

THE UNITED FISHERMEN

The Official mouthpiece of the Namibian Fishermen

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Petrus Unengu a judge of the High Court abused the Bench to favour fish companies

and Construction Union (MMMC) assisted the workers to oppose the application of the fishing companies. The court hearing was postponed to the 10th of February 2016 and again to the 7th of April 2016. The reasons for postponement was to get the affidavits from workers that are at sea for 57 days to confirm that the Unions were representing them. The workers submitted sworn statements (affidavits) to their lawyer Mr Coetzee. All affidavits were certified by the Walvis Bay Police and were handed over to the Lawyer before the court case started both in Walvis Bay and Luderitz.

A corrupt court case.

The case made by the companies was bad in law for at least two reasons: The charges against the workers were criminal charges which had to be heard in a criminal court not the Labour Court. A group of separate companies cannot make a lawful case against their workers as each company has a separate and independent individual employment contract with their workers. For any one company to get an order of court against a person who does not work for you is absurd.

This did not hold the judge back.

Judge Unengu decided to proceed with the case knowing that this is not a Labour case but a criminal case. While he did not have the legal power to do so, he decided to order all workers to stay at least

FISHING COMPANIES MAINTAIN CRIMINAL ACTIVITIES THROUGH CORRUPT HIGH COURT

Over many years problems for fishermen have become very bad in the fishing industry. They fishing companies did not give pay rises for many years. Fishermen were living in worse and worse conditions. The companies were not keeping proper health and safety standards on board fishing vessels leading to loss of limb and life over the years.

Fishermen complained to the President and the Government about the illegal activities of the fishing companies, but they did nothing.

The fishermen tried to negotiate with fishing companies to bring their labour conditions in line with the labour laws, but they refused to do so.

On 27 October 2015, more than 4000 fishermen went on strike in Walvisbaai and Luderitz. The companies continued to refuse to negotiate and on 5th of December 2015 they took the striking fishermen to court on charges of harassment, intimidation and assault. The following companies together made the case:

HANGANA SEA FOOD (PTY LTD); OVERBERG FISHING (PTY LTD); RAINBOW TRAWLING (PTY LTD); EKIKI-KIMBO TRAWLING (PTY LTD); EMBWINDA FISHING (PTY LTD); TUNACOR FISHERIES (PTY LTD); CORVIMA FISHING (PTY LTD); BELUGA FISHING (PTY LTD); SEA FLOWER WHITEFISH CORPORATION (PTY LTD); NOVANAM (PTY LTD); SEACOPE FREEZER FISHING (PTY LTD); BENGUELLA SEA PRODUCTS (PTY LTD).

The Namibia National Labour Organisation (NANLO) and the Metal, Mining, Maritime

100 metres from the company premises. The workers asked the Attorney General to intervene in this issue to enable them to have a fair trial as this judge was abusing his powers.

An unacceptable incident happened during the case. The workers' legal representative did not hand in the affidavits of the workers to court. He left it at his office and made no effort to have it delivered to court.

Later on the 7th of April the court ruled that there were no affidavits of the workers before him which gave the unions and Kaaronda and Immanuel mandate to represent them, so he further decided that they had to pay the companies' legal costs. He also made the order permanent that the workers shall not come within 100 metres from the companies' premises.

The corruption of the fishing companies is made possible by corrupt judges in the High Court of Namibia.

Fishermen must fight for an accountable judiciary and courts which will serve justice. At present this is a court system which destroys the Rule of Law.



Editorial

The coastal communities are dependent on the fishing industry chiefly for their living and their standard of life. And that is determined by the income of fishermen. The standard of life of the coast comes right down to the wages of the fisherman.

The fishermen's income over the years caused the coastal communities to maintain the highest standard of life in the country. They provided living for families to the extreme north, all over the country and the deep south in rural areas to where fishermen maintained families.

But, now this situation has changed. The fishermen have been dismissed in their thousands for acting against the criminal actions of the fishing companies. These companies are protected by the Namibian Government because the Government officials and Ministers have shareholding in the fishing industry.

It is a horrible situation in which the High Court of Namibia protects the criminals and destroys the Rule of Law. Ex-

actly the opposite of what a Court should be. The High Court of Namibia is a criminal court. It enables crime and the violation of the law for criminal purposes. To impoverish Namibian communities in favour of the greed of a few corrupt individuals.

Fishing companies, the Government and the High Court of Namibia create poverty, because they are too greedy to allow whole communities to live a decent life on the resources of this country. They take every morsel for themselves.

In these circumstances the UNITED FISHERMEN must take a different path. They must seek support from all workers in Namibia and internationally. They must call together all those workers who are fighting similar causes to come together and plan ahead.

The UNITED FISHERMEN must try to save their communities from further impoverishment!

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FISHERMEN'S CANNOT GET GOVERNMENT TO UPHOLD LAW

Fishermen started their campaign against bad and dangerous safety conditions on boats at sea and extremely bad labour conditions overall on 3rd October 2014 at Ministry of Labour where they handed over a petition and to the chairman of Hake association Mr Matti Amukwa. A second petition was handed over on the 26th of October 2015 at the Ministry of Labour. The third petition was handed over on the 6th of April 2016 at the Ministry of Labour.

The fishermen were demanding the labour act 11 2007 to be implemented as fishermen were forced to work longer than 9 hours per day. The Labour Act prohibited companies to force their workers to work longer than 9 hours per day. In special circumstances if they require workers to work longer hours they must apply to the Minister of Labour for permission with the agreement of the workers themselves. But, it does not allow continuous work for more than 12 hours in any circumstances. The fishing companies required fishermen to work 21 hours a day. The companies also violated the Labour Act by not paying overtime as provided in the Act.

They did not answer to our petition, the fourth was handed on the 24th of May 2016 at the Ministry of Labour, Directorate of Maritime Affairs (DMA) and Ministry of fisheries.

At the DMA the fishermen demanded them to control all basic safety measures and security because safety personnel who were not qualified were appointed. The fishermen laid a complaint with the police that persons appointed as safety officers forged their qualifications. One suspect was arrested. He was out for bail for N\$5000.00 The DMA did not respond to the petitions. The Ministry of Fisheries simply ignored the fishermen's demand that no fishing quotas shall be given to those companies who do not comply with the law.

At Labour the fishermen demanded the law to be implemented again but they did not respond to the petition. The Namibian press played a very dirty role in the struggle of the fishermen. They kept on referring to illegal strikes while the strike was never illegal. The fishing companies were breaking the law and the employment contracts of the fishermen by maintaining criminally illegal safety conditions and employment conditions. The fishermen therefore had the right to immediately with-

hold their services (work) until the companies complied with the law.

The President of NASAWU indicated on his press release during our demonstration 26 October 2014, he indicated that "as we are speaking today about 90% of the fishermen are permanent workers with benefits such as medical aid, pension fund, housing allowance, our monthly guarantee payment average between N\$ 4000 to N\$8900 per month." This was a contemptible lie! No fisherman gets that much basic salary in our industry. The amount they get depends on how hard they work per trip, which results 21 hours working hours per day on average!

He also lied about the guarantee payment, whether you are on sea or on shore for offloading.

Purpose or few days breaking down and sometimes guarantee payment even employees have no more quotas and the vessel is laid off. The workers of Novanam are not permanent since 2007 up to now, again they have no basic, medical aid, pension fund until now and the Union NASAWU represents them. He also stated that: "Sunday and Public Holidays are paid double and more payment per ton of the fish landed and some time the crew get payment as shore of the total of fish it is important to note that everywhere in the world Fishermen are paid overtime expect for work done Sunday and public Holiday. "Changing the current system may result in employees paid less than what they are earning which is none favorable than provision of the labour act 11 of 2007." This is also not true. The fishermen would get a lot more if their overtime was paid in full.

The Fishers those who have a guarantee when a vessel break down or number of quotas, we only paid 50% of their Salaries. On this statement he indicated that in the world there are no fishermen paid overtime in the world. The President of NANAWU is a comrade of Utoni Nujoma – a parliamentarian who is a director of Blue Sea Fishing. The company registration number is Reg no. 90/571

The Minister of Fisheries, Bernard Esau, and his comrades such as Nangolo Mbumba, the Attorney-General Sackie Shangala and many others are either shareholders in fishing companies or hold fishing quotas.