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► Deep-dive research into decent work challenges and opportunities in Namibia's fishing supply chain



- ▶ **Deep-dive research into decent work challenges and opportunities in Namibia's fishing supply chain**

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Preface

The International Labour Organization (ILO) is the United Nations specialized agency devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. It brings together governments, employers and workers-tripartite constituents of [187 member States](#), to set labour standards, develop policies and devise programmes promoting decent work for all women and men. The ILO delivers on its mandate through Decent Work Country Programmes, which bring together its knowledge, instruments, advocacy and cooperation at the service of its tripartite constituents in a results-based framework to advance the economic and working conditions that give all workers, employers and governments a stake in lasting peace, prosperity and progress. Through its Sectoral Policies Department (SECTOR), the ILO promotes decent work in 22 economic and social sectors at the global, regional and national levels.

As part of the Decent Work Country Programme for Namibia, 2019–2023, the ILO is implementing a global programme on *Sustainable supply chains to build forward better* (SSCBFB), a joint initiative of the ILO and the European Union (EU) Programme for Employment and Social Innovation. The programme sets out to advance decent work for a fair, resilient and sustainable COVID-19 crisis recovery in five selected global supply chains: coffee in Colombia; electronics in Viet Nam; textiles in Madagascar rubber in Malaysia; and the fisheries supply chain in Namibia. The action supports the EU's commitment to responsible global leadership, to the Sustainable Development Goals and to promoting international labour standards. It also reflects the EU's global response to the pandemic, which emphasizes the importance of sustainability, labour rights and corporate responsibility throughout global supply chains.

The fisheries supply chain in Namibia covers the full range of activities required to bring fish or fishery products to final consumers, from catch to plate, including handling, processing and delivery. It comprises industrialized marine capture fisheries, recreational fisheries, inland capture fisheries, mariculture, and freshwater aquaculture. The sector contributes 4.1 per cent to Namibia's Gross Domestic Product (GDP), generating US\$628million (N\$10 billion in 2021) in foreign currency earnings and creating about 12,806 direct jobs in the country. Over 90 per cent of total unprocessed and manufactured fish products are exported, and the EU is one of Namibia's most important markets. The programme aligns very well with the efforts of the Government of the Republic of Namibia for social economic recovery, especially in sectors worst affected by the pandemic, and the objectives and aspirations of the Fifth National Development Plan (NDP5) and Harambee Prosperity Plan II (HHP II) to engender inclusive economic recovery and growth.

The world of work has been profoundly affected by the COVID-19 pandemic. In addition to the threat to public health, the economic and social disruption threatens the long-term livelihoods and well-being of millions. COVID-19 has disrupted the fisheries supply chain in Namibia, with negative impacts for fishers, including income losses for the employers and minor job losses. Tackling COVID-19's socio-economic consequences is a priority for the EU, including in the global supply chains to which it is connected. For its part, the ILO has emphasized that social dialogue and decent work is key to "building forward better."

The SSCBFB Programme commissioned a "deep-dive" study of the fisheries sector in Namibia to support government and industry stakeholders in refining strategy and projects in the fisheries sector in Namibia, with a focus on decent and sustainable employment creation. This report presents the findings of the study and provides an evidence base to support stakeholders in developing tools and policy advice, and in the design of capacity-building initiatives that would allow tripartite partners and other stakeholders to take steps to advance decent work in their response to the COVID-19 crisis, thus making supply chains more resilient, fair and sustainable. The report provides an up-to-date integrated picture of the impact of the COVID-19 pandemic on Namibia's fisheries sector and supply chains. It highlights employment trends and working conditions, the challenges to and opportunities for the promotion of decent work. The report outlines recommendations for action by the Government of Namibia, employers' and workers' organizations, as well as investors and other global supply chain players.

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This report was prepared by Dorien Braam from Praxis Labs (research methodology, analysis and report writing) and Geographic Consulting Group Investments CC (GeoCG CC) (fieldwork, data entry and cleaning) under the supervision of Oliver Numwa (National Project Coordinator), with the support and strategic guidance of the National Tripartite Advisory Committee. An external consultant, Aliesha Bryan, proofread and edited the material. This work also benefited from valuable input, comments and guidance from a larger group of ILO colleagues, including but not limited to Casper Edmonds, Adolphus Chinomwe, Kassiyet Tulegenova, Christine Bader, Helmut Kafita, Maria Mutandwa and Amanda Mejia-Canadas.

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Acronyms and abbreviations

AFDB	African Development Bank
AU	African Union
BCC	Benguela Current Commission
BCLME	Benguela Current Large Marine Ecosystem
CBA	Collective Bargaining Agreement
CET	Common External Tariff
CGF	Consumer Goods Forum
CMA	Common Monetary Area
CNFA	Confederation of the Namibian Fishing Associations
CSR	Corporate Social Responsibility
DMA	Directorate of Maritime Affairs
DWCP	Decent Work Country Programme
EC	European Commission
ESC	Economic, Social and Cultural
EU	European Union
FAO	Food and Agriculture Organization
FGD	Focus Group Discussion
FSI	Fish Sustainability Initiative
GBV	Gender Based Violence
GDP	Gross Domestic Product
GDST	Global Dialogue on Seafood Traceability
GSA	Global Seafood Alliance
GSSI	Global Sustainable Seafood Initiative
IFDM	Integrated Fisheries Data Management
ILO	International Labour Organization
ITC	International Trade Centre
IUU	Illegal, unreported and unregulated
KII	Key Informant Interviews
MFMR	Ministry of Fisheries and Marine Resources
MoHSS	Ministry of Health and Social Services
MoLSW	Ministry of Labour and Social Welfare
MSC	Marine Stewardship Council
MSME	Micro, Small and Medium Enterprises
NAD	Namibian Dollar
NDP	National Development Plan
NEEZ	Namibia Exclusive Economic Zone
NFCPT	Namibia Fish Consumption Promotion Trust
NSI	Namibian Standards Institution
ODA	Overseas Development Assistance
OHCHR	Office of the High Commissioner for Human Rights

OSH	Occupational Safety and Health
RFVS	Responsible Fishing Vessel Standard
SACU	Southern African Customs Union
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SEAFO	South East Atlantic Fisheries Organization
SFP	Sustainable Fisheries Partnership
SME	Small and Medium Enterprises
SSC	Social Security Commission
SSCI	Sustainable Supply Chain Initiative
TAC	Total Allowable Catch
TVET	Technical and Vocational Education and Training
UNDESA	United Nations Department of Economic and Social Affairs
UNFSA	United Nations Fish Stocks Agreement
VMS	Vessel Monitoring System

Executive summary

Namibia is well positioned within international and regional trade and investment frameworks and initiatives to further develop its fisheries and seafood sector in line with its development plans. However, there remain important gaps to be addressed in its legal framework and financial planning prioritization to achieve sustainable decent work in the sector.

There is a general lack of awareness on human rights due diligence among employers, with workers reporting dissatisfaction with working conditions, including wages, working hours and compensation for overtime. Other challenges affecting decent work include the widespread use of temporary contracts and related lack of social security contributions, in particular on foreign flagged vessels. Meanwhile, formal training capacity is underutilized. Increased specialized training for upskilling would greatly enhance workers' employability, including capacity for value-added processing activities in factories.

The labour administration system and related policy areas are spread across a multitude of ministries and statutory bodies, and the study showed that there is confusion regarding the competent authority for labour inspections on board fishing vessels. Key informants reported the lack of comprehensive and relevant inspections into living and working conditions, as inspectors lack capacity, both in terms of financial and human resources, as well as a lack of adequate responses in case of violations. There is very limited inter-agency collaboration, in particular for the detection of human rights violations on board fishing vessels, which falls outside the mandate of labour inspectors, while penalties and fines were considered too low, in particular for repeat offenders.

Careful consideration needs to be made of wider environmental implications of further growth in the fisheries and seafood sector, in particular ensuring sustainable practices of bottom trawling and coastal fishing. Importantly, any growth needs to prevent exploitation of resources, human as well as natural, which requires careful consideration as to if and where the sector can best contribute to employment creation and protecting wider human rights in the country. In line with MFMR's vision, investments in high-end sustainable products would be more sustainable in the medium to long term, responding to shifting global market demands towards sustainable products in compliance with human rights.

Based on the study findings, the following recommendations were developed to support the promotion of decent work and enhanced social and economic outcomes to build forward better:

To Government

Legal framework

- ▶ Harmonize the legal framework, in particular the Labour Act, Marine Resources Act and the Merchant Shipping Act, to increase compliance, inviting input from tripartite partners; implementing provisions at sea and across jurisdictional boundaries;
- ▶ Harmonize, expand and enforce the requirements for inspections on fishing vessels, including foreign flagged fishing vessels (i.e. port State control), in line with relevant regulations through further implementation of the ILO Work in Fishing Convention, 2007 (No. 188), alongside other international treaties such as the FAO Agreement on Port State Measures (PSMA), IMO Cape Town Agreement on Fishing Vessel Safety (CTA) and IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F);

- Inform and raise awareness on ILO Conventions and priorities for implementation, including the guidelines on flag State inspection of working and living conditions on board fishing vessels and guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188).^{1 2}
- Ratify the Maritime Labour Convention, 2006 as amended (MLC, 2006) to ensure inclusion of vessels not only catching, but involved in processing and transporting fish.

Coordination

- Improve inter-agency collaboration at the national level between labour, maritime, fisheries or other relevant authorities; including by setting up a coordination mechanism for the implementation and enforcement of Convention No. 188 (e.g., via a Memorandum of Understanding (MOU));
- Establish a focal point system and protocols (SOPs) to ensure effective communication and collaboration between fisheries observers and labour, maritime or other inspectors from entities inspecting living and working conditions on board fishing vessels;
- Increase awareness and capacity of labour, maritime or other inspectors from entities inspecting living and working conditions on board fishing vessels, to identify forced labour or labour abuses, combining electronic monitoring with in-person inspections; as well as sensitize fisheries observers on the subject;
- Actively participate in forums looking into the link between illegal, unreported and unregulated (IUU) fishing and labour abuses, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South East Atlantic Fisheries Organization (SEAFO), and the FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters; and advocate for the extension of regional (environmental) mechanisms and agreements to include binding measures for fisher protections through improved working conditions, aligned with Convention No. 188 and other relevant ILO international labour standards.

Inspection

- Provide better oversight and monitoring to labour, maritime or other inspectors from entities inspecting living or working conditions throughout the fisheries value and supply chain, for the implementation and enforcement of laws and regulations relating to work in fishing, aligning with the ILO Labour Inspection Convention, 1947 (No. 81);
- Strengthen the capacity and skills of labour, maritime or other inspectors from entities inspecting living and working conditions throughout the fisheries value and supply chain, to increase the coverage and integration of inspections with other stakeholders;
- Increase resources (human, financial, infrastructure and technology etc.) through the recruitment of inspectors in labour, maritime or other entities inspecting living and working conditions throughout the fisheries value and supply chain, providing sufficient resources to conduct comprehensive and effective inspections;

Skills

- Upgrade technology, innovation, research and development and align fishers' and workers' skills with employment opportunities through the provision of formal training, in particular to increase capacity for value added processing, aligned with primary and secondary education, strengthening school-to-work transition;

¹ ILO, [Guidelines on flag State inspection of working and living conditions on board fishing vessels](https://www.ilo.org/public/libdoc/iloorg/2007/07/20070188.pdf) (ilo.org)

² ILO, [Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 \(No. 188\)](https://www.ilo.org/public/libdoc/iloorg/2007/07/20070188.pdf) (ilo.org)

- Enhance competencies and training/capacity development among tripartite constituents to conduct value-chain analysis, skills identification and anticipation, and feasibility and assessment studies to promote sub-sectors across the fisheries value and supply chain, and to design action plans/protocols/regulatory reforms to promote skills development and decent jobs.

Other issues

- Monitor and enforce registration of fishers and workers with the Social Security Commission, with particular regard to contract employees.
- Adopt a national minimum wage (NMW), to work towards Harambee Prosperity Plans (HPP) goals for reducing poverty;
- Aligned to high-level statements (NDPs etc.), develop an inclusive implementation strategy for the National Employment Policy to create sustainable, blue employment opportunities, ensuring fisheries and environmental protection, inviting input from all ministries and departments, industry organizations and unions to increase ownership and compliance, prioritizing workers and their organizations in social protection initiatives, and addressing unfair competition practices in the industry;
- Strengthen gender-responsive budgeting and planning, including through the mainstreaming of informal and small-scale businesses into the formal economy;
- Support and protect small-scale fisheries while supporting the industry at large through a strengthened legal framework, considering their significant socio-economic contribution with an important role in providing food security along shorter supply chains; especially relevant in the light of global supply chain disruptions such as those caused by the pandemic and climate change risks;
- Review and update the Social Security Act to include informal workers and small-scale fishers;
- Support companies/employers in undertaking due diligence processes;
- Focus on supply chains and value-added production, strengthening Namibia's international standing as a leader in environmental protection and natural resource conservation and management; providing infrastructure (such as cold storage capacity) to increase offloading fresh fish so as to increase on-shore processing, creating employment opportunities, in particular for women, youth and unemployed graduates; invest in aquaculture, following the upwards global trend in demand; and
- Facilitate access to financial services for upskilling and upgrading of equipment, infrastructure and material for improved sustainable production and decent work.

To workers' organizations / unions

- Increase awareness-raising on human and labour rights (as enshrined in national law) for workers and fishers through a variety of channels, in particular regarding contracts, OSH and social security;
- Provide capacity-building and training of workplace union representatives (shop stewards) to effectively represent and educate the workers in the fisheries sector;
- Improve inclusivity and equal representation, organizing or ensuring the inclusion of informal workers and small-scale fishers;
- Create a secretariat to spearhead the interests of workers in the informal economy;
- Increase union officials' awareness and knowledge of the various standards of manufacturing processes.

To employers' organizations / industry organizations

- Employers' organizations (through the CNFA) should inform member companies on the benefits of social protection mechanisms for fishers and workers, regardless of employment status, and promote the registration of all fishers and workers with the Social Security Commission;

- Employers' organizations should increase awareness on the United Nations Guiding Principles on Business and Human Rights (UNGP), human rights due diligence and private compliance initiatives among employers;
- Employers' organizations should support member companies in their efforts to implement national law and other measures giving effect to Convention No. 188;
- Employers' organizations should support member companies in their efforts to apply and comply with due diligence throughout the fisheries value and supply chain in line with national legislation;
- Employers' organizations should promote freedom of association and collective bargaining, including through promoting sectoral agreements on wages and working conditions.

To international businesses/buyers sourcing fish from Namibia

- Continue to advocate for and develop means for monitoring of stricter regulatory standards to prevent and eliminate unacceptable forms of work from occurring within supply chains;
- Require human rights and UNGP commitment and implementation from suppliers;
- Share international good practices on human rights with suppliers, including through training.

To the International Labour Organization

- Strengthen engagement with sectoral stakeholders and facilitate stronger cooperation among social partners; consider extending the mandate of the National Tripartite Advisory Committee to act as a sectoral social dialogue mechanism for improved collaboration of employers' and workers' organizations;
- Provide input to the strengthening of the legal framework, and for reporting on the implementation of ILO ratified Conventions;
- Awareness-raising on Convention No. 188 and its application among constituents;
- Collect sector-specific qualitative and quantitative data through conducting further targeted research related to the implementation of (sections of) the Labour Act and other pieces of legislation giving effect to Convention No. 188 and other relevant conventions (e.g., recruitment, inspections);
- Targeted studies, including into gender dynamics in the sector and the informal small-scale segment in the fisheries sector, would be timely and essential to better inform the Government on the position and role of inland fisheries in the national, regional and global supply chains, and related labour and social protection gaps, including internal migration, food security and poverty reduction;
- Support all stakeholders in further unpacking the relationships between labour conditions and environmental issues such as fishery performance and IUU fishing.

1.

Background



Background

This study is part of International Labour Organization (ILO) research to support its activities under the joint ILO/European Union (EU) Programme for Employment and Social Innovation intervention “Sustainable supply chains to build forward better” using global supply chains as an entry point for advancing decent work.³ This study provides an evidence base to support government and industry stakeholders in refining strategy and projects in the fisheries sector in Namibia, with a focus on decent and sustainable employment creation.

Decent work involves “opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”.⁴ This study therefore looks at the four pillars of the Decent Work Agenda:

- 1) employment creation;
- 2) social protection;
- 3) rights at work; and
- 4) social dialogue – with gender equality as a cross-cutting objective.

These are integral elements of the 2030 Agenda for Sustainable Development Goal (SDG) 8, which calls for the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work.⁵ The study also responds, in part, to SDG 5 which aims to achieve gender equality and the empowerment of women and girls.⁶

3 ILO, [*Sustainable supply chains to build forward better*](#), 2020

4 ILO, [*The ILO's Decent Work Agenda*](#), 2022

5 UNDESA, [*SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*](#), 2015

6 UNDESA, [*SDG 5 Achieve gender equality and empower all women and girls*](#), 2015



2.

Introduction

2.1 Overview and structure of the fishing industry

The fisheries industry in Namibia comprises industrialized marine capture fisheries, recreational fisheries, inland capture fisheries, mariculture and freshwater aquaculture. Community-based cooperatives and private, small-scale fish farms dominate freshwater fisheries, while the more capital-intensive marine fisheries are mainly run by private export-oriented enterprises (ILO, 2021). As its third largest source of foreign income after mining and tourism, fisheries contribute about 15 per cent to export earnings, in particular the commercial fishing of horse mackerel and hake (AFDB, 2020). Contributing roughly 4.1 per cent to GDP (NSA, 2020)⁷, Namibia's Government through its "Vision 2030" identifies fisheries as one of the industries with potential for growth (Chiripanhura and Teweldemedhin, 2016), through sustainable strategies.⁸

In support of Vision 2030, Namibia's Fifth National Development Plan (NDP5, 2017–2022) was adopted in 2017. The National Planning Commission implements the NDP, deriving its mandate from Article 129 of the Constitution of the Republic of Namibia and the National Planning Commission Act (2013). NDP5 is complemented by the Harambee Prosperity Plans (HPP) supporting national equitable economic growth, initially launched in April 2016, with Harambee II starting in 2021. The NDP includes ambitions for Namibia to achieve high income status by 2030, including through fisheries as part of a "Blue Economy", defined by the World Bank as the "sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of ocean ecosystem". Its aim is to develop and implement a governance and management system that sustainably maximizes economic benefits from marine resources, while simultaneously ensuring equitable marine wealth distribution for all Namibians (ILO, 2021). The interest in the sector is reflected in the African Union (AU) launch of the African Blue Economy Strategy in February 2020, after it designated 2015–2025 as the Decade of African Seas and Oceans.

In 2006, Namibia received \$145.3 million of Official Development Assistance (ODA), with the United States as largest donor, followed by Germany.⁹ Projects funded by international partners to the fisheries and seafood sector include the EU Integrated Fisheries Data Management (IFDM) programme, mandating Vessel Monitoring Systems (VMS) on industrial fishing vessels to prevent IUU fishing. Recent investments include two fish processing factories in Walvis Bay and the expansion of an existing aquaculture farm in Lüderitz growing abalone shellfish, which rely on a well-functioning transport sector (Remmert, 2018).

2.1.1 Marine fisheries and mariculture

The largest share of the fisheries sector in Namibia is held by commercial marine fisheries. Bergh (2001) identified at least eight tiers: including demersal fisheries, consisting of freezer and wet fish bottom trawlers and longliners; midwater fisheries of trawlers and purse seine vessels; purse seine fishery, using wet boats that hold the unsorted fish in large holding tanks, which are pumped out ashore; deep-water fishery; tuna fishery using longlining and pole and line; rock lobster fishery; and crab fishery using traps to catch deep-sea crab (Bergh, 2001) (Table 1). As the coastline is largely uninhabited, there is no artisanal fishing besides a small-scale angling community in the linefish fishery (FAO, 2015).

7 NSA, [Annual_National_Accounts_2020_copy.pdf](https://d3rp5jat0m3eyn.cloudfront.net) (d3rp5jat0m3eyn.cloudfront.net), 2020

8 FAO, [Fishery and Aquaculture Country Profiles Namibia](#), 2015

9 World Bank, [Namibia Country Brief](#), 2009

► **Table 1. Type of fisheries (number of vessels 2021–2021) in Namibia (source: Ministry of Fisheries and Marine Resources and FAO¹⁰)**

Demersal fisheries (69); monk (19)	Midwater fishery (18)	Purse seine fishery	Large pelagic fishery (43)	Rock lobster fishery (16)	Deep sea red crab fishery (5)	Linefish (40) and angling fisheries
Freezer trawlers (19–77m) (1200–3000 GRT; fish processed at sea)	Midwater trawlers (97–120 m); adult horse mackerel, using trawl nets with a mesh size of 60 mm; partial processing at sea	Purse seiners (21–47 m); sardine and industrial fish (juvenile fish); canning on-shore	Pole and line; longline; tuna, swordfish and sharks; MFMR Value Addition Criterion for partial local processing	Rock lobster trap vessels (18–20 m); lobsters landed in Lüderitz	Trap vessels (≈55 m length), process between 200 and 1200 traps per day	Linefish boats; snoek
Freezer bottom trawlers (100–800 GRT) (monkfish)						Commercial ski boats; kob
Wet fish trawlers (19–55 m); catch offloaded onshore						Recreational ski-boats and anglers
Longliners (hake)						

The Namibian fishing industry is perceived as difficult to access, especially for poor and disadvantaged communities. In 2015 the New Equitable Economic Empowerment Framework (NEEEF) was adopted for the purpose of promoting socio-economic transformation to enhance equity, social justice and empowerment of the previously disadvantaged majority. In 2015, new fishing right holders were given preference in obtaining quotas, which resulted in job losses among local fishers (Nangolo and Alweendo, 2020). While foreign-owned companies still hold a significant share of the fishing market, the Government now actively promotes “Namibianization” of the fishing industry through affirmative action, limiting the number of licences granted to foreign trawlers to fish in the Namibian waters and encouraging joint ventures between foreign and local entities. The Ministry of Fisheries and Marine Resources (MFMR) receives thousands of fishing rights applications every seven years (e.g., 5,193 in 2019); however, it only allocated 298 fishing rights in 2021. Recent industrial action in the sector has primarily focused on issues around the allocation of quotas: where large companies fail to obtain fishing quotas, workers are often made redundant. As a result of negotiations led by the Namibia Fishing Industries and Fishermen Workers Union with the Ministry of Labour, a Cabinet directive was developed for quotas to be awarded to fishing companies to absorb these fishers, based on capacities and skills.¹¹

Namibia’s 200 nautical mile Exclusive Economic Zone (NEEZ) contains about 20 different species: small pelagic species (pilchard, anchovy, horse mackerel and mackerel) and lobster; as well as large pelagic species, including adult mackerel, demersal hake and other deep-sea species (monkfish, sole and crab) in the waters further offshore (Negroni and Mwanja, 2016), with eight species regulated through Total Allowable Catch (TACs) (Table 2), including hake, monk and kingklip (Namibia, MFMR 2016). The principal species harvested for commercial purposes are hake, monk, horse mackerel, sardine, deep sea red crab

10 FAO, *Fishery and Aquaculture Country Profiles Namibia*, 2015

11 All Africa, *Namibia: Striking Fishermen Thrown Lifeline*, 20 May 2021

and rock lobster.¹² All fish are landed in the two ports of Walvis Bay and Lüderitz, with hake and horse mackerel accounting for 87 per cent of landed catches, 82 per cent of the average annual landed volume, and 60 per cent of the total fisheries export value (Namibia, MFMR 2014).

► **Table 2. Total Allowable Catches (in Mt)**

Season	Period	Pilchard	Hake	Horse Mackerel	Crab	Rock Lobster	Monk
2016/17	2016	14 000	140 000	335 000	3 446	268	10 000
2017/18	2017	14 000	154 000	340 000	3 446	230	9 600
2018/19	2018	0	154 000	340 000	3 446	200	8 000
2019/20	2019	0	154 000	349 000	3 900	180	7 200
2020/21	2020	0	160 000	330 000	3 900	180	7 300
2021/22	2021	0	154 000	330 000	3 900	200	7 300

*Season changed from 1 May to 30 April, to 1 November to 30 September

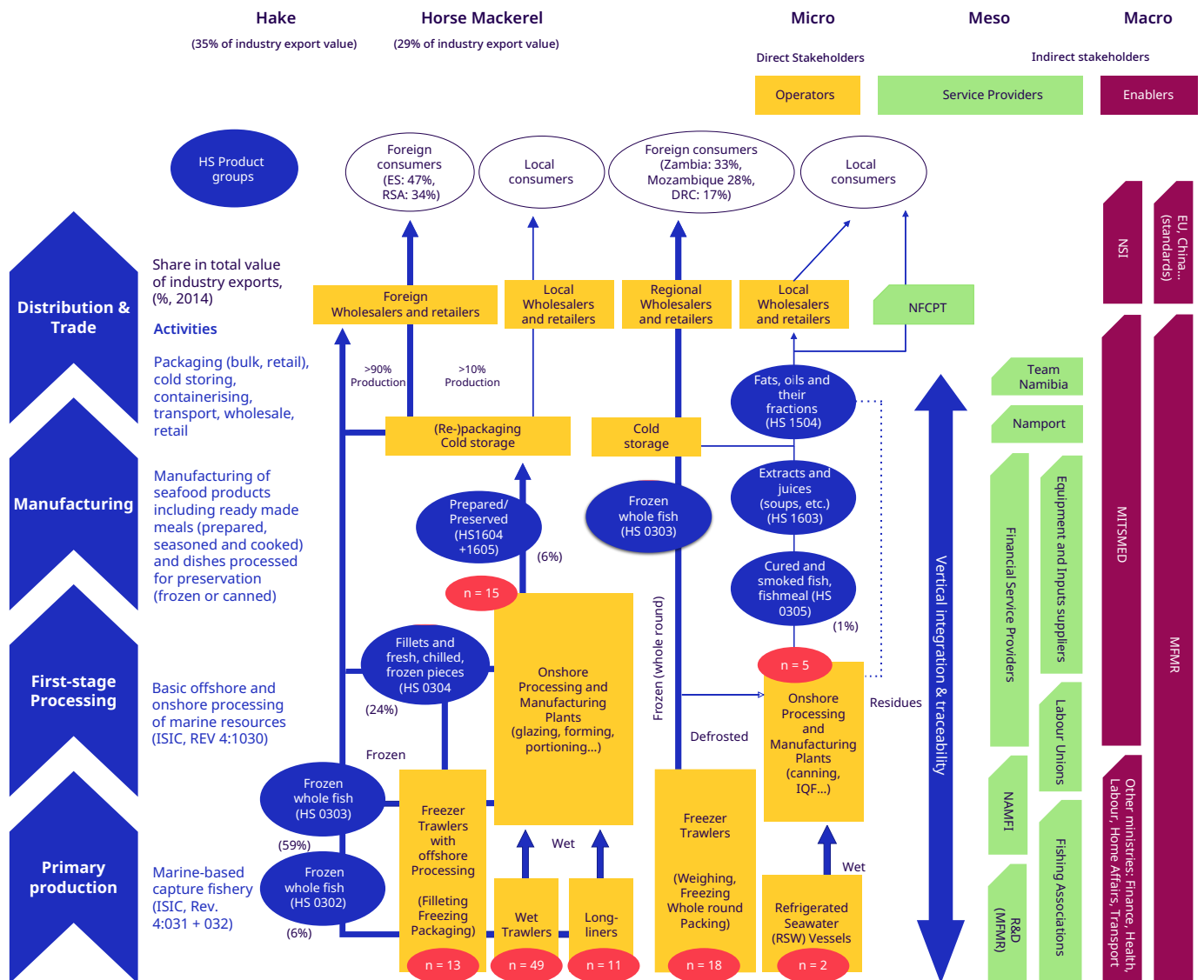
In addition to open sea fisheries, there is commercial marine aquaculture, so-called “mariculture” in Walvis Bay, Swakopmund and Lüderitz (Negroni and Mwanja, 2016). While in 2005 the sector consisted exclusively of oyster production in eight farms with a total production of 302 tons for export to Asia, by 2010, 21 licences were issued for the production of abalone, scallop, Pacific oyster, clam, seaweed, sea lettuce, silver cob, kelp, yellow tail and oyster. Methods to grow both Pacific oyster and European oyster include baskets suspended from rafts, longlines and onshore raceways and ponds (Negroni and Mwanja, 2016).

High overhead costs (electricity, water) as well as operating and maintenance costs of the factories/vessels, and the low value-added production hinder the competitiveness of Namibia's fisheries. By 2012, there were only one pelagic fish cannery and two fishmeal plants in Walvis Bay. Furthermore, cold storage capacity is limited at a mere 10,000 tonnes, limiting the opportunities for landing frozen fish, with raw material for canning factories often imported as a result (ATFALCO, 2012). Other challenges to the sector include the possible depletion of stocks due to overfishing, and difficulty in securing access to external markets due to stringent phytosanitary regulations, in particular for value-added products (AFDB, 2020). A shortage in skilled labour, including entrepreneurs in either vocational or business disciplines, as well as a shortage in vessels, impede sector growth. These shortages also negatively impact access to finance at realistic rates, investment, export diversification and intensification. Meanwhile, producers revealed that they felt disadvantaged by the decision to classify their activities as fishing rather than farming (Chiripanhura and Teweldemedhin, 2016).

The lack of access to capital and vessel ownership has resulted in the significant presence of foreign capital in Namibia's fishery sector. The partnership between Namibian and foreign capital allows capacity-building in terms of technical, managerial and marketing skills, as well as access to foreign markets (Chiripanhura and Teweldemedhin, 2016), although competing with cheaper Asian processed fish products on the African market remains difficult because of the large price differences.

12 FAO, *Fishery and Aquaculture Country Profiles Namibia*, 2015

► Figure 1. Value chain map seafood in Namibia, Source: GIZ ProCOM, based on Impact-Namibia Economic Consulting



2.1.2 Inland fisheries and aquaculture

Inland fisheries are primarily located in the northern regions of Zambezi, Kavango, Omusati, Ohangwena, Oshikoto and Oshana; however, they are limited by scarce freshwater resources (Negroni and Mwanja, 2016). Total inland fisheries catch in perennial rivers and artificial water reservoirs varies seasonally, producing an estimated 6,000–8,000 tons annually, mainly consisting of tilapia and tiger fish. In addition, there is some commercial catfish and tilapia farming in Hardap, consisting of communal-based production supported by the Ministry of Fisheries and Marine Resources (MFMR) and the Ministry of Trade and Industry, while efforts are made to farm brackish water species in Oshikoto. Support is provided to smallholder farmers for fish seed and initial feed (Negroni and Mwanja, 2016). Community-based fish farming is promoted by the Government of Namibia to increase food security and create employment and income generation. During 2010, MFMR distributed fingerlings to 74 small-scale fish farmers to grow and sell for their own income as well as fish feed bags at subsidized prices. A total of 41 fish farms, with a total catch of 10 toes and a value of about NAD 170,000 were harvested during 2010. The highest catches were reported in the Kavango and Ohangwena regions. Harvest in the Caprivi region was low due to flooding of the fish farms during that year (FAO, 2015).

Much of the inland fishing is conducted informally and is unlicensed, however, with over 100,000 people depending on fishing for their daily protein needs in the Kavango and Zambezi regions (ATFALCO, 2012). These so-called “floodplain” fisheries have low levels of management, with few people obtaining a license, but with significant economic value for the communities. The Food and Agriculture Organization (FAO) developed Voluntary Guidelines on Securing Sustainable Small-scale Fisheries (SSF) in the context of Food Security and Poverty Eradication (SSF Guidelines), to improve fishers’ socio-economic situation and food security, and a National Plan of Action for SSF. At the end of 2020, a National Task Force comprising key stakeholders in the small-scale fisheries sector was established to provide guidance to the National Plan of Action development process.¹³ According to ILO, informal small and micro enterprises (MSME) are often led by women, including in the blue economy (ILO DWCP, 2019-2023). Increasingly, human rights in the sector are considered more broadly to include economic, social and cultural (ESC) rights in small-scale fisheries, which includes the protection of women’s rights in seafood value chains (Finkbeiner et al, 2021). The main challenge to inland fisheries and aquaculture development remains drought, however, as a result of a lack of consistent fresh water supply (Chiripanhura and Teweldemedhin, 2016).

2.2 Employment trends and statistics

The Namibian economy was already in a recession before the COVID-19 pandemic (ILO, 2021), with the country’s real GDP growth declining from 4.3 per cent year-on-year in 2015, to -0.6 per cent in 2019 (ILO, 2021). Namibia’s unemployment rate grew to 33.4 per cent in 2018, compared to 27.9 per cent in 2014, with a growing youth unemployment rate of 46.1 per cent in 2018, compared to 39 per cent in 2014 and 43.4 per cent in 2016, with higher unemployment levels among women (ILO, 2021). Meanwhile, informal employment (those not covered by social security) constituted an average of 67.5 per cent for women and 65.6 per cent for men, particularly in the agriculture, forestry and fisheries sector (Labour Force Survey, 2016). Poverty rates are high with 27 per cent in rural and 9.6 per cent in urban areas (ILO DWCP 2019-2023).

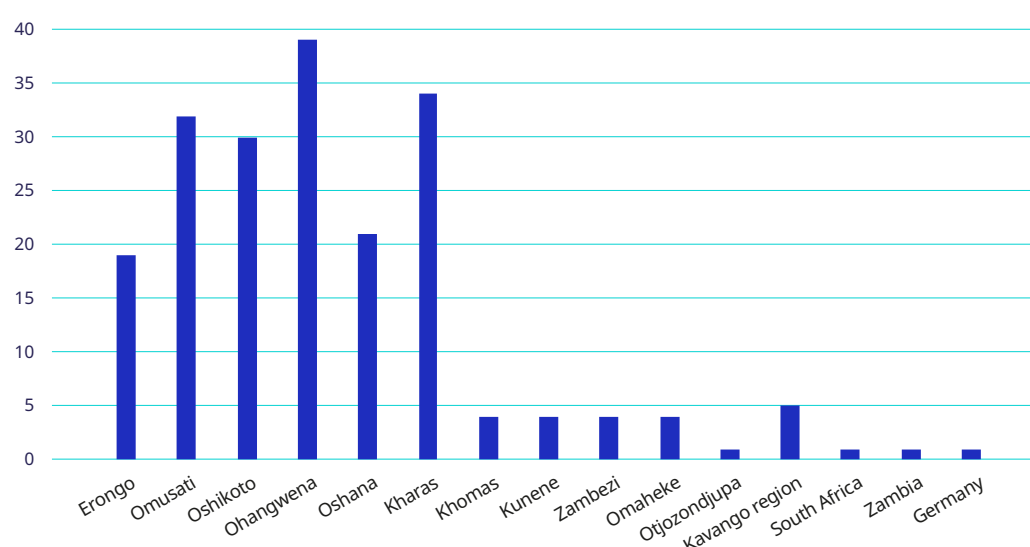
As the largest employment provider, the agriculture, forestry and fishing sector accounted for 23 per cent of employment in Namibia, a total of 167,242 people in 2018 (Namibia Labour Force Survey 2018), although “skilled” agricultural and fishery workers make up less than 10 per cent of employment figures (Labour Force Survey 2018). According to the 2018 Labour Force Survey, 57.7 per cent of the

13 FAO, [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#), 2020

total of employed persons work on their “own account”. The percentage of own account workers in the agriculture, forestry and fishing industries is as high as 87.6 per cent (146,537 people). Some of these persons run micro, small and medium-sized businesses, which were greatly impacted by the COVID-19 pandemic, exacerbating existing unemployment challenges and creating further economic hardship in the country (ILO, 2021). Due to this high level of informality, employment estimates for the fisheries sector vary wildly, from an estimated 6,800 direct jobs and nearly 250,000 indirect jobs (AFDB, 2020), to 14,000 direct jobs, with approximately 5,575 employed on-board vessels, and 7,925 in onshore processing (ATFALCO, 2012), or even 25,000 (Chiripanhura and Teweldemedhin, 2016). While the latter may be optimistic, hake fishing alone is estimated to provide employment to over 10,000 people, with the bulk of these occupied by women onshore. Recent data from the Ministry of Fisheries and Marine Resources (MFMR) indicate a growing workforce of 18,105 people, of which 47 per cent women in marine fisheries, and 45,000 workers in freshwater fishing in 2021.¹⁴ ILO uses estimates of 16,300 workers in fisheries, of which 40 per cent work at sea and 60 per cent on shore, directly employed in fishing and fish-processing activities and logistics. The total formal employment in the inland aquaculture sector was estimated at merely 200 people in 2012 (ATFALCO, 2012).

Many workers in the fisheries industry are internal migrants, sending remittances to their places of origin, in particular the Oshikoto, Oshana, Ohangwena, Omusati, Okavango and Zambezi regions. The income used for community development is in most cases earned outside the region (FAO, 2015). These data are confirmed by the workers surveyed for this study, with very few international labour migrants (Figure 2).

► **Figure 2. Origin of workers (workers survey, n=200)**

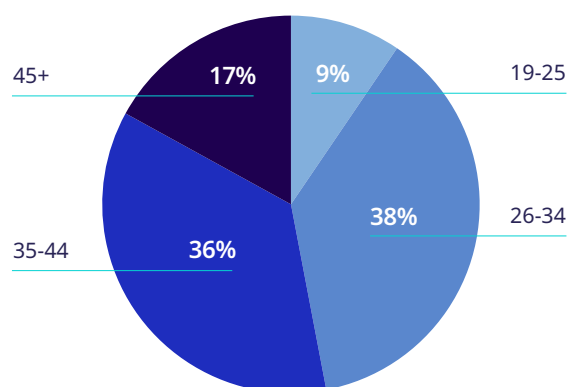


The Labour Act N.11 of 2007, as amended allows for employment from 14 years of age, with some limitations: a child who is at least aged 14, but under the age of 16 years, cannot be “employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development” (Article 15(2) of the Namibian Constitution). They are not allowed to work between the hours of 8 p.m. and 7 a.m., in a setting where goods are manufactured, or any work-related activities take place that may place the child’s health, safety, or physical, mental, spiritual, moral or social development at risk (sections 3(3)(c) and (d)(i) and (vi)).

¹⁴ MFMR, 2021. Letter dated 22 September 2022

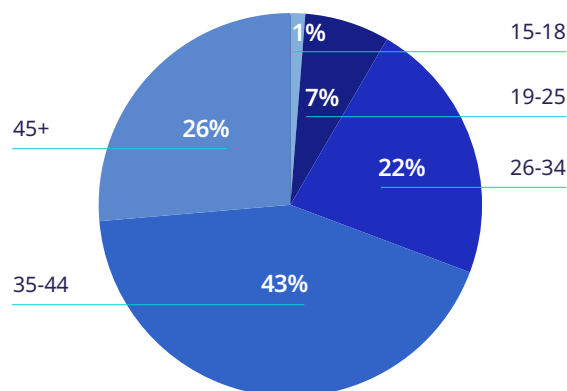
of the Labour Act). In our study, all workers surveyed were over 18 years old, with the majority of workers between 26 and 44 years of age (Figure 3). While forced labour was reported through key informants, child labour was not observed or experienced by any of the interviewees.

► **Figure 3. Workers' age (workers survey, n=200)**



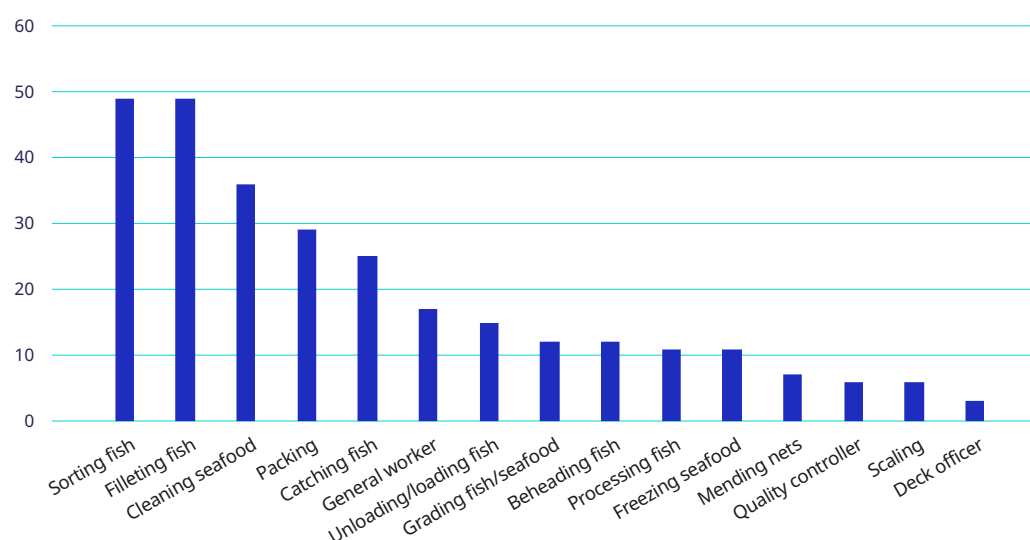
These data vary slightly from national statistics of formal labour in the fisheries sector, which indicate that some labour is conducted by under 18-year-olds (1 per cent), and that the largest group of workers are aged 35–44 (Figure 4).

► **Figure 4. Age composition of formal workers in the fisheries sector (LFS, 2018)**



The fisheries supply chain involves numerous activities, such as catching fish, offloading, sorting and processing. The most common tasks conducted by surveyed workers included sorting and filleting fish, followed by cleaning seafood, packing and other tasks (Figure 5).

► Figure 5. Workers' tasks (workers survey, n=200)



2.3 Production and trade trends and statistics

The African Development Bank estimates Namibia's annual marine landings around 500,000 Mt (AFDB, 2020). While lower volumes of fish landed were attributed to a contraction of the industry by 9.4 per cent in real terms during the COVID-19 pandemic in 2020 (ILO, 2021), the fisheries sector was already in decline since at least 2015 in terms of Mt landings. Data from the Ministry of Fisheries and Marine Resources in 2022 indicates a slight rebound in 2021 (Table 3).

► Table 3. Fisheries landings (in Mt) 2016–2021

Species	2015	2016	2017	2018	2019	2020	2021
Horse Mackerel	315 972.0	318 200.0	304 533.0	311 892.0	295 976.0	182 186.4	174 951.0
Hake	137 488.0	150 219.0	159 600.0	152 038.0	143 574.1	122 429.0	139 984.0
Pilchards	20 379.0	3 427.0	3 974.0	0.0	0.0	0.0	0.0
Monk	10 105.0	8 412.0	8 001.0	7 702.0	8 054.1	6 767.7	9 119.0
Crab	2 968.0	3 078.0	2 964.0	3 136.0	4 099.7	2 772.5	1 103.0
Rock Lobster	87.0	126.0	164.0	134.0	282.0	80.1	106.0
Total	486 999.0	483 462.0	479 236.0	474 902.0	451 985.9	314 235.7	325 263.0

In the period of 2020–2021, 207 vessels were licensed by the Ministry of Fisheries and Marine Resources (MFMR), an increase of 15 from the period of 2019–2020 (MFMR, 2022). The number of licensed vessels has increased considerably since 2012, when the fleet consisted of only 71 licensed demersal trawlers (19–77m length), primarily targeting hake caught in deeper waters, while smaller trawlers fish closer to shore for monkfish, sole and kingklip. In addition, 18 demersal longliners (19–55 m length range) also target hake, with smaller quantities of kingklip and snoek, while 12 mid-water trawlers in the 62–120m length range were licensed to fish for horse mackerel, with at least 9 owned by Namibian nationals, but retaining foreign flags to facilitate work permits for foreign crew. Of the purse seine fishery, 36 purse-seiners (21–47 m length range) targeted pilchard for canning, while juvenile horse mackerel and anchovy were caught for fishmeal (ATFALCO, 2012).

Lacking a significant national market, partially due to the distance between the ocean and major towns, and high prices offered by international markets, more than 90 per cent of total unprocessed and manufactured fish products are exported, primarily to the European Union, South Africa and other African markets. To further support its export, the Namibian Government put in place incentives for the manufacturing sector, including the fisheries sector, such as direct subsidies to Small and Medium Enterprises (SMEs) and tax exemptions. To increase consumer base, free trade agreements were signed with various countries, including the Southern African Development Community (SADC) region (FAO, 2015).

The Namibian hake fishery largely depends on the European market, with Spain as the biggest importer, followed by other European markets (FAO, 2015). South Africa is the second largest importer, while a small portion of the products is also destined for the markets in the United States of America. Monkfish is exported to Europe – primarily Spain (84 per cent) and Italy (11 per cent), France and Portugal, the Far East (Korea and Singapore), Australia, the United States and Africa (FAO, 2015: data 2014). Horse mackerel is mainly exported to African markets, with the Democratic Republic of the Congo, Angola and Mozambique accounting for up to 87 per cent of exports (FAO, 2015). South Africa imports 85 per cent of canned sardine products, while frozen cutlets are exported to Thailand and Malaysia. The Japanese, Chinese, South African, Chilean and Turkish markets import fishmeal, while fish oil is sold to Turkey (FAO, 2015). Large pelagic products are sold to the EU, Japan and the United States in the form of fresh and frozen. Deep sea red crab is cooked, frozen and packed on board the vessels for export to Japan, China and Spain. About 95 per cent of the rock lobster products are exported to Japan and the rest to Spain and the United States. Linefish catches are mostly sold to South Africa, and seal products to Turkey, China, South Africa, Namibia, Botswana and the Democratic Republic of the Congo, with mostly encapsulated seal oil sold in the African markets. Cultured oysters are exported to South Africa and South-East Asia, while cultured abalone is exported to Japan and China (FAO, 2015) (Table 4).

The EU is the most important export market for Namibia's fisheries sector, however in 2019–2020 EU imports of fishery and aquaculture products decreased by 9 per cent in value and 2 per cent in volume, particularly for high-value species. This is attributed to the closure of the catering and entertainment sector during COVID-19 lockdowns, with pre-pandemic consumption levels not expected to recover until 2024. However, despite this decrease, the EU remains the world's largest importer of fishery and aquaculture products, to a total of around US \$25 billion, with Spain, Sweden, Denmark, the Netherlands and France the main importers of fish and aquaculture products from outside the EU.¹⁵ Lockdown and other containment measures in Namibia, including the closure of all points of entry as well as restrictions on cross-border travel did not impact the transportation of goods. As the EU's supply of fisheries and aquaculture products has been decreasing in the past years due to smaller quotas, there are opportunities for further import of produce from Namibia, as per capita consumption remained largely stable (EC, 2021). Currently, Namibia does not come up in the top five suppliers for any fish/aquatic species however, according to the European Market Observatory for Fisheries and Aquaculture Products (Table 5).

¹⁵ EUMOFA, [The EU Fish Market](#), 2021

► **Table 4. List of importing markets for Namibian fish and crustaceans, molluscs and other aquatic invertebrates x 000 US \$ (from: ITC trade map)**

	Exported value in 2016	Exported value in 2017	Exported value in 2018	Exported value in 2019	Exported value in 2020
World	603,381	674,305	731,086	695,215	596,806
Spain	204,541	223,207	269,503	272,144	255,433
Zambia	69,702	68,072	80,117	77,517	71,600
South Africa	69,180	105,640	113,403	107,951	59,206
Congo, Democratic Republic of the	51,777	64,145	69,890	80,447	53,297
Italy	33,851	43,703	37,997	37,323	36,806
Mozambique	38,881	19,521	23,820	22,014	29,948
France	24,688	29,338	26,481	21,866	18,723
Portugal	41,744	33,166	25,271	15,741	14,447
Netherlands	10,084	16,128	12,068	15,892	12,552
Germany	12,716	14,176	26,145	14,226	8,439
United Arab Emirates	142	169	153	179	4,966
United Kingdom	5,552	3,985	444	266	4,210
Japan	4,065	4,236	3,812	4,158	4,067
Zimbabwe	12,767	13,08	7,403	1,677	3,953

► **Table 5. Namibia's export to the EU compared to EU import from the world x 000 US \$**

Product label	Namibia's exports to the European Union (EU 27)				
	Value in 2016	Value in 2017	Value in 2018	Value in 2019	Value in 2020
Fish fillets and other fish meat, whether or not minced, fresh, chilled or frozen	182,396	257,280	306,867	283,525	268,128
% of export to world	88,04%	88,92%	88,94%	87,66%	91,11%
EU import from world	8,345,632	8,805,347	9,386,469	9,344,534	9,005,864
Frozen fish (excluding fish fillets and other fish meat)	117,841	87,914	64,275	58,752	51,083
% of export to world	33,98%	26,01%	19,38%	19,09%	20,19%
EU import from world	3,578,016	3,917,781	4,096,799	3,918,235	3,751,021
Molluscs, fit for human consumption, even smoked, whether in shell or not, live, fresh, chilled, ...	9,702	10,882	9,340	14,075	13,040
% of export to world	79,18%	67,79%	62,12%	74,80%	77,41%
EU import from world	4,608,380	5,320,451	5,737,904	5,063,025	4,170,940

Product label	Namibia's exports to the European Union (EU 27)				
	Value in 2016	Value in 2017	Value in 2018	Value in 2019	Value in 2020
Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine, ...	7,422	8,626	9,532	12,573	8,049
% of export to world	52,77%	50,28%	37,14%	48,99%	43,31%
EU import from world	5,902,674	6,205,679	6,253,204	5,701,875	5,402,202
Fish, fresh or chilled (excluding fish fillets and other fish meat)	16,491	8,188	7,900	8,567	3,647
% of export to world	78,85%	72,12%	54,00%	58,56%	42,21%
EU import from world	11,866,633	12,189,645	13,341,071	12,841,131	11,962,343
Fish, fit for human consumption, dried, salted or in brine; smoked fish, fit for human consumption, ...	1,064	1,351	2,009	3,138	3,609
% of export to world	49,44%	55,14%	39,05%	64,54%	66,38%
EU import from world	3,221,686	3,439,699	3,688,339	3,537,884	3,291,663

Retail is the main sales channel for unprocessed fishery and aquaculture products in the EU. During 2020, due to the COVID-19 lockdown measures, the share of retail sales of unprocessed products increased significantly compared with 2019 at the expense of foodservices, rising in Spain from 77 per cent in 2019 to 85 per cent in 2020, in Germany from 72 per cent to 77 per cent, and in Italy from 80 per cent to 87 per cent, as household expenditure on fishery and aquaculture products increased by 17 per cent, reflecting an increase of 7 per cent in value and 4 per cent in volume (EC, 2021). It is important to note that the share of aquaculture in total world production has increased continuously since 2000, with a 5 per cent growth between 2018 and 2020 alone, overtaking catches in 2013 (EC, 2021).

Local Namibian markets primarily sell unprocessed products, including horse mackerel, small size hake, snoek, angelfish (bycatch of the midwater fishery) and dentex (bycatch of the hake fishery). In 2001, the MFMR established the Namibia Fish Consumption Promotion Trust (NFCPT) to promote fish consumption in Namibia, which is allocated an annual horse mackerel and hake quota to sell at affordable prices, with fish shops across all regions of the country, resulting in a significant increase in consumption. A survey conducted by the Trust in 2012, however, indicated that still only 5 per cent of the fish landed in the Namibian waters is consumed locally (FAO, 2015).

In the past years, MFMR noted the scope for increased export through marine capture resource management and enabling the regulatory environment, aquaculture growth, market diversification and value addition of fisheries products through upgrading production facilities, the establishment of an export promoting body, increased certification, and the provision of capital to small and medium entrepreneurs in the sector (FAO, 2015). At the same time a number of challenges to the sector were identified, including high fuel prices and volatile exchange rates, environmental conditions affecting fish stocks, high port charges, access to finance, conflicts with other sectors such as mining, lack of zoned land and access to water for mariculture production, while the lack of an accredited national shellfish sanitation programme prevent exports to markets in the EU and elsewhere, and oceanographic conditions limit marine aquaculture production (FAO, 2015).

2.4 Research methodology and study design

The study used a mixed methodology approach, including both qualitative and quantitative research methods. Through a literature review, in-depth information on the characteristics of the fishing supply chain, the socio-economic factors behind decent work issues, the dynamics of the fishing supply chain, and the characteristics and effectiveness of the institutional response in dealing with decent work issues in the fishing supply chain were collected. Through qualitative data collection via focus group discussions (FGDs) and key informant interviews (KIIs), the findings from two quantitative surveys deployed among fishers/workers and employers were contextualized.

2.4.1 Desk review

A literature review was conducted using open and subscription databases to identify papers related to Namibia's fisheries sector, labour and environmental conditions, and challenges in the sector. Grey literature was sourced through the ILO and databases of international organizations.

The desk review included:

- Research and studies from national and international public and private actors in the fisheries sector;
- Reports and assessments produced by commercial and financial institutions;
- Government policies that impact the fisheries sector, including labour and environmental documents;
- Namibia Government statistics and reports;
- EU statistics and reports;
- Corporate documents of industry associations and/or specific private sector entities, including annual reports, CSR reports, public statements in relation to business and ethical practices;
- Academic papers;
- News articles and press conferences.

2.4.2 Primary data collection

Geographically, fishing in Namibia is concentrated around the ports of Walvis Bay and Lüderitz, where the majority of stakeholders in the marine fisheries sector are located (Figure 6). Walvis Bay is located in the ephemeral Kuiseb River delta in west-central Namibia, and hosts major fishing companies, processors and exporters of fish and fish products. The second major fishing hub of Lüderitz is located around 400 km along the coast south of Walvis Bay.

► **Figure 6. Geographical coverage and primary study locations in Namibia**
(Map: World Bank, 2009)



Between December 2021 and March 2022, eight KIIs were conducted by the international consultant with international civil society and private sector organizations, including one multinational corporation. The national research team conducted fieldwork from 6 to 17 December 2021 in Walvis Bay and Lüderitz and conducted a follow-up visit to Walvis Bay from 10 to 14 January 2022. In total, 200 worker surveys (83 in Walvis Bay and 117 in Lüderitz) were conducted. Also conducted were 10 employer surveys, 23 KIIs (12 in Walvis Bay/Swakopmund, 8 in Lüderitz and 3 in Windhoek), and 4 FGDs (2 in Lüderitz and 2 in Walvis Bay).

Key informants were identified through the Tripartite members and literature review, while workers were invited to participate through workers' organizations in Walvis Bay and Lüderitz, using a two-stage survey through purposive sampling and subsequent snowball sampling. Two questionnaires were designed to: 1) identify challenges and opportunities for decent work and fundamental principles and rights at work; and 2) capture establishments' characteristics and supply chain relations, and decent work practices.

Survey data was collected through KoBo Toolbox, an open-source field data collection tool, with data uploaded at the end of each day for analysis by the international consultant. Data was coded and analysed using a thematic analysis approach, using grounded theory methods to identify and construct the main concepts from the research. The concepts were visualized into an analysis matrix, populated further with findings from the interview and survey records. All data was triangulated to ensure consistency, quality and credibility of the findings.

2.4.3 Limitations

The qualitative case study methodology does not aim to provide generalizable research findings, acknowledging that people and phenomena depend on their context and circumstances, although some of its findings may be applicable to similar groups in comparable situations. The quantitative workers and employers surveys are not representative of the complete fisheries sector, as participants were purposefully selected through workers' unions rather than using a statistically representative sample, and further study is required.

As the study was conducted during the COVID-19 pandemic, it was not possible for the international consultant to travel to Namibia to conduct in-person interviews, which limited the contextualization of findings. The timing of the study meant that the national research team faced difficulties in connecting to fishers, as many were out at sea to reach their quotas before the end of the year, and rising COVID-19 cases hampered access. Furthermore, the national researchers faced difficulties engaging with employers, who showed reluctance in participating and/or returning the surveys. Two fieldwork visits had to be conducted to cover for the lack of access during the December holiday season.

2.4.4 Ethical considerations, data security, and privacy

The study was conducted following ILO ethical standards. The purpose of the research, the role of the researcher, and the intended use of the data collected were explained at the beginning of every interview, emphasizing the voluntary nature of the interviews, while interviewees had the opportunity to withdraw from the study at any point and indicated their required level of confidentiality. Consent of all study participants was confirmed before starting the interviews. Recording was done by hand with the participants consent, and interviews notes were coded by the researcher to ensure anonymity.



3.

Institutional
and regulatory
frameworks

This section discusses the international and national institutional and regulatory frameworks governing the fishing supply chain in Namibia, including applicable national legislations and policies related to industry, labour, and environment, as well as an overview of the labour market governance institutions and other key stakeholders' role in policy formulation and implementation.

3.1 International standards

Namibia has ratified 17 ILO instruments (16 conventions and one protocol), all of which are still in force, including the eight fundamental conventions; namely, the Forced Labour Convention, 1930 (No. 29) and including its 2014 Protocol; the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Worst Forms of Child Labour Convention, 1999 (No. 182). In addition, it ratified three governance conventions, namely the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Work in the Fishing Convention, 2007 (No. 188), a technical convention, was ratified in 2018.¹⁶ Furthermore, as a Member State of the United Nations, the African Union and other international and regional cooperation mechanisms, Namibia is also bound to other international treaties and multi- and bilateral agreements, including universal and regional human right systems and agreements, and adheres to the principles under the UN Guiding Principles on Business and Human Rights¹⁷ and Sustainable Development Goal 8: Decent Work and Economic Growth.

Namibia is a member of the Southern African Customs Union (SACU), where trade policy is determined at the regional level, with SACU's common external tariff (CET) heavily influenced by a protectionist tariff regime led by South Africa, making imports from non-SACU countries uncompetitive (WB, 2009). Namibia is also a member of the Common Monetary Area (CMA) linking South Africa, Namibia, Lesotho and Eswatini into a monetary union, and allied to SACU, and the Cross-Border Initiative to facilitate trade and investment in the region. In 2008, the country obtained preferential access to the EU market under the Cotonou Agreement, and more recently SADC negotiated an economic partnership agreement to replace the trade portion of the Cotonou Agreement. Namibia is also member of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which recently adopted a resolution establishing a process to address labour standards, including the establishment of a working group on labour standards.

Furthermore, Namibia is member of ATLAFCO, the Ministerial Conference on Fisheries Cooperation Among African States Bordering the Atlantic Ocean.

Namibia signed the Benguela Current Convention in 2013, following the establishment of the Benguela Current Commission (BCC) in 2007, a multisectoral intergovernmental collaborative initiative of Angola, Namibia and South Africa to promote sustainable use of the Benguela Current Large Marine Ecosystem (BCLME).¹⁸ Namibia is also a member of the South East Atlantic Fisheries Organization (SEAFO), a regional fisheries management organization in line with the provisions of the United Nations Convention on the Law of the Sea, 1982 (Article 118) and the United Nations Fish Stocks Agreement (UNFSA). Its Convention on the Conservation and Management of Fisheries Resources in the South-East Atlantic Ocean aims to ensure sustainable use of the fishery resources in the Convention area, however, excludes the exclusive economic zones (EEZ) of the coastal states in the region, and does not include specific social

16 ILO, *Normlex Information System on International Labour Standards, Ratifications for Namibia*, 2022

17 OHCHR, *Guiding Principles on Business and Human Rights*, 2011

18 BCC, *Factsheet Three Countries Sharing a Productive Ecosystem*

security protection provisions.¹⁹ Namibia is a Party to FAO's Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), and has signed the declaration signalling intent to ratify the International Maritime Organization (IMO) Cape Town Agreement (CTA).

3.2 Institutional and Regulatory framework

Ministry of Labour, Industrial Relations and Employment Creation

The Ministry of Labour, Industrial Relations and Employment Creation mandate is to "provide labour (industrial) relations and employment and social protection services as per the Constitution of the Republic of Namibia", through the Labour Act (11) of 2007, the Affirmative Action (Employment) Act (1998), and the Social Security Act (1994). The Ministry consists of four Directorates: Labour Services, Labour Market Services, International Relations and Advice – which manages relations with the International Labour Organization, and Administration and Planning. The Directorate of Labour Services promotes harmonious labour and industrial relations by protecting the national workforce from unfair labour practices and unsafe working conditions. It ensures adherence with the provisions of the Labour Act and regulations relating to the Health and Safety of Employees at their workplace through advocacy and enforcing compliance. The Directorate comprises two Divisions, most relevant the Labour Inspectorate and Occupational Safety and Health (OSH), which in turn is mandated to ensure adherence to and enforce compliance with the Labour Act and regulations, although it does not conduct inspections on board vessels. Other bodies under the Ministry include the Social Security Commission, which provides social protection floors through the provision of welfare benefits, the Labour Advisory Council, a tripartite body comprising representatives from the State (MoHSS, MoLSW, MME), employers' federations and workers' representatives, which serve to advise the Minister on Labour matters, and the Employment Services Board, which advises on the provision of employment services and regulation of private employment agencies.

The Labour Act (11) of 2007, as amended, consolidated previous labour laws, establishing fundamental labour rights and protections, including basic terms and conditions of employment, and ensures the health, safety and welfare of employees, protects employees from unfair labour practices and regulates the registration of trade unions and employers' organizations. The Act also regulates collective labour relations and provides a systematic resolution of labour disputes. Under the Act, the Labour Advisory Council, the Labour Court, the Wages Commission and the Labour Inspectorate were established, and a Labour Commissioner and Deputy Labour Commissioner appointed. Article 3 (6) of the Labour Act prohibits the employment of children under 14 years old under any circumstances. The national laws complement the relevant articles from Namibia's Constitution, Articles 5, 9, 10, and 21 under Chapter 3 covering freedom of association, the right to form trade unions, freedom from child and forced labour, non-discrimination and the right to withhold labour without criminal penalties. Article 15 of the Constitution includes provisions on child labour: "children [persons under the age of 16 years] are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development". Furthermore, Article 95 covers fundamental principles and rights of workers in terms of equality of women, safety health for workers, formation of trade unions, receipt of pensions and living wages.

¹⁹ SEAFO, [South East Atlantic Fisheries Organisation](#)

The Ministry of Labour also oversees implementation of: the Employee Compensation Act (1941) and its amendments (1993, 1995), relating to compensation for disability caused by accidents or industrial diseases contracted by employees in the course of their employment, or for death resulting from such accidents and diseases; the Social Security Act (1994), which provided for the establishment of the Social Security Commission (SSC) for the provision of social security payments, including maternity and sick leave, training schemes, medical and pension benefits through the establishment of relevant funds; and the Employment Service Act (2011), which provided for the establishment of the National Employment Service, to impose reporting and other obligations on certain employers and institutions and provide for the licensure and regulation of private employment agencies.

Furthermore, the Ministry is responsible for reporting on the implementation and reporting of ILO Convention No. 188, whose provisions are applied through a number of laws and regulations in Namibia, including the Merchant Shipping Act (1951) and its 1991 Amendment; the Employment Service Act (2011); the Employee Compensation Act (1941); the Marine Resources Act (27) of 2000; the Social Security Act (1994); the Labour Act (2007); the Manning of Ships Regulations (2003); the Construction and Equipment Regulations for Fishing Vessels (2002); and the Education, Training and Certificate on Namibian Seafarers Regulation (2004), the implementation of which are scattered across Ministries and their Divisions. To enforce compliance, the Ministry employs 64 labour inspectors (including from 4 to 5 in coastal towns, 2 in Walvis Bay and 1 in Lüderitz), who inspect employment conditions and basic OSH, although technical OSH inspections are the responsibility of the Directorate of Maritime Affairs within the Ministry of Works and Transport, while occupational diseases are within the mandate of the Ministry of Health and Social Services.

Ministry of Fisheries and Marine Resources

The Ministry of Fisheries and Marine Resources consists of four Directorates (Aquaculture and Inland Fisheries; Resources Management; Operations; and Policy, Planning and Economics) and two Divisions (General Services and Information Technology). Its vision is *“to enhance Namibian ownership and participation, including through training; develop markets for a range of high value end products, wealth generated redistributed back to the public through fair and reasonable payments as well as a social engagement to strengthen the local communities; make Namibia synonymous with good and responsible fisheries management; and secure resources for future generations”*. To achieve this, among others, it supports the Namibian Maritime Fisheries Institute (NAMFI) in Walvis Bay to train seagoing personnel in maritime and fishing technology aspects, categorized in officers and crew, with officers further subdivided into two professions: deck officers and engineering officers.

The Marine Resources Act (27) of 2000, and its accompanying regulations, replaced the Sea Fisheries Act of 1992 and provides the institutional framework for the operation and management of the fishery sector, including the granting of non-transferable quota rights, the setting of total allowable catches (TACs), and the directing of data collection and research on marine resource. Employment creation and corporate social responsibility are the bases for quota allocation. Under the Act, a Marine Resource Advisory Council was established, which provides advice to the Minister on Fisheries policy, annual allocation of TAC, management measures and development issues. The Act is supported by Regulation No. 241 of 2001, outlining compliance and control measures, applicable offences and penalties.

The Aquaculture Act (18) of 2002 determines licensing, disease monitoring, water quality monitoring, import/export, and aquaculture development zones. Under the Act, the members of the Aquaculture Advisory Council and aquaculture inspectors are appointed, with the Permanent Secretary responsible for maintaining a register recording all licenses issued. A license requires (record keeping) data on aquatic organisms, food and medication, either for commercial or other purpose. The Act also includes details on offences and penalties. Section 43 deals with licensing, with a focus on health/disease control, reporting and eradication, following the obligations as a result of Namibia's membership to WTO and the World Organization for Animal Health (OIE). The Act determines disease zoning, notification of movement, and waste (water) removal, as well as (relatively low) fines for non-compliance.

The Inland Fisheries Resource Act (1) of 2003, amended by 12/2004 and 80/2006, established that only Namibian citizens and permanent residents who are of the age 18 and above can register fishing nets (maximum 4; 100x3m; mesh size depends on river). Applications and fee payment need to be made to the designated officer of each region in which a fisher intends to use the net. Furthermore, the Act establishes an inland water fishery inspector. A license for recreational fishing (max 2 rods and 2 lines with 2 hooks; max 10 fish/ 2 tiger fish) is valid for a period of one month, and twice as expensive for foreigners. While the Act requires the permit holder to be physically involved in catching fish, there are no age restrictions on recreational licenses, and key informants reported cases where fishers buy permits in children's names. Other relevant legislation includes the Territorial Sea and Exclusive Economic Zone of Namibia Act (Act No. 3 of 1990), which establishes the sea outside the territorial sea but within a distance of 200 miles as the EEZ of Namibia (sect. 4), to which Namibian laws relating to exploitation, exploration, conservation or management of the natural resources (living or non-living) of the sea apply (sect. 4.3(a)). The announcement of the EEZ reduced the estimated number of unlicensed foreign vessels fishing in the area by over 90 per cent (Sumaila and Vasconcellos, 2000).

The MFMR Directorate of Operations is responsible for monitoring, control and surveillance (MCS) of the EEZ through two inspectorates in Walvis Bay and Lüderitz, which deploy inspectors on patrol vessels and fixed-wing planes, monitor and control off-loadings, coastal and inland activities, and contract observers on all fishing vessels. MFMR employs 70 countrywide inspectors to ensure compliance with licensing, crew lists and living conditions. Inspections may be conducted on any vessel by external surveyors.

The Directorate is also responsible for checking vessel registration and other documentation before allocating a fishing license, which is provided to companies who successfully applied for a quota and subsequent rights to harvest. The Fisheries Observer Agency has implemented the MCS programme since 1991, deploying around 200 observers to sea on board fishing vessels, from both stations in Walvis Bay and Lüderitz, covering seven different fisheries types – ranging from trawl, line to ring and trap fisheries. Its objectives are both to monitor compliance with the fisheries legislation and collect biological and scientific data. MCS sea and air activities are co-ordinated from the inspectorate at Swakopmund, through a Maritime and Fisheries Operations Centre at Walvis Bay and an airbase at Arandis, while land monitoring and operations are coordinated from the inspectorates in Walvis Bay and Lüderitz. The Directorate has two patrol vessels in the EEZ to ensure compliance with the Sea Fisheries Act and Regulations. Captains must complete log sheets on a daily basis, while inspectors monitor the offloading of fishing vessels, collect log sheets and trip management sheets, and other inspections control the catching and trade in seafood from coastal fishing. Two remote electronic monitoring methods using satellite tracking systems, also known as vessel monitoring systems (VMS), have been developed, one monitored by MFMR for IUU monitoring, and one by the Ministry of Defence for security purposes.

Ministry of Works and Transport

The Ministry of Works and Transport is responsible for policies linked to infrastructure and related socio-economic development regulations. Its Department of Transport is responsible for developing, implementing and enforcing regulations of road, rail, air and sea transport, overseeing five Directorates, including the Directorate of Maritime Affairs (DMA), which is mandated to ensure safety at sea and to protect the marine environment, under the Merchant Shipping Act, and Construction and Equipment Regulations for fishing vessels GN 61/2002. The Directorate employs only four surveyors, however, with two in Lüderitz and two in Walvis Bay, to annually inspect vessels' crew lists and their qualifications, accommodation, recreational facilities on board, health and safety prevention at sea, medical certificates, medical equipment and medical care on board. Vessel captains are responsible for reporting any incidents that need to be reported within 24 hours to the Ministry of Works and Transport.

The Merchant Shipping Act (7) of 1991 is the most recent amendment of the South and South-West Africa Merchant Shipping Act (57) from 1951. Its provisions apply to any vessels registered or licensed in Namibia, or vessels in Namibia or its territorial waters. The Act requires the keeping of a registry on vessel, containing details on crew and activities, and safety certifications. Under the Act, vessels

must employ an appropriate number of certified officers and crew, provide for the discharge and repatriation of seafarers, including the settlement of wages, and provide appropriate accommodation and a complaint mechanism. Importantly, it prohibits the entry of vessels of less than three meters into any Namibian port.

Regulations under the Merchant Shipping Act include the Construction and Equipment Regulations for Fishing Vessels (2002), prescribing construction and maintenance requirements for the safety of fishing vessels and their crew. The Regulations require Namibian fishing vessels of over 15 metres in length to obtain a certificate, without which it is not allowed out to sea. It includes requirements for refrigeration systems to prevent hazards to human health and the environment, however exemptions are allowed for fishing vessel fishing within 50 nautical miles from the coast of Namibia, if the application of the requirements is considered “impracticable and unreasonable”.²⁰ Other regulations under the Act are the Manning of Ships Regulations (2003), which provides for various aspects of manning of ships, including the responsibility of owner and master, working hours, activities of certified officers, radio personnel, minimum safe manning certificates on board, dispensation, and appointment of master or skipper and chief engineer; and the Education, Training and Certificate on Namibian Seafarers Regulation (2004), providing for basic and specialized emergency preparedness and safety qualifications, exemptions thereof, and certificates of competency for masters and mates, engineer officers and personnel on board fishing vessels. It also provides for special training requirements for personnel on certain types of ships and the validity of certificates of competency. Training is provided by the Maritime Institution branches in Walvis Bay and Lüderitz.

Meanwhile, occupational diseases and OSH certificates are provided by the Ministry of Health and Social Services (MoHSS). Companies can apply to the Ministry for an inspection of employees by recognized medical doctors. The responsibility of contracting doctors lies with the employers, while the DMA remains responsible for enforcing the law to ensure that employees have undergone health checks by professional doctors. Diseases as well as accidents need to be reported to the Ministry of Labour, Industrial Relation and Employment Creation (Labour Act 39.2.b). The dispersed responsibilities are addressed by a policy drafted in late 2021 for the establishment of an OSH commission consisting of all entities responsible for OSH implementation, to improve reporting, communication and overall coordination.

The National Port Authority, Namport, was established in 1994 to manage both the ports of Walvis Bay and Lüderitz. It is mandated to implement the Namibian Ports Authority Act (1994) through the port regulations, acting as service providers controlling and inspecting pollution and navigation safety within the port areas. Namport has a crucial role in monitoring fish transportation, export and import, and conducting delivery checks for international vessels. The activities and effectiveness of Namport are challenged by a lack of capacity to inspect all vessels entering the port. It does not specifically provide services to the fisheries industry and its weekly inspections do not include labour inspections.

The Ministry of Defence partners with the Ministry of Works for conducting border patrols at sea. If accidents occur, the DMA can join the Ministry of Defence for investigation, and inspections may be conducted jointly.

²⁰ Republic of Namibia, [Merchant Shipping Act 57 of 1951 \(SA\) \(Act + Schedule 1\) \(lac.org.na\)](#) Section 356, Chapter 2 General Provisions 6 (2)

4.



Supply chain mapping and analysis

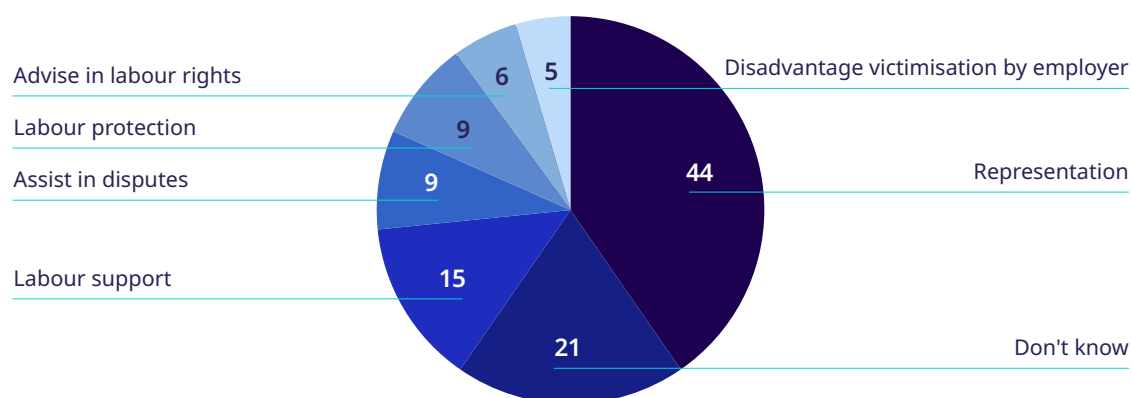
4.1 Stakeholders

Namibia has three trade union federations and dozens of affiliated industrial sector unions, although unionization rates remain unclear (ILO DWCP, 2019–2023). The National Union of Namibian Workers (NUNW) was originally established as a general workers union in April 1970 through a resolution of the 1969/70 South West Africa People's Organization (SWAPO) party congress in Tanzania. In October 2009, the NUNW affiliated with the International Trade Union Confederation (ITUC). The NUNW has nine affiliated member unions, of which the most relevant is the Namibian Farm Workers Union (NAFWU) with around 7,000 members, and includes Namibia Food and Allied Workers Union (NAFAU), with a total of around 18,000 members. Furthermore, the Trade Union Congress of Namibia (TUCNA) is the result of a merger between the Namibia Federation of Trade Unions (NAFTU) and the Namibia People's Social Movement (NPSM) in May 2002. Its members include the Wholesale and Retail Workers Union (NWRWU) with 15,000 members, the Namibia Seaman and Allied Workers Union (NASAWU) with an estimated 7,500 members, and the Namibia Fishing Industries and Fishermen Workers Union (NFI&FWU) with 500 members. The Namibia Public Workers Union (NAPWU) also has members in the fishing industry, the majority of which are women.

Union density in the overall agriculture, forestry and fishing sectors is low at 15.2 per cent (Labour Force Survey 2018), with considerable differences across sub-sectors – as most agriculture is conducted on a small scale and informally, although disaggregated data is not readily available. Key informants reported that in the fisheries and seafood sector anywhere between 80–95 per cent of workers are unionized. Unions established workplace committees through which they connect to their members, providing awareness-raising and advice on labour laws against a fee, usually around 1 per cent of the base salary of their members. Trade union representatives in factories and on board vessels play an important role in reporting complaints, injuries and non-compliance to the union. In addition, unions provide legal representation in labour disputes.

Among surveyed workers, 78 per cent are members of a labour union – either NAFAU (64 per cent) or NASAWU (14 per cent), both of which were instrumental in facilitating introductions of the national research team with its members during this study. Union membership was obtained for a variety of reasons, including representation by the union in the workplace, assistance during disputes and advice on labour rights (Figure 7). A significant number of workers could not tell the researchers why they had become members, however. Key informants reported that not all employers acknowledge unions and collective bargaining, with some workers reporting that they were threatened with non-renewal of contracts if they decided to unionize or become a member of a union.

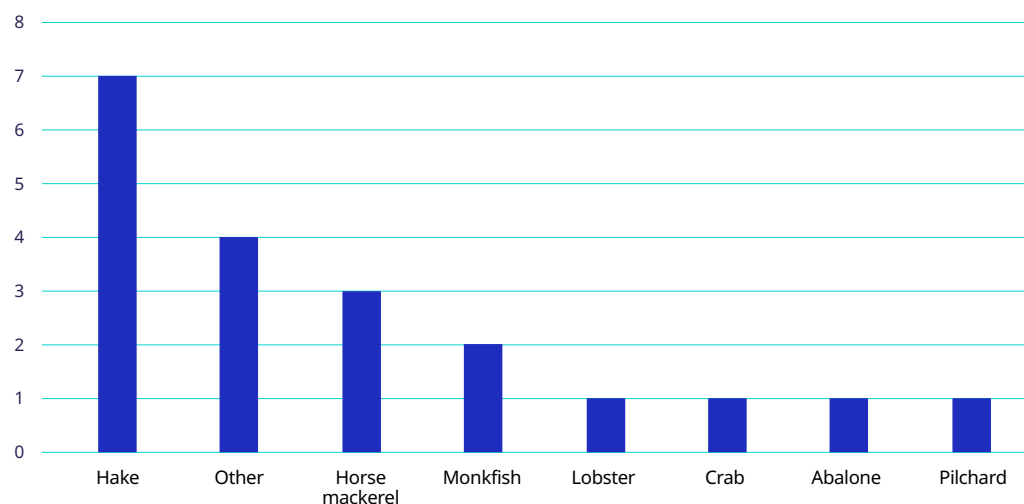
► **Figure 7. Main reasons to become union members (workers survey)**



Fishing rights applications are submitted at intervals of 7, 10, 15 and 20 years to MFMR, who annually allocates quotas to all fishing rights holders. Quotas are portions of TACs, which are allocated to the right holders on fishing seasonal/annual basis, which may differ dependent on fish species. While foreign-owned companies are reported to still hold a significant share of the sector, there is increased Namibianization in the fisheries sector. Currently, Tunacor Fisheries for instance, a fully Namibian owned company, operates the largest Namibian fishing fleet comprising of 12 trawlers (8 wet fish trawlers and 4 freezer trawlers) and 3 longliners, operating from Walvis Bay.²¹ New right holders holding mid- to deep-water quotas often do not own fishing vessels, however, and either sell fishing quotas to boat owners, or rent vessels – often from foreigners, limiting the positive effect of the Namibianization policy.

Among the 10 employers surveyed, the majority (n=6) of companies involved in marine fisheries own their own fishing vessel(s), which were between 20–50 (n=2) and 50–80m (n=3) in size. Four of these specialized in nets, while two used longlines, one in combination with nets. The primary fish caught and/or processed are hake and horse mackerel, followed by lobster, crab, monkfish, abalone, pilchard and squid (Figure 8).

► **Figure 8. Types of fish caught and/or processed**



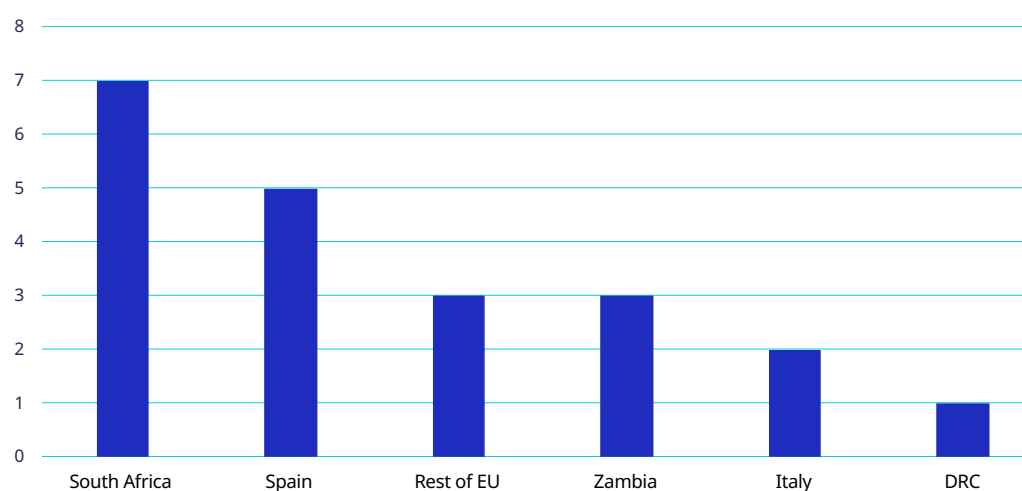
Among companies surveyed, most companies specialize in one activity: four companies were exclusively involved in marine fishing and two only in processing. One company engaged both in marine fishing and processing, and another engaged in marine fisheries as well as inland fishing, aquaculture, processing and trade. Processing activities in Namibia include filleting, canning, steaks, heading and gutting, fishmeal and fish oil production (FAO, 2015). Hake is processed as fresh fish preserved on ice for airfreight overseas, in frozen retail packs of 30 kg, typically produced in 400–600-gram boxes sold directly to end-consumers through retail outlets such as supermarkets, freezer food stores and European distributors, and frozen catering packs of 5 to 10 kg of either frozen headed and gutted fish or frozen fillets (skin-on or skinless). Other processing involves sun-drying and fishmeal production (FAO, 2015). Monk is processed into skin-on/tail-on individually wrapped portions (IWP) or skin-off and tail-off IWP processed at sea, and packed frozen into 10 kg boxes for the catering industry. A very small amount is processed into 200-gram retail packs of frozen boneless fillets, processed ashore for retail markets and the frozen fillets or de-boned tails sold in small volumes to exclusive restaurants. Pilchard is almost entirely canned. Rock lobster is processed ashore and product forms include cooked and frozen whole lobster and tails and

²¹ Tunacor Fisheries, [About](#)

also uncooked frozen whole lobster and tails. Tuna and large pelagics are blast frozen at sea, with tuna processed into tuna steaks and sharks into gutted, headed and tailed trunks, while cultured oyster and abalone are exported live and/or frozen (FAO, 2015).

Export from Namibia is facilitated through the Southern Africa Customs Union (SACU). According to key informants, hake is primarily exported to the EU, while horse mackerel is also exported to African countries, including South Africa, the Democratic Republic of the Congo and Zambia, while mariculture products – such as crayfish and lobster and oysters, are mainly exported to Asian countries, including Japan, China, Thailand and Taiwan.²² The employers surveyed generally sold products internationally, either to retail (n=7), direct customer (n=6), and/or middlemen (n=4) from South Africa, Spain, Zambia, the Democratic Republic of the Congo, Italy and the rest of the EU (Figure 9). Inland fish are generally marketed close to the landing sites in low quantities (FAO, 2015).

► **Figure 9. Importing countries of fish/seafood sourced in Namibia**



To support companies in the sector, there are numerous sectoral fisheries industry organizations, including the Confederation of the Namibian Fishing Association (CNFA), which covers fisheries associations, including the Pelagic Fishing Association (PFA), the Namibia Hake Association (NHA), the Midwater Trawling Association (MTA), the Namibian Monk and Sole Association (NMSA), the Namibian Tuna and Hake Longlining Association (NTHLA), the Namibia Large Pelagic and Hake Longlining Association (NLPHLA), Namibian Lobster Association (NLA), and the Namibian Mariculture Association (NMA). However, among employers surveyed, half (n=5) were members of industry organizations CNFA, NHA and/or PFA. Two of these benefitted from their memberships CNFA and PFA through collective negotiating exemptions.

Nationally, the Namibian Employers Federation (NEF) has 300 corporate members representing 5,000 employers. The federation provides policy advocacy services and legal advice to its members, including through a Labour Law Committee consisting of labour experts, who review labour legislation, advise NEF members on contents, prepare position papers, guidance with conciliation and arbitration hearings and provide assistance with disciplinary hearings. In the fisheries sector, industry associations are members of the Confederation of Namibian Fishing Associations (CNFA). CNFA represents employers' associations in the sector at the ministerial level, including negotiating with MFMR regarding quotas and TAC, and with the Ministry of Finance regarding favourable export tax rates, etc., and has connections with

22 ILO, *Proceedings of the national fisheries sector workshop in Namibia, 2021*

international stakeholders and associations across Europe and elsewhere. A primary concern among employers' organizations is the increasing number of fishing rights holders, while the quota remains stable. It costs companies considerable resources to build fisheries and processing infrastructure, requiring more certainty regarding long-term rights to fish. CNFA further highlights the need for timely quota and rights' allocations, to prevent seasonal gaps in operations.

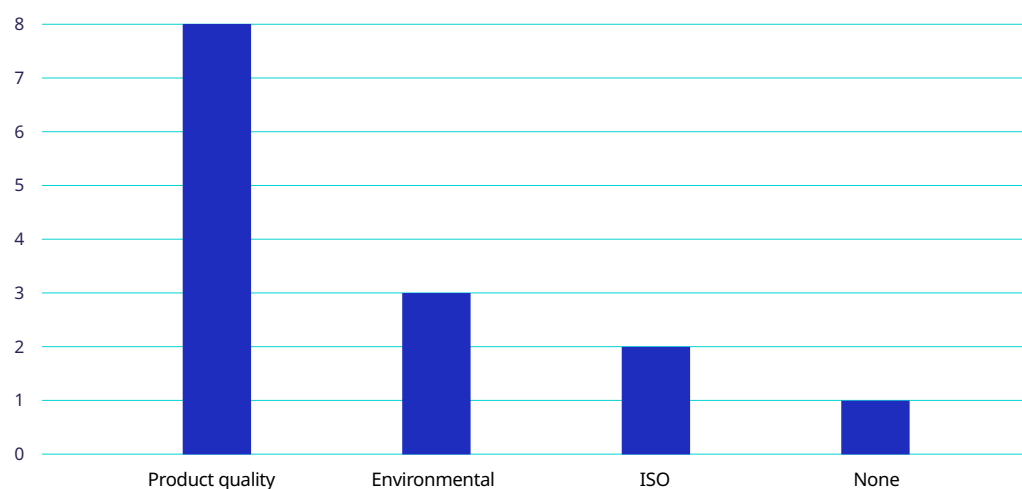
Two-thirds of employers surveyed used financial services provided by banks, primarily for business generation (n=6), but also to cover risks (n=3). The Development Bank of Namibia in Walvis Bay is one such provider of financial services to companies regardless of their size in both commercial fisheries, mariculture and aquaculture based on business plans and financial outlook, conducting business and environmental due diligence before financing.

4.2 Supply chain due diligence

With most produce exported to the EU, Namibian companies in the fisheries and seafood sector need to comply with international environmental and social standards, which are enforced throughout the supply chains of the primary export markets. As consumers of fish and seafood products increasingly demand product transparency, environmental sustainability and social responsibility, companies and organizations have established international partnerships to improve supply chains through voluntary certifications according to environmental and social standards. Meanwhile, the increased focus on equity and the inclusion of small-scale and informal fisheries, requires the extension and inclusion of legal frameworks and inspections to lower tiers of the supply chain.

The most commonly used international standards in the fisheries sector include the Marine Stewardship Council (MSC), Fairtrade and the Aquaculture Stewardship Council (ASC), which are primarily focused on environmental protection. MSC developed the MSC Fisheries Standard, a set of requirements for sustainable fishing, certifying compliant wild fish and seafood produce with its own label. One of its success stories is the recovery of Namibian hake fisheries, now certified by MSC, following three decades of public-private partnership and collaboration under the Marine Resources Act No. 27 of 2000, through activities including 100 per cent fisheries observer coverage on the trawl fleet and half of the longline fleet, resulting in stock recovery.²³ There are numerous other standards that target sectors and/or certain species, such as the Global Tuna Alliance (GTA), a collaboration of retailers and supply-chain companies, working towards environmental sustainability and social responsibility. Tunacor for instance, is certified by the International Featured Standards (IFS) for receiving of fresh/frozen fish, processing and packing of hake, monk, horse mackerel, kingklip and by-catches, and squid. The majority of employers surveyed obtained product quality certifications and a few environmental certifications, including through MSC, Fish Sustainability Initiative (FSI) and the Namibian Standards Institution (NSI), which audits the certified companies once or twice per year (Figure 10).

²³ MSC, [A sustainable and bright future for Namibian hake](#), 17 November 2020

► **Figure 10. Certifications obtained by employers**

Less than half of employers surveyed (n=4) joined social and/or environmental compliance projects or initiatives provided by international, national, and/or industry organizations, including programmes to provide awareness on gender-based violence (GBV) and AIDS. Unsurprisingly therefore, our study indicates a general lack of awareness on human rights due diligence among employers, an area that will need to be addressed, especially among smaller companies producing for export. A number of voluntary schemes have been established to support companies in improving human rights due diligence.

The Sustainable Fisheries Partnership (SFP) is one example of a United States-registered non-profit focusing on rebuilding depleted fish stocks and mitigating environmental impact, recently extending into social responsibility and human rights protection. It developed a human rights risk indicator (HRI) tool, using information from its online FishSource.org database and additional publicly available indices and reports, to support risk assessments in the fisheries supply chain, focusing on human trafficking, forced labour, child labour and violations of freedom of association and collective bargaining. The tool uses country, seafood industry and fishery-specific data to generate “fishery risk scores”, through 10 indicators: fishery governance and stock health; flag of fleet/flag of convenience; illegal, unreported, and unregulated (IUU) fishing; evidence of abuses in the seafood industry; vulnerability to modern slavery in fishing; ratification of Convention No. 188; quality of governance; perceptions of public sector corruption; respect for workers' rights; and attitudes towards migrant workers (SFP, 2021). Retailers can require their suppliers to feed data into FishSource, which is free of charge to suppliers. Similarly, the organization Fishwise developed a joint social responsibility assessment tool for the seafood sector, based on ILO and other Conventions, informed by a variety of existing indicators and benchmarking tools, to assess risks along supply chains for informing initiatives to address social protection gaps.

To align these different initiatives and standards, the public-private partnership Global Sustainable Seafood Initiative (GSSI) in collaboration with the Consumer Goods Forum (CGF)'s Sustainable Supply Chain Initiative (SSCI) developed a benchmarking tool for social compliance schemes, based on ILO and Food and Agriculture Organization (FAO) Conventions, through a process based on the Global Dialogue on Seafood Traceability (GDST), which provides global industry standards for seafood traceability through the participation of dozens of companies and associations across the supply chain. GSSI invited members and partners, including the GTA, Fishwise and the Global Seafood Alliance (GSA), to contribute to the benchmarking indicators, which are now accepted and owned by major international partners in the supply chain. The benchmark will be used to recognize third-party auditing, monitoring and certification schemes and programmes covering key industry sustainability requirements.

The necessity of global benchmarking of social responsibility schemes became visible during the COVID-19 pandemic, as an estimated 400,000 fishers globally became stuck at sea, as protocols, regional procedures and bilateral agreements were lacking for debarkation and repatriation. SSCI includes a criterion for at-sea repatriation, whereby schemes going through the benchmarking process are required to have a repatriation policy in place. GSSI is developing a seafood map to provide data on supply chain sustainability to connect suppliers and buyers. GSA used the GSSI benchmarking process to align its Responsible Fishing Vessel Standard (RFVS), a voluntary vessel-based programme to certify vessel management and safety systems, including crew rights, safety and wellbeing. To enable buyers improving their supply chain, the website Fishery Progress tracks fishery improvement projects, including progress towards social responsibility.²⁴

24 Fishery Progress, [FIP Directory](#)

5.

A worker in a fish processing plant is shown wearing a white lab coat, a hairnet, and a light blue surgical mask. They are also wearing blue gloves and white rubber boots. The worker is standing at a stainless steel workstation, handling a white box with blue tape. To the left, a conveyor belt with blue mesh is visible. In the foreground, a blue plastic tray contains pieces of raw fish. The background shows other workers and industrial equipment in a large, brightly lit facility.

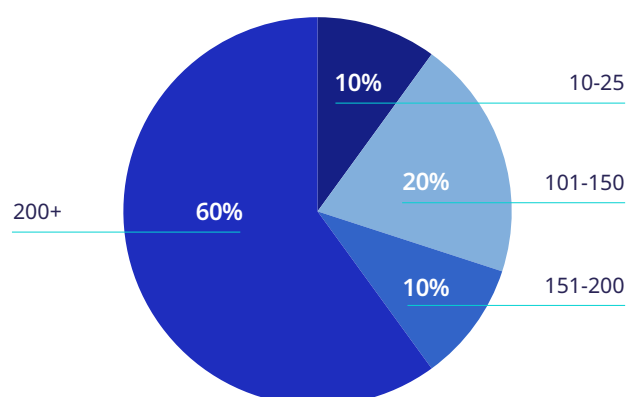
Decent work in
the fishing supply chain

This section contains a discussion on the state of decent work in the fishing supply chain in Namibia, including employment in the sector, industrial relations and labour rights, and social protection, based on ILO definitions.

5.1 Employment creation

Currently, ILO estimates that there are around 16,300 workers in the fisheries sector in the country, of which 40 per cent work at sea and 60 per cent on shore, directly employed in fishing and fish-processing activities and logistics. These employment data do not yet include the service jobs, medical facilities and schools built around the industry. While those employed at sea are primarily men, the majority of the employees working onshore in processing factories are women. The majority of employers surveyed during this study employed over 200 workers and/or fishers (Figure 11), and reported that the majority of their expenses were labour related.

► Figure 11. Number of workers per employer (employers' survey, n=10)

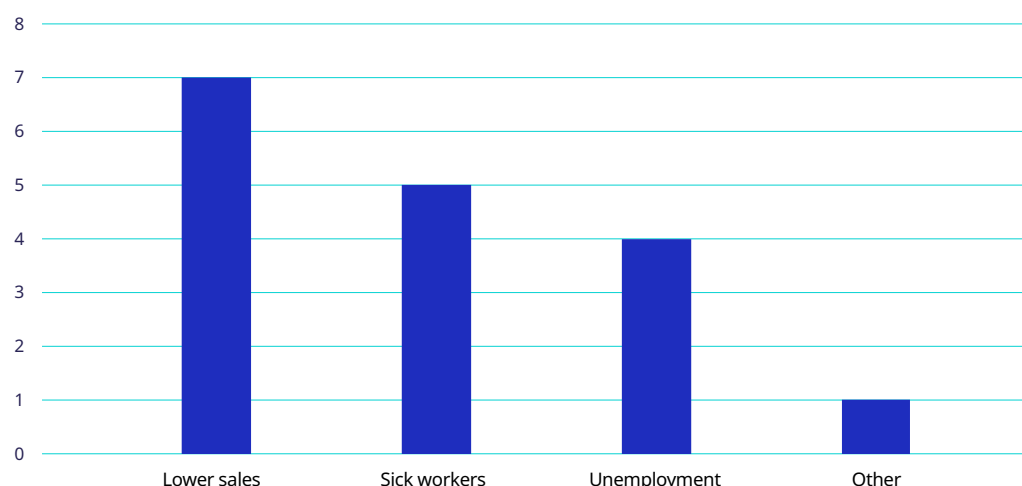


Employment data indicates that the sector is labour intensive and has potential for the creation of further employment opportunities along the value chain. Some key informants perceived a positive impact on employment creation through the Namibianization of the fisheries sector, although others reported that the policy has led to a reduction in wages, posing a challenge to employers to retain workers. Trade organizations noted that the current quota system only allows at-sea fisheries to operate for up to six months annually, resulting in the widespread use of temporary working agreements. Companies find the licensing and certification procedures taxing, reporting that “renewals may be required as often as twice a month”, indicating perceived challenges in the implementation of the Marine Resource Act. Trade organizations representing employers across sub-sectors (e.g., catching, processing and marketing specific species of fish) highlight a need for higher quotas for employment creation, although the literature indicates that employment creation might be more sustainably achieved by providing jobs through value creation on-shore. Regionally, workers’ unions observe companies shifting activities and jobs from Lüderitz to Walvis Bay in response to the lower port fees. There is some concern among key informants that further automation in the sector will affect the availability of employment opportunities.

Under Vision 2030, Namibia aims to further industrialization and alleviate poverty, including through employment creation, which includes better alignment of skills with available work, to improve employability, productivity, value addition and diversification. However, technical and vocational education and training (TVET) is fragmented between different providers and is not always well aligned to basic and higher education (ILO DWCP, 2019-2023). Employers are required to ensure their workers have received basic training and provide medical certificates before starting working activities. While workers are responsible for providing evidence of their technical training and skills, some employers provide training in-house, deducting training fees from workers' wages, although the deduction of funds for training is in principle not allowed under the Labour Act (Article 12.3). All but one employer offered some form of training to workers, with slightly over half (n=6) providing technical skill training, including fish processing. Health and safety training was provided by eight employers surveyed. Out of the 200 workers surveyed, the majority (n=153) indicated receiving training, primarily consisting of health and safety training (n=134), and some technical training (n=54). Training was provided by the employer (n=122), formal institutions (n=21), supervisors (n=10), and very few by brokers.

Namibia's fisheries sector was negatively impacted by the COVID-19 pandemic, after the country confirmed its first COVID-19 case in March 2020 and responded with the declaration of a state of emergency within days. While restrictive policies initially slowed the spread of the disease; they could not prevent the 157,000 cases and 3,991 reported deaths as of 12 February 2022. During the pandemic, the Namibian economy contracted by 8 per cent in real terms in 2020, the biggest annual contraction in its history, causing an estimated 11,210 job losses across 983 employers in 2020–2021, with the largest losses in the tourism sector (7,830 jobs) (ILO, 2021). With the major sectors in recession through the reduction in demand, companies faced operational and financial difficulties, with very limited scope for job creation (ILO, 2021), which was confirmed by the employers surveyed (Figure 12). Key informants reported that some employers cut workers' salaries during the lockdown periods, while others mentioned that employers laid off employees, or even closed down altogether.

► **Figure 12. Impact of COVID-19 (employers survey n=10)**



The pandemic disrupted the global fish supply chain, with many fishing companies experiencing complete shutdowns, as these were rarely considered vital to national food supply systems. Knock-on economic effects from the pandemic included market disruptions through reduced demand and collapse of prices, increased health risks for fishers, processors and communities, port closures, loss of access to cold storage, and cessation of shipping and airfreight. Migrant fishers in particular got stranded on

vessels or in harbours, including through on-board quarantining requirements, while IUU fishing was reported as Government priorities shifted away from monitoring and inspection towards pandemic control (Bennett et al, 2020). It is estimated that total trade value in 2020 contracted by about 2 per cent in both quantity and value compared with 2019 (Bennett et al, 2020).

Similarly in Namibia, the fisheries sector was initially not considered essential during the onset of the pandemic. After tripartite negotiations between CNFA, unions and the ministries of fisheries and health, this decision was overturned. Following the introduction of a strict testing procedure and other health protection measures, the industry was allowed to continue to operate. Despite these protective health measures, which included shift work, mask wearing and sanitizing, the pandemic significantly affected fishers and workers on board vessels. Working in a confined space hampered avoiding infection, and productivity was lost when workers fell ill or died. The small-scale fishing sector was further affected by the COVID-19 pandemic through the decline in fishing activities due to partial or total lock-down. As most small-scale fishing activities occur in the early hours of the morning or at night, there was a decrease in catches as a result of curfews.

To raise funds for equipment and medicines to control and prevent the virus, in 2020 the Government offered 60 per cent of the country's fish quota, normally reserved for a State-owned company, to the highest bidder.²⁵ On 1 April 2020 the Government announced a stimulus and relief package of NAD 8.1 billion, including wage subsidies, employee salary protection programme, guaranteed loans and tax-back schemes for registered and tax paying employees and self-employed individuals. Employers were able to postpone social security payments for their workers, while one-off payments of NAD 750 through emergency income grants (EIG) were provided to Namibian citizens between 18 and 60 years who lost their jobs, either in the informal or formal economy (ILO, 2021).

5.2 Rights at work

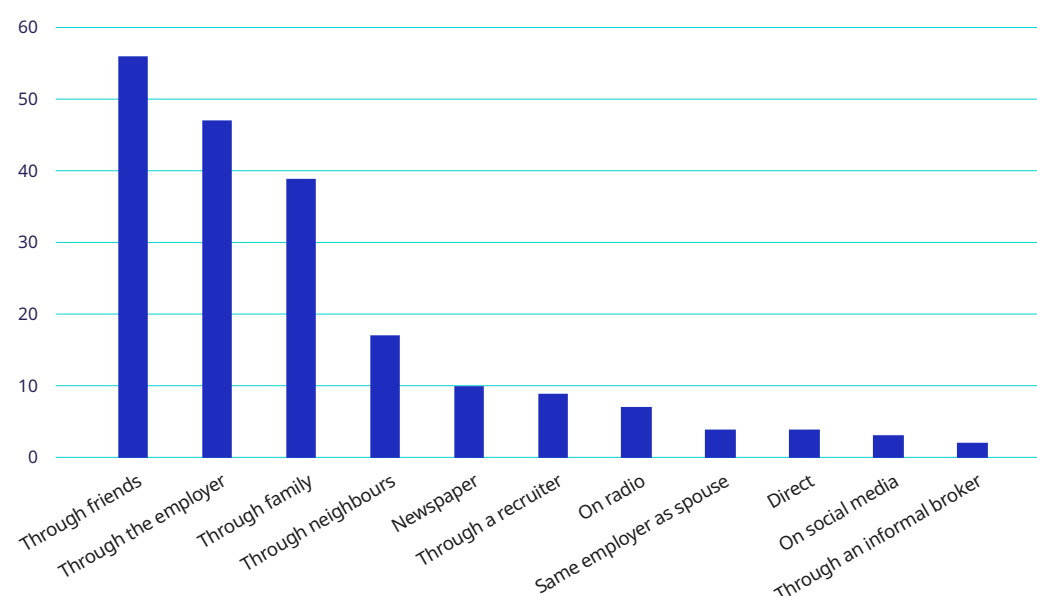
The Labour Act requires further consideration of the specific protection challenges and working conditions faced by workers in the fisheries and seafood sector. The Act leaves open to interpretation the number of working hours/days of fishers, and workers working in shifts on vessels in particular. There is no prescribed minimum wage in the country, which is reflected in the wide variety of wages and payment schedules encountered during the study. Permanent contracts are rare in the sector, and temporary contracts and informal workers widely used.

Workers in the fisheries sector are generally recruited directly by the employer. Surveyed workers found jobs through friends, family and/or neighbours (Figure 13), and almost all were recruited directly by the employer (n=174), with only a few informally through family or friends, and (un)registered brokers. Private recruitment and placement agencies operate under the Employment Service Act (2011), which requires licensing of formal agencies. In addition, the Public Employment Services Bureau provides recruitment and placement services to workers, including fishers, deploying a public portal (NIEIS), with a registered 60,000 jobseekers. Its placement rate was only around 5 per cent by 2016 however, indicating challenges in addressing the high unemployment rates, especially among youth.²⁶ Workers reported that payments may be made in order to be interviewed or introduced to a job, with bribes considered a persistent challenge.

²⁵ Nyaungwa Nyasha, [Namibia to auction fishing quota to raise money for COVID-19 medicines](#), 10 August 2020

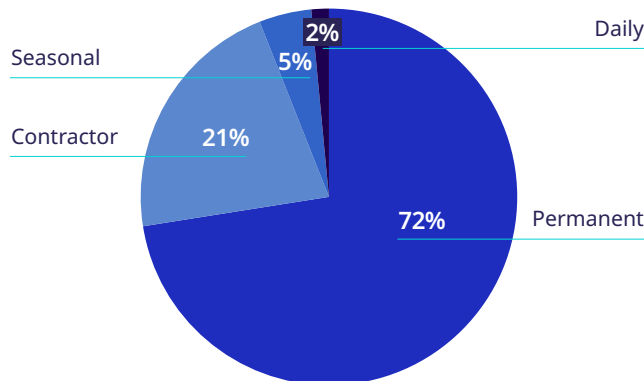
²⁶ ILO, « 100 YEARS – 100 LIVES » | NAMIBIA - "[Modernizing the Public Employment Service made it more efficient to provide better services to jobseekers](#)"

► Figure 13. Finding jobs (workers survey, n=200)



Employers surveyed reported employing either permanent (44 per cent) or seasonal (22 per cent) staff, while contractors and daily wage labourers were also common. This was confirmed by the workers surveyed, with the majority having permanent positions (n=136) or temporary seasonal contracts from 3–6 months (n=45), with very few fixed-term two-year contracts. The shortest contract was for one week (n=1), and daily work was reported as well (Figure 14). Some workers may be recruited on “no work–no pay” contracts, in particular those conducting irregular tasks such as loading and unloading, and are considered informal workers who are usually paid in cash.

The definition of “informal” in the Namibian fisheries sector remains unclear and is defined differently in the literature and among key informants. Key informants considered workers without contracts informal workers, as such workers could not access any form of social protection (Labour Force Survey, 2016), although they may still be union members. Based on the definition that informal workers are those not receiving social security benefits, the Namibian workforce can be considered largely informal (>60 per cent), as employers often avoid contributing to social security for their workers, due to the challenges surrounding fishing seasons and retainment of employment opportunities. While employers are required to register all employees with the Social Security Commission (SSC), most employers only provide this to employees with permanent contracts. Informal workers may also voluntarily register with SSC (SSA Article 20.1-2).

► **Figure 14. Type of contract (workers survey n=200)**

While written contracts are recommended, verbal contracts are also accepted under the Labour Act. The majority of workers indicated having fully (n=157) or partially (n=38) understood the terms of their contract, only four did not understand any of the contents. Less than half of surveyed workers owned a copy of their contract, while many start without a formal contract in place, putting workers in a precarious position as they are unable to formally complain about non-compliance with labour rights law and OSH standards in their workplace. Initially the Labour Act did not cover contractors, however this was – at least partially – remedied by the Labour Amendment Act (2012), which presumes that an individual “who work[s] for or renders services to any other person, is presumed to be an employee of that other person, regardless of the form of the contract or the designation of the individual” (Article 7, insertion of 128A). Some key informants report that there has been a general improvement in the sector over the past decade with more permanent hires, higher salaries, and Government-mandated rest on board, although this sentiment is not shared among all respondents.

Inspections

The implementation of ILO and other Conventions in Namibia is hampered through the lack of an effective national coordination mechanism and gaps in labour law and regulations for workers in fishing. Work in fishing is regulated by means of a complex legal framework covering the mandates of all three ministries and their divisions. Key informants criticised the lack of awareness of labour rights among fisheries observers, and the lack of communication and collaboration between industrial and labour oversight agencies. However, the main implementation gap is the persistent lack of inspections, as a result of limited financial and human resources. Key informants stated that they were not aware of any initiatives in the fishing industry focusing on decent work and human rights, while fisheries inspectors feel unable to initiate activities due to a lack of resources. Over-fishing, dumping and non-compliance with production standards (e.g., catching under-sized lobsters) are the most common violations found during its inspections. With few resources, fisheries inspectors prioritize their own mandates over decent work and human rights. Meanwhile, corruption remains a problem, whereby fisheries inspectors finding irregularities are bribed by captains, who also personally select the workers to be interviewed by the inspectors on board, and personal connections between employers and ministries hamper enforcement.²⁷ Besides (bi-)weekly inspections on vessels in port, fisheries observers under the MFMR regularly conduct joint on-board inspections in collaboration with law enforcement, representatives from

²⁷ ILO, Proceedings national workshop, 2021

the ministries responsible for the environment, mines, maritime immigration and customs, and/or the police.

Following the detection of IUU fishing, a vessel is taken to port and penalized through fines or prosecution, although penalties are rare and fines are low, and often repeat violations occur. Currently, the most common penalty facing rights holders is suspension of their fishing licenses. Quotas have reportedly never been suspended. While there are indications that IUU fishing may be related to labour rights violations, MFMR inspectors themselves do not get involved in workers' rights beyond reporting on the safety of the vessels, indicating an important gap to monitor with respect to compliance with labour rights. If an OSH incident occurs on a vessel, the employer is required to send an incident report, after which the competent authority conducts a preliminary investigation. The investigator will write a recommendation following identification of the cause of the incident. Labour inspectors are only contacted after human rights violations are found; however, this depends on what observers – who are not trained to identify these issues – perceive as violations, limiting the possibility for prevention and mitigation of challenging working conditions aboard.

Inspectors from the Directorate of Maritime Affairs (DMA) under the Department of Transport within the Ministry of Works and Transport are responsible for monitoring the protection of the marine environment, including fishing vessels. The DMA conducts mandatory inspections for fishing vessels before they sail, in addition to annual safety inspections on all vessels. Inspections include safety equipment checks, ensuring the qualifications of personnel, and crew health, with each crew required to show a valid health certificate before the vessel sails. The DMA issues safety certificates under the Marine Resources Act and its regulations and offers basic safety training.

A lack of fisheries observers' resources and capacity means that smaller vessels remain largely unmonitored, while COVID-19 further necessitated the use of remote audits across the sector. This hampers the opportunity for workers to speak to observers or inspectors about their grievances. To support remote fisheries monitoring, vessel monitoring systems are increasingly employed, which provides vessel identification, including the name of the vessel, call sign, position, destination, movement and speed. The VMS data is monitored by both MFMR, to identify any potential IUU fishing, and the Ministry of Defence, which tracks all vessels in Namibian waters for security purposes. While VMS are employed on larger vessels, these do not capture data from smaller vessels, where most challenges regarding living conditions and OSH are reported. Meanwhile, not all the inspectors interviewed as key informants during this study were aware of VMS.

Labour inspectors are mandated to inspect working conditions in factories, with OSH inspectors in Lüderitz covering the fishing sector around twice annually. While inspectors do not adhere to a regular schedule, complaints might be raised at all levels, and will trigger an inspection. When labour violations are found by labour inspectors, an initial warning will be issued, followed up with a second visit. If the employer is still non-compliant at this stage, a compliance order will be issued based on a specific section of the Labour Act (e.g. overtime), after which the employer has limited time to rectify the situation and comply, or to appeal, after which the case is brought before court. If the order is not appealed, prosecution follows, and the court may fine or imprison the employer. To monitor non-compliance cases the Ministry of Labour has a case management system in place in its Office of the Labour Commissioner, however this case management system is not yet fully operational. More worryingly, key informants considered the inspection and warning procedure ineffective, while penalties and other intervention measures are weak and rarely enforced.

The Labour Inspectorate reported that last year 29 labour inspections were conducted, finding 5 companies in non-compliance with the regulations under the Labour Act. All but one employer surveyed had been inspected, the majority (n=6) annually, while two responded they were inspected more than once a month. Most were inspected by more than one ministry/department, including the Ministry of Fisheries and Marine Resources (n=7), the Ministry of Labour (n=6), the Directorate of Maritime Affairs (n=3), and Namibian Standards Institution (NSI) (n=4).

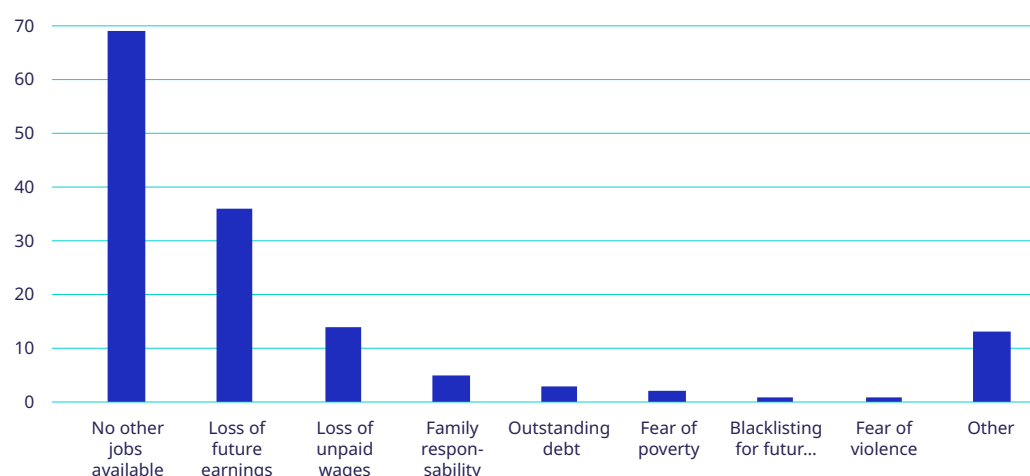
Common labour rights violations found include illegal or missing contracts, along with poor remuneration, working hours, resting periods, and failure to provide compensation for overtime, as well as underpayment, whereby employers deduct wages for “spoiled” catch or produce, late payments, and unfair dismissal of workers – sometimes caused by cultural and language barriers between foreign captains/managers and Namibian fishers or workers. Workers’ unions estimate that only half of the employers at sea comply with labour rights standards, as workers are often forced to work “irregular and unlawful hours” on temporary contracts. According to workers, they are regularly forced to work five hours overtime while being compensated for the maximum of three. Clocking 15 hours of daily work is not unusual, especially for those working onboard vessels, and workers reported a worsening in the situation compared to their previous 8-hour working days and compensation for overtime.

The Labour Act limits working hours to 45 hours in any week (Article 16.1), and in any case, not more than nine hours per day for five days or fewer a week, or eight hours per day, if the employee works for more than five days in a week. Workers are only allowed to work up to 10 hours overtime a week, and not more than 3 hours per day (16.2). Overtime needs to be remunerated with at least 1.5x the employee's hourly basic wage, or 2x if overtime falls on a Sunday or public holiday. Workers may only work shifts up to 12 hours across two days, and there need to be weekly intervals of at least 36 consecutive hours of rest (Article 20.1–2). However, the Labour Act considers work connected with the arrival, departure, loading, unloading, provisioning, fuelling or maintenance of ships “urgent” work, which has less restrictions on working hours. Fishers often work 12–15 hour shifts for up to two or three months in a row. In the horse mackerel fisheries, where fish may be processed at sea or in port, vessels often spend up to a week at sea, with fishers working continuously until the maximum catch has been reached. In particular in seasonal fisheries, workers need to work continuously to ensure they obtain enough income for the rest of the year.

Meanwhile factories make use of both day and night shifts, with regular excess overtime outside of working agreements, to prevent wastage if vessels offload more fish and seafood to process than anticipated. Most workers surveyed worked 20–21 days per month. Almost half of workers surveyed indicate that they do not have any days off during the week, although they may apply for leave (n=10), and some have Saturday and/or Sunday off (n=14), while fishers have time off when the vessel is back in port. The working day hours range from 6–24 hours a day, with the majority working over 9 hours a day (n=186) on their longest days. Most workers surveyed work no less than four hours on their shortest working days (n=142), with the median working day nine hours. The longest number of hours/day are worked by those working seven days a week.

Over half of surveyed workers in this study indicated being unable to leave their job, often for interlinked reasons, primarily due to the lack of other jobs available (n=69), a loss of future earnings (n=36), the loss of unpaid wages (n=14), and family responsibilities (n=5), with few unable to leave due to outstanding debt (n=3), fear of poverty (n=2) or blacklisting for future positions (n=1), and fear of violence (n=1) (Figure 15). Key informants confirm that the current economic situation makes it difficult for workers to find new employment opportunities, and many employees are forced to stay in situations they are unhappy with. Unemployed persons become even more vulnerable to the health, social and economic effects of the COVID-19 pandemic.

► Figure 15. Reasons for workers to stay in current employment (workers survey, n=200)



5.3 Social protection

Namibia's social protection consists of contributory social security schemes and social assistance schemes, providing grants for the elderly, people with disabilities, children, and school fees exceptions. Social insurance consists of two schemes run by the Social Security Commission (SSC), covering maternity, sick leave and death and motor vehicle accidents. The majority of Namibia's population of working age is excluded from social security coverage, however (ILO DWCP 2019-2023).

Contributions to the social security fund consist of employers' contributions and workers' wage deductions, while informal workers may register voluntarily for social security, paying full contribution themselves. Claims from the fund can only be made once contributions have been paid for a continuous period of six months (Article 20.6.a). Workers, however, are often repeatedly hired on temporary contracts with the same company, regardless of the duration of employment, breaking the six-month cycle. According to the Labour Act, temporary contracts are only allowed for temporary work activities, and key informants consider the persistent use of temporary contracts as a key issue to address. While employers are not allowed to indefinitely provide subsequent temporary contracts to long-term employees under the Labour Act, the standard remains practice, and these workers are rarely identified by labour inspectors, partially due to the lack of awareness among employers on their duties, and workers on their rights under the labour law. In addition, there are reports that even permanent workers may remain unregistered with social security, missing out on compensation in case of injuries or worse, in violation of the Employee Compensation Act.

Workers' unions identify the low severance and pension payments as another important area to address. According to the Labour Act, employers are obliged to pay severance to an employee who has reached 12 months of service if they: a) are dismissed; b) die while employed; or c) resign or retire at the age of 65. There are, however, a number of caveats in the Labour Act where these rights do not apply, or are open to interpretation by the employer, such as "fair dismissal on grounds of misconduct or poor work performance", "if the employee unreasonably refuses to be reinstated", or "if the employee unreasonably refuses to accept employment on terms no less favourable than those applicable immediately before the termination of employment". When qualified, severance pay should equal "at least one week's

remuneration for each year of continuous service with the employer"; however, this is rarely provided according to key informants. Other violations include substandard living conditions and sanitation on board vessels, a lack of personal protective equipment (PPE), in particular on smaller vessels, and the expiration of contracts and other documents during long trips at sea. A few cases of sexual harassment, child labour and racism and discrimination were reported, in particular in foreign owned companies.

A common challenge in the global fisheries industry is the lack of protection against labour violations and work-related sickness, injury or death of national crew on foreign flagged vessels, which is also reported in Namibia. To enable countries to address this, Convention No. 188 includes the "no more favourable treatment clause", which extends its provisions to fishing vessels beyond those flagged to ratifying parties. These types of State port control mechanisms have previously been effective in raising vessel standards in the merchant sector under the ILO Maritime Labour Convention, 2006, as amended (MLC, 2006), which sets out seafarers' rights to decent living and working conditions and promotes fair competition among shipowners.

Wages

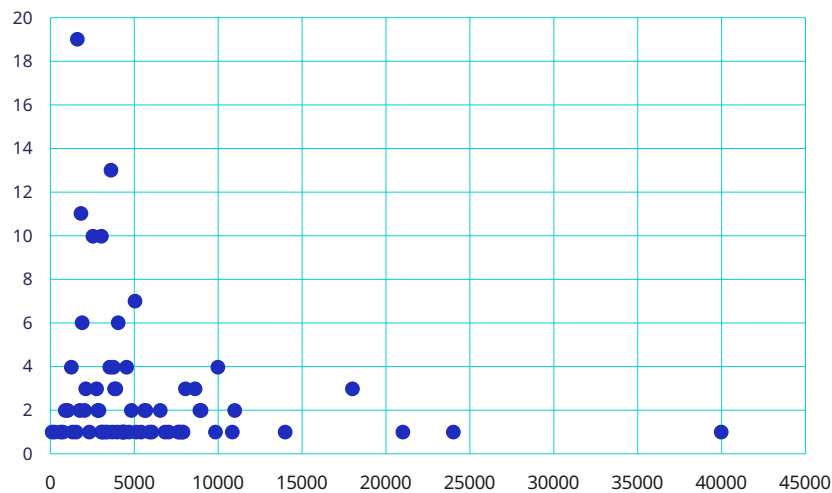
With an average national income of around NAD 7,000, the average wage for most workers in the agriculture, forestry and fishing sector was relatively low at NAD 3,393 in 2018, among the lowest income levels in the country, attributed to the low skill levels in the sector (Labour Force Survey, 2018). Factory workers are generally paid less than fishers and vessel crew, reflecting the challenging conditions at sea, including long working hours and overtime. Employers surveyed during the study were hesitant to share how much they paid their workers, reporting different rates depending on an employee's responsibility in the workplace, providing wide ranges between NAD 2,000 and NAD 35,000. Almost all employers paid their workers according to a "minimum wage", some with an additional per piece rate, which remains unregulated under the Labour Act, and which only describes the "basic wage" as the part of an employee's remuneration in money, including the cash equivalent of payment in kind (...), paid in respect of work done during the hours ordinarily worked, excluding allowances, overtime pay, night work, and pension or medical insurance payments. One employer paid their workers a standard rate per hour.

All employers transferred wages into workers' bank accounts, usually on a monthly basis, with one employer paying weekly and one at the end of each season. This was confirmed by the workers surveyed, who receive monthly (n=194) or weekly (n=3) minimum wage (n=139) or minimum wage and piece rate (n=13) payments, varying in value between NAD 1,200–40,000 monthly, with the median around NAD 1,600–3,600 (Figure 16). Key informants estimated fishers' wages at NAD 4500–5000 on average, with additional piece rates of around NAD 3000.

The lowest wages are paid to workers conducting activities such as packing, cleaning seafood, operating machinery, filleting and sorting seafood (up to NAD 7,600), with fishers involved in catching fish earning slightly more (up to NAD 10,000). Salaries over NAD 10,000 were paid to deck officers, factory observers, administrative officers and engineers. The data did not show a difference between contracted and casual workers.

Over two-thirds of employers provide loans to their workers, ranging from study loans, money towards house renovations, emergencies and other personal needs, such as funerals of close relatives. A fifth of surveyed workers reported being in debt, the majority with friends (n=17), microlenders (n=13), or family (n=11). Debts were made for education costs, rent, electricity, furniture and other goods. Other sources of loans reported were landlords, colleagues, retailers, banks and neighbours. One worker owed money to the police.

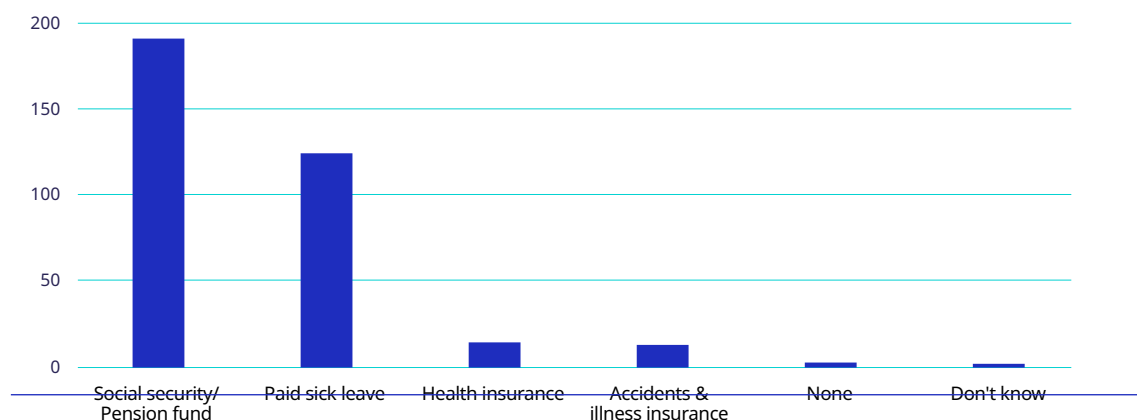
► Figure 16. Workers' reported salary (workers survey n=200)



Almost all employers reported that they provided additional benefits, including contributions to social security and insurance for work-related health issues, with a few employers indicating that only permanent workers are eligible for these payments. One employer provided free accommodation to their workers, and five employers provided free food and water in the workplace.

The calculation of sick leave is problematic, in particular considering the ongoing COVID-19 pandemic. Sick leave days remain unpaid if there is no medical certificate or if more than one consecutive day, and are only paid if workers have been with the same employer for at least 30–36 days, depending on the number of working days per week (Article 24.1.a-b/ 24.4.a). Workers surveyed similarly reported receiving social security contributions, paid sick leave, and some were covered by insurance (Figure 17).

► Figure 17. Benefits received by workers



Gender-specific articles in the Labour Act address non-discrimination and sexual harassment. Pregnant employees may be temporarily reassigned duties or functions suitable to their condition, provided that the reassignment does not lead to a reduction in remuneration or any other benefits (Labour Act 5.4.e). An employer may not require or permit an employee to perform any work between 8 p.m. and 7 a.m., including eight weeks before and after delivery (19.2.a-b). Women are entitled to three months paid maternity leave during which the provisions of the contract of employment remain in force, however only when they have completed six months' continuous service in the employment of an employer (Article 26.1.3). The employer must pay the remuneration payable to the employee, except the basic wage that is covered by social security under the Social Security Act (Act No. 34 of 1994). Maternity leave can be calculated from four weeks before her expected date of confinement as certified by her medical practitioner. However, female workers surveyed mentioned receiving anywhere between 1–3 months, with less than half receiving paid maternity leave (46,8 per cent). The Labour Act also includes provisions that protect workers against dismissal arising from the pregnancy and/or maternity leave. Individual unions have drafted agreements with fishing companies to ensure that – in particular pregnant – women are protected from working for extended periods in cold and/or standing conditions.

Occupational safety and health

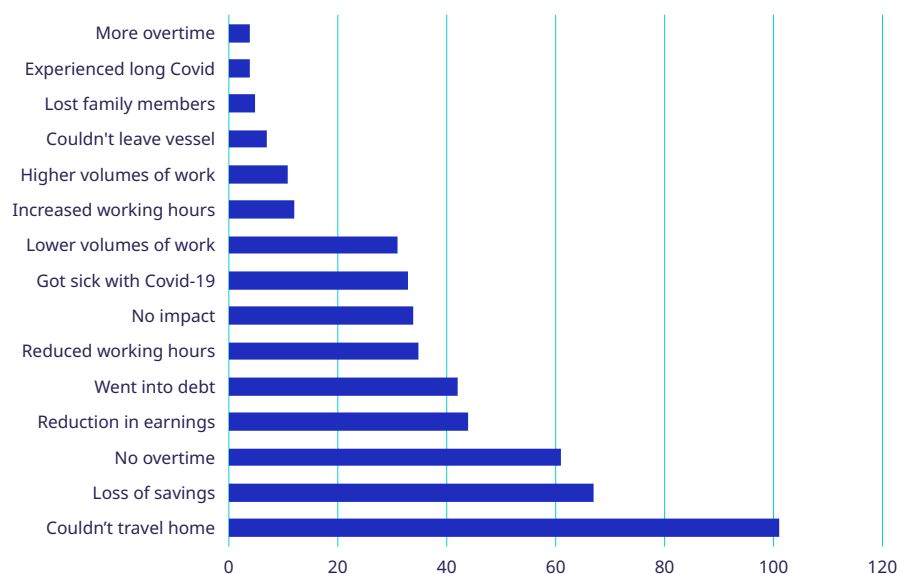
Slippery floors, sharp objects, noise and heavy equipment in factories, and drowning at sea were considered the primary hazards at work by employers. These were mitigated by the provision of PPE and other safety equipment, in combination with warning signs and OSH training. Under the Labour Act, employers have to provide employees with adequate personal protective clothing and equipment, however only “if reasonably necessary” (Article 39.1.d), and necessary information and training to work safely and without a risk to their health (Article 39.1.e). Fishers and workers are often required to buy their own safety gear and equipment to deal with freezing temperatures and other challenging working conditions. Key informants noted that compliance was overall better on larger vessels, in particular in terms of OSH compliance.

MFMR Fisheries observers and DMA OSH inspectors observe a frequent failure of employers to comply with requirements to provide satisfactory personal safety equipment, identifying a general lack of, or insufficient, PPE in processing areas of factories, not accounting for freezing temperatures. While most workers surveyed (n=149) feel safe, a significant number (n=49) feel unsafe with respect to their work environment and/or working conditions, as they work with dangerous equipment, in freezing temperatures, or on vessels (Figure 18), with nine people reporting being requested to perform dangerous tasks that are likely to end up in injury or cause health problems.

In response to the COVID-19 pandemic, the Ministry of Labour developed COVID-19/Occupational Safety and Health guidelines, which were published during Namibia's second wave, to promote the integration of COVID-19 prevention and management into the broader workplace safety and health management, while outlining minimum preventative measures for employers to take to curb the spread of COVID-19 in the workplace (MoL, 2020). The guidelines placed the responsibility for protecting workers and society against COVID-19 with employers, including through the provision of adequate protective clothing and equipment as provided by the Labour Act, at no cost to the employee. The risk and responses clearly illustrate the close connection between public health and labour, amplified by the pandemic. To mitigate the pandemic, six out of nine employers surveyed put in place measures comprising combinations of social distancing, PPE, increased sanitation and temperature checks.

► **Figure 18. Safety at work (workers survey n=200)**

All employers surveyed were impacted by COVID-19, including lower sales (n=6), sick workers (n=4), and increased unemployment (n=4). Workers reported being significantly impacted by the COVID-19 pandemic, mainly by travel restrictions and reductions in earnings through less overtime, reduced working hours and lower volumes of work (Figure 18). Meanwhile, labour regulations were relaxed to protect jobs (ILO, 2021).

► **Figure 19. COVID-19 impact on workers (workers survey, n=200)**

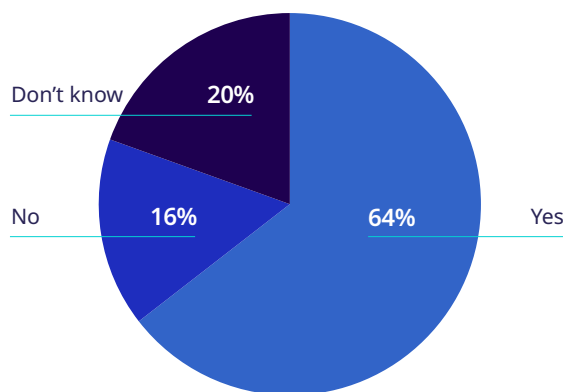
5.4 Social dialogue

Social dialogue institutions in Namibia include the Labour Advisory Council (LAC), the Social Security Commission (SSC), the Employment Service Board (ESB) and the Employment Equity Commission (EEC).

The three national trade union federations (see 4.1) with their affiliated industrial sector unions, represent their members in negotiations and collective bargaining with employers. CNFA represents employers' associations in the sector at Ministerial level and negotiates with the workers' unions on behalf of its members. In both Walvis Bay and Lüderitz union representatives reported successfully negotiating salary increases in the past years.

As a result of the strong union membership in their workplaces, most workers surveyed are covered by a Collective Bargaining Agreement (CBA), although many are unaware whether their workplace has one in place (Figure 20). Meanwhile, a union key informant reported that 80 per cent of the Namibian workforce does not have CBAs in place.

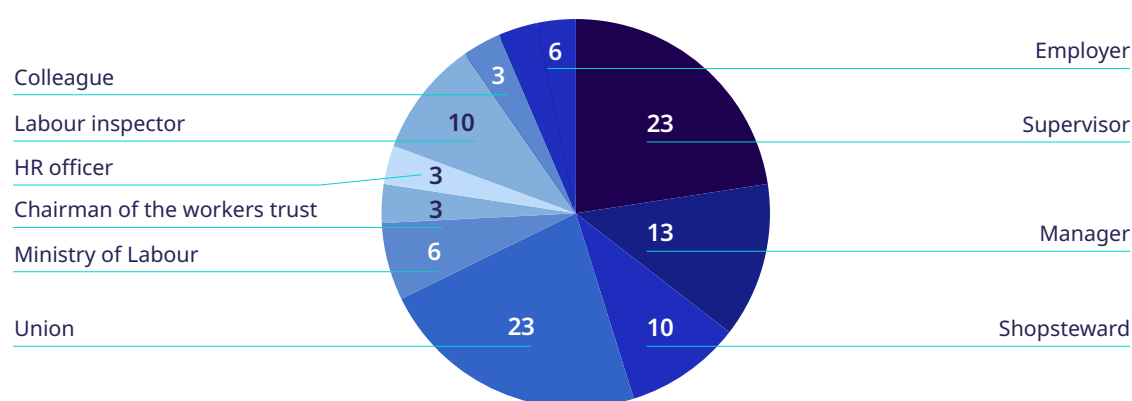
► Figure 20. CBA in place (workers survey, n=200)



While the Act guarantees workers' freedom of association, in terms of joining and/or participating in the lawful activities of a trade union (6.1.d and e), and unions may not discriminate against workers' membership admission, suspension or termination (6.2.a), key informants criticized the Act allowing employers to not recognize unions as bargaining agents for its employees. According to the Labour Act, employers only need to recognize registered trade unions that represent the majority of the employees in an appropriate bargaining unit (64.1). This issue has already been raised by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) as not being in line with ILO Convention No. 98, ratified by Namibia (see the 2017 CEACR Direct Request). The Labour Act is considered more favourable to employers by many key informants, even though the Act does contain a clause that states "if there is a conflict between the provisions of this Chapter, and the provisions of any other law, the law that provides the more favourable terms and conditions for the employee prevails to the extent of the conflict".

Key informants reported that currently most disputes primarily concern late or non-payment of (overtime) wages, substandard working conditions and unfair dismissals, with around four cases mediated each month. Disputes are initially addressed internally through mediation of the union representatives between workers and the employer, escalating to union leaders if no satisfactory outcome is reached. Workers surveyed during the study primarily reported grievances to their supervisor, manager and/or the labour union (Figure 21).

► **Figure 21. Workers' grievances reporting**



If mediation is unsuccessful, complaints are escalated to the Labour Commissioner, who may refer the dispute to a conciliator or arbitrator under the Labour Act (article 7.3–4), with litigation in court as a last resort. Strikes against poor working conditions are not uncommon in Namibia, including in the fisheries sector,²⁸ although most strikes are related to the low remuneration. Corrupt practices negatively impact the effectiveness of unions, with high unemployment limiting workers' options to voice concerns out of fear of dismissal, and employers reportedly bribing union leaders to discourage strikes.

28 Namibian, *A Namibianisation Policy Gone Wrong*

Conclusion

6.



6.1 Summary of findings

Namibia is well-positioned within international and regional trade and investment frameworks and initiatives to further develop its fisheries and seafood sector in line with its development plans. However, there remain important gaps to be addressed in its legal framework and financial planning prioritization to achieve sustainable decent work in the sector. In addition, the Merchant Shipping Act needs to extend its application to all vessels, addressing exemptions for coastal fishing and smaller boats, which are most at risk of non-compliance with labour rights and OSH. Furthermore, there is a lack of legal framework and decent work indicators (DWIs) coverage of small-scale fisheries and the informal economy.

The Labour Act leaves open to interpretation the number of working hours/days of fishers and workers working in shifts on vessels. Other gaps in the wider legal framework include an unclear position/definition of “fishers”, minimum age of fishers, and night work for persons under 18 years, as well as provisions for OSH and safety systems. There is a general lack of awareness on human rights due diligence and certifications among employers, an area that will need to be addressed – especially among smaller companies and those lower in the supply chain. Meanwhile, formal training capacity, for instance through the Namibian Maritime Fisheries Institute (NAMFI), seems to be underutilized: none of the surveyed workers reported receiving formal training through the Institute, although this might at least partially reflect the non-representative characteristic of the study. Increased specialized training for upskilling would greatly enhance workers’ employability, including capacity for value-added processing activities in factories.

Workers reported dissatisfaction with working conditions, including wages, working hours and compensation for overtime. The lack of a national minimum wage is reflected in the wide variety of wages and payment schedules encountered during the study. Social protection floors are currently not transparent, while employers seem to be unaware of their responsibilities in terms of covering costs and/or providing medical certifications and training. Fishers and vessel crew reported sexual and racial discrimination, along with forced and uncompensated overtime. Other main challenges affecting decent work are the widespread use of temporary contracts and related lack of social security contributions, in particular on foreign flagged vessels. ILO Convention No. 188 contains a “no more favourable treatment” clause, which, in the context of Port State Control, enables a ratifying State to inspect vessels flying the flag of a non-ratifying Member State against the requirements of the Convention.

The labour administration system and related policy areas are spread across a multitude of ministries and statutory bodies, and the study showed that there is confusion regarding the competent authority for labour inspections on board fishing vessels. Key informants reported the lack of comprehensive and relevant inspections into labour rights and working conditions, as inspectors lack capacity, both in terms of financial and human resources. There is also a lack of adequate responses in case of violations. There is very limited inter-agency collaboration, in particular for the detection of human rights violations on board fishing vessels. Key informants were concerned about IUU fishing and the potential depletion of resources leading to not only an ecological disaster but problems for the populations depending on the industry for work and food, calling for increased patrolling by sea and air by MFMR. Furthermore, penalties and fines were considered too low, in particular for repeat offenders.

Careful consideration needs to be made of wider environmental implications of further growth in the fisheries and seafood sector, in particular ensuring sustainable practices of bottom trawling and coastal fishing. While a reduction in quotas elsewhere might increase global demand, and there are opportunities for increased export of fisheries and aquaculture products from Namibia, the trade-offs between economic growth and sustainability need to be prioritized, especially in the light of decreasing fish stocks worldwide. Importantly, any growth needs to prevent exploitation of resources, human as well as natural, which requires careful consideration if and where the sector can best contribute to employment creation and the protection of wider human rights in the country. In line with MFMR’s vision, investments in high-end sustainable products in the sector might prove more sustainable in the medium

to long term, responding to shifting global market demands towards sustainable products in compliance with human rights.

Benchmarking exercises such as HRRI and SCCI use indicators based on countries' legal frameworks and alignment with Convention No. 188 and other conventions. Therefore, the Government plays an important role in strengthening the position of Namibian suppliers in the global fisheries and seafood supply chain by further strengthening and implementing its legal framework and ensuring international compliance. ILO's Toolkit for Mainstreaming Employment and Decent Work provides useful recommendations for promoting decent work through domestic policy reform, including addressing fiscal and regulatory policies at the national level, and adherence to provisions in bilateral and multilateral trade agreements, mitigating the challenges of the global characteristic and increased industrialization of fisheries.

6.2 Policy recommendations

This section provides policy and programme development recommendations based on the study findings for constituents and stakeholders, to support the promotion of decent work and enhanced social and economic outcomes to build forward better.

To Government

Legal framework

- Harmonize the legal framework, in particular the Labour Act, Marine Resources Act and the Merchant Shipping Act, to increase compliance, inviting input from tripartite partners; implementing provisions at sea and across jurisdictional boundaries;
- Harmonize, expand and enforce the requirements for inspections on fishing vessels, including foreign flagged fishing vessels (i.e. port State control), in line with relevant regulations through further implementation of the ILO Work in Fishing Convention, 2007 (No. 188), alongside other international treaties such as the FAO Agreement on Port State Measures (PSMA), IMO Cape Town Agreement on Fishing Vessel Safety (CTA) and IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F);
- Inform and raise awareness on ILO Conventions and priorities for implementation, including the guidelines on flag State inspection of working and living conditions on board fishing vessels and guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188);^{29 30}
- Ratify the Maritime Labour Convention, 2006 as amended (MLC, 2006) to ensure inclusion of vessels not only catching, but involved in processing and transporting fish.

²⁹ ILO, [Guidelines on flag State inspection of working and living conditions on board fishing vessels](https://www.ilo.org/public/libdoc/iloorg/2009/01/20090101.pdf) (ilo.org)

³⁰ ILO, [Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 \(No. 188\)](https://www.ilo.org/public/libdoc/iloorg/2009/01/20090101.pdf) (ilo.org)

Coordination

- Improve inter-agency collaboration at the national level between labour, maritime, fisheries or other relevant authorities; including by setting up a coordination mechanism for the implementation and enforcement of Convention No. 188 (e.g., via a Memorandum of Understanding (MOU));
- Establish a focal point system and protocols (SOPs) to ensure effective communication and collaboration between fisheries observers and labour, maritime or other inspectors from entities inspecting living and working conditions on board fishing vessels;
- Increase awareness and capacity of labour, maritime or other inspectors from entities inspecting living and working conditions on board fishing vessels, to identify forced labour or labour abuses, combining electronic monitoring with in-person inspections; as well as sensitize fisheries observers on the subject;
- Actively participate in forums looking into the link between illegal, unreported and unregulated (IUU) fishing and labour abuses, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South East Atlantic Fisheries Organization (SEAFO), and the FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters; and advocate for the extension of regional (environmental) mechanisms and agreements to include binding measures for fisher protections through improved working conditions, aligned with Convention No. 188 and other relevant ILO international labour standards.

Inspection

- Provide better oversight and monitoring to labour, maritime or other inspectors from entities inspecting living or working conditions throughout the fisheries value and supply chain, for the implementation and enforcement of laws and regulations relating to work in fishing, aligning with the ILO Labour Inspection Convention, 1947 (No. 81);
- Strengthen the capacity and skills of labour, maritime or other inspectors from entities inspecting living and working conditions throughout the fisheries value and supply chain, to increase the coverage and integration of inspections with other stakeholders;
- Increase resources (human, financial, infrastructure and technology etc.) through the recruitment of inspectors in labour, maritime or other entities inspecting living and working conditions throughout the fisheries value and supply chain, providing sufficient resources to conduct comprehensive and effective inspections;

Skills

- Upgrade technology, innovation, research and development and align fishers' and workers' skills with employment opportunities through the provision of formal training, in particular to increase capacity for value added processing, aligned with primary and secondary education, strengthening school-to-work transition;
- Enhance competencies and training/capacity development among tripartite constituents to conduct value-chain analysis, skills identification and anticipation, and feasibility and assessment studies to promote sub-sectors across the fisheries value and supply chain, and to design action plans/protocols/regulatory reforms to promote skills development and decent jobs.

Other issues

- Monitor and enforce registration of fishers and workers with the Social Security Commission, with particular regard to contract employees.
- Adopt a national minimum wage (NMW), to work towards Harambee Prosperity Plans (HPP) goals for reducing poverty;

- Aligned to high-level statements (NDPs etc.), develop an inclusive implementation strategy for the National Employment Policy to create sustainable, blue employment opportunities, ensuring fisheries and environmental protection, inviting input from all ministries and departments, industry organizations and unions to increase ownership and compliance, prioritizing workers and their organizations in social protection initiatives, and addressing unfair competition practices in the industry;
- Strengthen gender-responsive budgeting and planning, including through the mainstreaming of informal and small-scale businesses into the formal economy;
- Support and protect small-scale fisheries while supporting the industry at large through a strengthened legal framework, considering their significant socio-economic contribution with an important role in providing food security along shorter supply chains; especially relevant in the light of global supply chain disruptions such as those caused by the pandemic and climate change risks;
- Review and update the Social Security Act to include informal workers and small-scale fishers;
- Support companies/employers in undertaking due diligence processes;
- Focus on supply chains and value-added production, strengthening Namibia's international standing as a leader in environmental protection and natural resource conservation and management; providing infrastructure (such as cold storage capacity) to increase offloading fresh fish so as to increase on-shore processing, creating employment opportunities, in particular for women, youth and unemployed graduates; invest in aquaculture, following the upwards global trend in demand; and
- Facilitate access to financial services for upskilling and upgrading of equipment, infrastructure and material for improved sustainable production and decent work.

To workers' organizations / unions

- Increase awareness-raising on human and labour rights (as enshrined in national law) for workers and fishers through a variety of channels, in particular regarding contracts, OSH and social security;
- Provide capacity-building and training of workplace union representatives (shop stewards) to effectively represent and educate the workers in the fisheries sector;
- Improve inclusivity and equal representation, organizing or ensuring the inclusion of informal workers and small-scale fishers;
- Create a secretariat to spearhead the interests of workers in the informal economy;
- Increase union officials' awareness and knowledge of the various standards of manufacturing processes.

To employers' organizations / industry organizations

- Employers' organizations (through the CNFA) should inform member companies on the benefits of social protection mechanisms for fishers and workers, regardless of employment status, and promote the registration of all fishers and workers with the Social Security Commission;
- Employers' organizations should increase awareness on the United Nations Guiding Principles on Business and Human Rights (UNGPs), human rights due diligence and private compliance initiatives among employers;
- Employers' organizations should support member companies in their efforts to implement national law and other measures giving effect to Convention No. 188;
- Employers' organizations should support member companies in their efforts to apply and comply with due diligence throughout the fisheries value and supply chain in line with national legislation;

- Employers' organizations should promote freedom of association and collective bargaining, including through promoting sectoral agreements on wages and working conditions.

To international businesses/buyers sourcing fish from Namibia

- Continue to advocate for and develop means for monitoring of stricter regulatory standards to prevent and eliminate unacceptable forms of work from occurring within supply chains;
- Require human rights and UNGP commitment and implementation from suppliers;
- Share international good practices on human rights with suppliers, including through training.

To the International Labour Organization

- Strengthen engagement with sectoral stakeholders and facilitate stronger cooperation among social partners; consider extending the mandate of the National Tripartite Advisory Committee to act as a sectoral social dialogue mechanism for improved collaboration of employers' and workers' organizations;
- Provide input to the strengthening of the legal framework, and for reporting on the implementation of ILO ratified Conventions;
- Awareness-raising on Convention No. 188 and its application among constituents;
- Collect sector-specific qualitative and quantitative data through conducting further targeted research related to the implementation of (sections of) the Labour Act and other pieces of legislation giving effect to Convention No. 188 and other relevant conventions (e.g., recruitment, inspections);
- Targeted studies, including into gender dynamics in the sector and the informal small-scale segment in the fisheries sector, would be timely and essential to better inform the Government on the position and role of inland fisheries in the national, regional and global supply chains, and related labour and social protection gaps, including internal migration, food security and poverty reduction;
- Support all stakeholders in further unpacking the relationships between labour conditions and environmental issues such as fishery performance and IUU fishing.

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