Market Entry Strategy	229
TRADE REGULATIONS, CUSTOMS AND STANDARDS	230
Import Tariffs	230
Trade Barriers	230
Import Requirements and Documentation	230
U.S. Export Controls	231
Temporary Entry	231
Labeling and Marking Requirements	232
Prohibited and Restricted Imports	232
Customs Regulations and Contact Information	232
Trade Standards	233
Standards Organizations	233
For additional analytical, business and investment opportunities information, please contact Global Investment & Business Center, USA at (202) 546-2103. Fax: (202) 546-3275. E-mail: ibpusa3@gmail.com	233

<i>Conformity Assessment</i>	233
<i>Product Certification</i>	233
<i>Accreditation</i>	234
<i>Publication of Technical Regulations</i>	234
<i>Labeling and Marking</i>	234
<i>Contacts</i>	234
<i>Trade Agreements</i>	234
<i>Web Resources</i>	235
INVESTMENT AND LEGAL CLIMATE	236
INVESTMENT INCENTIVES	236
<i>Special Incentives for Manufacturers, Exporters and EPZ enterprises</i>	236
<i>Openness to Foreign Investment</i>	237
<i>Conversion and Transfer Policies</i>	240
<i>Expropriation and Compensation</i>	241
<i>Dispute Settlement</i>	242
<i>Performance Requirements and Incentives</i>	242
<i>Right to Private Ownership and Establishment</i>	244
<i>Protection of Property Rights</i>	244
<i>Transparency of Regulatory System</i>	245
<i>Efficient Capital Markets and Portfolio Investment</i>	246
<i>Competition from State Owned Enterprises</i>	246
<i>Corporate Social Responsibility</i>	248
<i>Political Violence</i>	248
<i>Corruption</i>	248
<i>Bilateral Investment Agreements</i>	252
<i>OPIC and Other Investment Insurance Programs</i>	252
<i>Labor</i>	253
<i>Foreign-Trade Zones/Free Ports</i>	253
<i>Foreign Direct Investment Statistics</i>	254
<i>Web Resources</i>	255
TRADE AND PROJECT FINANCING	255
<i>Methods of Payment</i>	255
<i>Foreign-Exchange Controls</i>	257
<i>U.S. Banks and Local Correspondent Banks</i>	257
<i>Project Financing</i>	258
<i>Web Resources</i>	258
BUSINESS TRAVEL	259
<i>Business Customs</i>	259
<i>Travel Advisory</i>	259
<i>Visa Requirements</i>	259
TELECOMMUNICATIONS	260
<i>Transportation</i>	261
<i>Language</i>	261
<i>Health</i>	261
<i>Local Time, Business Hours, and Holidays</i>	262
<i>Temporary Entry of Materials and Personal Belongings</i>	262
<i>Web Resources</i>	262
IMPORTANT CONTACTS	263
SELECTED INVESTMENT AND BUSINESS REGULATIONS	265
INCENTIVES	266
EXPORT PROCESSING ZONE REGIME	266
<i>Export Processing Zone (EPZ) Incentives</i>	267
<i>Tax incentives for EPZ enterprises</i>	267
<i>Other incentives for EPZ enterprises</i>	267

<i>Export Processing Zone (EPZ) Incentives.....</i>	267
<i>Special Incentives for Manufacturers and Exporters</i>	268
<i>Incentives for Manufacturers.....</i>	269
<i>Non-Tax Incentives for Manufacturers.....</i>	271
<i>Incentives for Exporters of Manufactured Goods.....</i>	271
<i>Taxation.....</i>	272
SMALL AND MEDIUM ENTERPRISE (SME) DEVELOPMENT	272
<i>Registration as an SME.....</i>	273
<i>Finance.....</i>	273
<i>Sites and Premises.....</i>	274
<i>Marketing</i>	274
<i>Technology Transfer.....</i>	275
<i>Purchasing/Sourcing.....</i>	275
<i>Training.....</i>	275
<i>Institutional Support.....</i>	276
SUPPLEMENTS	277
SELECTED COMPANIES	277
TOTAL CATCH	277
FISHING RIGHTS HOLDERS.....	277
<i>Hake</i>	277
<i>Horse mackerel.....</i>	278
<i>Large Pelagic</i>	278
<i>Monk and Sole</i>	278
<i>Red Crab.....</i>	278
<i>Rock Lobster.....</i>	278
<i>Sardine.....</i>	279
<i>Seals</i>	279
IMPORTANT WEBSITES	279
WORLD FISHING AND AQUACULTURE INDUSTRY BUSINESS OPPORTUNITES LIBRARY	297
BASIC TITLES FOR NAMIBIA.....	300