

## EUROPEAN PARLIAMENT



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**INTERIM REPORT**

**of the Committee on Agriculture, Fisheries and  
Rural Development**

**on the negotiations leading to a fisheries  
agreement between the EEC and the Republic of Namibia**

**Rapporteur: Mr Günter LÜTTGE**

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\* Consultation procedure requiring a single reading  
\*\* Cooperation procedure (first reading)

\*\*II Cooperation procedure (second reading) requiring the votes of a majority of the current Members of Parliament  
\*\*\* Parliamentary assent requiring the votes of a majority of the current Members of Parliament

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At its meeting of 25 April 1992, the Committee on Agriculture, Fisheries and Rural Development appointed Mr Lüttge rapporteur for questions concerning relations between the EEC and Namibia.

By letter of 11 June 1992, the Committee on Agriculture, Fisheries and Rural Development requested authorization to draw up a report on relations between the EEC and Namibia in the field of fisheries.

At the sitting of 6 July 1992 the President of the European Parliament announced that the committee had been authorized to report on this subject. The Committee on Development and Cooperation was requested to deliver an opinion on 14 September 1992.

At its meetings of 24/25 June 1992 and 30 September/1 and 2 October 1992, the Committee on Agriculture, Fisheries and Rural Development considered the draft report.

At the latter meeting it adopted the motion for a resolution unanimously, at the recommendation of its Subcommittee on Fisheries.

The following were present for the vote: Borgo, chairman; Vazquez Fouz, Graefe zu Baringdorf and Lane, vice-chairmen; Lüttge, rapporteur; Bocklet, Böge (for Funk), Brito (for Ainarði), Carvalho Cardoso, Cunha Oliveira (for Gomes), Dalsass, Fantuzzi, Görlach, Kofoed, Lataillade (for Marleix), McCartin, Partsch (for Mrs Martin), Nino Pisoni (for Navarro), Ferruccio Pisoni (for Mottoia), Sanchez Garcia (for Blaney), Santos Lopez, Saridakis, Simmonds, Sonneveld, Verbeek and Welsh.

The opinion of the Committee on Development and Cooperation is attached to this report.

The report was tabled on 28 October 1992.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

MOTION FOR A RESOLUTION

on the negotiations leading to a fisheries agreement  
between the EEC and the Republic of Namibia

The European Parliament,

- having regard to its resolution of 18 May 1990 on the laying-up of Community fishing vessels in Namibian fishing grounds and the conclusion of a fisheries agreement between the EEC and Namibia (B3-1043/90)<sup>1</sup>,
- having regard to its resolution of 13 June 1991 on the release of fishermen detained in Namibia (B3-0970/91)<sup>2</sup>,
- having regard to the 1991 Commission report to the Council and Parliament on the common fisheries policy (SEC(91) 2288),
- having regard to the interim report of the Committee on Agriculture, Fisheries and Rural Development and the opinion of the Committee on Development and Cooperation (A3-0327/92),
- having regard to United Nations resolutions:
  - [A/33/442 of 21 December 1978]
  - 1514 (XV) of 14 December 1960
  - 2145 (XXI) of 27 October 1966
  - 2248(S-V) of 19 May 1967
  - 2378 (XXII) of 12 June 1968
  - 276 of 30 January 1970
  - 283 of 29 July 1970
  - 301 of 20 October 1971
  - 385 of 30 January 1976
  - 431 of 27 July 1978
  - 432 of 27 July 1978
  - 435 of 29 September 1978,
- having regard to the fourth ACP-EEC Convention (ACP-EEC/2107/90), signed in Lomé on 15 December 1990,
- having regard to the Constitution of the Republic of Namibia,
- having regard to the Fisheries White Paper drawn up by the Government of the Republic of Namibia,

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<sup>1</sup> OJ No. C 149, 18.6.1990, p. 266

<sup>2</sup> OJ No. C 183, 15.7.1991, p. 286

A. whereas fisheries agreements between the Community and developing countries with which the Community has concluded cooperation agreements should, in addition to the purely commercial considerations, provide for the following objectives of cooperation with those countries:

- better awareness of the environment and its resources,
- a strengthening of measures to protect fisheries resources and oversee their rational use,
- greater participation by ACP States in the exploitation of high seas resources in their exclusive economic zones,
- encouragement of the rational use of fisheries resources,
- an increased contribution by fishing to rural development, with particular appreciation being given to the importance of landings for improving the supply of food, the level of nutrition, and the socio-economic conditions of the population concerned,
- an increased contribution by fishing to industrial development by increasing landings, profits and exports and more extensive processing,

and whereas fisheries agreements concluded by the Community and the ACP countries should likewise be based on these objectives,

- B. whereas Namibia became independent and acceded to the Lomé Convention only in 1990,
- C. whereas this young nation has made considerable advances in constructing a democratic system, reconciling the various groups amongst the population and building a stable economy,
- D. whereas the fisheries industry in Namibia can play a significant role in the country's economy, and whereas Namibia can, if it follows a consistent policy in rebuilding fish stocks, become one of the most important fish exporting countries in the world,
- E. aware that, because of mismanagement under the ICSEAF (International Commission for South East Atlantic Fisheries), the fish stocks in Namibia's waters had been reduced to a level below the maximum sustainable yield,
- F. whereas the Namibian Government's present policy for conserving fish stocks has already had some success in regenerating stocks,
- G. having regard to the need for larger and more stable fish stocks to provide food for people,
- H. whereas current fishing practices so affect fish stocks that there is a danger of their disappearing all over the world,
- I. noting that only a new world policy on the use of fish stocks can ensure the survival of the fishing industry,

1. Reaffirms its conviction that the EC's fisheries agreements with third countries must be balanced and serve the interests of both parties, but that, in the case of fisheries agreements with developing countries, they are not simply agreements on access and that their purpose must be defined with due regard for the other aspects of the Community's foreign policy and particularly for its policy on development cooperation with the ACP States;
2. Calls therefore upon the Commission to use the negotiations with the Republic of Namibia on a fisheries agreement as an opportunity to evolve new forms of agreement, the particular objective of which would be to ensure that over time partner countries become trading partners of equal standing enjoying equal rights;
3. Acknowledges the efforts of the Namibian authorities to draw up and implement a policy to conserve and re-establish the living resources of the sea;
4. Approves in particular the following aims and proposals enunciated by the Government of the Republic of Namibia on the use of resources and the maintenance of stocks of various species:
  - (a) re-establishment at the highest possible level of fish stocks depleted through over-fishing,
  - (b) priority to be given to the conservation of fish stocks over the economic interests of the fishing industry,
  - (c) limitation of the Namibian fishing industry's capacity as well as the catch capacity of the Namibian fishing fleet below the upper limit of the calculated and approved quotas,
  - (d) an allocation of quotas which takes account of fishing vessels' catch capacities,
  - (e) regional cooperation in conserving fish stocks so that those which lie across the borders of national exclusive economic zones should not be jeopardized by the unilateral granting of national licences,
  - (f) the training of skilled personnel, e.g. by founding a Namibian technical school for fisheries and the sea,
  - (g) measures to safeguard the quantity and quality of food available to the indigenous population;
5. Regards this policy as a means of bringing fish stocks back up to a position in the medium to long term which will make it possible for catch quotas to be granted to the EC which will be economically advantageous;
6. Observes that the building up of a Namibian fishing fleet and the protection of fish stocks as a matter of priority will lead to a reduced role for Community fishing vessels in Namibian waters when compared with the period before the declaration of the exclusive economic zone;
7. Recognizes the right of the Republic of Namibia to apply Namibian law within the exclusive economic zone;

8. Endorses the United Nations view that Walvis Bay and the Penguin Islands - including Ichaboe - form an integral part of the territory of the Republic of Namibia, as is indeed stated in the Namibian Constitution;
9. Urges the Government of the Republic of South Africa therefore to enter into negotiations with the Government of the Republic of Namibia by 31 December 1992 with a view to handing over the administration of these areas within the shortest possible period;
10. Condemns categorically all illegal fishing, particularly in Namibian waters, and considers it essential that all Community vessels respect Namibian legislation and that the EEC Member States take appropriate measures to end infringements by Community vessels;
11. Regrets the mismanagement by ICSEAF before Namibian independence, which led to the over-exploitation of fish stocks;
12. Considers it essential to create a climate of mutual trust between the Community and the Government of Namibia in order to reach a positive conclusion to the negotiations on a fisheries agreement;
13. Considers that it is therefore necessary to arrange a programme of meetings between the Namibian authorities and the governments of the Member States concerned, the Commission, Parliament and the industry;
14. Welcomes the statement by Vice-President Marin at the meeting of the Joint Assembly in Amsterdam (23-27 September 1991) to the effect that the Commission would take measures against fishing vessels which could be proved to have taken part in illegal fishing;
15. Urges the Commission therefore to submit a list of these measures to the European Parliament;
16. Points out that the future fisheries agreement must include a realistic policy to carry out a study of the stocks within Namibia's fishing areas under which financial as well as human and technical resources would be provided to allow negotiations on possible catch levels to take place on the basis of reliable biological, oceanographic and climatological data and with the aim of maintaining these stocks in Namibian waters;
17. Urges the Commission to have the following points incorporated in the fisheries agreement with the Republic of Namibia:
  - (a) a plan for the training and further training of Namibian fishermen with the aim of building up an independent Namibian fishing fleet in the long term,
  - (b) a plan for the training and further training of Namibian fisheries inspectors to ensure the optimum supervision and control of the fishing effort,
  - (c) a plan to support and build up an efficient infrastructure for the technical supervision and control of fish stocks and the fishing effort,

- (d) a plan for the marketing of fish processed in Namibia and enabling the required training to be carried out in Namibian companies,
  - (e) a plan for continued research into Namibian fish stocks to obtain biological, oceanographic and climatological data which will make it possible to grant quotas which will not endanger the level of fish stocks,
  - (f) a long-term plan allowing access to the Community's internal market for fish from the Namibian fishing industry,
  - (g) Community aid to enable fishing companies which currently have private agreements with local fishing right licensees to be transformed into joint enterprises;
18. Urges the Commission, to set up supervisory bodies empowered to ensure compliance where two or more fishing licences are issued to Community vessels, to set up empowered supervisory bodies to ensure compliance with such licences;
19. Considers that for reasons of greater transparency a fisheries agreement between the Community and the Republic of Namibia is a more suitable instrument for regulating relations with regard to fisheries than private agreements between shipowners and local licensees;
20. Urges the Government of the Republic of Namibia to grant catch quotas to the Community's fishing fleet which will be economically advantageous in the long term to the Community's vessels and fishing industry;
21. Urges the Commission and the Government of Namibia to ensure that the future fisheries agreement - without prejudice to particular agreements which the Republic of Namibia may make with other developing countries in its geographical region - rule out any bilateral discrimination in accordance with the principle of equal treatment;
22. Welcomes the Commission's willingness to conclude a framework agreement without any annex or protocol with the Government of the Republic of Namibia;
23. Notes that, if Community companies are to play their full role in the development of the Namibian fishing industry, greater emphasis must be laid on the following points:
- (a) the setting up of joint ventures for the processing of white fish on land
  - (b) the setting up of joint ventures for the marketing of processed fish in the EC and other import markets
  - (c) the transfer of technological and managerial know-how concerning the processing, packaging and marketing of fish products
  - (d) the setting up of a high seas fishing fleet which will supply fish to the processing industry on land



- (e) the training and further training of people in the fisheries sector at all levels;
24. Calls on the Council to completely redraft the Commission's negotiating mandate on fisheries agreements to achieve broader cooperation with ACP States and:
- (a) to ensure the active participation of Community companies in the fisheries sector in the development of the fisheries sectors of the ACP States
  - (b) to facilitate action consistent with Articles 58-66 of the Lomé IV Convention and the fisheries policy of the Government of the Republic of Namibia
  - (c) to guarantee Community consumers supplies of high grade fish products;
25. Welcomes the bilateral collaboration of certain Member States with the Republic of Namibia which has already led to an improvement in the infrastructure for the technical supervision and control of fishing before the conclusion of a fisheries agreement between the Community and the Republic of Namibia;
26. Repeats the call made in its resolution of 18 May 1990 for the Commission to invite an observer from the European Parliament to the negotiations on a fisheries agreement between the EC and the Republic of Namibia;
27. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Government and the Parliament of the Republic of Namibia, the Government of the Republic of South Africa and the governments of the ACP States.

EXPLANATORY STATEMENTINTRODUCTION

The inclusion of fisheries in the Lomé IV Convention (Articles 58-66) necessarily calls for a reassessment of the fisheries agreements which the EC has concluded or is in the process of negotiating with ACP States. The reasons for this reassessment are chiefly to be found in Article 59 of the Convention, which sets the following priority objectives for cooperation with the ACP States:

- to improve knowledge of the fisheries environment and its resources;
- to increase the means of protecting fisheries resources and monitoring their rational exploitation;
- to increase the involvement of the ACP States in the exploitation of deep sea fisheries resources within their exclusive economic zones;
- to encourage the rational exploitation of fishery resources;
- to increase the contribution of fisheries to rural development, by giving importance to the role they play in strengthening food security, improving nutrition and the social and economic conditions of the communities concerned;
- to increase the contribution of fisheries to industrial development by increasing catches, output, processing and exports.

Now that the EC is about to conclude a new fisheries agreement with Namibia, a new ACP member, this is therefore a good opportunity to set about creating a model for the subsequent reshaping of existing fisheries agreements in the context of close cooperation between the institutions of the Community and the ACP States.

I. IMPLICATIONS OF THE LOME CONVENTION FOR FUTURE FISHERIES AGREEMENTS

The Lomé IV Convention sees a supply of that fish as a first step in securing food supplies and guaranteeing protein requirements. It also aims to ensure that, as fisheries develop, this guarantee will hold good in future, by pursuing a policy aimed principally at protecting fish stocks and their environment and helping to replenish depleted stocks.

This calls for continuous research on existing fish stocks and their environment in order to permit the rational exploitation of the living resources of the sea.

Protection of resources will give fisheries a more important place in the socio-economic structure of the ACP States. The intention is that the fisheries industry should become a base for job creation and job security should encourage the equality of women in the developing countries by helping to integrate them into the world of work. Occupational training in the fisheries sector should also be promoted.

At the same time the fisheries industry and fishing fleets of the ACP States should be developed. This will make a significant contribution to economic renewal and will help the ACP States to benefit from their own resources.

The Convention also refers to the need for regional cooperation among the ACP States to promote the conservation and optimum utilization of the biological resources of the sea.

This implies that the Commission will need to be given a new remit for negotiations on fisheries agreements with ACP States.

It also implies greater financial participation by the EC in support for the fisheries industries of the ACP States.

Moreover, there will be an urgent need for research into the habitats of living marine resources, in order to obtain biologically, oceanographically and climatologically reliable data on the basis of which fish stocks can be utilized rationally without risk of depletion.

## II. CURRENT STATE OF FISH STOCKS

Stocks of fish are falling throughout the world, and some species are being totally wiped out by overfishing and deterioration of the environment.

This worldwide problem is described both by the Commission in its report on the common fisheries policy for EC waters and in the white paper issued by the Government of the Republic of Namibia for waters off Namibia.

The sea off Namibia has a particularly high level of biological productivity thanks to the high levels of nutrients created by the Benguela current which flows northwards along the coast.

The resultant fishery resources allow an annual production of 3 million tonnes for the whole area, about one half of which could be fished off Namibia<sup>1</sup>.

Namibia possesses approximately 800 nautical miles (c. 1500 kilometres) of coastline. The continental shelf, from the coast out to a depth of 200 metres, is almost 110 000 km<sup>2</sup> in area, rising to almost 230 000 km<sup>2</sup> at a depth of 1000 metres. Almost all of the country's fishing takes place on this continental shelf.

The fishing grounds contain species which feed on the rich supplies of plankton:

- sardines and anchovies in the coastal areas,
- mackerel in deep water,
- hake in all areas, the young fish being found near the coast and the more mature fish further out to sea.

The two main fishing industries in the present Republic of Namibia were set up in the Fifties and Sixties: coastal fishing for sardines and anchovies, mainly by a brailer fleet based in Namibia, and deep sea fishing using nets for hake and horse mackerel, mainly by deep sea fishing fleets. From the Seventies onwards there was a small number of deep sea fishing vessels based in Namibia fishing for hake and other demersal fish species. The number of these vessels rose in the 1980's.

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<sup>1</sup> from: Fisheries White Paper of the Government of the Republic of Namibia

Responsibility for resource management and fishery regulation activities before independence was divided between South Africa (coastal fishery) and the ICSEAF<sup>2</sup> (deep-sea fishing).

The ICSEAF was set up by a convention signed in Rome in 1969 and ratified by more than a dozen states in the Seventies. It ceased operation in 1990 after the establishment of the Namibia exclusive economic zone (EEZ).

Although the ICSEAF's reference area included the sea off Angola and South Africa it concentrated on resources and fishing in the Namibian Sea which, until independence, was one of the few rich fishing areas for which no EEZ had yet been set up. This situation attracted a great number of large deep-sea fishing fleets, whose catches were recorded in the ICSEAF statistics.

According to these statistics, in the three-year period from 1986 to 1988 the various countries involved caught almost 1.3 million tonnes of fish (330 000 tonnes hake, 500 000 tonne horse mackerel, 230 000 tonnes sardines and anchovies, 230 000 tonnes others). The approximate value of these catches on landing was around 500 million ECU<sup>3</sup>.

The main countries involved in the late 1980's were the USSR and Spain, followed by Rumania, Bulgaria, Portugal and Poland.

The ICSEAF's regulatory measures consisted of:

- overall TACs (total allowable catches) for horse mackerel, Spanish mackerel and snoek,
- TACs per country for hake,
- minimum net mesh sizes,
- ban on fishing in coastal waters and
- maximum percentage by-catch of hake in catches of horse mackerel.

As a result of the ICSEAF's inadequate regulatory measures, the biomass present in waters off Namibia in 1990 was only 20% of that in 1969, and in 1989 82% of the hake caught were less than one year old<sup>4</sup>

### III. THE REPUBLIC OF NAMIBIA'S FISHERIES POLICY

On 1 April 1990, ten days after independence, the Republic of Namibia declared the establishment of an exclusive economic zone, 200 miles from its coastline.

In view of the state of fish stocks described above and the consequent effects on the Namibian economy - the proportion of GDP represented by fishing had fallen from 10% in 1968 to 2.5% in 1988 - the Namibian Government declared the protection and regeneration of marine resources to be an absolute priority of its fisheries policy with a view to restoring fish stocks to a level at which long-term economic exploitation would be possible.

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<sup>2</sup> ICSEAF = International Commission for the South East Atlantic Fisheries

<sup>3</sup> from: Fisheries White Paper of the Government of the Republic of Namibia

<sup>4</sup> From: Fisheries white paper of the Government of the Republic of Namibia.

The aims of Namibia's new fisheries policy may be summarized as follows:

- rebuilding up and restoring depleted fish stocks to as high a level as possible;
- giving conservation of fish stocks priority over the economic interests of the fishing industry;
- reducing the capacity of the Namibian fisheries industry, and the catch capacities of the Namibian fishing fleet, to below the maximum calculated and approved quotas;
- allocation of quotas taking account of fishing vessels' catch capacities;
- regional cooperation in fish stock conservation so as to prevent stocks straddling national exclusive economic zones from being put at risk by the unilateral issuing of national permits,
- training of qualified personnel, including the setting up of a Namibian fisheries/nautical/engineering school,
- creating a stable economy inter alia by 'Namibianization' of the fishing industry and fishing fleet.

As a result of the activities of large foreign deep-sea fishing fleets, employment in the Namibian fisheries industry has been concentrated in coastal fishing and processing. Before the slump in fish stocks, 11 000 Namibians were employed in the fisheries industry. Since then, a large number of jobs have been lost, particularly in processing: only 6500 people were employed in the fisheries industry in 1990.

Looking to the future, the Government of Namibia estimates that a total of 18 200 Namibian nationals should find employment in the fisheries sector, including 5000 fishermen, 12 000 workers in the fish processing industry and 1200 in supply industries<sup>5</sup>.

If the aims of this policy are realized, the fisheries industry will become a driving force in a Namibian economy currently struggling with the decline of the mining industry, and will significantly support the labour market.

The aims of this policy coincide entirely with the aims of the EC and the ACP states set out Article 59 of the Lomé IV Convention.

#### IV. COOPERATION BETWEEN THE MEMBER STATES AND NAMIBIA

France has been cooperating actively with the Republic of Namibia, particularly by the loan for three-months of a Dauphin A2 helicopter, intended to help test the French electronic satellite monitoring system ARGOS. The helicopter was used by the Namibian inspectors not only to observe and monitor fishing activity but also once (contrary to the conditions of the loan) to arrest, at the risk of human life, vessels engaged in illegal fishing. Since the Namibian budget for 1991 did not permit the purchase of such a helicopter, this purchase was to be postponed until 1992. At the end of 1991 the French Government was also negotiating with the Government of Namibia on infrastructure support for monitoring and policing fish stocks and fishing activities.

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<sup>5</sup> Figures from: Fisheries White Paper of the Government of the Republic of Namibia

In mid-1991 the Federal Republic of Germany held similar negotiations with a view to loaning NVA<sup>6</sup> surplus patrol boats for monitoring purposes. However, it became clear that these boats were not suitable for the purpose and the plan was dropped.

As early as 15 March 1989 the German Bundestag called on the Federal Government in a unanimous resolution<sup>7</sup> to create the conditions to permit cooperation in the fields of economic, development and cultural policy as soon as a freely elected government was in place in Namibia. Past experience should be used to make Namibia into a centre for German development cooperation.

On the basis of this resolution, a total of 180 million DM was voted for economic cooperation in the Federal budgets from 1990-1992. However, in allocating these funds the bureaucrats departed from the terms of the resolution, which stated that 'this first model of a democratically structured Namibia should be treated differently in terms of development cooperation from black African countries for the most part with autocratic regimes'. Of the financial cooperation projects so far agreed upon, totally in the region of 75 million DM, only one small project of one million DM has yet been begun, even though the planned water project for the North of the country could provide immediate practical assistance in the present disastrous drought. If Federal German responsibility for, and (in the words of the resolution) extensive German aid in, constructing an independent Namibia are not to remain mere promises, the Federal Government must ensure that the funds voted are passed on as quickly and with as little bureaucracy as possible.

The Kingdom of Spain was in a particularly difficult political position, since it was principally Spanish fishing vessels which were involved in illegal fishing after the declaration of the Exclusive Economic Zone off the coast of Namibia. Spain's standing in Namibia was at stake. However, the Spanish Government was one of the first to condemn this illegal fishing, and has prosecuted a vessel again caught fishing illegally in Namibian waters and fined it for an infringement of international fishing regulations. Spanish fishing vessel owners who were not involved in illegal fishing made an announcement in the Namibian press distancing themselves from this criminal activity. Spanish firms are also especially heavily involved in negotiations on joint ventures with Namibian companies to build up the infrastructure of a fisheries industry for Namibia. This cooperation is a welcome development and should be recommended to firms from other Member States.

## V. WALVIS BAY AND THE ISLANDS OFF NAMIBIA

### Historical background

Walvis Bay was discovered on 8 December 1487 by Bartholomeo Diaz on his return from seeking a sea-route to India. In 1878 the Walvis Bay territory was annexed by Great Britain and six years later (1884) made part of the British Cape Colony (now South African territory).

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<sup>6</sup> NVA = Nationale Volksarmee (Armed forces of the former German Democratic Republic)

<sup>7</sup> Bundestag document No. 11/4205

The status of Walvis Bay as part of the British colonial empire was settled as part of the 'Heligoland-Zanzibar' agreement between Britain and Germany.

In 1912 the Union of South Africa became independent. Its army, fighting on the British side in the First World War, obtained the capitulation of German troops in South-West Africa, as it was then known, in 1915.

In 1920 South-West Africa was placed under a mandate from the League of Nations. This mandate was exercised on behalf of the British Crown by the Union of South Africa.

In South Africa's 'South-West African Affairs Act No. 24'<sup>8</sup> of 1922, setting out the administrative structure for the mandate territory, there was a clause under which Walvis Bay was to be administered as a part of that territory. Consequently, all South African laws for the mandate territory automatically included Walvis Bay.

In 1966 the UN formally withdrew the League of Nations mandate from South Africa. By United Nations resolution 2378 South-West Africa was renamed Namibia by the on 12 June 1968.

In July 1977, South-West African Affairs Act No. 24 was repealed by proclamation R 202. Since then Walvis Bay has been treated and administered by South Africa as South African territory.

By this proclamation, South Africa succeeded in separating the Walvis Bay question from the negotiations on the decolonization and independence of Namibia.

#### Walvis Bay in international law

The integration of the Namibian enclave of Walvis Bay into the territory of South Africa is disputed in international law. South Africa's claim to sovereignty over Walvis Bay has been rejected by the United Nations in several resolutions since 1960.

The treaties drawn up by the colonial powers, which South Africa had used as evidence for its claim on Walvis Bay, never paid any attention to the legitimate territorial claims of the native population.

Walvis Bay was declared by the United Nations to be an integral part of Namibia. However, UN Security Council resolution No. 432 of July 1978 contains no express condemnation of the annexation of Walvis Bay and it is thus understandable that the question of Walvis Bay's status was omitted from the further international negotiations once South Africa had created a fait accompli in 1977.

The Constitution of the Republic of Namibia clearly lays down in Article 1(4) that Walvis Bay is regarded as a part of Namibia.

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<sup>8</sup> South African administrative act

## Political and economic significance

Walvis Bay is the only deep-sea port between Cape Town (South Africa) and Luanda (Angola) and is thus Namibia's only deep sea port. Plans to expand the road and rail links between Namibia, Zambia, Zimbabwe and Botswana give the port even greater importance for international trade between these two countries. As long as the port of Walvis Bay remains annexed by South Africa, the economic dependence of the four countries on South Africa will persist: 90% of Namibian exports alone travel via Walvis Bay.

The area annexed by South Africa also includes the following islands off Namibia: Ichaboe Island, Hollams Bird Island, Mercury Island, Long Island, Seal Island, Penguin Island, Halifax Island, Possession Island, Albatross Rock, Pomona Island, Plum Pudding Island and Sinclair Island (also known collectively - apart from Ichaboe - as the Penguin Islands. The significance of these islands lies mostly in the exploitation of guano deposits, underwater diamonds and the natural gas which is thought to be present.

As early as the end of the 19th and the beginning of the 20th centuries, the Germans and the British both recognized that the fact that the South-West African hinterland and Walvis Bay were controlled by different powers was a hindrance to the development of South-West Africa. This situation has not changed.

South Africa is aware of the strategic importance of the port. It is the terminus of Namibia's main railway line and, with the exception of diamonds, all Namibia's mining products are shipped from Walvis Bay. With eight deep-water berths, Walvis Bay is the fifth largest port in Southern Africa<sup>9</sup> and is regularly called at by international shipping lines from and to South Africa, Europe, North America and Asia. With its numerous fish meal and fish processing factories and its cold stores, Walvis Bay forms the heart of the Namibian fisheries industry. The port's importance for South Africa lies mainly in its value as a military base and in the salt mines which produce 92% of South Africa's chemical salt requirements for the production of chlorine for the chemical industry.

South Africa's claim to the fishing zones off the Namibian coast is particularly important with regard to the EC's fisheries agreement with the Republic of Namibia. This claim results from South Africa's declaration of an Exclusive Economic Area extending 200 nautical miles from Walvis Bay and from 12 islands off the coast off Namibia.

As a result of this claim, Namibia's waters include several areas in which Namibia can exercise no control over South African fishing vessels and those sailing under South African licences, in other words, Namibia has not yet attained full sovereignty over its own waters.

## VI. CHRONOLOGY

In 1884 the German Empire declared South-West Africa a German protectorate. After the defeat of German troops in South-West Africa, South Africa was given

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<sup>9</sup> Objective: Justice (ed. by United Nations Office of Public Information), Special Supplement No. 2 (June 1978)



the League of Nations mandate over the country. This mandate was formally withdrawn from South Africa on 27 October 1966 by United Nations Resolution No. 2145. Two years later South-West Africa was renamed Namibia by UN Resolution No. 2378. After the UN resolutions of 1978, eleven years of political wrangling ensued between the international community and South Africa before the first free elections to the Constitutional Assembly were able to take place, from 7 to 11 November 1989<sup>10</sup>.

On 21 November 1989 the Constituent Assembly elected Hage Geingob (SWAPO)<sup>11</sup> as its chairman on 9 February 1990 it approved the constitution it had drawn up and on the same day it elected the SWAPO leader Sam Nujoma by acclamation as President of the Republic of Namibia. At the Namibian independence celebrations, which began on 20 March 1990, the UN General-Secretary, Mr Pérez de Cuellar swore in the new Namibian President under the new constitution. The last colony in Africa became independent on 21 March 1990. On the same day Namibia became the 50th state of the Commonwealth and on 23 April 1990 it was accepted as the 160th state of the United Nations.

By letter of 30 March 1990 Namibia applied for membership of the EC/ACP Convention and on 1 April 1990 declared the establishment of an Exclusive Economic Zone extending to 200 miles off its coast. On 19 December 1990 the Prime Minister of the Republic of Namibia signed the Lomé Convention, and Namibia became the 69th ACP state.

On 11 April 1990 the fisheries minister of the Republic of Namibia declared in a letter to the EC Commission that his country was prepared to negotiate on a fisheries agreement; the first exploratory talks took place in October and November 1990. Before the end of October the first reports appeared of illegal fishing in the newly established exclusive economic zone. The quantity of illegally caught fish was estimated at 45 000 tonnes. During the second round of exploratory talks the Namibian Government protested to the Commission on 16 November 1990 against illegal fishing by around 30 Spanish fishing vessels, and handed the Commission a list of the boats sighted. On 25 November 1990 the Namibian authorities arrested the following five Spanish vessels which were fishing illegally off the coast of Namibia: the Frioletiro, Frio Pesca Uno, Frio Pesca Dos, Isla de Tambo and Puente Ellazar. 3 ships fishing illegally were able to escape in the ensuing confusion: the Antonio Nores, the Punte Perreras and the Jugamar, the first two by cutting their nets.

On 25 February 1991 the Namibian Cabinet set the catch quotas at 60 000 t for hake, (15% - 9000 t - was allocated to non-Namibian fleets, of which 50% - 4500 t - was for the EC fleet). The Commission was informed of this decision in advance. This quota is at the lowest end of the range (150 000 to 60 000 tonnes) proposed by the Norwegian and Icelandic scientists who had investigated the biomass off the coast of Namibia. The Commission's presumption that the 1990 quota (110 000 tonnes) had not been renewed because it had been considerably exceeded by illegal fishing, was confirmed by later press statements from the Namibian fisheries ministry.

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<sup>10</sup> SWAPO received 57.32% = 40 seats, DTA (Democratic Turnhalle Alliance) 28.55% = 21 seats, UDF (United Democratic Front) 4 seats, ACN (Action Christian National) 3 seats, NPF (National Patriotic Front) 1, FCN (Federal Convention of Namibia) 1, NNF (Namibian National Front) 1; turnout: over 96%.

<sup>11</sup> SWAPO = South West African People's Organization.

The EC-Namibia negotiations from 10 to 12 March 1991 confirmed this Cabinet decision, thus in the Commission's view undermining the agreement reached in the second round of exploratory talks<sup>12</sup>.

On 21 March 1991 three more Spanish ships were caught for fishing illegally off the coast of Namibia: the Cabu Primero, the Cotoredondo Cuatro and the Altassa Cuatro. The skippers of these vessels were arrested on 25 March 1991: 100 crew members were allowed to fly home.

On 8 April 1991 the Prime Minister of the Republic of Namibia asked the Commission to help combat the plundering of Namibian waters by Spanish vessels. On 9 April 1991 the Commission adjourned negotiations on a fisheries agreement in order, as it said, to give the participants an opportunity to resolve the dispute which had arisen. On 10 April 1991 the Supreme Court of the Republic of Namibia sentenced the first five Spanish skippers to pay heavy fines (1.55 m Rand = about ECU 375 000) or to prison terms if they were unable to pay. The vessels (with a value of 100 million Rand = about ECU 23 m) were also confiscated. On 11 April 1991 the Spanish fisheries industry placed an advertisement in 'The Namibian' distancing itself from these illegal activities. The unlawful fishing was also condemned by the Government of the Kingdom of Spain, and later by the Member States' ministers responsible for fisheries at the Fisheries Council meeting of 18 April 1991, though they regretted that the Commission had adjourned negotiations and called for their resumption. Since then, however, there have been a series of misunderstandings between the parties as a result of which negotiations have still not yet been resumed.

In the meantime the Government of the Republic of Namibia has issued a White Paper, the adoption of which in Parliament created for the first time a legal basis for these negotiations. The White Paper shows the value placed by Namibia on long term planning in the marine of the sea's resources and consequently also on a long term agreement<sup>13</sup>.

On 4 December 1991 the fisheries ministry of the Republic of Namibia published the total allowable catches for 1992:<sup>14</sup>

Hake 90 000 t  
Sardine 80 000 t  
Horse mackerel 450 000 t  
Crab 6 000 t

In February 1992 the Commission informed the fisheries minister of the Republic of Namibia that it was prepared to conclude a framework protocol with Namibia.

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<sup>12</sup> Minutes of the meetings of the fisheries ministers of 18 April 1991 in Luxembourg.

<sup>13</sup> See Table 1.

<sup>14</sup> These TACs are higher than those for the previous year, partly because of the reduction in illegal fishing and partly because of the expected slight improvement in stocks. At the same time the 1992 quotas were divided, so that in 1992 the EEC will again be unable to receive a further quota.

At the end of 1991 the President of the Republic of Namibia reacted promptly to rumours of mismanagement, bribery and corruption in the fisheries sector and set up committee of inquiry, though the EP's rapporteur has unfortunately not yet had an opportunity to inspect its report, since its investigations have only recently been concluded.

By letter of 13 February 1992 the Director General of DG XIV, Mr Almeida Serra, informed the chairman of the committee of inquiry, Mr Collins Parker, that the Spanish Government had imposed heavy fines on the owner and crew of the Hermanos Garrido (= Hermanuel Carrido) for contraventions of the fishing regulations. The openness of the proceedings of this committee of inquiry of a very young democracy can be regarded as a very positive sign that an understanding of democracy is taking firm root in Namibia.

The skippers and officers of the vessels in question have since been released on payment of their fines<sup>15</sup>.

On 13 March 1992 a report appeared in the 'The Namibian' newspaper that the Namibian patrol boat the MV Globe, which had in the past looked on helplessly while fishing offences were committed, had been fitted with a 20 mm gun. On 10 March 1992 the Egusentia was again observed fishing illegally, but was able to escape into Angolan waters. The rapporteur is confident that this case will be investigated by the Spanish Government.

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<sup>15</sup> According to a statement over the telephone by the Spanish Ambassador in Windhoek, Mr Carlos Sanchez de Boada on 4 June 1991.

ANHANG

Tabelle 1:

Kurz-, mittel- und langfristige Höchstfangquoten in den Gewässern Namibias<sup>16</sup>, beginnend im Jahre 1991, unter der Voraussetzung der Regenerierung der Fischbestände

	Kurzfristig 1-5 Jahre	Mittelfristig 5-10 Jahre	Langfristig
Seehecht	60 - 150.000 t	200 - 300.000 t	300 - 350.000 t
Stöcker oder Bastardmakrele	450.000 t	400 - 300.000 t	300.000 t
Spanische Makrele	20.000 t	30.000 t	40.000 t
Sardine	0 oder 40 - 50.000 t für Konserven	50 - 100.000 t	300 - 500.000 t
Sardelle	0 ansteigend auf 100.000 t	100.000 t	100 - 200.000 t
Atun oder Snoek	10.000 t	20.000 t	20.000 t
Kingklip und Mönchfisch	5.000 t	10.000 t	10 - 15.000 t
Kalmar	3.000 t	5 - 10.000 t	10.000 t
Tiefwasserkrabbe	6.000 t	6.000 t	6.000 t
Languste	500 t	1 - 2.000 t	2 - 3.000 t

Tabelle 2:

Hauptbeteiligte in der Hochseefischerei in Namibia von 1986 bis 1988 <sup>17</sup> gezeigt für Seehecht und Stöcker in den ICSEAF-Einteilungen 1.3, 1.4 und 1.5 <sup>18</sup> Jahresfangmenge			
Seehecht		Stöcker	
Spanien	150.200 t	UdSSR	231.300 t
UdSSR	117.900 t	Südafrika	96.000 t <sup>20</sup>
Portugal	29.100 t	Rumänien	70.300 t
Südafrika	28.500 t <sup>19</sup>	Bulgarien	47.200 t
Rumänien	3.600 t	Kuba	18.100 t
Polen	3.500 t	Spanien	16.100 t
Andere	6.100 t	Polen	14.600 t
		Andere	18.000 t
<b>Gesamt</b>	<b>338.300 t</b>		<b>511.600 t</b>

<sup>16</sup> aus: Weißbuch Fischerei der Regierung der Republik Namibia

<sup>17</sup> aus: Weißbuch Fischerei der Regierung der Republik Namibia Quelle: ICSEAF Stat. Bull. 1986 und 1987 und SAC/89/DOC.12

<sup>18</sup> Die ICSEAF unterteilte die Gewässer vor der Küste des südlichen Afrika nicht nach den heute üblichen EEZ, wodurch einige Überlappungen der Zonen 1.5 mit südafrikanischer und 1.3 mit angolanischer EEZ stattfinden.

<sup>19</sup> einschließlich der Fänge namibischer Boote

<sup>20</sup> einschließlich der Fänge namibischer Boote

Tabelle 3

Seehecht-Quoten-Aufteilung vom 01.01.1991 bis zum 30.06.1991 in Namibia<sup>15</sup>

Konzessionär	Gesamte gewährte Quote	Dekla- riert (Maßge- wicht)	Gesamter angele- delter Fang <sup>16</sup>	Besetzte Beiträge zur For- schung	Beiträge (Zusatz) zu wenig bezahlt	Zahlbare Brutto- abgaben	Nachlaß <sup>17</sup> lab Verer- beitung	Nachlaß <sup>18</sup> lab Umpackung	Nachlaß <sup>19</sup> für namibi- sche Mann- schaft	Gesamter Teilhaber- nachlaß <sup>20</sup>	Gesam- abgaben zu zah- len	Gesam- abgaben bezahlt
	Tonnen	Tonnen	Tonnen	Rand	Rand	Rand	Rand	Rand	Rand	Rand	Rand	Rand
Capfish and Hants Fisher- ies (Pty) Ltd	2672,600	3171,855	1988,517	60383	(6627)	3205474	-	-	362213	1279445	1563766	715739
Caditu Fishing (Pty) Ltd	6435,760	6892,426	4774,653	77949	21655	6494323	-	-	733858	2016163	3144302	805172
Pescanova Fishing Industries	6435,760	6874,623	3824,887	113776	-	5901648	-	107270	989354	-	4805024	4229164
Skeleton Coast Trawling	6435,760	5198,918	3121,676	98951	30	4954404	-	797	778712	-	4174895	3426657
Sea Harvest Corporation	1386,300	268,852	140,370	6172	-	224491	-	-	31294	-	193197	193000
Berquillo Sea Products	1931,580	1393,969	954,773	21223	(6995)	1345759	-	294690	589379	128119	333571	243079
Caroline (Pty) Ltd	1931,580	810,472	555,118	12455	-	788386	-	31395	65150	207552	484289	484325
Maloland/OPR de Pao	1386,300	1300,490	801,062	24112	-	1187863	23180	34516	79204	525482	525481	537028
Hambast (Pty) Ltd	1386,300	841,839	576,602	11242	-	778568	54451	43721	379710	150343	150343	56515
Blue Angra (Pty) Ltd	1386,300	470,684	322,386	4717	-	480003	172540	6171	161607	-	139685	145490
Comartum Fisheries Ltd	6981,040	6342,290	-	111470	-	3000000	-	-	-	-	3000000	21
Overberg Fishing Company	3758,900	3801,388	2139,523	76497	-	3178708	-	453437	580934	555132	1589205	1598081
Luisee	5553,940	4323,652	2938,749	65665	-	4368463	1375506	102902	1087735	-	1802320	1789448
Cato	1931,580	1625,777	1052,321	29485	-	1554513	-	291071	487078	209075	567289	209837
Froddie	1386,300	795,264	521,066	9734	-	735526	253205	57279	294446	65298	65298	65298
Gesamt	51000,000	44112,501	23211,703	721831	8063	38198079	1878882	1423249	6620674	5136609	23138665	14498833

15 entnommen aus: Special Report By The Auditor General On An Audit Investigation Into Possible Irregularities In Levy Payments And Over-Fishing In Namibia

- 16 Angelandeter gesamter verarbeiteter Fisch. Dieses Gewicht muß mit einem Umrechnungsfaktor multipliziert werden, um das originale Maßgewicht des Fisches zu errechnen.
- 17 Wenn der Fang komplett an Land verarbeitet wird, beträgt der Nachlaß: 50% von den Basisabgaben.
- 18 Wird der Fisch an Land nur umpackt: 25% Nachlaß von den Basisabgaben.
- 19 Für jedes Prozent der Gesamtkosten, das an namibische Bürger ausgezahlt wird, wird ein Nachlaß von 1% gewährt.
- 20 Für jeden Prozentanteil, den ein namibischer Bürger an einer in Namibia registrierten und kontrollierten Fischereigesellschaft innehat, wird ein 1% Nachlaß auf die Basisabgabe gewährt.
- 21 Die Gesellschaft muß als zum Stichtag des Special Report am 31.8.91 oder eine Kalkulation vorgelegt, nach eine Zahlung geleistet.

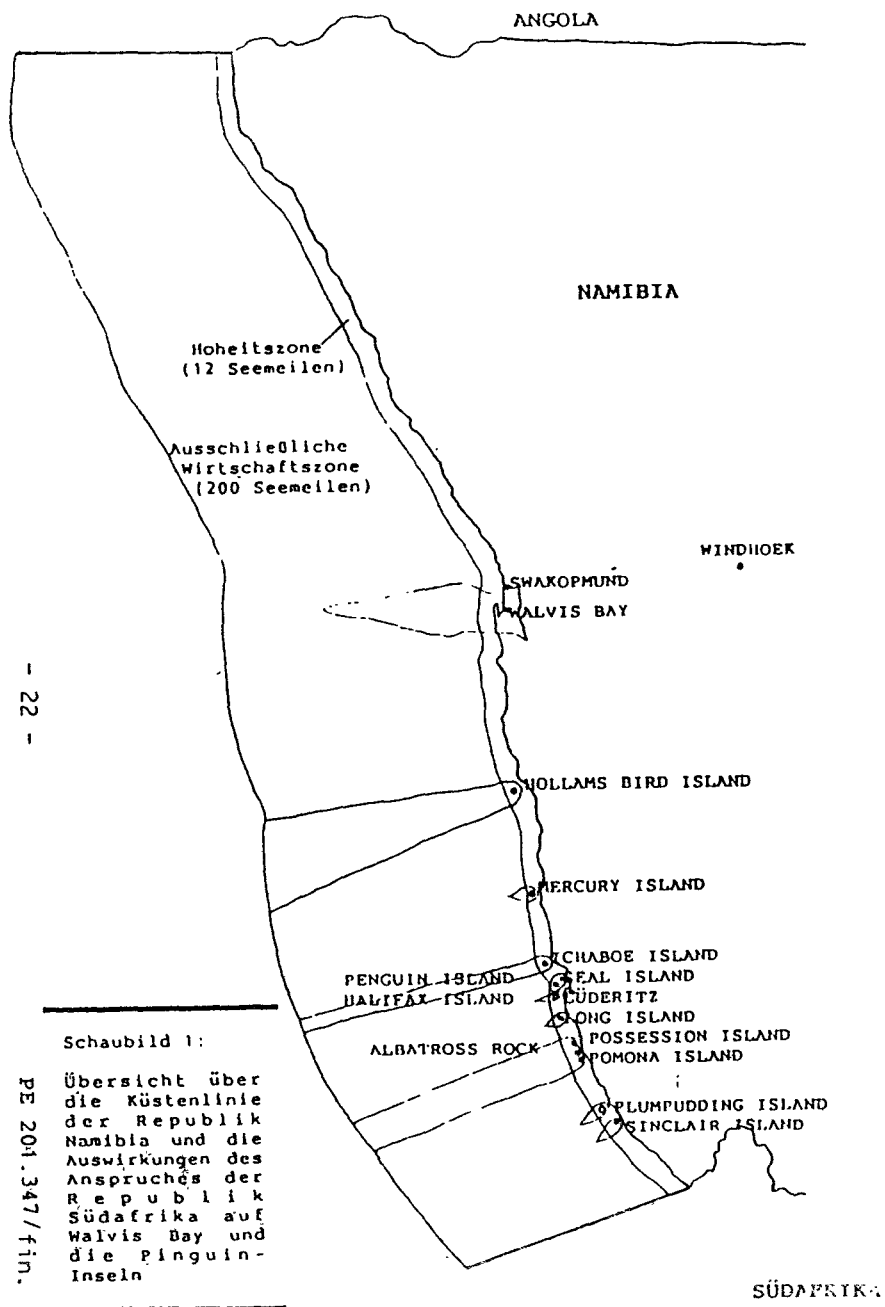
Tabelle 4:

Stöcker-Quoten-Aufteilung vom 01.01.1991 bis zum 30.06.1991 in Namibia<sup>22</sup>

Konzessionär	Gesamte ge- währte Quote	Dekla- riert (Maßge- wicht)	Besetzte Beiträge zur For- schung	Beiträge (Zusatz) zu wenig bezahlt	Zahlbare Brutto- abgaben	Nachlaß <sup>23</sup> Verer- beitung an Land	Nachlaß <sup>24</sup> Umpackung	Nachlaß <sup>25</sup> für namibi- sche Mann- schaft	Gesamter Teilhaber- nachlaß <sup>26</sup>	Gesam- abgaben zu zah- len	Gesam- abgaben bezahlt
	Tonnen	Tonnen	Rand	Rand	Rand	Rand	Rand	Rand	Rand	Rand	Rand
Caditu Fishing (Pty) Ltd	19300	9979	67141	-	683067	-	-	-	239073	443994	288915
Caroline (Pty) Ltd	2800	407	4071	-	40709	-	-	-	12213	28496	28496
Cato (Pty) Ltd	8650	9979	73877	4293	650545	-	-	-	176888	473657	-
Dumal Fishing (Pty) Ltd	11650	10090	43886	31958	776145	-	-	-	388073	388072	168295
Luisee Fishing Corporation (Pty) Ltd	8650	1003	2009	-	83963	-	-	-	-	83963	83963
Gardaw (General Development) Company of Namibia Limited	8650	3943	32791	-	251483	-	-	-	11691	239792	58154
Luisee Fish Products (Pty) Ltd	98085	50609	400733	-	4063757	-	-	-	-	4063757	4063757
Pescanova Fishing Industries (Pty) Ltd	8650	-	-	-	-	-	-	-	-	-	-
Incoratlantic (Pty) Ltd	81230	45644	319489	-	4100751	-	-	107119	1098250	2895382	2873218
Savvyflex (Namibian Fishing Enterprises (Pty) Ltd)	108085	79141	573485	-	6473162	-	-	89360	211093	6172709	6164375
Gesamt	355750	210595	1517482	36251	17123582	-	-	196479	2137281	14789822	137291

22 entnommen aus: Special Report By The Auditor General On An Audit Investigation Into Possible Irregularities In Levy Payments And Over-Fishing In Namibia

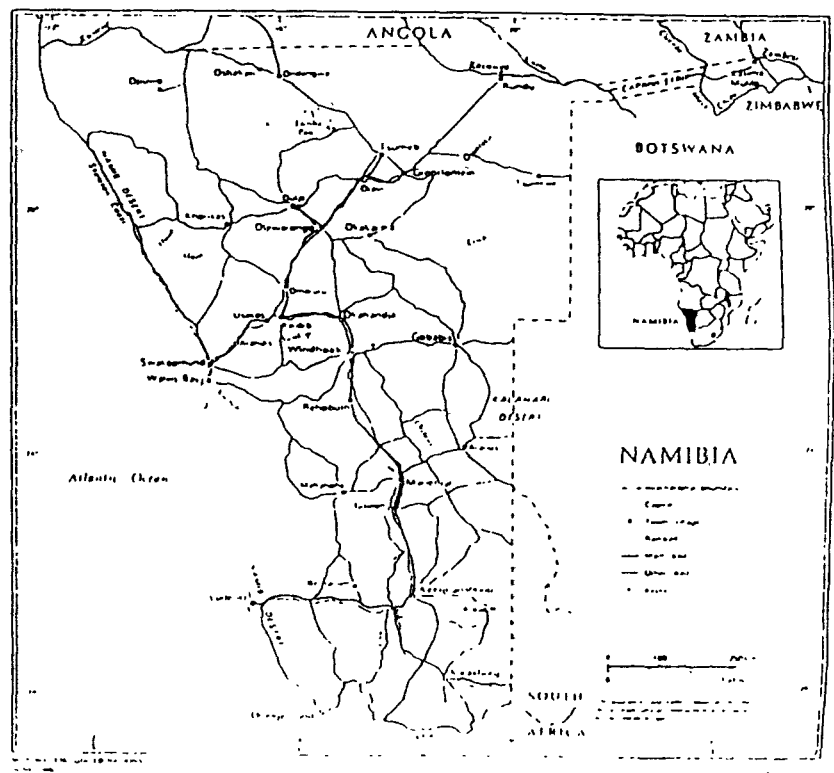
- 23 Wenn der Fang komplett an Land verarbeitet wird, beträgt der Nachlaß: 50% von den Basisabgaben.
- 24 Wird der Fisch an Land nur umpackt: 25% Nachlaß von den Basisabgaben.
- 25 Für jedes Prozent der Gesamtkosten, das an namibische Bürger ausgezahlt wird, wird ein Nachlaß von 1% gewährt.
- 26 Für jeden Prozentanteil, den ein namibischer Bürger an einer in Namibia registrierten und kontrollierten Fischereigesellschaft innehat, wird ein 1% Nachlaß auf die Basisabgabe gewährt.



- 22 -

Schaubild 1:  
 Übersicht über die Küstenlinie der Republik Namibia und die Auswirkungen des Anspruches der Republik Südafrika auf Walvis Bay und die Pinguin-Inseln.  
 PE 204.347/fin.

Schaubild 2:  
 Landesgrenzen und Infrastruktur der Republik Namibia



SÜDAFRIKA

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Development and Cooperation  
for the Committee on Agriculture, Fisheries and Rural Development

Draftsman: Mrs Ursula BRAUN-MOSER

At its meeting of 15 July 1992, the Committee on Development and Cooperation appointed Mr Arturo ESCUDER CROFT draftsman.

Following the death of Mr Escuder Croft, the committee appointed Mrs Braun Moser draftsman on 15 October 1992.

At its meeting of 16 October 1992 it considered the draft opinion and adopted the conclusions as a whole.

The following took part in the vote: Mr Saby, chairman; Mr Chiabrando, vice-chairman; Mrs Belo, vice-chairman; Mrs Daly, acting draftsman; Mrs Ernst de la Graete, Mr Kostopoulos, Mr McGowan, Mrs Pery, Mrs Simons, Mr Telkämper, Mrs Van Hemeldonck and Mr Verhagen.

## Introduction

The Committee on Development and Cooperation has actively promoted closer relations between the Republic of Namibia and the European Community. In previous opinions, and notably in the report presented by Mr Guermeur<sup>16</sup> concern resources in Namibia and Namibian waters not only by South African but also other foreign interests.

As far as fisheries is concerned, over-exploitation of fisheries stocks and in particular the high-value hake stocks, prior to independence, led to a very severe depletion of fisheries stocks. In 1988 the main catches were recorded by Spain and Portugal (54.4%), the Soviet Union (35%), South Africa (8%) - the remainder being accounted for by eastern European states, Cuba and Japan. This problem was accentuated by the lack of any coherent fisheries policy of the pre-independence political authorities.

Since the election of the new political leadership in Namibia and the establishment of a clear constitutional authority, wide recognition has been given to the need to recover lost time by establishing the fisheries sector as a clear economic priority for the country. Enormous efforts have been exerted by Namibian officials of great competence in order to create what now is a clear policy for the fisheries sector. The December 1991 White Paper - Towards responsible development of the fisheries sector - provides detailed guidelines on priorities and objectives.

The geographical location of Namibia, its extensive coastline and exclusive economic zone (EEZ) which should include Walvis Bay and the Penguin Islands, its population settlement all predispose the country towards fishing. The unique marine environment created by the Benguela current creates considerable opportunities for the development of the fisheries sector. Over the next 10 years it is hoped that fisheries will provide 10% of the country's workforce with jobs. The spin-off into other sectors of activity should also create jobs, while at the same time increasing foreign exchange earnings which could be made available for new investment.

Improved marketing and distribution of fisheries resources within Namibia and the surrounding region should contribute to better nutritional levels amongst the population.

This can only be done however if in the short-term priority is granted to stock control and conservation. Certain fish varieties are particularly threatened and very strict criteria must be greeed upon and applied (catch quotas, mesh sizes, seasonal restrictions, etc.) not only by Namibia but by the international community if the policy of the Namibian authorities is to stand any chance of success.

The European Community in this context has a particular responsibility to respect the Namibian government's plans. It also should provide whatever technical or other assistance which may be required in order to police or survey the fishery areas.

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<sup>16</sup> Doc. A2-204/86, OJ No. C 76, 23.3.1987, p. 123



Requests the Committee on Agriculture, Fisheries and Rural Development to incorporate these conclusions into its report.

1. In any future fisheries cooperation agreement with the European Community, the priority must be given to immediate and effective fisheries conservation measures, to future resource planning and to the rebuilding of depleted stocks within the context of a general policy of sustainable management of marine environment;
2. The Community and its Member States should further assist Namibia in its efforts to prohibit illegal fishing within its EEZ;
3. A specific contribution (both technical and financial) to the development of an autonomous Namibian capacity should be provided for onshore processing of mainly white fish products and for their marketing and distribution within Namibia and the surrounding region as well as internationally;
4. It should be recognized that whilst the current stock situation limits fishing opportunities available to EC fishing vessels, the Namibian government's current policy offers new opportunities for EC fishing sector enterprises to participate in the development of the Namibian fishing industry;
5. Priority should be accorded to locally based fishing vessels including artisanal fisheries, in order to ensure the maximum contribution of the fisheries sector to the wider economy of Namibia;
6. In this regard it should be recognized that the health of the Namibian economy is likely to have an important bearing on both Namibia's attempts to consolidate its multiparty democracy and eradicate the social and economic legacy of apartheid in Namibia;
7. Support should also be given to resource management policy and the work of the Namibian Fisheries Development Corporation;
8. Given the importance of the Walvis Bay area to the future development of Namibian marine policy, strongly recommends that negotiations between Namibia and South Africa open as soon as possible in order to resolve outstanding difficulties concerning the integration of Walvis Bay, the Penguin Islands including Ichaboe, within Namibian territory and jurisdiction pursuant to UN Resolution 432 of 1978 and to the Namibian Constitution;
9. The Commission should respond sympathetically to requests from the Namibian authorities for the upgrading of fishing facilities, not only in Walvis Bay but also in other areas including the port of Luderitz;
10. If EC fishing sector enterprises are to play a full role in the development of fish processing, packaging and marketing in Namibia for the domestic, regional and international markets then this will require a redefinition of the EC's approach to cooperation in the fisheries sector;
11. A reformulation of the EC's approach to cooperation in the fisheries sector is essential if EC fisheries sector enterprises are not to be marginalised from the process of recovery and development of the Namibian sea fisheries sector;

12. Concerning the provision of fishing rights to Community vessels, i.e. the surplus amount that the Namibian fleet does not have the capacity to deal with in relation to the quotas commensurate with sustainable management, it should be incumbent upon the European Community to provide guarantees that agreements should be fully respected, as it is equally incumbent upon the Namibian government to obtain similar guarantees from the other foreign fishing fleets using the EEZ;
13. The European Community should ensure that the future fisheries agreement with Namibia forms part of a broader programme of development priorities within Namibia and the southern African region.