

TSUMEB WORKERS & UNITED FISHERMEN OF WALVISBAAI

NEWS

N\$5.00

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ALL THESE YEARS ENDOBO OCCUPANTS RIPPED OFF BY FORMER TCL MANAGEMENT

It has now become known that since the year 2000, former TCL miners and other occupants of Endobo Hostel in Nomtsoub, have been forced to pay rent illegally by a former TCL Property Manager, A Mr. Groenewald, had informed hostel occupants in 2000 already that he had bought the hostel and was its owner. He charged rent to the occupants since then. The hostel building was neither approved nor proclaimed as residential building by the Tsumeb Municipality. It was in a dilapidated state and was not maintained.

Groenewald collected a reported amount of about N\$200,000 per month with an annual total of about N\$2,4 million in rental fees. The property did not belong to him and he did not keep to the most basic obligations of a landlord to maintain the property in a liveable condition. This alone justified the hostel occupants to refuse to continue paying rent. They had in any event suffered serious damages due to rain and the bad condition of the building. The building is at present in such a dilapidated state, that one can see right through it where the cracks have opened up to massive crevices.

Groenewald drilled a borehole from which he supplied the hostel with water. We had the water tested at the Namwater laboratories. It is untreated and dirty. He controls the distribution control room of pre-paid electricity. In April the occupants refused to continue payment until he proved ownership and improved the building to a liveable condition.

He brought summons against 16 occupants in the Tsumeb Magistrates Court.

The hostel never belonged to anyone. TCL was liquidated in 1998 and in 2006 the plot on which the hostel was built was illegally transferred to Groenewald's business, Endobo Properties by a legal firm Ellis & Partners from the non-existent TCL, which they had illegally renamed "Ongopolo Mining Limited" in 2001.

FISHERMEN COMPLAINS AGAINST GOVERNMENT TO ILO

Fishermen who have been fired after a legal strike lodged a formal complaint against the Namibian Government for its failure to force fishing companies to comply with the labour laws.

Fishermen in the Namibian Coastal towns of Walvisbaai and Luderitz have been on strike since 26 October 2015 against gross irregular labour practices by the Fishing companies. The fishermen's international appeal describing the full circumstances of the strike is attached hereto.

The fishing companies forced workers to work an average of 21 hours per day, they employed unqualified safety personnel and they did not pay overtime.

When the fishermen went on a legal strike on 26 October 2015, the companies dismissed them and the Government refused to compel the companies to comply with the law. The Government on 20-24 October made a special investigation under pressure from the fishermen and found that all companies were violating the law on pay, hours worked and safety, but they did not enforce the law.

After the fishermen published their own news in the "United Fishermen" and made known their struggle to the world, the Government very fast prepared new conditions which they said was to bring fishing in line with ILO conventions. They published these changes to the Labour Act in the Government Gazette of 14 October 2016. They made such changes as fishers shall not work more than 9 hours per day and not more than 5 hours overtime.

We the fishermen say that this was to "eye-blind" the world and the ILO, because the Labour Act itself had the provisions that a worker shall not work more than 12 hours per day, etc.

The companies employed "scabs" on temporary contracts without any benefits. These scabs have to work up to 36 consecutive hours per shift. No improvements were made in safety and other employment conditions. The temporary fishers still do not get overtime and night allowance, as referred to in the new amendments of the Labour Act. The Government is aware of it, but does nothing.



The Namibian Sun

Geingob supports striking fishermen

05 November 2015 | [Labour](#)

President Hage Geingob has expressed support for fishermen who embarked on an illegal strike demanding better conditions of employment. Geingob, who met with some of the workers and union representatives at State House yesterday afternoon, expressed sympathy with the workers, saying that slavery cannot be condoned. He said Namibia should imitate countries like China which allow any country to do business within its boundaries but on condition that companies comply with local laws. "We cannot be partners if you deny our own people their human rights," Geingob said. Geingob requested the Deputy Minister of Fisheries and Marine Resources, Chief Samuel Ankama, to get the names of the companies allegedly mistreating their employees. "Bring those managers to me," he said. Geingob was briefed by a representative of the Metal, Mining, Maritime and Construction (MMM) Union, Immanuel Petrus. Petrus explained why they started the wildcat strike, claiming that if a worker gets sick at sea they only get medical attention once the full vessel returns to shore or if there is a passing vessel heading for the harbour, as there are no medical staff on board. He further told the president that the workers have abnormal working hours, claiming that they are forced to work for 24 hours continuously. Petrus said according to the Labour

Act an employee should only work for eight hours and a maximum of three hours' overtime but the fishing companies are not complying with that and the labour ministry is turning a blind eye. He said the fishermen had been patient since 2008 and want the president to intervene. Petrus said the Ministry of Labour failed to issue the fishing companies with compliance orders after an inspection that found them guilty of contravening the Labour Act. Petrus said he is satisfied with the action taken by Geingob to engage all stakeholders to rectify the situation as soon as possible. Petrus acknowledged that the strike is illegal but justified it by saying that they were forced to take such drastic action. The striking fishermen are adamant that they will not return to their vessels until the government intervenes to address their grievances. The permanent secretary in the Ministry of Labour, Bro-Matthew Shinguadja, informed Geingob and the fishermen that by next week Tuesday an amicable solution would be reached with the fishing sector. He confirmed that the fishing companies were found in contravention of certain provisions of the Labour Act and that steps would be taken to rectify the situation by November 10. KENYA KAMBOWE

DESPITE THESE DECLARATIONS BY THE PRESIDENT
THE FISHERMEN REMAIN WITHOUT WORK

HOW THE WHOLE TSUMEB GOT STOLEN ON 18 OCTOBER 2001

On 13 June 2017 the Workers Advice Centre Director - whom the occupants of Endobo and Ndadapula Hostels had appointed for legal consultancy and representation – wrote to the Minister of Trade and Industry. She copied the same letter to the Registrar of Deeds.

"We are instructed by the Endobo Hostel Committee representing the occupants thereof.

We bring to your attention that the following fraudulent procedure was followed at your Ministry with regard to the foregoing:

You have in your archives the registration of **Tsumeb Corporation Limited (TCL)** with registration number **1947/0325**.

In 1998 TCL was liquidated and ceased to exist as a company.

In 1999 **Ongopolo Mining & Processing Limited** was registered with the registration number **99/567**.

On **18 October 2001** your Ministry fraudulently registered a name-change of TCL to **Ongopolo Mining Limited 1947/0325** and fraudulently endorsed the records of TCL at the Deeds Registry with a change of name from TCL to **Ongopolo Mining Limited, Company Number 325**. The endorsement was headed "**ENDORSEMENT IN TERMS OF SEC 44 ACT NO. 61/1973**". The endorsement was done by way of a stamp specifically made for the once-off purpose of changing the name of the "**Transferee**" company.

The signatures of both the Registrar and the Deputy-Registrar have been forged on the endorsements.

Section 44 referred to above and in terms of which the endorsement is noted to have been made, allows for a company to change its name by itself not by something or somebody else. See the attachment of Section 44 hereto.

TCL did not and could not change its name after its liquidation in 1998. There was no board of directors to make such a resolution. It did not exist.

Declaration of Endobo Hostel

I am a resident of Endobo Hostel, room number 188, Tsumeb. I have been a resident of Endobo Hostel compound since January 2008 until today.

Endobo hostel is a compound with estimate room of more than 260. This compound was for mine workers years back before the independence. As it was took over by Mr. Groenewald the compound became a place for staying to everyone as he started renting it out since 2002. Many people staying in this place are security guards and other people working in different companies. People staying in this compound they do not have conducive environment for their life. This is because the environmental health condition of this compound is very poor when coming to the toilet and showers the residents use. In this compound there are only three (3) small rooms of showers build in every corner of the compound that cater everyone staying in those more than 260 houses. People do not have toilets or bathroom in their houses so they all have to use this toilets and showers which are like for public. The small rooms for toilets and showers are dividing in two sides, one for men and the other side for women. These toilets use to be very duty even though they are washed every morning. In addition there is only one cleaner wash the toilets every day. If she's absent or sick than there is no one to clean them. The toilets use to be very ditty since they are only cleaned once a day. Using ditty toilets and showers is unhygienic and can affect the health of people.

Since the condition of the environment is unhygienic and the rooms that we rent are not in good condition, in 2009 the committee and the residents of Endobo hostel had a meeting with Mr Groenewald Christof the claim "owner" of Endobo hostel (compound). People who were in the meeting appealed to Mr Groenewald to renovate the houses and build new toilets that would be conducive to use by residents. Mr. groenewald promised to do so as the resident of Endombo compound requested, but nothing happened that year. The following year (2010) we had a meeting with him again and successfully he gave empty promises to the resident by told us that the fee for renting will increase with 12% and 50 dollar on top so that he can build proper toilets in each house.

All those meetings we had in those two years nothing successfully happened. People continued facing the same problem sand continued complaining but their voices was not heard. In 2011, the renting fee was increased again. Many people staying in this compound were not happy;



the same problem of living under poor of the residents was a real delinquent of everyday life. We tried to express our feeling to Mr. Groanewald by organizing a meeting with him , in the meeting Mr. Groanewald told us that anyone who is not happy with the situation he/she is free to move out from En-



dobo. The meeting ended with nothing but hurting the residents again by increasing the renting fee with 10%. To 12% Actually the renting fee increases every year. As there was no attention given to our complaints, we as residents of Endobo we wanted to know if Mr Groenewald legally owned the place. We wanted him to show us proof of ownership that indicate that Endobo hostel (compound) belong to him as his property. We organised a meeting that we wanted Mr Groenewald to show us the ownership document that legally state that the compound belong to him, but he failed to do so. In the year 2015, we reported the matter to the councillor of Tsumeb constituency. We appealed the councillor to organize a meeting that Mr Groenewaldt should attend. The councillor sent a letter to inform Mr Groenewald about the meeting but he ignored without saying a word. Actually that is what he was dong from there on; when the committee of Endombo asked request him for a meeting he always gives an excuse until the time he will want himself .

As committees and residents of Endombo Hostel (compound), we asked Mr Groenewald if the water that people use as for domestic purposes as well as the main basic need is treated, because the water that we use does not look healthy, somehow. Mr Groenewald did not provide a proof up to now that shows if the water is purified, treated and ready for human consumption. Last year we had a meeting in which we invited our honourable councillor Lebeus Tangeni as well as Mr. Groenewald; the agenda of the meeting was the same problems that people always cry out for many years. The meeting ended with intolerable increase of renting fee from 10% to 12%. We told Mr. Groenewald that, the double deposit and renting fee that he recommends to increase we are not going to pay for it until he brings improvement of proper toilets and renovation of the houses, and he must show us the proof of owning this area. We wanted to know if it's true that Endobo Hostel(compound) belongs to him legally

DECLARATION OF ENDOBO HOSTEL

since he never show that to us.

As a member of the committee fighting for better living conditions of the people staying in Endobo, I have been threatened by Mr. Groenewald four times when he called me to his office. Sometimes he sends his security guard to collect me at my work place or where ever I am. He also called to my manager of the company where I work to tell him that I am disobeying in his area, so I must be dismissed from work. One day he instructed his employee to switch off my electricity from the main box (transformer) for 19 hours. My food got rotten due to the activity they perform of switching of my electricity for no reason while I pay the rent fee every month. My life is in fear now, as he goes on with the threatening.

Mr. Groenewald must do the following if he wants us to continue paying rent. First he must show to us a legal documented proof of ownership that state the Endombo hostel properties belong to him. Second, he must provide a conducive health environment in the area. New toilets must be build that cater proper sanitation to the inhabitants. Houses must be renovated and he have to put in tiles ceilings roof since the houses is extremely hot during the summer and extremely cold during winter. The houses in Endombo they are old, the paint is getting off from the whole unless that individual person paint it for him or herself. We want clean, purified, and treated water which we drink from the borehole. We will stand firmly not to pay the renting if this will not be done.

ERICA WRITES TO GEINGOB ABOUT THE CONTINUATION OF THE CONTRACT LABOUR ABUSE WHICH STARTED IN 1945

Your Excellency, Dr Hage Geingob,

We submit this communiqué to bring to your attention the situation at the Endobo Hostel in Tsumeb, the hostel built by the Tsumeb Corporation Limited (TCL) in 1947, two years after the founding of the South West Africa Native Labour Association (SWANLA).

This hostel stands as a stark reminder of the Contract Labour System visited upon this country as one of the most horrendous forms of human abuse the modern world has witnessed in our lifetimes.

Until 1989 the struggle against the Contract Labour System stood first in the national liberation project to rebuild the nation from the ravages visited upon this nation over four generations with deadly punctuality by imperialism and colonialism.

To our shock, we were approached by the Endobo Hostel Committee of many hundreds of occupants of mostly former contract labourers and their descendants to assist and represent them against ejection by one Groenewald of Endobo Properties cc .

This is the introduction of a letter from the Director of the Workers Advice Centre to President Geingob

HOW TSUMEB WAS STOLEN

Moreover, there is no such thing as a transferee company!

It was an individual or individuals and an attorney who conducted this fraud through your Ministry and the Deeds Registry.

A host of fraudulent transfers were then affected by a fraudulent company Ongopolo Mining Ltd with company no 325, which in itself is fraudulent as company numbers are indicated by year. It is clear that the fictional company **Ongopolo Mining Limited 325** assigned to itself the company number **325** to conceal the fact that it had criminally misappropriated the registration of the liquidated **Tsumeb Corporation Limited**.

Our specific interest is the transfer of **Portion 64 of Tsumeb Farm** by the fictional **Ongopolo Mining Limited 325** to Endobo Properties (Proprietary) Limited subsequently changed to **Endobo Properties cc**, a close corporation, on 21st April 2006.

At this stage the **take-over** of the so-called **Ongopolo Group (Ongopolo Mining & Processing Limited and Ongopolo Mining Limited)** by Weatherley International was already in court and soon thereafter approved in July 2006.

The said Portion 64 was the plot on which the Endobo Hostel was built in 1947 for mine workers by the TCL soon after the **South West Africa Native Labour Association (SWANLA)** – contract labour - came into being. Its transfer indicate that it N\$1 million was paid for the plot. This amount was not paid as **Ongopolo Mining Limited** did not exist.”

WHOLE TSUMEB STOLEN SINCE 1998

The above meant that the High Court in March 2000 ordered that the company Ongopolo Mining and Processing registered in 1999 with number 99/567 could take over TCL mining properties.

But, this did not happen. A group led by the Ongopolo MD Neethling, used legal firms to change the old TCL's name to Ongopolo Mining Limited. All properties now belonged to this non-existent company without an owner or board of directors. They now used this ghost company to transfer the old TCL mine's properties into their own names.

This meant that not a single property was bought, but was transferred as a free gift, because the ghost company had no legal account to which anyone could pay. But, even before that, the liquidators of TCL were used to transfer TCL properties into the names of Mr Neethling and his friends including Mr Groenewald and his friends.

THE TCL PROPERTIES WERE ENCUMBERED BY TCL MINeworkers' PENSION FUND

These properties actually belonged to the TCL mineworkers. During 1996-8 the TCL management illegally withdrew the Goldfield SA Provident Fund of the mineworkers without their knowledge. The amount owing to the miners stand at an estimated N\$1 billion today. The labour Law made workers the first claimant to a liquidated company. Therefore, these properties had first to satisfy the debt to the workers before it could be used for anything else when TCL was liquidated in 1998.

This is now the fight together with the hostel occupants .

ISSUED by the Joint Committee of Tsumeb workers and the United Fishermen of Namibia,
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