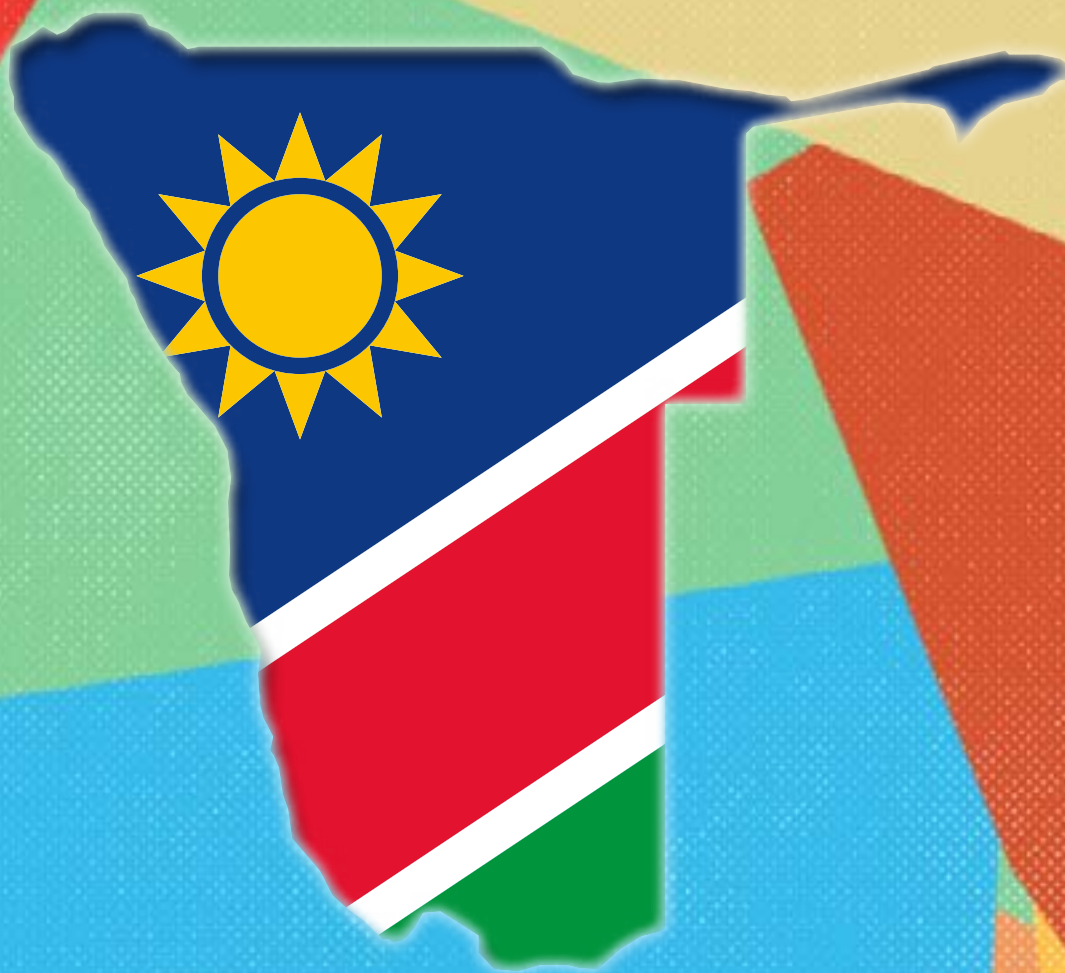


# LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



## NAMIBIA

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374 Borno Way, Yaba, Lagos, Nigeria  
Email: [media@paradigmhq.org](mailto:media@paradigmhq.org)  
[www.paradigmhq.org](http://www.paradigmhq.org)

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# CREDITS

**Country Report:**  
Nashilongo Gervasius

**Editorial Team:**  
'Gbenga Sesan  
Nnenna Paul-Ugochukwu  
Thobekile Matimbe

**Translators:**  
Paper Bag Africa

**Copy Editor:**  
Sabine Matsheka

**Design & Layout:**  
Kenneth Oyeniya



# Namibia

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## EXECUTIVE SUMMARY

This research provides an overview of digital rights and inclusion in Namibia in 2023 by taking a policy analysis approach, reviewing key highlights during 2023, looking at actions and initiatives as documented by relevant authorities and monitoring the news and publicly available documentation. The report provides specific recommendations as guided by thematic findings. With a special focus on Universal Access as the overarching theme, the report also discusses specific issues of Internet Access and Disruptions, Online Freedom of Expression, Privacy and Surveillance, Gendered Disinformation, Data Protection and Cyber Security, Digital IDs, Digital Inclusion of Persons with Disabilities, Universal Service Fund as well as other general developments in Information and Communication Technologies (ICTs) and Emerging Technologies in Namibia.

# Introduction

The year 2023 saw several highlights on digital rights and inclusion matters in Namibia. This is presented through a mixed bag of actual actions, policy intentions, and pronouncements on various issues related to the intersectional relationship between technology and society. The full implementation of Part 6 of the Communications Act (8 of 2009), dealing with SIM registration, opened a can of worms that, to a certain extent, led to biometrics harvesting, done without legal guardrails.

The Parliament of Namibia passed an Access to Information Act (8 of 2022) and provided a commendable dedicated budget of \$10 million (N\$20 Million) to establish the Information Commission during the 2023/24 financial year. This paved the way for the country's attempt to implement the Access to Information framework within public offices fully. Furthermore, more engagements have surfaced related to various technology-related issues ranging from the passing of various Financial Technology (fintech) related laws and regulations to further public consultations on the Data Protection Bill and the Cybercrime Bill, which are set to be passed into laws in the year 2024.

Furthermore, the country has seen a continuation of implementing the Digital Identity system and intense deliberations on the rollout of the 5G network. The country's national assessment on internet development using UNESCO's ROAM-X assessment<sup>608</sup> and the latest development stages of the digital strategy<sup>609</sup> deemed to provide comprehensive national insights is a welcome development.

While acknowledging all these developments, Namibia still lags in realising its implementation of the Universal Access Service Fund and is yet to meaningfully engage in emerging technologies investment and regulation. More work needs to be done on the cost of connectivity in Namibia, as well as making significant efforts in closing the digital divide, in addition to enhancing the development of the ICT sector by means of public investment to transform the Namibian economy.

608 Namibia first to launch ROAM-X in Southern Africa, Windhoek Observer, July 2023, <https://www.observer24.com.na/namibia-first-to-launch-roam-x-in-southern-africa/>

609 MICT TO DEVELOP NATIONAL DIGITAL STRATEGY, NBC NEWS, SEPTEMBER 2023, <https://nbcnews.na/node/102969>

## ► Country Analysis

### Internet access and disruptions

The World Bank<sup>610</sup> indicated that Namibia's internet penetration is 53%. This is estimated at 1.33 million internet users in the country by January 2022.<sup>611</sup> Reports indicate that "no less than 370,000 Namibians have no access to 4G connectivity network, owing to the slow development of network infrastructure".<sup>612</sup> Ranked 112 out of the 134 in the 2023 Network Readiness Index<sup>613</sup>, amongst the weakest indicators, mobile broadband internet traffic within the country at 117, international internet bandwidth at 129 as well as cybersecurity at 127. With scanty data available for 2023, it is important to highlight several challenges contributing to low access to the internet in Namibia. As a vast country with a low population, Namibia's dynamic geography has been highlighted as one of the key challenges hindering increased connectivity in the country<sup>614</sup>, which has led to a scenario where "majority of Namibian mobile phone owners do not have access to the Internet" and leaving the Internet to be considered as a luxury in the country<sup>615</sup>.

Internet access has furthermore been hindered by general lack of public investment<sup>616</sup> in the ICT sector and this has been highlighted as a challenge in ensuring proper development of the sector. This matter has previously been highlighted by the Presidential 4IR Task force in its assessment as needing urgent attention<sup>617</sup>.

However, the country has set itself to advance digital inclusion, with the Minister of ICT quoted as saying Namibia is set to provide broadband speeds of at least two Megabits per second (2Mbps) to 95% of the population by 2024 in order to "enhance its digital infrastructure and to empower marginalised citizens in a rapidly evolving digital world as well"<sup>618</sup>. The Minister highlighted the increase in 3G and LTE infrastructure, with 3G covering 89% while LTE is accessible to 79% of the population. In the meantime, around 25% of the population<sup>619</sup> had previously been reported to have no access to 4G connectivity.

Furthermore, international satellite internet services provided by Starlink, Amazon and

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610 Individuals Using the Internet, Namibia, World Bank, 2022, available at <https://data.worldbank.org/indicator/IT.NET.USER.ZS?end=2021&locations=NA&start=1990&view=chart>

611 Namibia, Data Portal, available at <https://dataportal.com/reports/digital-2022-namibia>

612 Namibia Moves To Ditch 2G & 3G, Launches Next-Gen Spectrum Auction, <https://weetracker.com/2023/02/23/namibia-next-gen-spectrum-auction/>

613 Namibia, Network Readiness Index 2023, available at <https://download.networkreadinessindex.org/reports/countries/2023/namibia.pdf>

614 Namibia needs N\$300m to provide free internet, The Brief, available at <https://archive.thebrief.com.na/component/k2/item/3652-namibia-needs-n-300m-to-provide-free-internet>

615 Internet Access is a luxury in Namibia, Erongo News, 22 December 2022, available at <https://www.erongo.com.na/technology-ero/internet-access-still-a-luxury-in-namibia2022-12-22>

616 Namibia needs N\$300m to provide free internet, The Brief, available at <https://archive.thebrief.com.na/component/k2/item/3652-namibia-needs-n-300m-to-provide-free-internet>

617 Taskforce of the Fourth Industrial Revolution, Final Report, Pg 13, available at [https://hpii.gov.na/storage/2023/04/4IRTF-Final-Report\\_2022-10-19\\_final.pdf](https://hpii.gov.na/storage/2023/04/4IRTF-Final-Report_2022-10-19_final.pdf)

618 Namibia is advancing digital inclusion, Windhoek Observer, November 2023, available at <https://www.observer24.com.na/namibia-is-advancing-digital-inclusion/>

619 370 000 Namibians have no access to 4G - The Namibian, Ground News, 2022, <https://ground.news/article/370-000-namibians-have-no-access-to-4g-the-namibian>

OneWeb have shown keen interest in the Namibian market<sup>620</sup>, with many anticipating that these services may meet the connectivity needs of unconnected Namibians.

Regarding the quality of internet access, the country has made efforts to abandon 2G & 3G connectivity as announced at its Next-Gen Spectrum Auction<sup>621</sup> held in February 2023. This upgrade favouring 4G and later generation of connectivity, may herald a new era of quality internet connectivity in the country. While the future might be promised to be better off, the current state of the internet has remained largely unstable during the past 2 years due to ageing infrastructure, including the WACS<sup>622</sup> cable, which has been frequently reported as the cause of constant internet disruptions<sup>623</sup>. That and the cost of devices and cost of services are known as the core price pushers for connectivity in Namibia, leading to the country being ranked third<sup>624</sup> most expensive on data costs amongst the Southern African Development Community (SADC), according to the Africa affordability Rankings and 5th highest amongst African countries with high internet costs<sup>625</sup> in southern Africa. Attempts to welcome a third mobile telecommunications player into the market previously led to dominant player Mobile Telecommunications Company (MTC) refusing to comply<sup>626</sup> with infrastructure sharing policy directive<sup>627</sup>, pushing that player out of the market. This becomes a lead reason to keep the cost of connectivity high<sup>628</sup> with a 1GB monthly prepaid usage costing around N\$124.5 (USD8.3) in the first quarter of 2021.

Despite the cost of data, the technology sector reportedly rakes in high revenues into state coffers as the government is the majority shareholder amongst the ICT players. State dividend was reported to have increased from N\$4.8 billion in 2019 to N\$5.1 billion in 2020<sup>629</sup>, while in 2023, the state holding company for telecommunications declared dividends of over N\$3.1 billion<sup>630</sup> over the last two financial years, 2021/22 and 2022/23. Despite ICT being a high economic player in Namibia, alternative funding to ensure internet accessibility for those without access has not been realised. In addition to lack of state funding and investment into the sector, as referred to earlier, the Universal Service and Access Fund has never been operationalised, despite a policy<sup>631</sup> being in place since 2012 and legally provided for through Part 4 of the Communications Act. While some plans were announced as part of the implementation of the UASF in 2022<sup>632</sup>, nothing much has

620 Startlink, Amazon and OneWeb eye Namibian market, The Namibian, October 2023, available at <https://namibian.com.na/starlink-amazon-and-oneweb-eye-namibian-market/>

621 Namibia Moves To Ditch 2G & 3G, Launches Next-Gen Spectrum Auction available at <https://weetracker.com/2023/02/23/namibia-next-gen-spectrum-auction/>

622 Poor connectivity due to WACS and SAT-3 Fibre Break, Telecom Namibia, August 8, 2023, available at <https://www.telecom.na/media-centre/732-poor-connectivity-due-to-wacs-and-sat-3-fibre-break>

623 Telecom Namibia Faces Service Disruptions Due to Undersea Cable Breaks, Tech Africa News, August 9<sup>th</sup>, 2023, <https://www.techafrikanews.com/2023/08/09/telecom-namibia-faces-service-disruptions-due-to-undersea-cable-breaks/>

624 Namibia's data cost third-highest in SADC, The Namibian, July 2023, available at <https://ww2.namibian.com.na/mtc-refuses-to-budge-on-infrastructure-sharing/>

625 Namibia fifth among African countries with high mobile, Nampa, 2022, available at <http://www.nampapr.com.na/?p=11012>

626 MTC refuses to budge on infrastructure sharing, The Namibian, July 2023, available at <https://ww2.namibian.com.na/mtc-refuses-to-budge-on-infrastructure-sharing/>

627 MTC, CRAN BUTT HEADS IN COURT AGAIN, Namibian Sun, September 2022, available at <https://www.namibiansun.com/local-news/mtc-cran-butt-heads-in-court-again-2022-09-20?fbclid=IwAR2TXJW5TUhZTvkWG38ruLfqBMEjmwVWm4CIS8RS36jaSNmCMgw9d48VQg>

628 Lack of competition makes data expensive in Namibia – CRAN, Eagle FM, June 2022, available at <https://www.eaglefm.com.na/news/lack-of-competition-makes-data-expensive-in-namibia-cran/>

629 Lack of competition makes data expensive in Namibia – CRAN, Eagle FM, June 2022, available at <https://www.eaglefm.com.na/news/lack-of-competition-makes-data-expensive-in-namibia-cran/>

630 NAMIBIA POST & TELECOM HOLDINGS DECLARE EXTRAORDINARY DIVIDEND OF N\$600 MILLION FOR 2023, NBC NEWS, JUNE 2023, available at <https://nbcnews.na/node/101252>

631 Universal Access and Service Policy for Information and Communications Technologies, National Planning Commission, available here <https://www.npc.gov.na/wp-content/uploads/2022/06/Universal-Access-and-Service-Policy-for-Info-and-Comm-Technologies-May-2012.pdf>

632 Namibia starts work on Universal Internet Connectivity Access Fund, The Brief, September 2022, available at <https://archive.thebrief.com.na/index.php/component/k2/item/1713-namibia-starts-work-on-universal-internet-connectivity-access-fund>

come out of it, and the fund remains non-operationalised as operators have refused to contribute to the Fund, as demonstrated by consistent legal challenges against the Regulator<sup>633</sup>. This precedence has been set by the 2018 Supreme Court ruling that levy contribution to the Universal Fund was unconstitutional<sup>634</sup>. The Supreme Court decision amongst others, ruled that, given the absence of guidelines and limits for the Regulator’s exercise, “In its present form ... section 23(2)(a) of the Act constitutes the outsourcing of plenary legislative power to CRAN ... (inadvertently)...The legislature has failed to guard against the risk of an unconstitutional exercise of a discretionary power by CRAN and the result is that s 23(2)(a) of the Act is unconstitutional and liable to be struck down, as must the impugned regulation.”

## Online Freedom of Expression

With its diverse media landscape, Namibia has consistently been recognised as one of Africa’s beacons in freedom of the press<sup>635</sup>, topping the African countries list in the Reporters without Borders Index in 2023<sup>636</sup>. Media freedom is known to thrive, with cases of self-censorship reported to be common amongst state media<sup>637</sup>. With the internet reportedly gone mobile in Namibia, freedom of expression online has consistently become contentious<sup>638</sup> to users in Namibia, with women in particular<sup>639</sup> reported to have been exposed to online violence, harassment, and threats. As safety online increasingly becomes a challenge<sup>640</sup>, female journalists have been reported to practise various forms of self-censorship as a form of self-preservation in a country that still lacks cyberharassment or data protection legislation<sup>641</sup> that would provide for the protection of journalists. Data Guidance<sup>642</sup> in their analysis highlighted: “The lack of legislative responses to communication technology-facilitated abuse leaves victims of misogynistic online abuse—in particular prominent women, journalists, girls, the LGBT+ community, and other minority groups—without adequate legal recourse.” As a result, several defamation cases<sup>643,644,645</sup> related to Online Freedom of speech has been brought to court, many of which seemed to discourage free speech. Academic research<sup>646</sup> highlights a need for a human security centered social media policy. Overall, the country is considered to have no adequate<sup>647</sup> oversight mechanisms to create

- 633 Mobile Telecommunications Ltd v Communications Regulatory Authority of Namibia (HC-MD-CIV-MOT-GEN-2020/00526) [2022] NAHCMD 443 (31 August 2022) <https://namiblii.org/akn/na/judgment/nahcmd/2022/443/eng@2022-08-31/source.pdf>
- 634 CRAN v Telecom Namibia Ltd and Others (62 of 2016) 2018 NASC 18 (11 June 2018) available at <https://namiblii.org/akn/na/judgment/nahcmd/2022/443/eng@2022-08-31/source.pdf>
- 635 <https://www.namibian.com.na/namibia-reclaims-top-spot-on-press-freedom-index-in-africa/#:~:text=On%20the%20occasion%20of%20World,by%20the%20Seychelles%20last%20year>
- 636 Namibia, RSF, available at <https://rsf.org/en/country/namibia>
- 637 Namibia, Freedom House, 2022, available at <https://freedomhouse.org/country/namibia/freedom-world/2023>
- 638 Namibia: Free Online Expression Still Contentious, New Era, April 2022, available at <https://allafrica.com/stories/202204250590.html>
- 639 Namibia: An overview of the draft Data Protection Bill, November 2022, “Journalistic purposes to be included on the list of exclusions” <https://www.dataguidance.com/opinion/namibia-overview-draft-data-protection-bill>
- 640 ONLINE VIOLENCE AGAINST WOMEN AND GIRLS IN NAMIBIA - A country situational assessment, Internet Society Namibia Chapter, 2022, available at <https://isocnamibia.org/wp-content/uploads/2022/05/Ovaw-Digital.pdf>
- 641 NAMIBIA, DATA PROTECTION FACTSHEET available at <https://dataprotection.africa/namibia/>
- 642 Namibia, 2022, Data Guidance available at <https://www.dataguidance.com/jurisdiction/namibia>
- 643 Geingos v Hishoono (HC-MD-CIV-ACT-OTH- 538 of 2021) [2022] NAHCMD 48 (11 February 2022)
- 644 Tjivikua v Tjaronda (HC-MD-CIV-MOT-GEN-2018/00369) [2019] NAHCMD 405 (14 May 2019)
- 645 Lawyer wins social media libel case, The Namibian, June 2022, <https://www.namibian.com.na/lawyer-wins-social-media-libel-case/>
- 646 Towards a strategy for social media implications on human security in Namibia: Case study of Windhoek , UNAM (2020) [https://repository.unam.edu.na/bitstream/handle/11070/2999/shipena\\_2020.pdf?sequence=1&isAllowed=y](https://repository.unam.edu.na/bitstream/handle/11070/2999/shipena_2020.pdf?sequence=1&isAllowed=y)
- 647 Southern Africa, Press Freedom Report, MISA, (2021) <https://www.mediasupport.org/wp-content/uploads/2021/05/>



a balance for legitimate, proportionate, and necessary surveillance in the digital age. The country has not experienced any internet shutdown or any cases of throttling, even though the government is a major shareholder of the country's leading internet service providers. This has shown positive restraint by the government towards an open internet access.

## Privacy and Surveillance

Privacy in Namibia is guaranteed by Article 13 of the Constitution<sup>648</sup>. However, as technology blurs privacy lines in a digital and physical world, privacy regulations in Namibia have not yet attempted to deal with its context in a digital age. Key concerns on privacy have been raised over the years and more recently in the wake of the mandatory SIM registration<sup>649</sup>, which came into effect through the enforcement of Part 6 and Chapter 5 of the Communications Act<sup>650</sup> (no 8 of 2009). Specific concerns have been raised about the collections of biometrics<sup>651</sup> by a mobile network provider, MTC, who used this as part of SIM registration. While the harvesting of biometrics has been questioned<sup>652</sup> by civil society players, and consequently ordered to be discontinued by the Regulator, the operator continued defying<sup>653,654</sup> the Regulator's directive until late December 2023. The harvesting of biometrics, which began in 2022, has been seen to have taken advantage of the country's absence of personal data protection<sup>655</sup> regulations to build related business innovation without compliance with, amongst others, transparency of use for users. The operator's system, which collects facial scans and fingerprints, has been linked to "similar systems used by authoritarian states for mass biometric surveillance and political repression, through the tracking, blocking and shutting down of telecommunications and the internet of targeted individuals and groups.... such systems have been rolled out where weak or no data-protection safeguards are in place."<sup>656</sup> The lack of protection of personal data from SIM registration, as well as other related data, has been criticised by public interest technologists.<sup>657</sup>

## Gendered Disinformation

Gendered disinformation continues in Namibia due to the absence of protection of women from digital crimes. In a high-level case that went to the High Court in August 2023<sup>658</sup>, the Deputy Minister of Finance took politician and former Mayor of the City of Windhoek to court, seeking recourse in a case of gender disinformation where the latter was accused of using sexually charged innuendos on his 2021 social media posts, that the Deputy Minister claims were intended to defame her. Through the Facebook post that is reported to have garnered 511 comments, 2 800 reactions and it was shared 39 times, the Minister is claiming the former Mayor has implied that she is a “bitter sugar mommy”. The post is claimed to have created the narrative that the Deputy Minister is a ‘cougar’ and that she wanted to have a sexual relationship with him, and when he refused, she retaliated by suing him<sup>659</sup>. Furthermore, in an academic study<sup>660</sup> on Online Gender-Based Violence in the Namibian media, Zvivita and Mare (2023) highlight the presence of gendered disinformation saying “the safety and well-being of female journalists has not been spared... In the case of gendered disinformation campaigns, these often lead to the silencing and retreating of female journalists into the private sphere.” The Internet Society Namibia Chapter further also produced a country situational analysis of Online Violence amongst women and girls,<sup>661</sup> which narrates cases of gendered misinformation, highlighting cases where prominent women and journalists have suffered from gendered misinformation.

## Data Protection and Cyber Security

The status of personal data protection and general protection in the cyberspace has been attempted through legislation since 2013, with efforts repeatedly stalled without much clarity over the last decade. The latest efforts to ensure total protection for users in the digital age took place in August 2023, when the last validation<sup>662</sup> of the Data Protection Bill took place. The current Bill is expected to address vulnerabilities associated with data and establish clear guidelines for the collection, processing, transmission, storage, and utilisation of personal data to foster trust and confidence in the digital era. However, the current bill is reported to be no fit for purpose<sup>663</sup> by civil society holding reservations that, amongst others, “falls short of international and regional standards and does not do justice to the opportunity for Namibia to develop a digital policy that both matches and advances these standards”<sup>664</sup>. In the meantime, the need to pass the Data Protection Bill has become more urgent as different entities have begun with biometric data harvesting<sup>665</sup> haphazardly in the absence of the law. However, the status of the Bill, as slated to be amongst legislative pieces to be passed in 2024, brings hope.

658 Hinda-Mbuende, Amupanda lawsuit trial commences, New Era, August 2023, available at <https://neweralive.na/posts/hinda-mbuende-amupanda-lawsuit-trial-commences>

659 AMUPANDA TARGETED HINDA-MBUENDE, ANGULA CLAIMS, NAMIBIAN SUN, OCTOBER 2023, available at <https://www.namibiansun.com/justice/amupanda-targeted-hinda-mbuende-angula-claims2023-10-19>

660 Zviyita, I., & Mare, A. (2023). Same threats, different platforms? Female journalists’ experiences of online gender-based violence in selected newsrooms in Namibia. *Journalism*, 0(0). <https://doi.org/10.1177/14648849231183815>

661 Online Violence Against Women and Girls in Namibia – a country situational assessment, 2022, available at <https://isocnamibia.org/wp-content/uploads/2022/05/Ovaw-Digital.pdf>

662 MICT Holds Validation Workshop to Strengthen Data Protection Bill, Namibia Daily News, August 2023, available at <https://namibiadailynews.info/mict-holds-validation-workshop-to-strengthen-data-protection-bill/>

663 Data Protection Bill: Not Fit For Purpose Key Sections Need To Be Reconsidered, IPPR, December 2022, <https://ippr.org.na/publication/data-protection-bill-not-fit-for-purpose/>

664 Data Protection in the Age of Mass Surveillance – Part I, IPPR, August 2023, available at <https://ippr.org.na/blog/data-protection-in-the-age-of-mass-surveillance-part-1/>

665 Questionable Harvesting Of Biometric Data, IPPR, January 2023, available at <https://ippr.org.na/blog/questionable-harvesting-of-biometric-data/>

Furthermore, Namibia launched<sup>666</sup> a National Cybersecurity Strategy and Awareness Creation Plan 2022-2027 in March 2023. The plan, approved by Cabinet in 2022, is aimed at safeguarding the National Critical Information Infrastructure, educating and creating awareness, and collaborating on cybersecurity to improve the safety of internet users. However, the country still lacks a particular policy or strategy<sup>667</sup> dealing directly with cybercrime, as the Cybercrime Bill has been in draft format without much progress since 2014. It has recently undergone a redrafting process<sup>668</sup> and is positioned for parliamentary tabling<sup>669</sup> in 2024. Insights highlighting the challenges of cybercrime in Namibia by TransUnion reports<sup>670</sup> a 19.5% increase in suspected digital shopping fraud attempts in Namibia.

## Digital IDs

The year 2023 saw the Namibian Cabinet approving the introduction of digital identity documents<sup>671</sup>, in an effort that is seen to be “still in its embryonic stages” yet growing at a relatively fast pace due to political commitment, support from its international partner and the active involvement of the private sector<sup>672</sup>. While making progress in this regard, the introduction of digital IDs (also known as Smart ID cards and encompassing all national documents consisting of a microchip that will store the necessary biometric data unique to every individual) has led to analysts<sup>673</sup> calling for existing legal frameworks to provide for operational mandates and assign specific responsibilities to institutions responsible for identity and identity management.

The operationalisation of Digital IDs in Namibia has been credited to its partnership<sup>674</sup> with Estonia, which dates back to 2014. This partnership has also translated into Estonia’s Open-Source system, X-Road, an e-government interoperability framework being rolled out in Namibia that enables standardised methods for transferring information between the data systems of private and public sector organisations. Furthermore, the Ministry of Home Affairs, Immigration, Safety and Security launched<sup>675</sup> an online application for passports and short-term employment permits, following on previous introduction of e-passports as well as visa-on-arrival in 2018. Despite Namibia’s effecting changes to digitise its national identification management system, the country’s Identification Act remains outdated and requires updates that reflect digital ID and related aspects. Efforts<sup>676</sup>

666 MICT LAUNCHES CYBERSECURITY CAMPAIGN, ERONGO NEWS, APRIL 2023, AVAILABLE AT <https://www.erongo.com.na/technology-ero/mict-launches-cybersecurity-campaign2023-04-01>

667 Namibia Cybercrime Policies/strategy, Council of Europe, [https://www.coe.int/en/web/octopus/country-wiki-ap/-/asset\\_publisher/CmDb7M4RGb4Z/content/namibia/pop\\_up](https://www.coe.int/en/web/octopus/country-wiki-ap/-/asset_publisher/CmDb7M4RGb4Z/content/namibia/pop_up)

668 Namibia’s Cybercrime Bill undergoes redrafting, Windhoek Observer, September 2023, available at <https://www.observ-er24.com.na/namibias-cybercrime-bill-undergoes-redrafting/>

669 Cyber Crime Bill to hit parliament next year, New Era Newspaper, October 2023, available at <https://newerlive.na/posts/cyber-crime-bill-to-hit-parliament-next-year>

670 19.5% Increase in Suspected Digital Shopping fraud in Namibia, The Economist, November 2023, available at <https://economist.com.na/84908/retail/19-5-increase-in-suspected-digital-shopping-fraud-attempts-in-namibia-during-the-festive-shopping-season-report/>

671 INTRODUCTION OF CONTACTLESS MICROCHIP ID APPROVED, NBC NEWS, available at <https://nbcnews.na/node/102208>

672 Digital ID systems in Africa: Challenges, risks and opportunities, ECDPM, <https://ecdpm.org/application/files/5517/0254/4789/Digital-ID-systems-in-Africa-ECDPM-Discussion-Paper-360-2023.pdf>

673 Digital ID systems in Africa: Challenges, risks and opportunities, available at <https://ecdpm.org/application/files/5517/0254/4789/Digital-ID-systems-in-Africa-ECDPM-Discussion-Paper-360-2023.pdf>

674 Governmental Interoperability in Namibia, <https://ega.ee/project/governmental-interoperability-in-namibia/>

675 Home affairs embraces e-governance...online passports, work visa applications launched, New Era, March 2023, available at <https://newerlive.na/posts/home-affairs-embraces-e-governanceonline-passports-work-visa-applications-launched>

676 Namibian lawmakers examine bill to streamline civil registration, lower age for ID cards, Biometric Update, June 2023 available at <https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=9637356> <https://www.biometricupdate.com/202306/>

on this have only enabled provisions for biometrics collection to be introduced in the process of enrollment for a national ID card.

Civil Society<sup>677</sup> players have called for the Namibian authority to comply with Malabo convention provisions to ensure transparency and oversight mechanisms saying, “Namibia identity authentication systems, which do not have strong data protections in place to deal with the collection and processing of biometric data, also lack appropriate and effective oversight and transparency mechanisms”. Institute for Public Policy and Research (IPPR) in a blog, suggests it would be good for Namibia to enable the public to hold the state and corporate entities accountable for how they handle the personal data of ordinary Namibians.

In their research on Digital ID Systems in Africa, the European Centre for Development Policy Management (ECPDM)<sup>678</sup> puts a recommendation forward for “Namibia to find innovative solutions to create the demand for digital ID across its least densely populated territory to keep the already expensive digital ID systems operationally sustainable as well as inclusive of rural communities.” In the meantime, The Namibia Financial Institutions Supervisory Authority (NAMFISA) also signed a partnership agreement<sup>679</sup> on the usage of digital IDs with Nigeria-based digital identity and selfie biometrics provider Prembly to set up a regulatory sandbox that will enhance digital innovation for tech startups. It is reported that, under the deal, the partners will maximise opportunities to help drive innovation by building an inclusive and interoperable digital ID framework for Namibia that is favourable for advancing its digital economy pursuits.

## Digital Inclusion of Persons with Disabilities

Explicit details on how Namibia deals with digital inclusion for persons with disabilities have not been made available except for vague reference within the Broadband Policy and Implementation of 2019<sup>680</sup> articulated towards an inclusive approach for successful advocacy and dissemination and reading, “Proper outreach of this policy will ultimately entail rollout of tailored approaches ... from children to the less educated, to those with disabilities.” The National Disability Council conducted a nationwide consultation<sup>681</sup> in 2023 to discuss the Persons with Disabilities Draft Bill and the National Policy on Disability first established in 1997. Furthermore, the National Disability Act of 2004 does not mention dealing with the Internet and digitisation as a means of empowering the Persons With Disabilities (PWD) community, amongst others. It is not clear at this point if consultations were conducted with the ICT cluster to deal with digital inclusion issues. However, a Children’s Fund<sup>682</sup> is one of the proposal suggestions. While it is understood that all government website development is standardised to meet the needs of persons living with disabilities, guidelines for this are not publicly available. Finally, with no Universal Access and Service Fund in place in the country, it is not clear

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677 Namibia’s Unfolding ‘Identity Crisis’, IPPR, December 2023, <https://ippr.org.na/blog/namibias-unfolding-identity-crisis/#:~:text=These%20concerns%20now%20dog%20Namibia%27s,enable%20the%20public%20to%20hold>

678 About us, ECPDM, <https://ecdpm.org/about/about-us/who-we-are>

679 Namibia’s financial regulator partners with Prembly on digital ID regulatory sandbox, Biometric Update, May 2023, available at

<https://www.biometricupdate.com/202305/namibias-financial-regulator-partners-with-prembly-on-digital-id-regulatory-sandbox>  
680 National Broadband Policy for the Republic of Namibia (2018-2022) available at <https://www.npc.gov.na/wp-content/uploads/2022/06/NamibiaBroadband-Policy-2018.pdf> (pg. 16).

681 Disability Council tackles outdated policy , New Era, November 2023, available at <https://newerlive.na/posts/disability-council-tackles-outdated-policy>

682 Day 2 of the NDCN legislative Review Project in Rundu , NDCN, November 15th, available at <https://fb.watch/puh7u0VT8d/>

what special provisions are in place for procuring ICT-related devices for school or university-going populations and other specialised ICT equipment for those needing it. Seemingly, the excessive cost for this is carried by users with disabilities.

## Universal Service Access Fund

With a policy in place for “Universal Access and Service Policy for Information and Communications Technologies”<sup>683</sup> and provision stipulating the provision of universal service as well as Universal Service Fund under Chapter 5, Part 4 of the Communications Act (8 of 2009)<sup>684</sup>, the Universal Service and Access Fund has never materialised in Namibia. While it was initially set up to operate under the Communication Regulatory Authority, attempts to operationalise it have suffered several judicial setbacks over the years, with a Supreme Court ruling of 2018 calling the levy collection unconstitutional<sup>685</sup>. However, the gazetted regulations<sup>686</sup> prescribing the provisions for the Universal Service Fund by telecommunications companies make provisions for subsidies for licensees to meet the needs of persons with disabilities and for licensees to make services available to registered and recognised organisations representing persons with disabilities. The regulations further make provisions for organisations representing people with disabilities to be amongst those qualified to receive subsidies from the Fund. The Deputy Minister of ICT was quoted<sup>687</sup> in 2020 saying that MICT was working with players to operationalise the Universal Internet Connectivity Access Fund to improve network connection around the country, including for schools and clinics, and was expected to come into effect during the 2023/24 financial year, to date, nothing much has come out of this.

## Developments in ICTs and Emerging Technologies

The development of ICTs and Emerging Technologies domestically has been quite limited. Over the years, the startup and digital entrepreneurship ecosystem has been driven by international partners such as the Southern Africa Innovation Support (SAIS)<sup>688</sup> and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)<sup>689</sup> with some government support. Consequently, the few existing small and micro enterprises hardly exploited the opportunities within the digital sector to create employment opportunities to relieve the large unemployed youth sector. German Federal Ministry for Economic Cooperation and Development (BMZ), in their report, highlighted that “the level of training is low in the ICT innovation sector and as a result, the few digital companies not only lack qualified personnel, but innovations rarely reach market maturity, and many start-ups fail in the launch phase.”<sup>690</sup>

683 Universal Access and Service Policy for Information and Communications Technologies , National Planning Commission, available at <https://www.npc.gov.na/wp-content/uploads/2022/06/Universal-Access-and-Service-Policy-for-Info-and-Comm-Technologies-May-2012.pdf>

684 Communications Act 8 of 2009, <http://www.lac.org.na/laws/annoSTAT/Communications%20Act%208%20of%202009.pdf>

685 CRANvsTelecom, 2018

686 REGULATIONS PRESCRIBING THE PROVISION OF UNIVERSAL SERVICE BY TELECOMMUNICATIONS SERVICE LICENSEES: COMMUNICATIONS ACT, 2009, Government Gazette, May 2018, <https://archive.gazettes.africa/archive/na/2018/na-gov-ernment-gazette-dated-2018-05-08-no-6589.pdf>

687 Namibia starts work on Universal Internet Connectivity Access Fund, The Brief, September 2022, available at <https://archive.thebrief.com.na/index.php/component/k2/item/1713-namibia-starts-work-on-universal-internet-connectivity-access-fund>

688 Southern Africa Innovation Support, <https://saisprogramme.org>

689 Start-Up Namibia: improving the country’s start-up ecosystem, 2021 , <https://www.giz.de/en/worldwide/77863.html>

690 Digital Transformation Center Namibia, GIZ, <https://www.bmz-digital.global/en/initiatives/>

Nonetheless, some engagement by the government has recently begun with digital entrepreneurship at the national level through the recently created Board for Investment Promotion<sup>691</sup> working with the Ministry of Trade and cross-level ordinations.

Furthermore, the presence of emerging technology-based services in the cab hailing<sup>692,693</sup> and food delivery sector<sup>694</sup> are indicators of some business stimulation of technology development, particularly as the country became one of the few countries to have introduced a Digital Nomad Visa<sup>695</sup> to lure skilled remote workers to work from Namibia. Other applications and use of emerging technology, including Artificial Intelligence, have been reported to be in use in Namibia<sup>696</sup> within the Agriculture, Labour, Education, Mining, and Manufacturing sectors altogether. Furthermore, considering the interest in the 5G network, Namibia awarded 5G spectrum to licensees in October 2023, which has been reported to have generated approximately N\$ 28.55 million,<sup>697</sup> \$1.5 Million equivalent. It is unclear if these funds could be allocated to fulfil universal access to digital inclusion. From a Fintech perspective, Namibia has passed a crypto bill named Namibia’s Virtual Assets Act of 2023<sup>698</sup>, which was passed six years after the country had outlawed the exchange of virtual currencies. The law is said to focus on protecting consumers and mitigating money laundering and terrorism financing risks and “intends to do so with the establishment of a regulatory authority that will be charged with supervising Virtual Asset Service Providers (VASPs),” the media reported.

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691 Namibia Investment Promotion and Development Board (NIPDB) , available at <https://nipdb.com/2022/12/15/nipdb-launches-know2grow-nextgen-entrepreneurs-trade-fair/>

692 LEFA completes over 100 000 rides in Windhoek, New Era, 2021, <https://neweralive.na/posts/lefa-completes-over-100-000-rides-in-windhoek>

693 AB INBEV AND INDRIVER PARTNER TO GET NAMIBIANS HOME SAFELY, ECONOMIST, MAY 2022, <https://economist.com.na/70644/community-and-culture/ab-inbev-indriver-partner-on-road-safety/>

694 Tap-a-Meal, <https://tapameal.com.na>

695 NAMIBIA DIGITAL NOMAD VISA, NIPDB, <https://nipdb.com/nomadvisa/>

696 Landscape study of AI policies and use in Southern Africa: executive summary , UNESCO 2020, AVAILABLE AT [HTTPS://UNESDOC.UNESCO.ORG/ARK:/48223/PTF0000382651.LOCALE=EN](https://unesdoc.unesco.org/ark:/48223/ptf0000382651.LOCALE=EN)

697 Namibia Awards 5G Licenses to Telecom Namibia, MTC, and Loc8 Mobile, Telecom Talk, October 2023, <https://telecom-talk.info/namibia-5g-licenses-telecom-namibia-mtc-loc8mobile/882249/#>

<https://blockworks.co/news/namibia-new-crypto-law>

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# ▶ Conclusion & Recommendations

## Conclusion

Given the Namibian digital rights and inclusion landscape, the following recommendations must be implemented to enable a digital rights and inclusion environment.

## Recommendations

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### **The government:**

- » Undertake all concerted efforts to operationalise the Universal Service Fund as per the provision of the Act.
- » Hold stakeholder engagements to strengthen and articulate the national priorities in policies and through the Namibia Internet Governance.
- » Hold training for the judiciary and government actors on digital inclusion as an aspect of human rights, driving awareness of how USF and other related levies would enhance people's digital access and drive the achievement of national and global development goals.
- » Find innovative solutions to keep the already expensive digital ID systems operationally sustainable and inclusive of rural communities.
- » Passing the Data Protection Bill and the Cybercrime law will demonstrate the country's commitment to digital rights and inclusion of its citizens, and these must be supported by strong regulations that follow regional and international standards.
- » Enactment of relevant policy ensuring digital inclusion for persons with disabilities and women.
- » Cybersecurity training and awareness and the driving of the national digital literacy programmes.

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### **The private sector:**

- » Contributing through funding, reduced data costs and increasing broadband access for marginalised communities.

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### **Civil Society**

- » Collaborate with the government to raise digital rights and cybersecurity awareness and roll out digital literacy programmes.
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