

ANNEX 4: NAMIBIA

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1 ECONOMIC ENVIRONMENT

1.1 Main features of the economy

1.1. Namibia is a vast and sparsely populated country. Its economy is based mainly on agriculture, mining, and tourism. With a per capita income of about USD 5,000 (Table 1.1), Namibia is classified as an upper-middle-income country. Nevertheless, it is still facing significant economic and social challenges. The country has been suffering from long-term rising unemployment (about 21% in 2022), particularly among youth, and income inequality is among the highest in the world.¹ There is a high level of urban migration. Access to electricity especially in the rural areas is limited, and the cost of broadband Internet is high.

1.2. The majority of Namibians rely on subsistence or commercial farming for their livelihoods. Agriculture and forestry contribute about 7% to GDP, with livestock farming accounting for well over half. With only a very small portion of the large, arid country suitable for arable farming, Namibia is a net-importer of agricultural products. Its Exclusive Economic Zone (EEZ) is one of the most productive fishing grounds in the world. Fisheries contribute about 3% to GDP, and the country exports virtually all of its annual catch, contributing almost 20% to merchandise exports.

1.3. The mining and quarrying sector contributes about 11% to GDP and about 60% of merchandise exports. Namibia is a major source of gem-quality diamonds and among the world's largest uranium ore producers. All petroleum products are imported, while exploration is under way for offshore reserves of natural gas and crude oil. The country relies on imports for about 60%-80% of its electricity supply, as its considerable solar and wind power potential is still under development.²

1.4. The manufacturing sector contributes about 12% to GDP. The largest subsector is the food, milling, and beverage industry, followed by diamond processing. The services sector accounts for about 62% of GDP, led by wholesale and retail trade and repairs.

1.5. Trade plays an important role in the economy. Trade in goods and services is equivalent to about 90% of GDP, and public finances are highly dependent on – albeit volatile – trade-related tax revenues from SACU (varying between 8% and 13% of GDP over the review period).

1.2 Recent economic developments

1.6. Since its independence in 1990 until 2016, Namibia enjoyed a growing economy year after year (except 1993). Driven by a commodity boom and expansionary fiscal policy, economic growth accelerated during the 2010-15 period (averaging 5.3% annually), with rising macroeconomic imbalances.

1.7. In 2016, Namibia entered its most challenging economic phase, beginning with economic stagnation until 2019, as the country was hit with two devastating droughts (2016 and 2019) and culminating with a record recession in 2020 in the wake of the COVID-19 pandemic; GDP fell by 8.1%. In 2021, the economy started to gradually recover (up by 3.5%) and growth accelerated to 4.6% in 2022, owing to the lifting of all COVID-19-related restrictions in March 2022, and a significant increase in diamond production (up by 45%).³

1.8. Namibia's economic policy is generally aimed at achieving sustainable economic growth, and reducing poverty, unemployment, and income inequality. The Government accordingly operates under the broad direction of three development plans in order to address these and other

¹ The Gini coefficient is estimated at 59.1% (2015).

² Renewable energy, other than hydropower, contributed about 9% to the electricity supply in 2022.

³ Bank of Namibia, *2022 Annual Report*. Viewed at: <https://www.bon.com.na/Publications/Annual-Report.aspx#mainContentWrapper>.

socioeconomic challenges, namely Vision 2030⁴, the 5th National Development Plan (NDP5) (2017/18-2021/22)⁵, and the Harambee Prosperity Plan II (2020-25).⁶

1.9. The Government has committed to reducing the rising fiscal imbalances and stabilizing the public debt. In consequence, despite relief measures during the drought years, the budget deficit declined from 6.8% of GDP in 2016 to 5% in 2019, mainly through measures to improve tax collection by the Namibia Revenue Authority (NamRA). However, during the COVID-19 pandemic (2020-21), the budget deficit widened again to 8%-9% of GDP as a result of constrained economic activity and a fall in revenue from the SACU pool. Namibia usually derives about one third of its tax revenues from the SACU revenue pool (Table 1.1).⁷ Also, the Government launched a major economic relief programme in response to the pandemic (COVID-19 Economic Stimulus and Relief Package) with expenditures equivalent to about 3.3% of GDP.⁸

1.10. The public debt, which stood at 25.6% of GDP in 2014, increased sharply, reaching 55.9% by 2019 and 71% of GDP by end-2022. Most of the debt is domestically financed. According to the Bank of Namibia (BoN), "Namibia's fiscal consolidation strategy is crucial to preserve debt sustainability. Containing the wage bill, advancing the reform of state-owned enterprises, and strengthening tax administration are key".⁹ In 2020, Namibia created a sovereign wealth fund (Welwitschia Fund), which is to be managed by the BoN once the expected windfall profits from gas and oil resources materialize.

1.11. Inflation generally tracks that of South Africa due to the currency peg (at par) to the South African rand through Namibia's membership in the Common Monetary Area, and strong trade links between the two countries (Section 1.3.1). The South African rand is a legal tender in Namibia. Thus, in practice, monetary policy is largely driven by the South African Reserve Bank with limited scope for the BoN.

1.12. Inflation had been on the decline until it picked up again in 2020-21 (Table 1.1), primarily due to COVID-19 supply disruptions and rising energy prices, together with exchange rate depreciation. Basic food items are zero-rated for VAT purposes to contain food price inflation and alleviate food insecurity. Monetary policy was tightened in 2022 with the policy (repo) rate rising from 3.75% in January to 6.75% in December. The real effective exchange rate depreciated over the review period, indicating a gain in international competitiveness by Namibian products.

1.13. The improved competitiveness and the resultant lower annual merchandise trade deficits, mainly through a substantial decline in the import bill, narrowed the current account deficit until 2020. However, since 2021, Namibia has again been running rising current account deficits along with growing merchandise trade deficits and a sharp decline in SACU transfers. Financial account inflows were large enough to offset the deficits and allow international reserves to remain constant and equivalent to 4.2 months' coverage for imports of goods and services at end-2022 (Table 1.1).

1.3 Developments in trade and foreign investment

1.3.1 Merchandise trade

1.14. The COVID-19 pandemic has dramatically decreased Namibia's trade in goods (Chart 1.1, Tables A1.1 and A1.3). The structure of its exports remains broadly unchanged. A few mineral commodities, namely diamonds, uranium, and gold, account for close to 60% domestic exports. Frozen fish and fish products are the main non-mineral export, followed by live animals (mainly

⁴ National Planning Commission, Vision 2030. Viewed at: <https://www.npc.gov.na/national-plans/vision-2030/>.

⁵ National Planning Commission, NDP5. Viewed at: <https://www.npc.gov.na/national-plans/national-plans-ndp-5/>.

⁶ Office of the Prime Minister, *Harambee Prosperity Plan, 2021-2025*. Viewed at: <https://hppii.gov.na/>.

⁷ IMF (2022), *Namibia: Staff Report for the 2022 Article IV Consultation*, IMF Country Report No. 22/364, p. 27. Viewed at: <https://www.imf.org/en/Publications/CR/Issues/2022/12/12/Namibia-2022-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-526862>.

⁸ IMF Country Report No. 22/364, p. 61.

⁹ BoN, *2022 Annual Report*, p. 134. Viewed at: <https://www.bon.com.na/Publications/Annual-Report.aspx#mainContentWrapper>.

cattle and sheep), and fruit and nuts. The bulk of Namibia's non-mineral exports benefit from preferential access to the European Union (fish, grapes, and "fuel wood and wood charcoal").

1.15. South Africa remains the largest trading partner for exports as well as imports. Namibian exports to non-SACU African countries are modest at about 8% of the total. Exports to China have increased sharply, reflecting strong demand for uranium ore and blister copper (Table A1.2). Furthermore, Namibia has recorded an increase in re-exports, mainly of transport equipment and machinery to neighbouring non-SACU countries (Chart 1.2)

1.16. Imports of goods are sourced mainly from South Africa and Europe (Chart 1.3, Tables A1.3 and A1.4). Significant imports include food, fuel, chemicals, automotive products, and transport equipment.

1.3.2 Trade in services

1.17. Namibia's exports of services are concentrated in travel and transport services, which increased strongly in 2022 along with the recovery of tourism as pandemic-related restrictions were lifted (Table 1.2). Exports of manufacturing services were significant, which are mainly for services rendered in converting copper ore into blister copper.

1.18. Imports of services are concentrated in transport services, maintenance and repair services, and telecom, computer & information services, which have grown strongly in recent years.

1.3.3 Foreign direct investment

1.19. FDI in Namibia is concentrated in the capital-intensive mining and quarrying sector (63.0% of the FDI stock at end-2022), followed by financial services (20.9%). China and South Africa accounted, respectively, for 42.4% and 30.4% of the FDI stock, followed by Mauritius (6.6%).¹⁰ Following net-outflows of FDI in 2019-20 during the pandemic, the FDI flows into Namibia increased significantly in 2021-22 (Table 1.1), mainly due to foreign capital injections to finance oil exploration activities and a higher uptake of intercompany loans to domestic subsidiaries.¹¹

Table 1.1 Selected macroeconomic indicators, 2014-22

	2014	2015	2016	2017	2018	2019	2020	2021	2022
GDP (current NAD billion)	134.8	146.0	157.7	171.6	181.1	181.2	174.2	183.9	206.2
GDP (current USD billion)	12.4	11.3	10.7	12.9	13.7	12.5	10.6	12.4	12.6
Real GDP growth (annual %)	6.1	4.3	0.0	-1.0	1.1	-0.8	-8.1	3.5	4.6
GDP per capita (USD)	5,556.5	4,969.4	4,613.6	5,440.1	5,667.8	5,100.3	4,226.7	4,880.9	4,854.6
Population (million)	2.2	2.3	2.3	2.4	2.4	2.5	2.5	2.6	2.6
CPI (annual % change)	5.4	3.4	6.7	6.1	4.3	3.7	2.2	3.6	6.1
Unemployment rate (%)	28.1	20.9	34.0	21.7	33.4	20.0	21.2	21.3	..
Unemployment rate (%) (modelled ILO estimate)	18.5	20.9	23.4	21.7	19.9	20.0	21.2	21.3	20.8
GDP by economic activity (% of GDP at basic current prices)									
Agriculture, forestry & fishing	8.8	7.2	7.3	8.3	8.4	7.7	9.8	10.3	9.3
Livestock farming	3.0	2.5	2.3	3.2	3.2	3.1	3.8	4.3	3.5
Crop farming and forestry	2.5	1.8	1.9	2.3	2.5	1.8	3.1	3.2	3.1
Fishing & fish processing on board	3.3	2.9	3.1	2.8	2.7	2.8	2.8	2.9	2.7
Mining & quarrying	10.3	9.6	10.2	8.8	9.6	9.8	9.9	10.0	13.3
Diamond mining	6.8	5.9	5.0	4.2	4.7	3.6	2.9	3.4	6.4
Uranium	1.0	1.0	1.0	1.1	1.3	2.0	2.1	1.9	2.2
Metal ores	1.3	2.1	3.6	2.9	2.7	3.4	4.2	3.8	3.7
Manufacturing, of which:	10.7	12.4	12.7	13.2	13.3	13.5	11.8	11.7	12.1
Food & beverages products	5.6	6.4	6.2	6.9	7.4	7.3	6.6	6.9	7.0
Basic non-ferrous metals	1.2	1.5	2.1	1.9	1.6	1.7	0.8	0.4	0.3
Fabricated metals	0.5	0.5	0.4	0.3	0.4	0.4	0.3	0.4	0.4
Diamond processing	0.4	0.6	1.3	1.4	1.4	1.4	1.3	1.2	1.6
Electricity and water	2.3	1.9	3.6	3.6	4.0	3.7	3.9	3.5	3.4
Construction	5.5	6.0	3.4	2.5	2.2	2.2	2.0	1.9	1.6
Services	62.4	62.9	62.8	63.5	62.5	63.1	62.7	62.6	60.3
Wholesale & retail trade, repairs	13.2	12.2	11.6	11.7	10.7	10.8	10.4	11.6	12.4
Hotels & restaurants	1.9	2.1	2.2	2.0	2.1	2.2	1.5	1.5	1.6

¹⁰ BoN, 2021 Annual Report. Viewed at: <https://www.bon.com.na/CMSTemplates/Bon/Files/bon.com.na/a1/a1dcdabe-2001-447e-85be-aed9bbab0cda.pdf>.

¹¹ BoN, 2022 Annual Report. Viewed at: <https://www.bon.com.na/Publications/Annual-Report.aspx#mainContentWrapper>.

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Transport	2.9	3.4	3.4	3.3	3.4	3.4	3.0	3.2	3.3
ICT services	2.0	1.6	1.6	1.7	1.5	1.5	1.8	1.7	1.6
Financial & insurance services	6.3	7.6	7.5	7.8	8.3	7.5	7.5	7.8	7.4
Public administration & defence	11.9	12.4	12.2	12.4	12.4	12.4	12.4	11.2	10.2
Public finances (% of GDP)^a									
Total revenue	..	..	31.0	32.0	30.9	32.6	32.5	28.6	30.2
SACU receipts	13.0	11.5	8.7	11.2	9.6	10.5	12.8	7.8	..
Budget balance	..	..	-6.8	-4.8	-5.1	-5.0	-8.0	-8.7	-5.6
Total debt (end of period)	25.6	40.2	41.6	42.6	48.3	55.9	62.4	66.3	71.0
Foreign debt stock	8.8	18.5	15.6	14.6	17.8	20.4	18.9	16.2	18.0
Domestic debt stock	16.7	21.7	26.0	27.9	30.5	35.5	43.6	50.1	53.0
External sector (USD)									
NAD/USD (period average)	10.8	12.9	14.7	13.3	13.2	14.4	16.5	14.8	16.4
Nominal effective exchange rate (percentage change; - depreciation)	-4.8	-2.8	-4.6	3.5	-0.6	-2.1	-4.7	2.8	-0.8
Real effective exchange rate (percentage change; - depreciation)	-3.6	-2.6	-1.7	6.0	0.0	-1.6	-5.2	2.7	-1.6
Balance of payments (USD million) ^b									
Current account	-1,177.9	-1,546.5	-1,745.2	-573.3	-479.6	-224.5	294.9	-1,236.4	-1,584.1
Goods	-2,937.4	-3,140.2	-2,397.4	-1,811.4	-1,545.0	-1,302.8	-955.7	-1,954.5	-2,256.3
Exports (fob), of which:	3,828.2	3,194.4	3,184.3	3,745.6	4,199.5	3,880.1	3,140.6	3,582.9	4,202.2
Diamonds	952.2	869.0	704.1	731.9	832.3	648.1	429.3	566.5	883.2
Other mineral products	727.0	665.2	730.4	841.9	1,117.1	1,136.5	1,203.1	1,297.8	1,304.6
Imports (fob), of which:	6,765.5	6,334.7	5,581.7	5,557.0	5,744.5	5,182.9	4,096.3	5,537.3	6,458.6
Mineral fuels	549.7	1,097.4	813.1	668.1	903.8	882.2	564.3	838.5	1,560.8
Services	117.5	218.9	-150.9	123.7	162.5	75.6	-65.0	-178.8	78.2
Primary income	-71.9	-18.1	-261.4	-322.6	-505.3	-307.7	-43.9	-288.6	-358.7
Secondary income	1,713.8	1,393.0	1,064.5	1,437.0	1,408.2	1,310.4	1,359.5	1,185.4	952.7
of which SACU receipts	1,592.7	1,348.7	1,008.6	1,368.3	1,354.9	1,282.8	1,301.0	1,125.0	876.1
Capital account	156.9	107.0	132.1	182.4	130.8	105.1	100.7	137.4	107.9
Financial account (inflow (-)/ outflow (+))	-992.1	-1,345.0	-1,282.3	-294.4	-275.4	-14.8	275.2	-1,189.4	-1,534.8
Current account/GDP ^b	-9.5	-13.6	-16.3	-4.4	-3.5	-1.8	2.8	-9.9	-12.6
Trade/GDP (based on BoP) ^b	100.3	97.9	93.2	82.7	82.7	82.9	81.8	85.5	98.7
FDI (USD million)									
FDI flows into Namibia	441.6	888.0	355.6	279.9	208.6	-178.9	-146.5	697.3	943.6
FDI flows abroad	22.0	102.2	-4.8	-65.6	98.5	9.1	51.7	17.5	8.7
FDI stock in Namibia	3,287.0	5,221.4	6,230.7	7,241.4	6,906.2	6,827.5	7,046.6	7,216.3	7,848.4
FDI stock abroad	531.6	477.1	931.0	1,370.4	953.5	1,098.9	1,066.2	962.5	1,293.4
Total reserves (incl. gold, USD billion)	1.2	1.7	1.8	2.4	2.1	2.0	2.2	2.8	2.8
In months of imports of goods and services	1.7	2.8	3.2	4.3	3.6	3.8	5.0	4.7	4.2

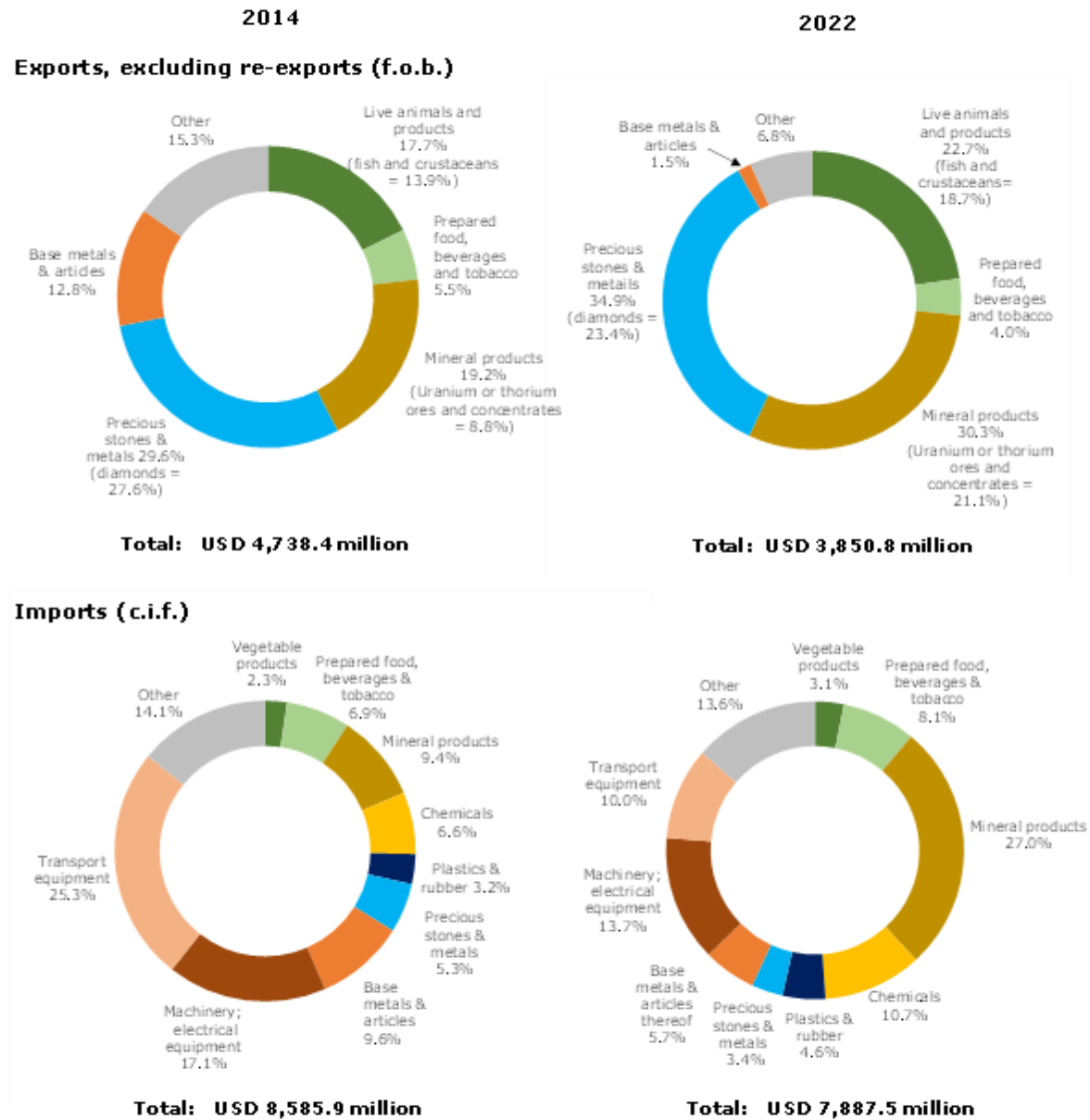
.. Not available.

a Fiscal year: April-March.

b Preliminary for 2021-22.

Source: Namibia Statistics Agency, *Publications*. Viewed at: <https://nsa.nsa.org.na/publications/>; BoN, Statistical information. Viewed at: <https://www.bon.com.na/>; World Bank, Databank. Viewed at: <https://databank.worldbank.org/home>; IMF data. Viewed at: <https://data.imf.org/>; and information provided by the authorities.

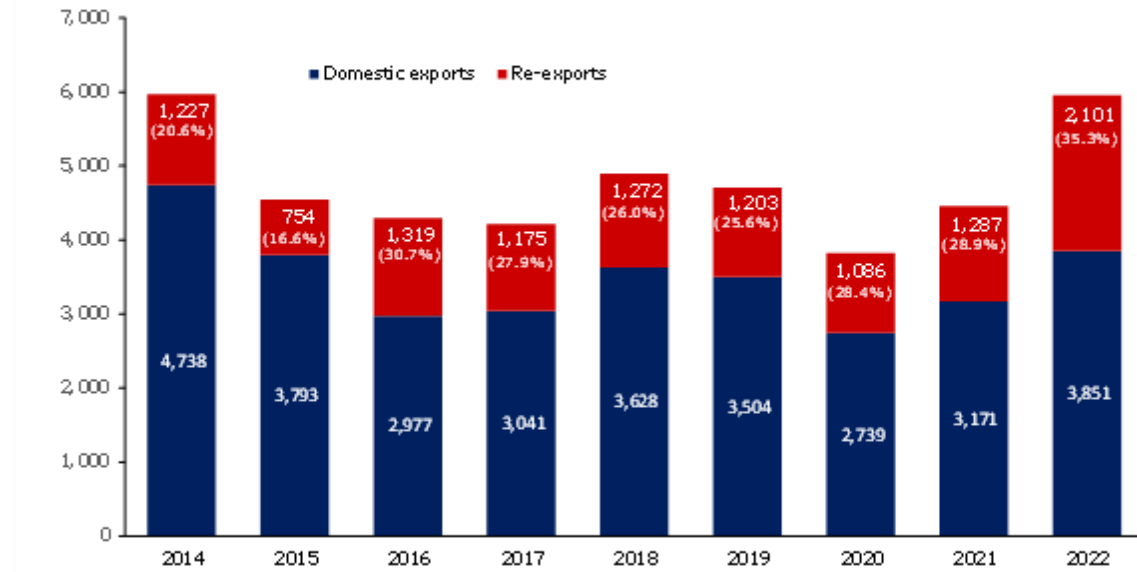
Chart 1.1 Product composition of merchandise trade, 2014 and 2022



Source: WTO Secretariat calculations, based on data provided by the authorities.

Chart 1.2 Domestic exports versus re-exports, 2014-22

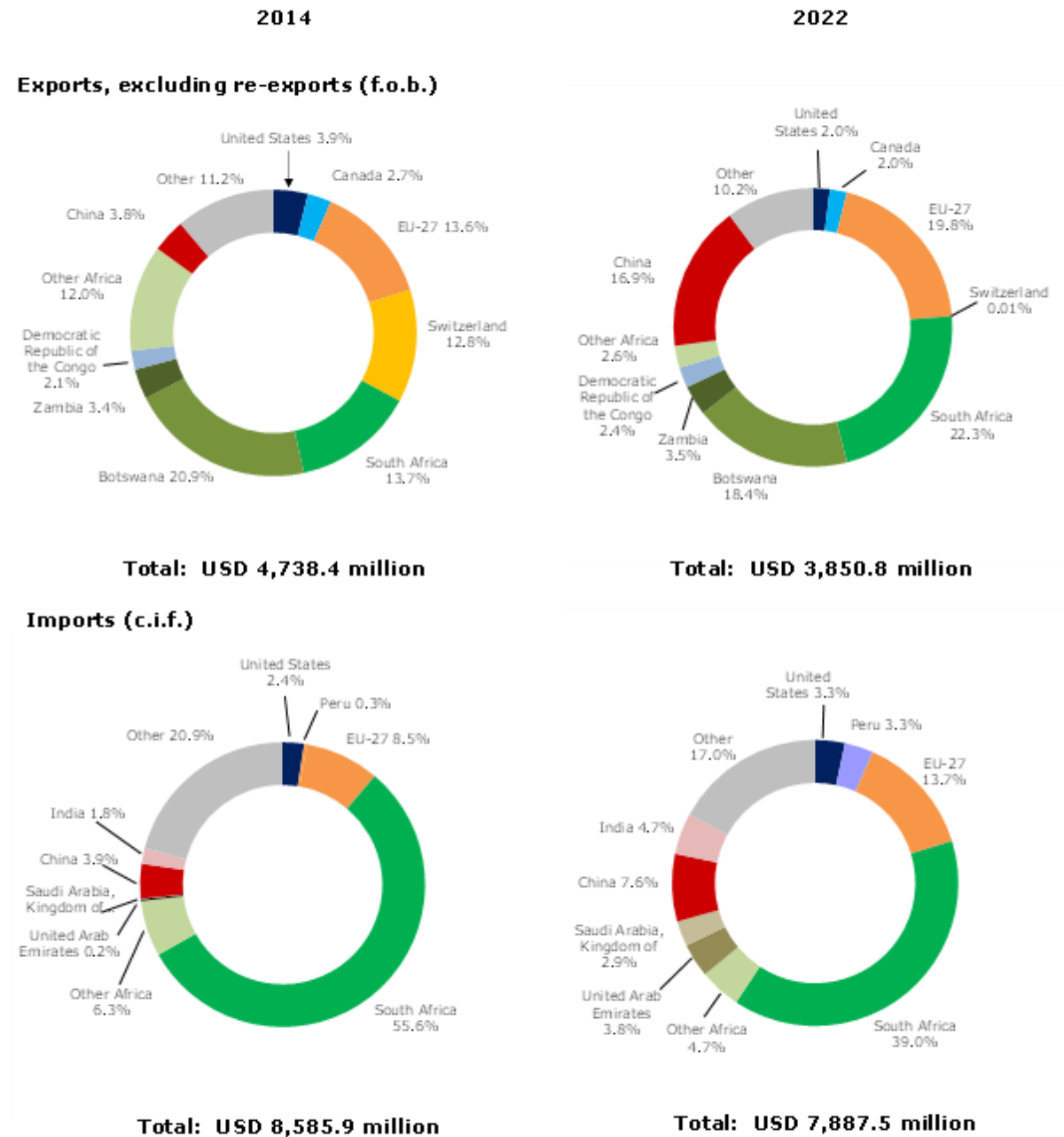
(USD million)



Note: Figures in parentheses represent share of total exports.

Source: WTO Secretariat calculations, based on the data provided by the authorities.

Chart 1.3 Direction of merchandise trade, 2014 and 2022



Source: WTO Secretariat calculations, based on data provided by the authorities.

Table 1.2 Trade in services, 2014-22

(USD million)

	2014	2015	2016	2017	2018	2019	2020 ^a	2021 ^a	2022 ^a
Services trade account	117.5	218.9	-150.9	123.7	162.5	75.6	-65.0	-178.8	79.7
Services exports, of which:	999.3	891.8	537.8	739.8	765.2	703.0	676.4	674.4	932.1
Manufacturing services	106.1	113.4	103.4	133.3	138.2	120.2	129.0	100.4	99.9
Maintenance & repair services	52.6	33.1	16.8	26.1	29.9	34.4	33.6	37.6	41.9
Transport services	110.7	83.6	79.7	115.7	115.6	108.9	148.1	154.1	233.4
Passenger	99.7	75.2	70.5	107.5	107.9	102.1	13.3	6.0	17.4
Others	11.0	8.4	9.2	8.2	7.7	6.8	134.8	148.1	215.9
Travel services	452.0	479.3	225.6	341.0	382.8	349.7	114.5	128.9	280.8
Business	7.2	22.0	4.0	6.3	8.3	23.1	17.7	23.8	34.0
Personal	444.8	457.3	221.5	334.7	374.5	326.6	96.8	105.1	246.8
Construction services	16.0	14.1	6.1	4.2	9.4	9.1	13.4	16.2	15.4
Insurance and pension services	0.8	0.0	0.1	0.0	0.0	4.5	0.0	4.4	0.8
Financial services	24.4	24.4	24.9	27.2	29.3	23.9	17.0	6.6	6.2
Charges for use of intellectual property	2.8	0.3	0.3	0.3	1.4	0.6	2.4	2.3	1.8
Telecom, computer & information services	25.5	22.2	16.0	37.1	17.9	14.4	13.1	23.3	23.0
Other business services	30.8	27.9	14.1	7.2	5.3	4.8	139.2	142.5	179.1
Services imports, of which:	881.7	672.9	688.6	616.0	602.7	627.4	741.4	853.1	852.3
Manufacturing services	0.0	0.2	0.4	0.4	0.4	0.4	0.5	0.5	0.5
Maintenance & repair services	44.1	18.6	20.7	21.4	34.1	29.8	126.8	176.3	175.2
Transport services	190.2	158.9	143.3	135.4	150.8	135.5	101.0	131.0	153.8
Passenger	17.0	7.5	9.9	2.1	13.3	11.4	4.4	1.3	4.0
Other	173.2	151.3	133.4	133.3	137.6	124.1	96.6	129.6	149.8
Travel services	49.6	62.0	71.6	89.6	56.0	107.3	70.0	58.4	94.2
Business	16.5	21.2	23.6	14.1	12.8	26.0	12.7	12.4	25.8
Personal	33.1	40.9	48.0	75.5	43.2	81.2	57.2	46.0	68.4
Construction services	100.9	34.7	79.9	65.1	66.5	18.6	1.6	0.6	13.1
Insurance and pension services	22.9	20.3	15.4	16.7	26.2	30.8	11.3	14.9	18.6
Financial services	1.2	6.4	1.7	8.7	7.0	3.8	3.8	0.9	1.3
Charges for use of intellectual property	8.6	6.8	2.9	2.4	1.3	2.6	5.6	5.3	9.1
Telecom, computer & information services	62.4	79.1	47.8	47.0	49.7	39.1	43.5	100.3	91.2
Other business services	323.8	230.4	236.3	183.2	163.6	212.3	298.4	307.3	255.9

a Preliminary.

Source: BoN, *Balance of Payments*. Viewed at: <https://www.bon.com.na/Economic-information/Statistical-information/Balance-of-payments.aspx>.

2 TRADE AND INVESTMENT REGIMES

2.1 General framework

2.1. Namibia gained independence in 1990. Executive powers in Namibia are vested in the President and the Cabinet. The President is the elected head of state, who is limited under the Constitution to serving two five-year terms.

2.2. Legislative powers reside with the bicameral Parliament. The National Assembly consists of 96 elected members and 8 non-voting members appointed by the President. The second chamber of Parliament, the National Council, is made up of representatives from the 13 regions, elected in separate elections. The next general elections are scheduled for 2024.

2.3. Legislation must pass through both houses of Parliament. The National Council can only advise on bills and does not enjoy veto power. Although bills can in theory be suggested by anyone, including MPs, the Law Reform and Development Commission¹², NGOs, and individuals, in practice Ministers propose bills for consideration by Parliament. A draft bill is submitted to the Cabinet Committee on Legislation (CCL), and then to the whole Cabinet for approval. If the Cabinet approves, the Ministry of Justice's legal drafters finalize the bill before sending it back to the sponsoring Ministry, the CCL, and the Attorney General for final approval. The time lag between a Ministry initiating a law and a bill coming before the National Assembly can sometimes be several years. All draft laws have to go through public consultation, whereby they are made available to the public or distributed to certain stakeholders for comment. Bills become law after endorsement (signature) by the President and are published in the Government Gazette.¹³

2.4. The President has the power to negotiate and sign international agreements on behalf of Namibia, which become integral parts of national legislation through ratification by Parliament. The WTO Agreements have been incorporated into Namibia's domestic legislation and thus can be invoked before national courts. The hierarchy of legislation is as follows: the Constitution, then statutes/acts of Parliament, and then common law and customary law. Article 144 of the Constitution provides that international law and agreements are binding upon Namibia, and wherever there are inconsistencies, the judiciary will decide which law applies.

2.5. The powers of the judiciary lie with the courts of Namibia - the Supreme Court, the High Court, and the Lower Courts. An Industrial Property Tribunal was established in 2022 (Section 3.3.7.4).

2.6. Namibia has been praised for its robust institutional and governance framework, considered among the best in Africa, according to the IMF.¹⁴ Nevertheless, corruption is perceived as a challenge.¹⁵ In the Transparency International Corruption Perceptions Index, Namibia was ranked 59th in 2022, slightly worse than in 2014 (55th).¹⁶ The Anti-Corruption Commission (ACC) acts as an independent agency with the mandate to investigate allegations of corrupt practices, educate the public, and take measures for the prevention of corruption in public and private bodies.¹⁷ In 2021, the ACC issued an updated National Anti-Corruption Strategy and Action Plan for 2021-25¹⁸, with the objective, *inter alia*, to "prevent corruption and promote transparency in the extractive industries, fishing and other living marine resources".¹⁹ The Harambee Prosperity Plan II (2021-25) also calls for further anti-corruption measures, including joining the Extractive Industries Transparency Initiative (EITI).²⁰ Moreover, under the Whistleblower Protection Act, 2017, Namibia

¹² Ministry of Justice, *Law Reform*. Viewed at: <https://moj.gov.na/ca/law-reform>.

¹³ Electronic copies of the laws can be found on Namibia's Legal Assistance Centre website: www.lac.org.na.

¹⁴ IMF (2019), *Namibia: Staff Report for the 2019 Article IV Consultation*, IMF Country Report No. 19/295. Viewed at: <https://www.imf.org/en/Publications/CR/Issues/2019/09/12/Namibia-2019-Article-IV-Consultation-Press-Release-and-Staff-Report-48675>.

¹⁵ 2023 Index of Economic Freedom: Namibia. Viewed at: <https://www.heritage.org/index/country/namibia>.

¹⁶ Anti-Corruption Commission. Viewed at: <https://acc.gov.na/>.

¹⁷ Anti-Corruption Commission. Viewed at: <https://acc.gov.na/>.

¹⁸ ACC, *National Anti-Corruption Strategy and Action Plan, 2021-2025*. Viewed at: <https://acc.gov.na/documents/31390/2098982/E-+version+National+Anti-Corruption+Strategy+and+Action+Plan+2021-2025.pdf/baba2feb-6c64-4c9b-efc-bb03791db908>.

¹⁹ ACC, *National Anti-Corruption Strategy and Action Plan, 2021-2025*, p. 31.

²⁰ Harambee Prosperity Plan II, 2021-2025. Viewed at: <http://hppii.gov.na/storage/2021/03/HPP2.pdf>.

established a Whistleblower Protection Office to investigate disclosures of improper conduct and complaints of retaliation against persons making the disclosures.²¹

2.2 Trade policy formulation and objectives

2.7. Customs-related matters are addressed at the regional level within the framework of SACU (Main Report, Section 3.1). In areas not covered by the SACU Agreement, the Ministry of Industrialisation and Trade (MIT) is the focal point for trade policy and takes primary responsibility for the formulation and implementation of trade policies in the context of multilateral, regional, and bilateral trade relations.²²

2.8. Trade policy forms an integral, albeit not a prominent, part of Namibia's overall economic policy as guided by Vision 2030, the 5th National Development Plan (NDP5), and the Harambee Prosperity Plan II (Section 1.2).²³ According to the authorities, Namibia's key trade policy objectives are to secure preferential access into regional and global markets, expand and diversify exports, attract foreign investment, and strengthen participation in the trade in services negotiations at the regional and multilateral levels.

2.9. Namibia has adopted a number of new policy documents since the last Review in 2014, notably the Namibia Food Safety Policy, 2014 (Section 3.3.3); the National Agricultural Policy, 2015 (Section 4.1.2.1); the National Policy on MSMEs, 2016-21 (Section 4.4); the National Energy Policy, 2017 and the National Renewable Energy Policy, 2017 (Section 4.3.3); the Industrial Policy, 2017 (Section 4.4); and the National Intellectual Property Policy and Strategy, 2019 (Section 3.3.7.1).

2.10. Private sector interests are represented by a number of bodies including the Namibia Trade Forum of the MIT²⁴, the Namibia Chamber of Commerce and Industry (NCCI), and the Namibian Manufacturing Association.

2.3 Trade agreements and arrangements

2.3.1 WTO

2.11. Namibia has been a member of the WTO since 1 January 1995. It is not a party to the Information Technology Agreement nor any of the plurilateral agreements concluded in the WTO. On 9 February 2018, Namibia accepted the Protocol concerning the Trade Facilitation Agreement (Section 2.3.1) and the Protocol amending the TRIPS Agreement in April 2023. Namibia participates in WTO negotiations as part of the following groups: ACP, African Group, G-90, NAMA-11, and "W52" sponsors.²⁵ Namibia has participated in one WTO dispute as a third party.²⁶

2.12. During the COVID-19 pandemic, Namibia did not take any new protectionist measures on trade in goods, services, or intellectual property rights.²⁷ Namibia was a party to a proposal on COVID-19 as a member of the African Group.²⁸ Namibia also participated in the proposal to the TRIPS Council on the "Waiver from certain provisions of the TRIPS Agreement for the prevention,

²¹ Whistleblower Protection Act 10 of 2017. Viewed at: <http://www.lac.org.na/laws/summaries/Whistleblower.pdf>.

²² MIT, *About MIT*. Viewed at: <https://mit.gov.na/objectives>.

²³ Namibia's 5th National Development Plan (NDP5). Viewed at: <https://www.npc.gov.na/wp-content/uploads/2021/11/NDP5.pdf>.

²⁴ Namibia Trade Forum. Viewed at: <https://ntf.org.na/>.

²⁵ WTO, *Namibia and the WTO*. Viewed at: https://www.wto.org/english/thewto_e/countries_e/namibia_e.htm.

²⁶ *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products* (DS401).

²⁷ WTO, *COVID-19 and Trade – Namibia*. Viewed at: https://www.wto.org/english/tratop_e/covid19_e/covid_details_by_country_e.htm?country=NAM.

²⁸ Dated 25 June 2020. WTO, *COVID-19 and Trade – Namibia*. Viewed at: https://www.wto.org/english/tratop_e/covid19_e/covid_details_by_country_e.htm?country=NAM.

containment and treatment of COVID-19".²⁹ According to the authorities, Namibia is in the internal process leading to the ratification of the WTO Agreement on Fisheries Subsidies.

2.13. Since 2014, Namibia has submitted notifications to the WTO mainly under the SCM Agreement, the TFA, and the TBT Agreement. Notifications were also made under Article XXIV of the GATT 1994: Free Trade Areas, Enabling Clause, the Agreement on Rules of Origin, and the Agreement on Customs Valuation.³⁰ Namibia has outstanding notifications, including in the area of agriculture, import licensing procedures, quantitative restrictions, subsidies, and state trading enterprises.

2.3.2 Regional trade agreements

2.14. In accordance with the SACU Agreement, most trade agreements are entered into as a union, with a few exceptions where an individual member may enter into a bilateral agreement with a third party, with the consensus from the other members.

2.15. Namibia is a member of SACU and SADC, and their RTAs with third parties (Main Report, Section 2.4).³¹ Namibia is also party to the Tripartite Agreement, which aims to create a free trade area between SADC, COMESA, and the EAC.

2.16. Namibia signed the African Continental Free Trade Area (AfCFTA) agreement in 2018 and ratified it in 2019. In November 2022, Namibia launched its National Strategy for Implementation of the Agreement establishing the AfCFTA.

2.17. Namibia maintains a bilateral FTA with Zimbabwe (another SADC member), which entered into force in 1992, as notified to the WTO in 2021.³² The agreement provides for duty-free treatment, subject to preferential rules of origin (Section 3.1.3).

2.3.3 Unilateral preferences

2.18. Namibia is eligible for unilateral preferences under the African Growth and Opportunity Act (AGOA), whereby the United States offers preferential market access to Sub-Saharan African countries on certain products (Main Report, Table 1.2).³³ Namibia's AGOA utilization rate increased to 90.9% in 2021 (up from zero in 2014-15).³⁴

2.4 Investment regime

2.19. Namibia's investment regime remains unchanged. The MIT is responsible for the administration of the Foreign Investment Act, 1990 (FIA) and its 1993 amendments, while a new investment regime is being developed.

2.20. Namibia had promulgated and gazetted the Namibia Investment Promotion Act, 2016, which was subsequently withdrawn due to legal concerns raised by the private sector. In November 2021, the Namibia Investment Promotion and Facilitation Act (NIPA) was submitted to Parliament.³⁵ A revised NIPA is to be tabled in 2023, according to the authorities. The adoption of a National

²⁹ WTO, *COVID-19 and Trade – Namibia*. Viewed at: https://www.wto.org/english/tratop_e/covid19_e/covid_details_by_country_e.htm?country=NAM.

³⁰ WTO, Docs Online. Viewed at: https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S008.aspx?NotifyingCountryList=%22Namibia%22&IssuingDateFrom=01%2f01%2f2014&Language=ENGLISH&AttachmentSelection=BOTH&SearchPage=FE_S_S003&languageUIChanged=true.

³¹ SACU-Mercosur, SACU-EFTA, SACU-Mozambique-United Kingdom EPA, and SADC-EU EPA.

³² WTO document WT/REG450/N/1, 29 March 2021.

³³ U.S. Office of Textiles and Apparel. Viewed at: <http://trade.gov/agoa/>. The WTO waiver for AGOA (WTO document WT/L/754, 29 May 2009) was extended until 30 September 2025.

³⁴ The AGOA utilization rate is the rate at which US imports of AGOA-covered products claim the AGOA preferences. Namibia supplied US imports of AGOA or GSP-covered products in 2014 and 2015, but did not claim AGOA preferences. U.S. International Trade Commission (2023), *African Growth and Opportunity Act (AGOA): Program Usage, Trends, and Sectoral Highlights*. Viewed at: <https://www.usitc.gov/publications/332/pub5419.pdf>.

³⁵ MIT (2021), *Motivation Statement for the Tabling of the Namibia Investment Promotion and Facilitation Act (NIPA)*. Viewed at: https://mit.gov.na/speeches/-/document_library/kviw/view_file/715224.

Equitable Economic Empowerment Act is also pending. Furthermore, Namibia is in the process of moving from its export processing zone (EPZ) regime to a new special economic zone (SEZ) regime with related incentives.

2.21. Most economic activities are open to foreign investors, subject to the following exceptions and restrictions:

- Closed to foreign investment: taxi and shuttle services; hairdressing and beauty treatment;³⁶ certain sectors under government/SOE monopoly, including electricity transmission services and imports/exports of electricity; railway services; and water services;
- While there are no general limits on foreign ownership, some activities require mandatory joint ventures between the government/local enterprise and a foreign enterprise, for instance in the fisheries and mining sectors; and
- The government procurement regime provides for local sourcing rules (Section 3.3.6).

2.22. The Business and Intellectual Property Authority (BIPA) provides business registration services for domestic and foreign enterprises under the Companies Act, 2004 and the Close Corporations Act, 1988.³⁷

2.23. The Namibia Investment Promotion and Development Board (NIPDB) was established in 2020 in the Office of the President and became operational in April 2021.³⁸ Its mandate includes implementation of Namibia's investment policy and improvements to the business environment.³⁹

2.24. At present, foreign investors may conduct business in the country without the NIPDB being involved. The pending NIPA will serve also to bring more clarity about the procedures for foreign investment in Namibia. In 2022, the NIPDB established a one-stop-centre to facilitate and connect investors to all the key business agencies in Namibia while ensuring investors' compliance with the relevant policies and other legal requirements. The centre is to comprise eight ministries and agencies, including the BIPA and the Ministry of Home Affairs, Immigration, Safety and Security (MHAISS).⁴⁰ The MHAISS grants renewable and non-renewable temporary employment permits for "not locally or readily available skills" for a period of up to 12 months. Nevertheless, obtaining and renewing work permits appears to be challenging and is subject to the condition that the job could not be performed by Namibians.⁴¹

2.25. The FIA provides for equal treatment of foreign investors and the possibility of international arbitration in case of disputes between the investor and the Government. An Ombudsperson's office for investment is to be established in the Office of the President to resolve disputes between investors and state agencies.

2.26. Namibia has ratified bilateral investment treaties (BITs) with Austria, Finland, France, Germany, Italy, Malaysia, the Netherlands, Spain, and Switzerland.⁴² Namibia has put a moratorium on the negotiation, signing, and ratification of current and future Reciprocal Promotion and Protection of Investment Agreements. Namibia has 11 double taxation agreements (with Botswana, France,

³⁶ *Government Gazette* (2010), No. 4460, 15 April. Viewed at:

<https://gazettes.africa/archive/na/2010/na-government-gazette-dated-2010-04-15-no-4460.pdf>.

³⁷ The Companies Administrative Regulations were amended in 2020 (*Government Gazette* No. 7332 of October 2019). Foreign investors may generally choose to conduct their business in the form of a public or private company, branch of a foreign company, closed corporation, partnership, joint venture, or sole trader.

³⁸ NIPDB. Viewed at: <https://nipdb.com/>. The NIPDB implements the investment policy of Namibia. The Namibia Investment Centre (NIC) and the Directorate of Industrial Development (both under the MIT) are in charge of the formulation of the investment policy.

³⁹ NIPDB, *NIPDB Strategic Plan*. Viewed at: <https://nipdb.com/download/nipdb-strategic-plan/>.

⁴⁰ NIPDB, *One Stop Centre*. Viewed at: <https://nipdb.com/invnamibia-osc/>. When operating in Namibia, businesses must also register with the relevant local authorities, the Workmen's Compensation Commission, and the Social Security Commission.

⁴¹ U.S. Department of State, *2022 Investment Climate Statements: Namibia*. Viewed at: <https://www.state.gov/reports/2022-investment-climate-statements/namibia/>.

⁴² Namibia has also signed BITs with Angola, Cuba, China, the Russian Federation, and Viet Nam, which are not yet in force.

Germany, India, Malaysia, Mauritius, Romania, the Russian Federation, South Africa, Sweden, and the United Kingdom).

3 TRADE POLICIES AND PRACTICES BY MEASURE

3.1 Measures directly affecting imports

3.1.1 Customs procedures and requirements

3.1. All matters relating to customs duties and excise duties are harmonized at the SACU level (Main Report, Section 3). According to the authorities, Namibia's customs legislation is similar to that of the other SACU members. Nevertheless, its customs procedures (mainly operational policies and levies) are to a large extent set at the national level.

3.2. During the period under review, Namibia established the Namibia Revenue Agency (NamRA) as a semi-autonomous agency under the Ministry of Finance and Public Enterprises (MFPE).⁴³ NamRA became operational on 6 April 2021.⁴⁴ It is responsible for, *inter alia*, enforcing customs and excise legislation and the collection of revenues; facilitating the smooth movement and clearance of trade; the detection of illicit activities, including the cross-border movement of undeclared or under-declared goods and contraband such as controlled substances and drugs; and the preparation of trade statistics.

3.3. In general, there are no special registration requirements for importers. The Companies Act, 2004 covers both domestic and "external" companies, i.e. those incorporated outside Namibia but trading through a local branch. Company registration is administered by the Business and Intellectual Property Authority (BIPA) (Section 2.4).

3.4. Customs procedures and requirements for imports of goods are governed by Sections 14 and 41 of the Customs and Excise Act, 1998, as amended.⁴⁵ Namibia completed the migration to ASYCUDA World in 2017, which is used as customs operating system in all 29 customs and excise sites in the country. The system allows for direct trader input (DTI) by cargo carriers and freight forwarders and enables customs declarations to be processed electronically using the single administrative document for all imported goods (SAD 500/501). The use of clearing agents for import purposes, while not mandatory, is encouraged. The system allows for risk profiling and selectivity rules. Neither preshipment nor destination inspection of imports is required in Namibia.

3.5. A bond guarantee system operates on goods in transit through Namibia. Under the system, importers lodge a security to cover all charges, including customs duties, VAT, and levies. The bond may be redeemed once the goods have left Namibia. The security is currently being reviewed.

3.6. Namibia accepted the WTO Agreement on Trade Facilitation in 2018. To date, Namibia has implemented 55.5% of its commitments, which are expected to be fully implemented by December 2024.⁴⁶ The implementation status of selected trade facilitation measures is as follows:

- Enquiry point – A dedicated customer unit (Call Center Unit) became operational in August 2022.
- Website – NamRA's website is not yet operational in real time.
- Release and clearance – Pre-clearance is available through ASYCUDA World.
- Electronic payment – Electronic payments are accepted.
- Risk assessment – NamRA has adopted a risk-based management approach that is aligned with the WCO Risk Management Compendium. As part of the risk assessment procedure on ASYCUDA World, NamRA has targeted high-risk consignments based on criteria such

⁴³ Namibia Revenue Agency Act 12 of 2017. Viewed at: <https://www.NamRA.org.na/documents/cms/uploaded/namibia-revenue-agency-act-12-of-2017-207de6e782.pdf>. The Namibia Revenue Agency Act 12 of 2017 entered into force on 12 December 2017.

⁴⁴ NamRA assumed the functions of the former Directorate of Customs and Excise and the Department of Inland Revenue of the MFPE.

⁴⁵ NamRA, *Importation of Goods*. Viewed at: <https://www.NamRA.org.na/customs-excise/page/importation-of-goods>.

⁴⁶ WTO, TFA database. Viewed at: <https://tfadatabase.org/members/namibia>.

as prohibition, restriction, diversion, smuggling, import without a permit, intellectual property rights violations, valuation and misclassification, compliance, and origin, among others.

- Appeal procedures – Appeal procedures, as provided for by the Customs and Excise Act, have remained unchanged since 2014.
- Authorized Economic Operator (AEO) – A preferred trader (PT) programme was launched in 2012 as a precursor to an AEO programme. This follows a SACU Agreement in 2008 to implement the AEO programme in two steps: first, a PT programme as a SACU AEO-Compliance programme to assess the compliance of importers and exporters, so as to award certain benefits; and second, implementation of a full-fledged AEO programme that includes an assessment of the supply chain security and safety standards developed by the WCO, referred to as AEO security. Currently, one manufacturer is registered under the PT programme.
- Single window – A Single Window has not yet been established by the Ministry of Industrialisation and Trade (MIT), requiring technical assistance, according to the authorities. Namibia E-Trade Services Ltd was established to operate the Single Window.
- One-stop border post (OSBP) – The One Stop Border Post Control Act, 2017 was passed by Parliament in 2017 and an OSBP Agreement between Namibia and Botswana was signed on 9 September 2022. Once operational, all goods and cargo will be cleared on the Namibian side, while passenger clearance will be done on the Botswana side of the border.

3.1.2 Customs valuation

3.7. An advance ruling system on customs classification, valuation, and origin became operational in July 2022. Requests for advance rulings by NamRA can be made by the importer, exporter, or any other interested person. Advance rulings are to be made within 30 days from the receipt of a request and remain binding for one year.⁴⁷

3.8. According to NamRA, "one of the main sources of disputes between Customs officials and traders is related to the treatment attributed to the goods linked to determining of the value, classification of goods and determination of rules of origin. Inaccurate valuation and classification decisions may constitute a non-tariff barrier to trade and could circumvent the official tariff schedule. They also increase the risk of corruption if traders aim to obtain a better treatment of their goods by way of bribery".⁴⁸

3.9. NamRA and the South African Revenue Services (SARS) have introduced the unique consignment reference (UCR) concept, which ensures that goods and values declared in the exporting country reflect the same in the importing country. The UCR aims to counter smuggling and undervaluation and ensure correct statistical data, which is key for SACU revenue sharing.

3.1.3 Rules of origin

3.10. Namibia applies the preferential rules of origin of SACU and SADC (Main Report, Section 3.2).

3.11. Namibia applies preferential rules of origin under its bilateral FTA with Zimbabwe.⁴⁹ The agreement with Zimbabwe provides for reciprocal duty-free market access for goods wholly obtained in the other party. Manufactured goods qualify for duty-free treatment if they have at least 25% local content, and the last process of manufacture (which must take place in one of the parties) is substantial and sufficient to change the nature of the product and give it a new, essential, and distinct characteristic and the final process presents a completely new product or at least an

⁴⁷ NamRA, *Advance Rulings*. Viewed at: <https://www.NamRA.org.na/customs-excise/page/advance-rulings>.

⁴⁸ NamRA (2022), *Communique Wagon Newsletter*, Vol. 7, p. 14. Viewed at: <https://www.NamRA.org.na/announcements/article/NamRA-communique-wagon-vol7/>.

⁴⁹ WTO document G/RO/N/223, 29 April 2021.

important stage in the manufacturing process. In contrast, the product-specific rules of origin of the SADC Trade Protocol require a change of tariff heading or regional content of 35% to 40%.

3.12. Namibia has been implementing the SADC E-Certificate of Origin (e-CoO) since December 2022. The e-CoO is an electronically processed certificate of origin by a competent or issuing authority of the exporting country attesting that goods declared by an exporter conform to the required rules of origin.

3.1.4 Tariffs

3.1.4.1 Bindings

3.13. Namibia's binding commitments are identical to those of Eswatini and South Africa (Main Report, Section 3.3.2).

3.1.4.2 Applied MFN tariffs

3.14. Namibia applies the SACU Common External Tariff (Main Report, Section 3.3.1). As a consequence, it uses the Jacobsens Harmonized Customs Tariff, to ensure the effective application of the respective duty rates and rebates across all SACU members, as well as preferential tariffs under SACU's RTAs, thus ensuring uniform application of the CET.

3.1.4.3 Tariff preferences

3.15. Namibia applies the following tariff preferences:

- Tariff preferences in accordance with SACU and SADC RTAs (Main Report, Section 3.3.3);
- Preferential (reduced or duty-free) treatment of imports from other SADC members; and
- Preferential (reduced or duty-free) treatment of imports under its bilateral FTA with Zimbabwe.

3.1.4.4 Infant industry protection

3.16. Article 26 of the SACU Agreement permits Namibia, as well as Botswana, Eswatini, and Lesotho, to apply infant industry protection to their emerging industries in the form of additional MFN customs duties for a maximum of eight years.⁵⁰ According to the authorities, all cases of infant industry protection were phased out (the last for cement in 2020) and no new applications for protection have been granted since 2014.

3.1.4.5 SACU rebates

3.17. Article 20 of the SACU Agreement provides for harmonized tariff rebates. The different rebates available to the SACU members are covered under Schedule 3 (industrial rebates) and Schedule 4 (general rebates) of the customs tariff (Main Report, Section 3.3.6).

3.1.4.6 Tariff quotas

3.18. Namibia has no WTO tariff quota commitments.

3.19. SACU and SADC have made tariff quota commitments within the framework of their respective RTAs (Main Report, Section 3.3.3). In some instances, country-specific allocations apply to Namibia. NamRA enforces the tariff quota allocations through verification of the rebate and issuance of a rebate ruling to quota holders upon importation of products, with a permit issued by the Ministry of Agriculture, Water, and Land Reform (MAWLR).

⁵⁰ "Infant industry" means an industry that has been established for not more than eight years in the SACU member concerned.

3.20. The SACU rebate facility provides for limited quantities of duty-free imports of agricultural products (i.e. tariff quotas) into the Namibian market (Section 4.1.3.1).

3.1.5 Other charges affecting imports

3.21. An Integrated Tax Administration System (ITAS) was launched by NamRA in 2019. ITAS is operated by the Direct Tax Department and provides for online tax return submissions.

3.1.5.1 Value added tax

3.22. Value added tax (VAT) rates are not harmonized within SACU. Namibia levies VAT at a standard rate of 15% on imported and locally produced goods and services. VAT is collected on imports at the f.o.b. price plus an "uplift" of 10%. VAT registration is mandatory for businesses with an annual taxable turnover above NAD 500,000. Schedules III and IV to the Value-Added Tax Act, 2000 contain a list of zero-rated supplies and exempt supplies, respectively.⁵¹

3.1.5.2 Excise duties

3.23. Excise duties are harmonized within SACU in accordance with Article 21 of the 2002 SACU Agreement (Main Report, Section 3.3.4).⁵² According to the Agreement, the common excise duties are agreed annually by SACU ministers responsible for finance. In Namibia, changes to the common excise duty rates are published as amendments to the Customs and Excise Act, 1998.⁵³

3.1.5.3 Environmental levies

3.24. In 2016, Namibia introduced environmental levies on a range of products, whether imported or produced domestically. In 2019, additional products were subject to the environmental levies through Government Notice No. 226 (Amendment to Schedule No. 1 of Customs and Excise Act, 1998):⁵⁴

- "Environmental levy on CO₂ emissions" - Specific levies apply on new and used motor vehicles at NAD 40-NAD 45 per gramme of CO₂ emissions exceeding 120-140 g/km;
- "Specific environmental duties" - Specific levies apply on plastic carrier bags; disposable batteries, car and truck batteries; electric filament lamps; new, used, or re-treaded pneumatic tyres; and second-hand vehicles;
- "Fuel levies" - Specific levies apply to petroleum products, including bio-diesel (Section 4.3.2).

3.25. According to the authorities, the environmental levies were introduced to steer the country towards a green economy and sustainable exploitation of its natural resources in line with Namibia's 5th National Development Plan. Revenue generated through environmental levies are designated for the Environmental Investment Fund to support environmental projects such as tyre recycling and waste management.

3.1.5.4 Other import levies

3.26. The Meat Board of Namibia (MBN) collects statutory levies, including the "general import levy" (since 2010) at 0.8% of the import value of meat and meat products, live cattle, sheep, goats, and

⁵¹ Value-Added Tax Act 10 of 2000. Viewed at: <http://www.lac.org.na/laws/annoSTAT/Value-Added%20Tax%20Act%2010%20of%202000.pdf>.

⁵² SACU Agreement, 2002. Viewed at: <https://sacu.int/docs/agreements/2017/SACU-Agreement.pdf>.

⁵³ Customs and Excise Act, 1998, Schedule 1, Part 2A. Viewed at: https://media.namiblii.org/files/government_gazette/files/na-government-gazette-dated-2022-10-06-no-7922.pdf.

⁵⁴ Government Gazette (2019), No. 6967, 2 August. Viewed at: <https://www.lac.org.na/laws/2019/6967.pdf>.

pigs. Part of the receipts are used to fund the Farm Assured Namibia Meat Scheme (15%)⁵⁵ and for the provision of emergency veterinary services (5%).

3.27. The Namibian Agronomic Board (NAB) collects import levies on "controlled" agronomic products (Sections 4.1.3.3 and 4.1.3.4).

3.1.6 Anti-dumping, countervailing, and safeguard measures

3.28. Contingency trade remedies are governed by SACU (Main Report, Section 3.3.7).

3.1.7 Import prohibitions, restrictions, and licensing

3.1.7.1 Import licensing

3.29. Namibia is overdue with regard to an up-to-date WTO notification on import licensing procedures; its last notification dates from 2010.⁵⁶

3.30. All imports are subject to licensing, but most licences are automatically granted, according to the authorities. Under the Import and Export Control Act, 1994, the MIT has the responsibility for the import and transit procedures of products that require permits (controlled products) and do not fall under the jurisdiction of other government agencies. Import permits are issued (automatically) by the MIT for second-hand motor vehicles (less than 12 years old⁵⁷); fish and fish products; and used or re-treaded tyres.

3.31. The MBN administers import permit/licensing requirements for cattle, sheep, goats, and pigs under the Meat Industry Act, 1981 in order "to monitor the imports and exports".⁵⁸ The permits are issued automatically (free of charge) and are valid for up to one month, which may be extended.

3.32. Namibia has non-automatic import licensing procedures in place on the following products, among others: medicines; chemicals; agricultural and forestry products (granted by MAWLR and NAB); controlled wildlife products under CITES (Ministry of Environment and Tourism (MEFT))⁵⁹; controlled petroleum products (Ministry of Mines and Energy (MME)); diamonds, gold, and other minerals (MME); and firearms and explosives.

3.33. For imports of general medicines, a licence is required from the Namibian Medicines Regulatory Council.⁶⁰ Licences are only granted to registered wholesalers and distributors. Once a licence is issued, the import of general medicines can be undertaken without an import permit. However, special import permits are required for the import of narcotics and psychotropic substances. A fee of NAD 1,000 is payable.

3.1.7.2 Import prohibitions and restrictions

3.34. NamRA enforces legislation administered by different Offices, Ministries, and Agencies (OMAs) with regard to imports and exports of prohibited and restricted goods. Namibia's list of prohibited and restricted goods covers medicines, narcotics, firearms, and radiation-emitting products (Table A3.1).

3.35. Furthermore, under the Import and Export Control Act, 1994, imports are prohibited (from outside of the Customs Union) of left-hand-drive motor vehicles; second-hand and motor vehicles older than 12 years; and second-hand clothing.

⁵⁵ The scheme is a piece of legislation pertaining to livestock traceability, growth hormone usage, antibiotic usage, and feed composition together with good agricultural practice guidelines and animal welfare standards.

⁵⁶ WTO documents G/LIC/N/3/NAM/5, 11 May 2010; and G/LIC/N/3/NAM/6, 30 August 2010.

⁵⁷ Applicable to the vehicles of category HS 87.03 and 87.04. Walvis Bay has been designated as port of entry for second-hand vehicles from outside SACU.

⁵⁸ WTO document G/LIC/N/3/NAM/5, 11 May 2010.

⁵⁹ *Government Gazette* (2008), No. 4190, 30 December. Viewed at: <https://cites.org/sites/default/files/projects/NLP/NamibiaControlledWildlifeProductsandTradeAct9.2008.pdf>.

⁶⁰ Namibia Medicines Regulatory Council. Viewed at: <https://nmrc.gov.na/ca/>.

3.36. Namibia applies import quotas (quantitative restrictions (QRs)) on imports of poultry meat and pork (Section 4.1.3.2).

3.37. Under the Agronomic Industry Act, 1992, the NAB administers schemes for controlled agronomic products that provide for local purchase requirements as a condition for allowing imports and include:

- Namibian Horticulture Market Share Promotion Scheme for horticultural products (Section 4.1.3.3); and
- Grain Marketing Mechanism for white maize, wheat, and pearl millets (Section 4.1.3.4).

3.1.8 Other measures

3.38. The government procurement regime of Namibia includes local content requirements (Section 3.3.6).

3.2 Measures directly affecting exports

3.2.1 Customs procedures and requirements

3.39. NamRA is implementing a preferred trader project (Section 3.1.1).

3.2.2 Taxes, charges, and levies

3.40. Namibia adopted the Export Levy Act, 2016 to, *inter alia*, receive a greater share from its resource base and meet revenue needs; and encourage further processing and beneficiation and thereby support industrial development (Growth at Home strategy). The law is implemented by the MFPE and the taxes are collected by NamRA. Export levies apply to forestry products, fish, minerals, natural gas, crude oil, and hides and skins. The revised export levy rates were published in Government Notice No. 397 of 20 December 2019.⁶¹ As a result of Namibia's commitments under the EPA with the European Union, preferential rates apply to exports to the European Union of some forestry products, dimension stones, and marble, among others. The RTA also provides that no new export taxes be introduced after the entry into force of the agreement.

3.41. The MBN charges levies on exports of livestock (Section 4.1.4).

3.2.3 Export prohibitions, restrictions, and licensing

3.42. Exports, except to SACU members, of nearly all products are subject to automatic licensing. A non-automatic permit is required for, *inter alia*, medicines; plants and plant products; live animals and genetic materials; ostrich-breeding materials; meat and game products; controlled wildlife products under CITES; minerals, including diamonds and gold; coins and bank notes; firearms and explosives; certain works of art and archaeological findings; and oysters.

3.43. Exports of live animals (cattle, sheep, goats, and pigs) and meat and meat products require a permit from the MBN. Exports of live sheep were subject to restrictions, until the measure was suspended in 2019 (Section 4.1.4).

3.44. Exporters of controlled agronomic crops (white maize, wheat, pearl millets, and horticultural products) are required to register with the NAB.

3.45. Namibia applies the Kimberley Process Certification Scheme through the Namibia Diamond Trading Company (NDTC) to certify that Namibia's rough diamonds are from areas free of conflict. Trade measures necessary to implement the Kimberley Process are covered by a WTO waiver.⁶²

⁶¹ NamibLII, Export Levy Act, 2016. Viewed at: <https://namiblii.org/akn/na/act/2016/2/eng%402020-11-30>.

⁶² WTO document WT/L/876, 14 December 2012.

3.2.4 Export support and promotion

3.2.4.1 Export support

3.46. According to the authorities, Namibia does not provide any export subsidies, including through tax concessions on exports. The SACU Agreement provides for duty drawbacks at the SACU level, but these are not implemented by Namibia.

3.47. The "special tax incentives for exporters of manufactured products" were repealed in 2020 (Section 3.3.1): the incentives had consisted of an 80% tax reduction to manufacturers on the taxable income derived from exports of manufactured goods (other than meat or fish).

3.2.4.2 Export processing zones

3.48. The export processing zone (EPZ) regime is currently under review and Namibia plans to move from an EPZ regime to a special economic zone (SEZ) regime. Meanwhile, there is a moratorium on new EPZ applications.

3.49. The EPZ incentives were repealed in 2020 (see also Section 3.3.1). An amendment to the Income Tax, 1981 repealed Sections 5, 6, and 7 of the EPZ Act, 1995, whereby the incentives for existing EPZ enterprises are to be phased out over five years by 31 December 2025. In 2021, six companies were granted EPZ status without tax incentives. EPZ incentives included exemption for 10 years from customs duties and other import charges (VAT, excise duties), corporate tax, and stamp and transfer duties on goods and services required for EPZ activities; 75% refund on training expenditures of Namibians; and free repatriation of capital and profits.

3.50. Changes to Namibia's "industrial agglomeration strategy" have been in the works since the unfavourable cost-benefit review of the EPZ regime in 2012. The policy shift was also motivated by criticism of the incentives regime and to avoid being added to the black list by the European Union as a tax heaven.⁶³ A public consultation on the new SEZ policy was circulated by the MIT in September 2021.⁶⁴ The EPZ Act will be repealed and the EPZ regime gradually integrated into a new SEZ regime.

3.51. Namibia had introduced the Export Processing Zones Act, 1995 as part of the strategy to become an internationally competitive investment location. The Government had hoped that EPZs would help to attract foreign investment and to stimulate export-oriented manufacturing or assembly activities with minimum formalities. It has become evident that the Namibian EPZs have not met expectations in terms of investment, export promotion, and job creation. Factors such as the increase in fuel prices and the resultant high costs of transport and logistics, lack of skilled manpower and comparatively high wages, and the small domestic market contributed to cancel out the corporate tax incentives that were offered through the EPZ regime. A significant number of the approved investments never took off, while some EPZ companies closed down or de-registered to operate as non-EPZs. Of the more than 150 EPZ companies that have been certified since inception, 29 were still operating at end-2021. Virtually all remaining EPZ enterprises are engaged in diamond cutting and processing (Table 3.1). Extractive operations (mining) and fish and meat processing are not eligible for EPZ status.

3.52. Since 2018, the Namibia Industrial Development Agency (NIDA) has been responsible for the administration and servicing of EPZs. The EPZ-related functions of the Namibia Development Corporation and the (now-defunct) Offshore Development Company Ltd were transferred to NIDA.

3.53. Merchandise moved in and out of the EPZs into the SACU customs territory must be declared using the SAD 500/501 form. NamRA monitors the movements of inputs and outputs from EPZ enterprises to ensure export obligations are met.⁶⁵

⁶³ In 2018, Namibia was removed from the EU list of non-cooperative tax jurisdictions.

⁶⁴ MIT (2021), *National Policy on Sustainable Special Economic Zones, 2021-2026*. Viewed at: https://mit.gov.na/acts/-/document_library/arcid/view_file/672272.

⁶⁵ NamRA, *Export Processing Zones*. Viewed at: <https://www.NamRA.org.na/customs-excite/page/export-processing-zones>.

Table 3.1 Summary of EPZ enterprises, 2021

Sector	Enterprises (No.)	Investment (NAD million)	Employment	Imports (NAD billion)	Exports (NAD billion)	Production (NAD billion)
General manufacturing	3	42	57	70	39	10
Mineral processing	25	10,846	1,454	4,948	4,760	9,107
Assembly operations	1	24	..	..	..	..
Total	29	10,909	1,511	5,018	4,799	9,117

.. Not available.

Source: Information provided by the authorities.

3.2.4.3 Export promotion

3.54. According to the authorities, Namibia does not provide any export promotion support.⁶⁶

3.55. The Namibia Trade Forum (Section 2.2) has been working towards promoting women in trade in line with the AfCFTA protocol on Women and Youth in Trade (Main Report, Section 2). Most of the engagement is to support businesswomen with export-ready products or those who have the potential to export, while their products require improvements to meet certain standards (e.g. packaging, labelling, or barcoding).

3.2.5 Export finance, insurance, and guarantees

3.56. According to the authorities, Namibia does not provide any government export financing, insurance, or guarantees.

3.3 Measures affecting production and trade

3.3.1 Incentives

3.57. Namibia's most recent subsidies notification to the WTO (from 2020) indicates that no subsidies were provided.⁶⁷

3.58. According to the authorities, Namibia's tax-based incentives regime is currently being suspended, while a technical committee with representatives from various ministries and agencies is engaged in developing a new incentives framework. This review is linked to the planned move from an EPZ to an SEZ regime (Section 3.2.4.2).

3.59. The Income Tax Amendment Act, 2020 repealed the following incentive schemes and no new incentives have been granted since 1 January 2021, while incentives granted prior to the repeal will expire by 31 December 2025:

- EPZ enterprises (Section 3.2.4.2);⁶⁸
- Special tax incentives for exporters of manufactured products (Section 3.2.4.1);
- Registered manufacturers: incentives (as per Section 5 A of the Income Tax Act, 1981) included a reduced corporate tax rate of 18% for 10 years; VAT exemption for the purchase of machinery and equipment; accelerated capital allowances for factory buildings; training tax allowance; land transport tax allowance (25% of cost) for materials used in manufacturing; export marketing tax allowance (25%); and cash grants (50% of cost) for approved export promotion activities.

⁶⁶ The Export Marketing Assistance Programme (EMAP) administered by the MIT (Division of Trade Promotion) has been dormant due to budget constraints.

⁶⁷ WTO document G/SCM/N/220/NAM, 20 August 2020.

⁶⁸ *Government Gazette* (2020), No. 7431, 31 December. Viewed at: https://media.namiblii.org/files/government_gazette/files/na-government-gazette-dated-2020-12-31-no-7431.pdf.

3.60. The Enhancing Entrepreneurship Development Programme was launched in 2019 under the EMPRETEC framework of UNCTAD.⁶⁹ The objective of the project (EMPRETEC Namibia Programme) is to enhance the growth potential of micro, small and medium enterprises (MSMEs) through entrepreneurial change, skills development, and provision of business development advisory services. Expenditures amounted to NAD 5 million in 2019.

3.3.2 Standards and other technical requirements

3.61. The Namibian Standards Institution (NSI) is the national standards body responsible for developing standards and conformity assessment procedures. The NSI also has the mandate to enforce two technical regulations concerning alcohol-based hand sanitizers, and cement including the approval of cement imported into Namibia (see below).

3.62. The NSI serves as national WTO TBT enquiry and notification point.⁷⁰ However, there is a lack of coordination between government ministries/departments and institutions to ensure compliance with the TBT Agreement and discuss Namibia's TBT matters. During the review period, Namibia submitted 13 TBT notifications (concerning cement⁷¹; alcohol-based hand sanitizers⁷²; controlled horticultural products⁷³; squash, melons, and sweetcorn⁷⁴) and 4 mutual recognition agreements. No specific trade concerns were raised in the TBT Committee regarding Namibia's measures.

3.63. The NSI is a member of the International Organization for Standardization (ISO), the African Organisation for Standardisation (ARSO), and the Affiliate Country Programme of the International Electrotechnical Commission (IEC); it is also a full participating member of the African Electrotechnical Commission (AFSEC). The NSI also participates in SADC's TBT cooperation arrangements to implement the TBT Annex to the SADC Protocol on Trade, including SADCSTAN (standards), SADC Accreditation System (SADCAS) (accreditation), and SADCTRLC (technical regulation liaison committee) and conformity assessment procedures.

3.64. Namibia has adopted a Revised National Quality Policy (2020-25).⁷⁵ The policy focuses on reforming the institutional framework for developing and implementing technical regulations and quality assurance and recommends the establishment of a Technical Regulatory Coordination Office (TRCO), either in the National Planning Commission, Attorney General's Office, or Office of the Prime Minister. The TRCO is to be composed of the various regulatory agencies with the task to ensure a more coherent and consistent approach in the formulation of technical regulations in compliance with WTO obligations. Namibia is also in the process of establishing a National TBT Committee.

3.65. The stated policy of standards development in Namibia is to adopt standards from international and foreign standards bodies. As of November 2022, Namibia had 227 standards in place, of which 32 were Namibian "home grown" standards, 55 regional standards, and 140 international standards. Namibian standards are revised every five years with a view of ensuring relevance and to align them with sector's needs and international needs. These voluntary standards may be referenced in legislation making them mandatory to achieve environmental, SPS, and other legitimate policy objectives. Adopted standards are gazetted and published by the NSI as a Namibian Standard. A catalogue of Namibian Standards, updated at regular intervals, is available on the NSI website.⁷⁶

3.66. The Continental Standardization Body under ARSO has the mandate of harmonizing African regional standards. To date, Namibia has not adopted ARSO standards. Namibia participates in regional standardization activities on metrology, fisheries and aquaculture, automotive, milk and

⁶⁹ MIT, *EMPRETEC Namibia Programme*. Viewed at: <https://mit.gov.na/empretec-namibia-programme>.

⁷⁰ WTO document G/TBT/2/Add. 108, 16 March 2012.

⁷¹ WTO documents G/TBT/N/NAM/1, 30 May 2018; and G/TBT/N/NAM/1/Add.1, 26 September 2019.

⁷² WTO document G/TBT/N/NAM/2, 23 April 2020.

⁷³ WTO documents G/TBT/N/NAM/3-6, 25 August 2022. The SPS Committee was also notified of the horticulture regulations.

⁷⁴ WTO documents G/TBT/N/NAM/7-9, 22 May 2023.

⁷⁵ NSI, *Revised National Quality Policy*. Viewed at: <https://www.nsi.com.na/download/revised-national-quality-policy/>. It replaced the Quality Policy of 1999.

⁷⁶ NSI (2022), *Namibia Standards Pricing Register*. Viewed at: <https://www.nsi.com.na/wp-content/uploads/2022/03/NSI-Namibia-Standards-Pricing-Register-2022.pdf>.

milk products, horticulture, environmental protection, live animals, building and construction materials, organic and inorganic chemicals, and plastics and rubber plastics, among others.

3.67. The NSI Certification Body provides independent third-party conformity assessment services. It was successfully assessed in 2019 by SADCAS for maintaining its accreditation to provide certification services according to ISO standards. SADCAS is Namibia's *de facto* accreditation body. The NSI Certification Body provides product certification, and system and person certification according to the requirements of ISO/IEC 17065, ISO/IEC 17021, and ISO/IEC 17024. Goods and services that meet the requirements of the applicable Namibian and/or international standards are issued with a Certificate of Conformity and awarded with the licence to use the NSI Mark of Conformity. The NSI has product certification schemes for cement and sanitizers.

3.68. The NSI is also the designated national fishery inspection and certification authority. The Inspection Centre is accredited to ISO/IEC 17020. Its responsibilities include the inspection of chilled and frozen fish and fishery products, canned fish and canned meat, and the inspection of factories and vessels for compliance with compulsory specifications, as well as export market regulatory requirements. Namibia has 83 EU-approved facilities, including factory and freezer vessels, processing plants, and cold stores. Food safety tests are conducted at the NSI Food Laboratory (accredited to ISO/IEC 17025) for the presence of biotoxins, heavy metals, and microbiological contaminants. Both the NSI Inspection Centre and the testing laboratory facilities are accredited by SADCAS.

3.69. MRAs were concluded between the NSI and the National Fish Inspection Institute of Mozambique (INIP) in 2012⁷⁷; between the NSI and the Botswana Bureau of Standards (BOBS) in 2018⁷⁸; and, in 2021, between the NSI and the South African Bureau of Standards (SABS)⁷⁹, and the NSI and the National Regulatory for Compulsory Specification of South Africa (NRCS).⁸⁰

3.3.3 Sanitary and phytosanitary requirements

3.70. Since the last Review, Namibia has established a GMO regime, while its SPS regime remains otherwise substantially unchanged. Some of the SPS laws are obsolete, but there are ongoing efforts to review them. Namibia has reactivated its National SPS and Food Safety Committee. The MAWLR is the National Notification Authority and National Enquiry Point for SPS measures. Namibia has submitted one SPS notification, in 2022, regarding trade in controlled agronomic products.⁸¹ No specific trade concern has been raised in the SPS Committee regarding Namibia's SPS measures.

3.71. In 2014, the Government adopted the Namibia Food Safety Policy to protect consumer health while facilitating trade in food.⁸² The policy seeks to ensure that requirements and controls are developed and respected regarding food production safety, food hygiene, animal health and welfare, plant health, and preventing the risk of contamination from substances. It promotes the principles of risk assessment and prevention, and a "farm to fork" approach. A Namibia Food Safety Council is to be established with the task of coordinating emergency food safety measures and developing draft regulations. There are ongoing stakeholder consultations on a Food Safety and Standards Bill. A key objective of the Food Safety Policy is to address the overlapping mandates on food safety, which is the responsibility of five ministries:

- The Ministry of Health and Social Services is responsible for public health. This includes regulations and standards on food offered to consumers, including food service or business premises, such as retail shops, restaurants, or street food.
- The MAWLR is responsible for the safe production of food of animal and plant origin, including their primary processed forms. This includes all regulations and standards on fresh produce, grain, insects, eggs, dairy, poultry, and meat.

⁷⁷ WTO document G/TBT/10.7/N/166, 18 January 2023.

⁷⁸ WTO document G/TBT/10.7/N/163, 20 December 2022.

⁷⁹ WTO document G/TBT/10.7/N/164, 20 December 2022.

⁸⁰ WTO document G/TBT/10.7/N/165, 21 December 2022.

⁸¹ WTO document G/SPS/N/NAM/1, 18 October 2022.

⁸² Nutrition and Food Security Alliance of Namibia (NAFSAN) (2014), *Namibia Food Safety Policy*.

- The Ministry of Fisheries and Marine Resources (MFMR) is responsible for all regulatory activities relating to the food safety and primary handling of fish and fishery products, including chilling, freezing, filleting, transport, and packaging.
- The MIT through the Namibia Standards Institute is responsible for developing standards on processing and processed foods, food additives, processing aids in foods, food labelling, and packaging materials.
- The Ministry of Urban and Rural Development is responsible for the licensing of food service and food business operators.

3.72. Namibia's livestock and game sector contributes about 70% to agricultural GDP and about half of the agricultural exports, hence the importance of the veterinary regime (Section 4.1.1).⁸³ In February 2020, Namibia for the first time exported (boneless) beef to the United States.

3.73. The Directorate of Veterinary Services in the MAWLR is responsible for implementing the Animal Health Act, 2011 and related regulations.⁸⁴ The World Organisation for Animal Health (WOAH, originally OIE) Animal Health Code is used as the guideline for setting import requirements. Imports of live animals and animal products generally require a veterinary import permit (NAD 50 per permit), a livestock movement permit for purposes of traceability, and in the case of breeding material, a livestock improvement permit is also required. A health certificate is required for the exports of animals, animal products, and restricted material. The MAWLR manages the Namibian Livestock Identification and Traceability System (NamLITS) to provide accurate records of animal disease surveillance, animal movements, and vaccinations in the country.

3.74. Due to sporadic outbreaks of the foot-and-mouth disease (FMD) in the Northern Communal Areas (NCAs), a Veterinary Cordon Fence (VCF), also called Red Line, separates the NCAs from the south of the country. This barrier serves to separate areas based on their animal disease status and is recognized by the WOAH. Cattle originating from the NCAs, where FMD is endemic, may not be marketed in the FMD-free zone, south of the VCF, where FMD vaccination is not permitted. This restriction protects the access for beef produced in the FMD-free zone to high-value export markets, particularly the European Union and EFTA markets. The most recent outbreak of FMD north of the VCF occurred in October 2022.

3.75. Cattle may only be imported from countries free from bovine spongiform encephalopathy (BSE) and FMD where vaccination is not practised. Live animals are usually only imported from South Africa or occasionally Botswana. In the case of animals/animal products from South Africa, a veterinary import permit is only required for the importation of ostriches, elephants, wild pigs, wildebeest, and buffalo. Imports of other farm animals/animal products are subject to a veterinary movement certificate issued by an official veterinarian in South Africa in accordance with the requirements as set out in the Namibian/South African bilateral agreement. Veterinary staff based at the border are available 24 hours a day to verify compliance with import and export requirements. All shipments of animals or animal products are verified, even if an MRA is in place. In the event of an immediate risk of a disease being introduced or further spread in Namibia, emergency restrictions may be put in place to prohibit imports. Namibia has a regionalization policy in place in case of a disease outbreak.

3.76. Growth-promoting hormones are banned in animal production, while imports of meat from hormone-treated animals are permitted.

3.77. The Plant Health Division of the MAWLR is responsible for phytosanitary measures, and the safety of wild plant products, honey, and insects. It also administers a permit system for domestic and imported agricultural inputs, as well a database for traceability purposes of registered and imported pesticides, fertilizer, and farm feeds. The phytosanitary regime is governed by, *inter alia*, the Agricultural Pest Act, 1973 and the Plant Quarantine Act, 2008 (which entered into force in 2012) and the Fertilizers, Farm Feeds, Agricultural Remedies & Stock Remedies Act, 1947. The Plant

⁸³ Namibia's exports of the livestock sector include, *inter alia*, live animals, meat, semen and embryos, hides and skins, and game trophies.

⁸⁴ Food products of animal origin, including meat, game, poultry, milk, and eggs. This includes animal feeds, fish meal, and customary animal foods such as donkey, dog, and frog, but shall exclude fish and fishery products.

Quarantine Act and the 1947 Act are currently under review. All imports of plants, plant products, and other regulated articles require a permit issued by the MAWLR (NAD 100, valid for 21 days) and a phytosanitary certificate issued by the plant protection authority of the country of export.⁸⁵ The Act also grants the Minister the authority to declare quarantine stations, areas, and pests by notice in the Gazette.

3.78. The National Council for Research Science and Technology is responsible for implementing the GMO regime established under the Biosafety Act, 2006⁸⁶, as supported by the Biosafety Regulations of 2016⁸⁷ and the GMO Product List No. 267 of 2022.⁸⁸ The regime governs the placing on the market, including labelling, of genetically modified products (food and feed), as well as the use of GMOs for purposes of field trials. Imports of GM food or feed require a permit (valid one year) from the Biosafety Council. The National GMO Testing, Training and Research Laboratory was established to ensure compliance with marketing and traceability standards; the lab is seeking international accreditation to ISO/IEC 17025.⁸⁹

3.3.4 Competition policy and price controls

3.79. The Namibian Competition Act, 2003 entered into force in 2008 and the Namibian Competition Commission (NaCC) was established in 2009.⁹⁰ While the NaCC is responsible for regulating competition across all economic sectors, the Bank of Namibia (BoN) and the Communications Regulatory Authority of Namibia (CRAN) overlap with the NaCC in terms of competition issues. So far, MoUs exist between the NaCC and Namport, the BoN and CRAN and the Electricity Control Board, while negotiations with the Namibia Financial Institutions Supervisory Authority (NAMFISA) are at an advanced stage.

3.80. The NaCC is part of the SADC Working Group on competition matters. It has a long-standing relationship with the Competition Commission of South Africa covering cross-border competition concerns, capacity-building, and cooperation. The NaCC and the Competition & Consumer Authority of Botswana recently developed an MoU for deeper cooperation, and the NaCC and the Competition & Consumer Protection Commission of Zambia are working on an MoU.

3.81. Namibia's National Competition Policy, adopted in 2003, seeks to address particular aspects of the structure and nature of the Namibian economy.⁹¹ It states that "Namibian markets, of which many are relatively concentrated due to the small demographics and country size, operate as efficiently as possible to the benefit of consumers and enterprises. Major sectors such as the production/processing of brewing, cement, dairy, meat processing, milling (including animal feeds) and poultry are each dominated by single firms". Other particularities include the wide-ranging state involvement in the economy through SOEs; and policies that can have the effect of limiting competition, such as industrial policy and QRs (e.g. on horticultural products) that aim to protect nascent industries. The policy sets out a number of guiding principles (14), ranging from limiting anti-competitive conduct to regional/international cooperation in the field of competition policy. It calls for a Competition Impact Assessment of new regulations and laws that may restrict competition. A review of the Competition Act has been completed and the revised Competition Bill, which updates its enforcement, merger control, and market inquiry provisions, has been submitted to the MIT.

3.82. In 2018, the NaCC introduced a draft leniency policy programme, under which cartel members may secure immunity from prosecution, or significantly reduced fines, if they come forward and

⁸⁵ The Act makes provision for fines not exceeding NAD 20,000 or imprisonment for a period not exceeding two years, or both, in the case of contravention of import requirements.

⁸⁶ Biosafety Act 7 of 2006. Viewed at: <https://www.lac.org.na/laws/annoSTAT/Biosafety%20Act%20of%202006.pdf>.

⁸⁷ Biosafety Regulations, Government Notice 210 of 2016. Viewed at: <https://faolex.fao.org/docs/pdf/nam174777.pdf>.

⁸⁸ *Government Gazette* (2022), No. 7903, 15 September. Viewed at: <http://www.lac.org.na/laws/2022/7903.pdf>.

⁸⁹ NCRST, *Administration of Biosafety Act*. Viewed at: <https://ncrst.na/what-we-do/innovation-technology-development/biotechnology/administration-of-biosafety-act-2/>.

⁹⁰ *Government Gazette* (2003), No. 2964, 24 April. Viewed at: https://www.nacc.com.na/cms_documents/c2c_competitionact2003.pdf.

⁹¹ MIT, *National Competition Policy, 2020-2025*. Viewed at: https://www.nacc.com.na/cms_documents/90e_approved_national_competition_policy.pdf.

confess collusion. The NaCC has since granted two leniency applications that contributed to the successful finalization and prosecution of two cartel investigations.

3.83. The Government sets prices of petrol, diesel, and paraffin under the Petroleum Products and Energy Act, 1990 (Section 4.3.2). According to the authorities, no other goods or services are subject to price controls.

3.3.5 State trading, state-owned enterprises, and privatization

3.84. Namibia is overdue with regard to a notification regarding state trading enterprises. Its last notification from 2010 indicates that no state trading enterprises existed.⁹²

3.85. Since the last Review, Namibia has made changes to its regime governing SOEs (public enterprises). Some commercial SOEs continued to perform poorly and remain a fiscal burden.

3.86. In 2015, Namibia adopted the Public Enterprises Governance Amendment Act to merge and centralize the oversight functions of SOEs under a new Ministry for Public Enterprises (MPE). In 2019, the Public Enterprises Governance Act was adopted "to make provision for the efficient governance of public enterprises and the monitoring of their performance; to make provision for the restructuring of public enterprises; [and] to provide for the powers and functions of the Minister of Public Enterprises", among others.⁹³ In December 2022, the MPE was merged with the MOF and is now called Ministry of Finance and Public Enterprises (MFPE).⁹⁴ The adoption of a Public Enterprises Ownership Policy and a Public Financial Management Bill is pending with the objective of, *inter alia*, strengthening the financial oversight of SOEs by the MFPE.

3.87. Namibia's 75 public enterprises are categorized as follows:

- Commercial: The MFPE currently oversees 21 commercial public enterprises, which are active in agriculture, mining, electricity generation and distribution, transport, telecom, and accommodation (Table 3.2). Assets totalled NAD 138 billion in 2022 with net assets of NAD 81 billion. Total employment stood at around 25,000. The Public Enterprises Governance Act, 2019 requires that commercial SOEs must be capable of making a sustained profit. Subsidies amounted to NAD 748.7 million in FY2021/22 (down from NAD 808.8 million in FY2020/21).⁹⁵ The main share was allocated to the loss-making Air Namibia (NAD 211 million in 2021/22). Air Namibia was liquidated on 26 March 2021.
- Non-commercial: There are 43 regulatory bodies, service providers (e.g. NAMWATER), and other institutions overseen by the Ministries in charge.
- Financial institutions & extra-budgetary funds: There are four financial institutions (Agribank of Namibia, Development Bank of Namibia, National Special Risks Insurance Association, and Namibia National Reinsurance Corporation) and 11 extra-budgetary funds (Minerals Development Fund, Road Fund Administration), which are overseen by the MFPE.

3.88. The Public Enterprises Governance Act, 2019 provides for the restructuring of public enterprises, including liquidation or sale of their assets to the public. The Minister must submit a restructuring plan of any provisionally identified public enterprise to the Cabinet for determination.

3.89. In 2017, the Cabinet authorized NamPost and Telecommunications Holdings, which owns Mobile and Telecommunications Ltd (MTC) and NamPost, to sell shares. MTC was partially (40%) privatized in November 2021.

⁹² WTO document G/STR/N/10/NAM, 12 May 2010.

⁹³ *Government Gazette* (2019), No. 6907, 17 May. Viewed at: <https://www.lac.org.na/laws/2019/6907.pdf>.

⁹⁴ Department of Public Enterprises. Viewed at: <https://mpe.gov.na/about-us>.

⁹⁵ Ministry of Public Enterprises. Viewed at: https://www.parliament.na/wp-content/uploads/2021/07/Vote34_PublicEnterp.pdf.

Table 3.2 Namibia's commercial SOEs

	Enterprise	Financial performance	Last statement	Subsidies (NAD million, FY2021/22)
1	Epangelo Mining Company	Loss-making	NAD 22 million, FY2023/24	4
2	Henties Bay Waterfront	Dormant	..	None
3	Lüderitz Waterfront Company	Profitable	NAD 9.8 million FY2023/24	2
4	Meat Corporation of Namibia	Loss-making	NAD 66.7 million, FY2019/20	None
5	Mobile and Telecommunications Ltd (MTC)	Profitable	NAD 1.1 billion, FY2018/19	None
6	Namibia Airports Company	Loss-making	NAD 77.5 million, FY2023/24	None
7	Namibia Institute of Pathology	Loss-making	NAD 107 million, FY2023/24	107
8	NamPost	Profitable	NAD 6.5 million, FY2019/20	None
9	Namibia Power Corporation (NamPower)	Profitable	NAD 1.0 billion, FY2018/19	None
10	Namibia Wildlife & Resorts Company	Profitable	NAD 50 million, FY2023/24	71
11	Namibian Ports Authority	Profitable	NAD 157.8 million, FY2018/19	None
12	National Fishing Corporation	Profitable	NAD 103.6 million, FY2016/17	None
13	National Petroleum Corporation (NAMCOR)	Loss-making	NAD 66.6 million, FY2017/18	None
14	Namibia Industrial Development Agency (NIDA)	Loss-making	..	None
15	Roads Authority	Surplus	NAD 76.2 million, FY2018/19	None
16	Roads Contractor Company	Loss-making	NAD 55.9 million, FY2023/24	44
17	Telecom Namibia Ltd.	Loss-making	NAD 50.3 million, FY2017/18	None
18	Transnamib	Loss-making	NAD 301.3 million, FY2023/24	None
19	Namib Desert Diamonds Ltd (NAMDIA)	Profitable	NAD 150.2 million, FY2019/20	None
20	Zambezi Waterfront	Dormant	NAD 4.5 million FY2023/24	None
21	Agro-Marketing and Trade Agency (AMTA)	Loss-making	NAD 72 million, FY2023/24	59

.. Not available.

Source: Information provided by the authorities; and Department of Public Enterprises. Viewed at: <https://mpe.gov.na/public-enterprises-commercial>.

3.3.6 Government procurement

3.90. According to the authorities, Namibia is in the process of applying to become a member of WTO Agreement on Government Procurement.

3.91. Namibia has reformed its government procurement regime since the last Review. Several shortcomings had been identified in the former government procurement regime, including a lack of an oversight body to monitor exemptions from official procurement procedures for major public procurement projects and a growing lack of public trust in Namibia's procurement agencies as evidenced by legal challenges to Tender Board decisions. The Tender Board Act, 1996 was thus repealed and replaced by the Public Procurement Act, 2015. The new Act and the Public Procurement Regulations, 2017 entered into force on 1 April 2017.⁹⁶ The Act applies to some 170 listed public entities.

3.92. The Public Procurement Act, 2015 establishes a new structure to manage public procurement, which is based on three institutions:

- The Procurement Policy Unit (PPU) in the MFPE functions as regulator with advisory, oversight, and compliance-monitoring responsibilities. The PPU launched the E-GP for mandatory use on 1 April 2022. Instruction notes and guidance notes were also issued to attain efficiencies and improve governance.⁹⁷
- The Central Procurement Board of Namibia (CPBN), which replaced the Tender Board, deals with major contracts (with values higher than the prescribed thresholds) on behalf

⁹⁶ Office of the Prime Minister. Viewed at: <https://opm.gov.na/>.

⁹⁷ MFPE, eProcurement Portal. Viewed at: <https://eprocurement.gov.na/>.

of public entities.⁹⁸ The PPU is in the process of identifying subsidiaries of public entities for recommendation to be declared as public entities. The CPBN's bidding processes started in 2017. In 2020/21, the CPBN conducted 20 procurement processes to the value of NAD 6.7 billion on behalf of 11 public entities as follows: 71% via open national bidding, 13% via open international bidding, and 16% via direct procurement. The PPU expects to gradually raise the thresholds to allow public bodies to deal with higher value contracts and thus move towards the gradual decentralization of government procurement.

- The Review Panel deals with complaints and appeals from aggrieved bidders, which have seven days to challenge a contract award. Details on the reviews are available on the E-GP Portal (<https://eprocurement.gov.na/en/home>). Disputes may be referred to the High Court. The Public Procurement Act, 2015 was amended on 22 October 2022 to, *inter alia*, give more powers to the Review Panel and limit emergency procurement.

3.93. The Act provides for empowerment measures in favour of disadvantaged groups, Namibian enterprises, and local products. The Directive on Preferential Procurement (2019) was replaced on 31 January 2023 with the Code of Good Practice on Preferences with the aim to enhance measures to implement the Government's empowerment and development policies. Preferences are granted to local suppliers in the procurement or evaluation of bids for procurements reserved for categories of local suppliers. National preferences provide for price preferences granted to Namibian suppliers or to goods, works, and services that meet minimum specified local content.

3.94. Some of the government procurement challenges in Namibia include:

- Transparency: To improve transparency and accountability in government procurement, the PPU launched the E-GP Portal for all public entities as of 1 April 2022. Uptake and use of the E-GP Portal is still low. Also, compliance with the submission of Annual Procurement Plans remains low at 54% in 2021/22.
- Procurement methods: Open advertised bidding is the default method and deviations must be motivated. However, competitive bidding by public entities accounted for only 1% in 2020/21, which resorted mainly to non-competitive methods of procurement, notably request for sealed quotation (25%) and direct procurement (23%).

3.3.7 Intellectual property rights

3.3.7.1 Overview

3.95. Namibia has made progress in modernizing its intellectual property regime. In 2016, the BIPA was established as an SOE and autonomous body, managed by the Chief Executive Officer and Registrar of Business and Intellectual Property (BIPA Act, 2016).⁹⁹ All decisions taken, whether by the Registrar or as a delegated authority, become legally binding in terms of the relevant legislation.

3.96. Namibia has adopted its first National Intellectual Property Policy and Strategy (2019-2024). The policy aims to, *inter alia*, "support and promote the generation, protection and commercialization of IP assets, stimulate transfer of technology, ensure adequate enforcement of intellectual property rights, increase IP awareness, strengthen the creative industry and promote use of intellectual property in areas where Namibia has comparative and competitive advantage".¹⁰⁰

3.97. Namibia has ratified various WIPO and African Regional Industrial Property Organization (ARIPO) treaties (Table 3.3). On 16 February 2022, Namibia withdrew a declaration with respect to the Madrid Agreement on marks, whereby trademarks designated for protection in

⁹⁸ The procurement thresholds for Category 1/2/3 entities are respectively NAD 25/20/15 million (goods); NAD 35/30/20 million (works); NAD 20/15/10 million (consultancy services); and NAD 15/10/5 million (other services).

⁹⁹ Previously, BIPA had operated as an Association Not-for-Gain under Section 21 of the Companies Act, 2004.

¹⁰⁰ Ministry of Industrialization, Trade and SME Development and BIPA (2019), *National Intellectual Property Policy and Strategy, 2019-2024*, p. 4. Viewed at: <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/na/na031en.pdf>.

Namibia, prior to Namibia acceding to the agreement and depositing the instrument, may now be designated and protected in Namibia.

3.98. During the review period, Namibia recorded a total of 113,309 IPR registrations (as of 2022), of which 99% are trademarks (Table 3.3). BIPA has implemented the IPAS online filing system for IPRs under the Industrial Property Act, while registration of copyright is still being done manually.

Table 3.3 Namibia's membership in regional and international IPR bodies, 2023

IPR bodies	Entry into force in Namibia
Treaties and international agreements (WIPO)	
Berne Convention (Literary and Artistic Works)	21 March 1990
WIPO Convention	23 December 1991
WIPO Performances and Phonograms Treaty	20 May 2002
Paris Convention (Industrial Property)	1 January 2004
Patent Convention Treaty	1 January 2004
Hague Agreement (Industrial Designs)	30 June 2004
Madrid Agreement (Marks)	30 June 2004
Madrid Protocol (Marks)	30 June 2004
Regional treaties (ARIPO)	
Lusaka Agreement (creation of ARIPO)	14 October 2003
Banjul Protocol (Marks)	14 January 2004
Harare Protocol (Patents and Industrial Designs)	23 April 2004
Swakopmund Protocol (Protection of Traditional Knowledge and Expressions of Folklore)	5 November 2015

Source: WIPO.

3.3.7.2 Copyright

3.99. Namibia's copyright legislation is outdated, according to the authorities. BIPA in collaboration with the MIT embarked on a legislative review process in 2019 to develop of a new modernized and responsive copyright law. The bill is under way and would replace the Copyright and Neighbouring Rights Protection Act, 1994. The new bill serves to, *inter alia*, provide an enabling legal framework for the development of creative industries in the digital environment and mechanisms for the protection of traditional knowledge and traditional cultural expressions as articulated within the ARIPO Swakopmund Protocol on the protection of traditional knowledge and expressions of folklore, address concerns related to misappropriation and sharing of benefits, and provide adequate limitations and exceptions with the aim of promoting access to copyrighted works for educational purposes and visually impaired people.

3.3.7.3 Industrial property rights

3.100. The new Industrial Property Act, 2012 covers, *inter alia*, patents, utility model certificates, industrial designs, trademarks, collective marks, certification marks, and trade names. Although passed by the Namibian Parliament in 2012, the IP Act only came into force on 1 August 2018.

3.101. The Act allows BIPA to register, grant, and protect all rights within its jurisdiction. A patent, utility model, industrial design, or trademark granted by ARIPO has the same legal standing as an IPR patent granted under the Act, unless otherwise communicated by the Registrar. A patent protection in terms of the Act expires 20 years after the date of filing of the application. In 2021-22, 518 patents were registered (up from 12 in 2014) (Table 3.4).

3.102. A compulsory licence may be granted by the Industrial Property Tribunal in the event of non-working or insufficient working of a patent¹⁰¹, if the patent cannot be exploited in Namibia without infringing an earlier patent (interdependence of patents), or to safeguard the public interest. In the event of exploitation of a patented invention by the Government in the public interest, adequate compensation must be provided unless importation takes place under the WTO's Decision on Compulsory Licensing or Article 31*bis* of the TRIPS Agreement and the exporting country issues a compulsory licence for the same patented invention. No compulsory licences have been granted under the Industrial Property Act to date.

¹⁰¹ After the expiration of a period of four years from the date of filing of the patent application or three years from the date of the granting of the patent, whichever period expires last.

3.103. The Act provides for registration and protection for new industrial designs nationally, however, designs are registered in terms of the Harare Protocol regionally, and internally in terms of the Hague Agreement. Classifications internally are done in accordance with the Locarno classification principles. The registered owner of a design has exclusive right of use, including in relation to imports of any article included in the class in which the design is registered. The registration in respect of a design expires 15 years after the application filing date. The Act is not implemented with regard to utility model certificates.

3.104. Trademarks cover marks for both goods and services and may not be limited in whole or in part to a particular colour or colours. The registration of a trademark is valid for 10 years, renewable. The owner of a trademark that is entitled to protection as a well-known mark under the Paris Convention may restrain its use in Namibia even though it is not registered in Namibia.

3.105. Namibia does not have a *sui generis* legal instrument for the protection of geographical indications. However, geographical names or other indications of geographical origin may be registered as certification or collective trademarks under the Act.

3.3.7.4 Enforcement

3.106. The Industrial Property Act, 2012 provides for the establishment of an Industrial Property Tribunal with jurisdiction to decide upon any appeals lodged and to adjudicate on any matter under the Act. The BIPA has engaged the Judge-President of the High Court of Namibia, resorting under the Namibian Judiciary, to designate judges to serve as members of the Tribunal. The tribunal became operational in 2022 and heard its first case in end-November 2022.

3.107. Since the last Review, BIPA, together with WIPO, has held numerous capacity-building seminars and workshops on enforcement matters with stakeholders, including the police, judges, and magistrates. BIPA also proceeded to enforce a recent judgement (16 December 2022) by the High Court.

Table 3.4 Intellectual property registrations, FY2018/19-FY2021/22

	FY2018/19	FY2019/20	FY2020/21	FY2021/22
Trademarks	3,809	3,699	3,932	2,618
Industrial designs	168	162	160	110
Utility models	15	7	7	7
Patents	330	435	452	518
Copyright	215	98	95	76
Total	4,537	4,401	4,646	3,329

Source: BIPA.

4 TRADE POLICIES BY SECTOR

4.1 Agriculture and forestry

4.1.1 Main features

4.1. Agriculture and forestry contribute about 7% to GDP (Table 1.1). Approximately 70% of the Namibian population depends, directly or indirectly, on agriculture for their livelihoods. Namibia has a large communal smallholder sector primarily farming for subsistence, and a large land-intensive commercial farming sector. Livestock farming contributes well over half of the total value of agricultural production (Table 4.1).

4.2. Namibia is an arid country with severe droughts. A state of emergency was declared as a result of the 2019 drought. Agricultural production recovered in 2020, due to better rainfall (Table 4.1). Maize and pearl millets (mahangu) are Namibia's main staples. Maize is predominantly grown by commercial farms, while pearl millets are grown mainly as a subsistence crop in the Northern Communal Areas (NCAs). Millets and sorghum account for about 90% of the total area planted with grains.

4.3. Namibia is a net-importer of agricultural products and imports more than 50% of the cereals and horticultural products consumed locally.¹⁰² Live animals (mostly cattle, sheep, and goats) and meat exports contributed half of agricultural exports on average in 2018-20. Exports of fruits and vegetables come second (in value terms) after live animals, having grown strongly in recent years (led by grapes, blueberries, dates, and onions).

4.4. Namibia is a major exporter of charcoal (NAD 49 million in 2020, nearly 1% of total exports). Charcoal production is a regulated activity, used mainly for managing bush encroachment and restoring grassland.

4.1.2 Agricultural policy

4.1.2.1 Policy framework

4.5. The Ministry of Agriculture, Water, and Land Reform (MAWLR) is responsible for the formulation and implementation of agricultural policy.¹⁰³ The Ministry oversees three regulatory agricultural agencies, namely the Namibia Agronomic Board (NAB), the Meat Board of Namibia (MBN), and the Karakul Board of Namibia.¹⁰⁴ The Agro-Marketing and Trade Agency (AMTA) and the Agricultural Business Development Agency (AGRIBUSDEV) are SOEs under the supervision of the Ministry of Finance and Public Enterprises.

4.6. Namibia has reviewed its agricultural policy of 1995 and adopted the National Agriculture Policy (2015), which aims to achieve sustainable growth of production, marketing, and agro-industry development.¹⁰⁵ The policy framework takes into account new issues such as climate change, as well as Namibia's international commitments such as the SADC initiative to develop a common agriculture development agenda (Comprehensive Africa Agriculture Development Programme) and the Malabo Declaration (calling for at least 10% of public expenditure to be allocated to agriculture).

4.7. The Ministry subsequently developed the Harambee Comprehensively Coordinated and Integrated Agricultural Development Programme (HACCIADep) of 2017, which aims at stimulating production and market access for crops and livestock products especially from small- and medium-scale farmers and agro-processors. The Namibia Agricultural Mechanism and Seed Improvement Project (NAMSIP) has been designed in line with the HACCIADep, to improve the crop

¹⁰² MAWLR, *Agricultural Statistics Bulletin 2020*. Viewed at: <https://mawf.gov.na/documents/37726/1359391/2020+AGRICULTURAL+STATISTICS+BULLETIN.pdf/2cc0ac5d-544c-46d4-9bc4-b5dfd313e4e4>.

¹⁰³ In 2020, the Ministry was restructured from the Ministry of Agriculture, Water and Forestry to the Ministry of Agriculture, Water and Land Reform.

¹⁰⁴ Karakul Pelts and Wool Act 14 of 1982. Viewed at: <https://www.lac.org.na/laws/annoSTAT/Karakul%20Pelts%20and%20Wool%20Act%2014%20of%201982.pdf>.

¹⁰⁵ Ministry of Agriculture, Water and Forestry, *Namibia Agriculture Policy*. Viewed at: <https://faolex.fao.org/docs/pdf/nam175768.pdf>.

and livestock value chains. The project will be implemented nationwide by the MAWLR over a period of five years, at a total cost of NAD 1.42 billion. The Ministry is currently in the process of developing a Namibia National Agriculture Investment Plan and reviewing the outdated the National Drought Policy and Strategy (1997).

4.8. The AGRIBUSDEV administers Namibia's Green Scheme Policy (2008), which targets about 27,000 ha for irrigation development along the perennial rivers in the North and South (Kunene, Kavango, Zambezi, and Orange). However, these government projects have been in financial difficulties and only about 9,000 ha under irrigation were accomplished by FY2019/20. The services provided to farmers include, *inter alia*, centre pivot irrigation systems, tillage services, and training.

4.9. As part of its Growth at Home Strategy, Namibia (through the NAB) has been implementing two key schemes to promote import substitution of grains and horticultural products and thereby meet food security objectives. The Namibian Horticulture Market Share Promotion Scheme and the Grain Marketing Mechanism combine local purchase requirements with restrictions on imports (Sections 4.1.3.3 and 4.1.3.4). The MBN manages a similar scheme for pork.

4.10. Furthermore, Namibian agricultural policy is aimed at the sustainable utilization of scarce water resources, and land reform. Government interventions include farm resettlements and the transfer of commercially viable agricultural land.¹⁰⁶ Namibia remains committed to a "willing seller, willing buyer" approach to land reform and the provision of fair compensation in line with the Constitution.

4.11. The agricultural finance system comprises the Development Bank of Namibia and the Agricultural Bank of Namibia (Agribank). Agribank offers a range of loan schemes¹⁰⁷, with the concessional Affirmative Action Loan Scheme supporting the implementation of Namibia's land reform policy.¹⁰⁸

4.12. Namibia has outstanding notification obligations to the WTO Committee on Agriculture. Its last domestic support notifications date from 2010.¹⁰⁹ Most of the notified domestic support was provided in terms of Green Box general services, and input subsidies.

Table 4.1 Value of agricultural production in Namibia, 2014-21

	2014	2015	2016	2017	2018	2019	2020	2021
Total value of production (NAD million)	5,980	6,391	6,502	9,848	11,213	9,612	12,375	13,467
<i>of which in %</i>								
Livestock & animal products	54.4	61.6	57.0	62.9	62.3	67.3	57.0	60.1
Cattle	35.6	40.6	38.7	47.8	48.9	52.2	47.2	50.0
Sheep/goats	11.2	12.9	9.4	8.8	7.0	7.7	4.5	5.3
Pigs	2.3	2.5	2.9	2.1	2.3	2.5	2.1	2.1
Karakul pelts and wool	1.8	1.8	1.9	1.3	1.3	1.4	0.8	0.6
Dairy (milk)	1.8	2.1	2.2	1.4	1.4	1.7	0.9	0.7
Other	1.7	1.8	2.0	1.5	1.5	1.7	1.4	1.5
Crops	45.6	38.4	43.0	37.1	37.7	32.7	43.0	39.9
Wheat	1.9	1.6	1.6	1.1	1.2	1.3	0.9	1.0
Maize	5.6	3.8	5.6	6.2	5.7	5.2	4.6	4.7
Grapes	7.1	10.2	10.2	7.2	7.8	11.0	8.5	8.7
Own account	30.6	22.4	25.1	22.3	22.8	14.9	28.9	25.3
Own consumption	0.4	0.4	0.4	0.3	0.2	0.3	0.2	0.2

Source: MAWLR (2020), *Agricultural Statistics Bulletin*. Viewed at: <https://mawf.gov.na/documents/37726/1359391/2020+AGRICULTURAL+STATISTICS+BULLETIN.pdf/2cc0ac5d-544c-46d4-9bc4-b5dfd313e4e4>; and information provided by the authorities.

4.1.2.2 Input subsidy schemes

4.13. The MAWLR has been implementing several input subsidy schemes, including:

¹⁰⁶ GIZ, *Sector Brief Namibia: Agriculture*. Viewed at: <https://www.giz.de/en/downloads/giz2022-en-namibia-agriculture.pdf>.

¹⁰⁷ Agribank, *Products*. Viewed at: <https://agribank.com.na/page/products/>.

¹⁰⁸ Agribank, *Affirmative Action Loan Scheme (AALS)*. Viewed at: <https://agribank.com.na/product/affirmative-action-loan-scheme-aals-1>.

¹⁰⁹ WTO documents G/AG/N/NAM/ 18-19, 15 October 2010.

- Dry Land Crop Production Programme (DLCPP): The scheme launched in 2006 is aimed at empowering farmers in 10 regions of the NCAs to enhance household food security. It provides subsidized fertilizer and seeds, as well as subsidized mechanization services for tillage, planting, and weeding. Farm services are subsidized at 60% of the market price for a maximum of 5 ha, on a first-come, first-served basis. About 100,000 households are eligible and about 31,000 beneficiaries were registered in the 2020/21 season. Budgeted expenditures were NAD 20.6 million in 2021/22.¹¹⁰
- Cereal Value Chain Development Programme (CVDS): The scheme launched in 2020 complements the DLCPP in the 10 eligible regions to increase food production and productivity. During the 2021/22 season, the MAWLR subsidized seeds of mahangu (253 tonnes), maize, and cowpeas, benefiting 25,966 cereal producers; 922 cereal producers received 631 tonnes of subsidized fertilizers; 9,792 cereal producers benefited from mechanized services, and 16,354 ha were tilled. Budgeted expenditures were NAD 4.8 million in 2021/22.
- Comprehensive Conservation Agriculture Programme (CCAP): The scheme was launched in 2015 and complements the DLCPP. It is implemented country-wide to help communal and commercial farmers improve crop production, soil fertility, and climate resilience. It provides, *inter alia*, subsidized ploughing services and subsidized inputs (improved seeds). Budgeted expenditures were NAD 5 million in 2021/22.
- According to the authorities, since 2016, the MAWLR spent over NAD 200 million for interventions under the DLCPP, CVDS, and CCAP. For 2022/23, a total amount of NAD 30.5 million has been allocated.
- Horticulture Support and Value Chain Development Subsidies: The scheme provides subsidized seeds, fertilizer, irrigation material, and tractor services. It targets about 1,000 small-scale horticultural producers with 0.01 ha to 0.5 ha in all 14 regions. There were 701 beneficiaries in 2021/22 (355 male and 346 female). Total expenditures since the scheme was launched in 2018 amount to NAD 30.2 million. The budget for 2022/23 is NAD 6 million.
- Poultry Value Chain Development Scheme: The country-wide scheme provides input subsidies (for breeding stock, veterinary medicines, feeds, incubators, etc) focusing on communal, resettlement, and (semi) urban areas. There were 1,667 beneficiaries in FY2021/22 (685 male and 982 female). Expenditures amount to NAD 7 million since the scheme was launched in 2020/21.
- Dairy Value Chain Development Scheme: The scheme aims to develop a rural dairy industry based on small and medium holder production systems, targeting communal, resettled, and emerging commercial dairy producers. It provides subsidies for veterinary medicines, feed, equipment and inputs, machinery, shelters, and milking parlours, as per implementation guidelines developed each year. NAD 4 million was allocated for 2022/23.

4.1.2.3 Strategic food reserve

4.14. AMTA is a commercial SOE responsible for, *inter alia*, managing the National Strategic Food Reserve (NSFR). A subsidy of NAD 59 million was allocated to AMTA in FY2021/22 (Table 3.2).¹¹¹ The total storage capacity is 22,900 tonnes in five locations.¹¹² There are plans to increase the reserve capacity to 68,000 MT, equivalent to four months of emergency food relief.

4.15. Purchases of maize and mahangu for the food reserve are carried out at floor prices as per the Grain Marketing Mechanism (Section 4.1.3.4). Grain is released from the reserve through the

¹¹⁰ *Namibian Farmer* (2021), "Namibia Roll Out Programme to Contribute to the Reduction of Poverty and Income Inequality", 9 November. Viewed at: <https://namibianfarming.com/namibia-roll-out-programme-to-contribute-to-the-reduction-of-poverty-and-income-inequality/>.

¹¹¹ AMTA manages the five food reserves located in Katima Mulilo (Zambezi region), Omuthiya (Oshikoto), Katwitwi (Kavango West), Okongo (Ohangwena), and Tsandi (Omusati).

¹¹² AMTA, *National Strategic Food Reserves*. Viewed at: <https://www.amta.na/nfsr/>.

Office of the Prime Minister's Directorate of Disaster and Risk Management for distribution in disaster relief operations or for subsidized sale to small-scale millers that do not have the capacity to import.

4.1.3 Market access

4.16. In addition to the SACU CET, Namibia applies various trade policy instruments on imports of agricultural products, including tariff quotas, and quantitative restrictions (QRs)/seasonal import bans combined with local purchase requirements.

4.1.3.1 Tariff quotas

4.17. Namibia administers tariff quotas for agricultural products within the framework of its RTAs (Main Report, Section 3.3.3) and under the SACU rebate facilities. The rebate facilities are managed in accordance with Article 20 of the SACU Agreement and are effectively MFN tariff quotas, which allow limited quantities of specific products to be imported duty-free into Namibia, Botswana, Eswatini, and Lesotho from outside SACU.¹¹³ For Namibia, rebate facility quotas were created for wheat (in 1996) for local processing and dairy products. The rebate facilities are allocated through rebate permits by the MAWLR on the basis of previous year utilization, while allowing access for new entrants.¹¹⁴ Information on the application procedure is published in newspapers in September of each year. The rebated products cannot be re-exported to other SACU members or markets without undergoing a tariff level heading of transformation.

4.1.3.2 Quantitative restrictions

4.18. Since 2013, Namibia has implemented QRs (quotas) of 600 tonnes per month for imports of poultry products, with the objective to allow the local industry to penetrate the Namibian poultry market and provide import protection against dumping. The quota was increased to a maximum of 900 tonnes per month in 2015 and increased again to 1,500 tonnes per month in 2020. The QRs apply to SACU members and other WTO Members and are administered by the Ministry of Industrialisation and Trade (MIT). The allocation of the import quota is based on companies' market share and local purchases; 10% of the quota is reserved for newcomers. The committee administering the QR meets monthly and adjusts QR volumes when necessary, depending on local supply. The QRs have been challenged in Namibia's national courts and a settlement was reached between the affected parties through a court order in 2021. Poultry production has expanded rapidly, especially in the communal areas in recent years. Namibia has a poultry abattoir that, according to the authorities, has helped to reduce imports and created jobs in the poultry industry and supporting industries such as packaging, logistics, and marketing.

4.19. The Pork Market Share Promotion Scheme, implemented by the MBN since 2012, is a QR with the aim to promote local pig producers and protect the domestic pork industry against import competition. The scheme is a carcass-based scheme where local producers offer carcasses to importers at a monthly pork ceiling price as determined by the MBN. Importers are required to procure locally first and build up an import quota to be used for importing pork. The local purchase to quota ratio is 1:1 between February to October (in season) and 1:3 for November to January (out of season). If no local products are available, import permits are issued by the MBN. The restrictions apply to imports of fresh and frozen pork carcasses and cuts from all origins, including from SACU members. According to the authorities, the scheme has achieved a 50% contribution of local production to national consumption. The MBN is in the process of reviewing the modalities to include more small-scale producers and eventually increase exports.

¹¹³ WTO document G/LIC/N/3/NAM/5, 11 May 2010; and Sekolokwane, K., et al. (2017), "Overview of the Rebate Facilities in the Southern African Customs Union", 3 May. Viewed at: <https://www.tralac.org/publications/article/11572-overview-of-the-rebate-facilities-in-the-southern-african-customs-union.html>.

¹¹⁴ MAWLR, *Rebate (Commodities) Permit*. Viewed at: <https://mawf.gov.na/web/mawf/rebate-commodities-permit>.

4.1.3.3 Namibian Horticulture Market Share Promotion Scheme

4.20. The Namibian Horticulture Market Share Promotion (MSP) Scheme was launched in 2004 by the NAB with the aim to increase local production of fruits and vegetables for import substitution purposes.

4.21. Under the scheme, importers of fresh horticulture produce are required to source a minimum percentage of their products from Namibian producers (for domestic consumption or export), prior to qualifying for an import permit. The minimum local purchase share was 5% when the scheme was established, and the threshold has been progressively raised to 47% at present.¹¹⁵ Horticulture farmers not registered with the NAB are not included in the MSP. Both local horticultural production and imports increased steadily between 2016 and 2020 (Table 4.3).

4.22. Implementation of the MSP scheme involves complex rules for imports, exports, and transit. Currently, the NAB applies import restrictions on 19 special controlled products (fruits and vegetables) during times of sufficient local production, based on the outcome of a five-month production forecast report issued on a monthly basis by the NAB. The NAB issues monthly notices on closed or open borders¹¹⁶ and importers are normally notified five months in advance of the import restrictions. Border controls to enforce the MSP scheme are carried out at all Namibian border posts by the NAB Border Control Inspectorate. The following MSP levies are collected by the NAB: 5% import levy and 1.4% levy on sales.

4.23. The MSP threshold of 47% serves as a prerequisite to obtaining an import permit, which means that only traders/importers that have achieved their minimum MSP are allowed to import horticultural products unrestricted. Traders/importers that fail to comply with this requirement are restricted to importing horticultural products equivalent to a predetermined monetary value.

Table 4.2 Production and imports of controlled agronomic crops, 2016-20

('000 tonnes)

	Horticultural products		Pearl millets		Wheat		White maize	
	Local production	Imports ^a	Local production	Imports	Local production	Imports	Local production	Imports
2016	24.1	47.1	20.9	6.1	10.4	121.3	43.6	110.2
2017	28.6	52.4	60.4	5.5	6.9	104.2	80.0	50.5
2018	31.4	57.4	87.6	0.9	7.5	118.7	64.9	59.6
2019	38.6	62.3	9.7	3.3	4.5	114.4	43.6	171.0
2020	42.5	68.5	97.9	0.7	4.8	125.8	60.1	113.2

Note: Figures are based on marketing years.

Source: MAWLR (2020), *Agricultural Statistics Bulletin 2020*. Viewed at: <https://mawf.gov.na/documents/37726/1359391/2020+AGRICULTURAL+STATISTICS+BULLETIN.pdf/f2cc0ac5d-544c-46d4-9bc4-b5dfd313e4e4>.

4.1.3.4 Grain Marketing Mechanism

4.24. Namibia's declared objective is to promote self-sufficiency in the main staples.¹¹⁷ The country has virtually achieved self-sufficiency in millets and is about 30%-50% self-sufficient in maize. For wheat, however, Namibia imports over 90% of its annual requirements, mainly under the SACU rebate facility and RTA-related tariff quotas (Table 4.2).

4.25. The marketing of white maize, wheat, and pearl millets is governed by annual marketing agreements between organized farmers and processors (millers) under the oversight of the NAB. The agreements cover border measures to give preference to local production, domestic purchase requirements, and guaranteed producer prices.

¹¹⁵ NAB, *Horticulture Market Share Promotion (MSP) Scheme*. Viewed at: [https://www.nab.com.na/horticulture/market-share-price/#:~:text=HORTICULTURE%20MARKET%20SHARE%20PROMOTION%20\(MSP\)%20SCHEME&text=The%20minimum%20MSP%20currently%20stands,to%20import%20horticultural%20products%20unrestricted; and https://www.nab.com.na/nab-board-increases-the-horticulture-market-share-promotion-msp-from-44-to-47/](https://www.nab.com.na/horticulture/market-share-price/#:~:text=HORTICULTURE%20MARKET%20SHARE%20PROMOTION%20(MSP)%20SCHEME&text=The%20minimum%20MSP%20currently%20stands,to%20import%20horticultural%20products%20unrestricted; and https://www.nab.com.na/nab-board-increases-the-horticulture-market-share-promotion-msp-from-44-to-47/).

¹¹⁶ NAB, *Import Restrictions*. Viewed at: <https://www.nab.com.na/horticulture/import-restrictions/>.

¹¹⁷ Ministry of Agriculture, Water and Forestry, *Namibia Agriculture Policy*. Viewed at: <https://faolex.fao.org/docs/pdf/nam175768.pdf>.

4.26. Importers of controlled grains for commercial use or human consumption must register with the NAB as miller (there are currently 23 registered millers) and require an import permit issued by the NAB and the MAWLR. Import permits are granted only during the open border period once domestic production has been marketed to millers or unless the harvested crop is insufficient, as determined by the NAB. Border openings and closures are notified by the NAB.¹¹⁸ The import restrictions also apply to wheat flour and only the raw forms may be imported and, in most cases, only specialized wheat flour. Import permits are normally valid for 90 days (shorter validity periods may apply near the closed border period). Under the grain marketing rules, the millers agree to purchase the entire domestic harvest. Millers are allocated a "buying quota" of the domestic harvest based on past performance.

4.27. The marketing of the domestic grain crop is regulated by floor prices:

- For white maize and wheat, floor prices are agreed annually between organized farmers and processors, which are based on import parity prices using a five-year average of the South African Futures Exchange (SAFEX) spot price. The price formulas include, *inter alia*, a GMO-free premium (8%) for maize.¹¹⁹
- For mahangu, the annual floor price is based on the cost of production.¹²⁰

4.28. The NAB collects the following levies: 1.4% on farmers' sales and 1.4% from processors on domestic purchases and imports.

4.1.4 Export measures

4.29. Namibia is overdue with regard to its WTO notifications on agricultural export subsidies; its last notification dates from 2010.¹²¹

4.30. The MBN charges a levy on exports of livestock at 1% of the transaction value pursuant to the Meat Industry Act, 1981 to fund its operations.

4.31. The Small Stock Marketing Scheme has been implemented since 2004, where exports of sheep were subject to a 6:1 rule (six sheep must be slaughtered locally for each sheep exported live). The ratio was revised to 3:1 and 1:1 in 2013. The scheme was suspended by Cabinet in August 2019, and currently no export restrictions are applied. The MBN has requested the permanent abolishment of the scheme.

4.2 Fisheries

4.32. Namibia's fisheries contribute about 2.8% to GDP (Table 1.1) and provide direct employment for about 18,000 people. Its EEZ covers 540,000 km² with a 1,572 km coastline along the South Atlantic. Its marine resources are found in one of the most productive fishing grounds in the world, resulting from the Benguela Current Upwelling System, whose high phytoplankton growth supports rich populations of demersal and pelagic fish. There are eight commercially fished species.¹²² The horse mackerel fishery has the largest landings (Table A4.1) but generates less value than the hake fishery (about 25% of the total final value).

4.33. Namibia continues to export over 80% of its annual catches. Exports of fish and fish products amounted to about NAD 10 billion in 2021 (Table 4.4). Its main export markets are the European Union led by Spain, and South Africa (hake, monk, and tuna); the Democratic Republic of the Congo, Mozambique, Zambia, and South Africa (horse mackerel); Japan

¹¹⁸ NAB. Viewed at: <https://www.nab.com.na/wp-content/uploads/2022/07/Grain-Import-restrictions.docx.pdf>.

¹¹⁹ NAB, *Agreement regarding the White Maize Marketing Mechanism and Reference Price Formula for the 2022 Marketing Season*. Viewed at: <https://www.nab.com.na/wp-content/uploads/2022/06/WHITE-MAIZE-MARKETING-AGREEMENT.pdf>.

¹²⁰ NAB, *Agreement regarding Mahangu Marketing Mechanism and Reference Price Formula for the 2022 Season*. Viewed at: <https://www.nab.com.na/wp-content/uploads/2022/06/MAHANGU-MARKETING-AGREEMENT.pdf>.

¹²¹ WTO document G/AG/N/NAM/16, 26 April 2010.

¹²² Hake, horse mackerel, crab, rock lobster, monk, seals, line fish, and large pelagic species.

(rock lobster); China (crab); South Africa (pilchards); Spain, Japan, and the United States (tuna, swordfish, and shark); and China and South Africa (seals).

Table 4.3 Value of fish and fish products, 2015-21

(NAD million)

Value	2015	2016	2017	2018	2019	2020	2021
Landed value	10,304	16,449	22,120	12,628	11,226	10,898	11,255
Final value	11,934	17,574	24,516	13,020	12,262	11,668	12,500
Export value	7,780	8,838	8,960	9,745	10,516	10,118	10,095

Note: The landed value is determined by the total cost incurred during harvesting at sea before any transformation takes place onshore, while the final value is the value of processed fish/fishery products as sold.

Source: Ministry of Fisheries and Marine Resources (MFMR).

4.34. Namibia is a member of various regional fishery management organizations, namely the South East Atlantic Fisheries Organization (SEAFO), the International Commission for the Conservation of Atlantic Tunas (ICCAT), and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Namibia, together with Angola and South Africa, is party to the Benguela Current Convention with the aim of safeguarding the sustainable use of the Benguela Current Large Marine Ecosystem (BCLME).¹²³ Namibia does not have bilateral market access agreements for its fisheries. The Marine Resources Act, 2000 makes provision for fisheries agreements within the framework of SADC.

4.35. Namibia is yet to commence the process of ratification of the WTO Agreement on Fisheries Subsidies. It has been the Namibian government policy not to subsidize the fishing industry.

4.36. The Ministry of Fisheries and Marine Resources (MFMR) manages capture fisheries (marine and freshwater) and aquaculture (mariculture and freshwater). The main fisheries legislation comprises the Marine Resources Act, 2000 as amended in 2015, and the Inland Fisheries Act, 2002. According to the authorities, the Ministry is in the process of reviewing and harmonizing its policies and legislation. The fishing industry has been consulted on the possibility of joining the Extractive Industries Transparency Initiative (EITI) and Namibia is in the process of analysing the impact on sustainable management of the marine resources. A fisheries management plan has been in place since 2008 for hake, and in 2020 Namibia's hake fishery received Marine Stewardship Council certification for sustainable fishing.¹²⁴

4.37. Since 2007 a national plan of action has been in place to prevent IUU fishing. The plan sets out its responsibilities and measures as flag, coastal, and port state. Namibia introduced Vessel Monitoring System (VMS) regulations in 2005 and amendments in 2014; and a satellite-based VMS was implemented in 2007 and upgraded in 2022. Transshipment at sea between fishing vessels and carrier vessels is prohibited. All catches must be landed at Namibian ports, where transshipment may be authorized by the Executive Director, and must be accompanied by the regional fisheries management organization's (RFMO) catch documents. According to the authorities, Namibia has complied with the EC Catch Documentation Scheme since 2009 for all fishery exports to the European Union, and it also requires original catch documentation issued by the catching vessel flag state for third-country imports into Namibia. Under the FAO Port State Measures Agreement (ratified in 2017), all foreign fishing vessels requesting permission to land their catches in Namibian ports must be accompanied by export authorization and certificates issued by their flag states. Namibia has developed a National IUU vessel list that allows for priority risk assessments of all foreign fishing vessels requesting permission to enter Namibian ports. Fishing vessels on this list, when suspected of illegal fishing or in support of illegal fishing activities, are denied entry into Namibian ports.

4.38. Namibia's fisheries management regime includes the following instruments:

¹²³ Benguela Current Convention. Viewed at: <https://www.benguelacc.org/>.

¹²⁴ Marine Stewardship Council (2020), "Namibian Fishery Is Second in Africa to Be Certified as Sustainable", 17 November. Viewed at: <https://www.msc.org/media-centre/press-releases/press-release/namibian-fishery-is-second-in-africa-to-be-certified-as-sustainable>.

- Fishing rights: The eligibility criteria for a fishing right are contained in the Ministry's policy statement/guidelines of 2013.¹²⁵ Preference is given to Namibians and Namibian enterprises under a policy of "Namibianisation". Foreign ownership is permitted through joint ventures; "in exceptional cases rights may be granted to wholly foreign owned ventures: where the foreign investment can be shown to contribute to economic and overall development in Namibia; where there is an appropriate plan for Namibianisation of the business". Other criteria include the advancement disadvantaged persons, regional development within Namibia, and conservation of fish resources. The tenure of the fishing rights (7, 10, 15, or 20 years) is based on the percentage of Namibian ownership of the fishing vessel or the percentage of the catches processed domestically, as well as employment creation for Namibian citizens. The rights are not transferable, except with the approval of the Minister. The selection process consists of six stages: (i) invitation to the public; (ii) application; (iii) appointment of evaluation committee; (iv) evaluation; (v) Cabinet endorsement; and (vi) announcement and notification. The number of fishing rights increased from 338 in 2014 to 468 in 2022. Fishing rights are published in the newspapers.¹²⁶
- Total allowable catch (TAC): The MFMR sets the TAC annually for the eight "quota fisheries" with the objective of managing resources sustainably and preventing overexploitation of fish stocks. The Ministry makes TAC recommendations based on the best available scientific data as advised through the Marine Resources Advisory Council, which includes various stakeholders. The Advisory Council's advice is then forwarded to the Minister for consideration and endorsement by the Cabinet.
- Fishing quotas: The TAC is allocated to fishing right holders through seasonal fishing quotas. The Ministry allocates the quotas taking into consideration section 39 of the Marine Resources Act, 2000.¹²⁷ The Act was amended in 2015 "to provide for the sovereign exercise of ownership by the State over marine resources" and "to advance any social-economic, cultural or other governmental objectives in the public interest", whereby the Minister was given discretionary powers to allocate fishing quotas to right holders.¹²⁸ The Minister was also authorized to allocate a fishing quota to the state-owned National Fishing Corporation (Fishcor) specifically for governmental objectives. Fishing quotas are subject to quota fees. Quotas are non-transferable on a permanent basis, except with the approval of the Minister. In 2020, the Government introduced auctioning for hake, monk, and horse mackerel fishing quotas.¹²⁹ The process is advertised in print media by the MFPE and the MFMR, and the auction process is the responsibility of the MFPE.
- Vessel licensing regime: Namibian policy is "to allow foreign investors to form business ventures with Namibian right holders, rather than entering into access agreements allowing foreign vessels to fish in Namibian waters".¹³⁰ During FY2021/22, a total number of 262 vessels were licensed to operate in the Namibian EEZ (up from 207 in 2020), an increase mainly in the large pelagic and line-fish fleet.

4.39. The following fees and levies apply:

¹²⁵ MFMR, *Policy Statement (Guidelines) for the Granting of Rights to Harvest Marine Resources and the Allocation of Fishing Quotas MFMR*. Viewed at: <https://mfmr.gov.na/documents/411764/417987/POLICY+STATEMENT+%28GUIDELINES%29+FOR+THE+GRANTING+OF+RIGHTS+TO+HARVESTS+MARINE+RESOURCES.pdf/427b96bf-6572-5df4-6cc5-d5d62d547480>.

¹²⁶ *Erongo* (2021), "New and Renewed Fishing Right Holders Announced", 30 March Viewed at: <https://www.erongo.com.na/news/new-and-renewed-fishing-right-holders-announced-2021-03-30>.

¹²⁷ Marine Resources Act 27 of 2000. Viewed at: <https://www.lac.org.na/laws/annoSTAT/Marine%20Resources%20Act%2027%20of%202000.pdf>.

¹²⁸ Government Gazette (2015), No. 5837, 24 September. Viewed at: <https://www.lac.org.na/laws/2015/5837.pdf>.

¹²⁹ Harambee Prosperity Plan II (2021-2025). Viewed at: <http://hpii.gov.na/wp-content/uploads/2021/03/HPP2.pdf>; and MFMR (2013), "Governmental Fish Quota to the Highest Bidder", 20 August. https://mfmr.gov.na/ja/downloads/-/document_library/DWqND60MzhTr/view_file/683229?com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_DWqND60MzhTr_redirect=https%3A%2F%2Fmfmr.gov.na%2Fja%2Fdownloads%2F-%2Fdocument_library%2FDWqND60MzhTr%2Fview%2F1161936.

¹³⁰ National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Viewed at: <https://faolex.fao.org/docs/pdf/nam165163.pdf>.

- Quota fees: The quota fees for allocated fishing quotas are structured to encourage Namibian registration and ownership of fishing vessels and to promote onshore processing. Fees are lowest for Namibian vessels¹³¹, higher for Namibian-based vessels¹³², and highest for foreign-based vessels. Fees range from NAD 40 per tonne (for horse mackerel allocated to Namibian vessels) to NAD 14,000 (for rock lobster allocated to foreign-flagged vessels). The fees are paid directly into the State Revenue Fund through electronic transfer.
- By-catch fees: All by-catch must be landed. Fees are calculated to discourage excessive by-catch and are payable on the catch of non-targeted species.
- Vessel licence fees: The licence fees range from NAD 20 to NAD 1,000 (for vessels with a tonnage of 9,000 tonnes and above).
- Marine Resource Fund levy: The levy is collected by the MFMR to fund research activities and training for Ministry staff members.
- Fisheries Observer Fund levy: The levy collected by the Fisheries Observer Agency serves to monitor fishing activities at sea¹³³ and is payable by fishing right holders at 0.9% of the landed value of the species of each catch.¹³⁴

4.40. The fish processing industry benefits from tariff protection. MFN tariffs for fish and fish products average 7.1% with a range from zero to 30% and 20.6% of the tariff lines (389) subject to non-*ad valorem* tariffs (Main Report, Section 3.3.1).

4.41. In order to encourage local processing, the MFMR introduced a requirement under the 2014 quota allocation that 2% of the TAC for horse mackerel be directed to the local horse mackerel cannery. The current target for local processing of horse mackerel is 40%. However, only about 30,000 tonnes have been used annually for value addition through onshore processing. This has resulted in the development of new products such as onshore dried fish and canned horse mackerel, and onshore job creation. There are 34 approved fish processing facilities in Namibia.

4.42. Mariculture mainly focuses on molluscan shellfish (oysters and abalone). The subsector employs about 180 people and produced about 42 tonnes, of which 270.6 tonnes (oysters and abalone) were exported in 2021/22, valued at about NAD 20 million. The main export markets were China; Hong Kong, China; the Russian Federation; and South Africa. The Ministry is in the process of developing the shellfish sanitation regulations to enable the aquaculture industry to export to the European Union.

4.3 Mining and energy

4.3.1 Mining

4.43. The mining and quarrying sector is Namibia's leading economic sector, contributing about 11% to GDP (Table 1.1) and providing about 15,000 jobs.¹³⁵ Although mines were allowed to operate during the COVID-19 pandemic, the sector experienced a 15% contraction in 2020. In 2021, the sector was the main driver of Namibia's economic recovery, as normal mining operations resumed (up 13.6%). Exports of ores and minerals account for over half of total merchandise exports (55% in 2021) (Chart 1.1 and Table 4.5).

4.44. Namibia produces metal ores such as uranium ore, iron ore, copper ore, zinc, gold, lead, manganese, tin, marble, and granite, as well as a host of semi-precious stones and diamonds. The

¹³¹ Registered in Namibia with at least 51% beneficial ownership and at least 90% Namibian crew (recently increased from 80%).

¹³² Namibian registered but not domestically majority-owned and with a crew of less than 90% Namibians.

¹³³ Fisheries Observer Agency (FOA), *About Us – Our Operations*. Viewed at: <https://foa.com.na/what-we-do/>.

¹³⁴ FOA, *Funding of the FOA*. Viewed at: <https://foa.com.na/funding-of-the-foa/>.

¹³⁵ Chamber of Mines of Namibia, *2021 Annual Review*. Viewed at: <https://chamberofmines.org.na/wp-content/uploads/2022/04/2021-Chamber-of-Mines-Annual-Review.pdf>.

largest mining companies (in terms of revenue) include Namdeb Holdings (diamonds), Swakop Uranium, Rössing Mine (uranium), and B2Gold Namibia.¹³⁶ Namibia is a new source country for critical minerals for renewable energy technologies, such as cobalt, graphite, rare earths, and lithium.

4.45. The Ministry of Mines and Energy (MME) is responsible for mineral policy and regulation of the sector. Namibia's mining policy dates from 2000.¹³⁷ Namibia adopted a Mineral Beneficiation Strategy in 2021 to raise the level of local beneficiation, which is currently limited to only a few minerals, especially diamond processing.¹³⁸ The Minerals (Prospecting and Mining) Act, 1992 is under review.

4.46. In accordance with the Minerals (Prospecting and Mining) Act, all mineral rights are vested in the State.¹³⁹ The Department of Mines of the MME receives and processes applications for mineral rights. These rights include non-exclusive prospecting licences, exclusive prospecting licences (EPLs), reconnaissance licences, mining claims, mineral deposit retention licences, and mining licences. The Department of Diamond Affairs deals with upstream diamond licences as provided for under the Diamond Act, 1999. In 2021, the MME introduced a mandatory 15% shareholding retention by Namibians upon transfer of existing EPLs originally granted to Namibians. The suspension of the issuance of new mineral licences, introduced in December 2020, was lifted in August 2021.

4.47. Epangelo Mining Company (Pty) Ltd. is a 100% SOE with the mandate to, *inter alia*, acquire EPLs for exploration; acquire mining rights and develop these into fully operational mines; acquire equity in existing operational mines; enter into business partnerships that focus on empowerment of the Namibian people and to engage in mineral processing; and facilitate the trading of minerals.¹⁴⁰ Epangelo has been loss-making and dependent on subsidies; it has never paid corporate income tax or dividends to the Government (Table 3.2).

4.48. Namibia produces the world's highest quality diamonds from the floor of the Atlantic Ocean (marine diamonds) as well as from onshore operations. The main diamond mining company is Namdeb Holdings, a 50:50 joint venture between the Government and De Beers.¹⁴¹ Its diamond production is sorted, valued, and marketed by the Namibia Diamond Trading Company (NDTC), which is another 50:50 Government-De Beers joint venture. Under a 10-year agreement (signed in 2016) between De Beers and the Government, the NDTC makes available 85% of the cuttable diamonds to sightholders¹⁴² and 15% to an independent sales company called Namib Desert Diamonds (NAMDIA). The state-owned NAMDIA was established in 2016 to improve the discovery of the fair market value of diamonds outside the De Beers marketing channel.¹⁴³ Under the marketing agreement, rough diamonds worth USD 430 million are to be made available for local beneficiation. Virtually all enterprises engaged in diamond cutting and processing are located in Namibia's export processing zones (EPZs) (Section 3.2.4.2).

4.49. Corporate tax rates are 37.5% (non-diamond mining) and 55% (diamonds). According to the Minerals Act (as amended in 2008), royalties are set at 3% on precious metals, 3% on base and rare metals, 2% on semi-precious stones, 3% on nuclear fuel materials, 2% on industrial minerals, 2% on non-nuclear fuel minerals, 5% on unprocessed dimension stones, and 10% on rough and

¹³⁶ Chamber of Mines of Namibia, *2021 Annual Review*.

¹³⁷ Ministry of Mines and Energy, *Minerals Policy of Namibia*. Viewed at: https://chamberofmines.org.na/wp-content/uploads/2020/07/Minerals_Policy_Final.pdf.

¹³⁸ MIT, *Mineral Beneficiation Strategy for Namibia 2021*. Viewed at: https://mit.gov.na/policies/-/document_library/arcd/view_file/981728?com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_arcd_redirect=https%3A%2F%2Fmit.gov.na%2Fpolicies%3Fp_id%3Dcom_liferay_document_library_web_portlet_DLPortlet_INSTANCE_arcd%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview.

¹³⁹ Chamber of Mines of Namibia, *Legislation & Policy*. Viewed at: <https://chamberofmines.org.na/legislation-policy/>.

¹⁴⁰ Epangelo Mining Company, *Integrated Annual Report 2016-2017 and 2017-2018*. Viewed at: <https://www.epangelomining.na/2016-2017-and-2017-2018-integrated-annual-report.html>.

¹⁴¹ Namdeb Holdings control 100% of the share capital of Namdeb Diamond Corporation (land-based diamonds) and Debmarine Namibia (marine diamonds).

¹⁴² "Sights" or weekly sales in London to De Beers' clients.

¹⁴³ De Beers (2016), "Namibia and De Beers Sign Milestone 10-year Rough Diamond Sales Agreement", 16 May. Viewed at: <https://www.debeersgroup.com/media/company-news/archive/namibia-and-de-beers-sign-milestone-10-year-rough-diamond-sales-agreement>.

uncut diamonds.¹⁴⁴ Royalties contribute about 5%-8% to government revenues (NAD 1.6 billion in 2021).

4.50. Under the Export Levy Act, 2016, Namibia introduced export taxes on a range of products, including minerals (Section 3.2.2). The mineral levies range up to 15%, with certain preferential rates granted for exports to the European Union (e.g. 2% instead of 15% on dimension stones).¹⁴⁵ Export levies on diamonds range from 0.5% (cut and polished) to 2% (unsorted rough diamonds). Mineral export tax collections amounted to NAD 231.7 million in 2021.¹⁴⁶ All exports require mineral export permits from the MME. For exports of rough diamonds, a Kimberley Process Certificate is required.

Table 4.4 Exports of ores and minerals, 2014-22

(NAD million, %)

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total mining exports (NAD million)	22,184	23,013	26,772	27,162	31,482	31,804	30,998	29,318	37,689
Metal ores	10.5	17.4	22.8	20.5	17.2	20.1	24.4	26.7	23.3
Uranium ores	20.7	16.2	13.6	17.2	27.3	28.8	36.9	35.5	29.9
Diamonds	46.5	48.6	38.7	35.9	35.0	29.4	22.8	28.6	38.3
Copper	4.8	6.5	11.2	11.0	9.9	10.4	11.1	6.0	5.1
Zinc refined	13.4	8.5	10.8	12.6	8.1	8.5	2.2	0.0	0.0
Other minerals	4.0	2.7	2.9	2.8	2.6	2.7	2.5	3.2	3.3

Source: Chamber of Mines of Namibia, *2020, 2021, and 2022 Annual Reviews*. Viewed at: <https://chamberofmines.org.na/annual-reviews/>.

4.3.2 Oil and natural gas

4.51. Namibia's offshore reserves of oil and natural gas are still under exploration. So far, the only commercially established exploitable discovery is the Kudu Gas Field located 130 km offshore. Three new discoveries have been made since February 2023.¹⁴⁷

4.52. Upstream petroleum licences (reconnaissance, exploration, and production) are administered and regulated through the office of the Petroleum Commissioner of the MME. Namibia has an open licensing system without bidding. To date, 37 exploration licences, 1 production licence, and 2 reconnaissance licences have been issued to Namibian and international oil companies.

4.53. For local content, the obligation for the sourcing of Namibian goods and services is encompassed in the petroleum agreement signed with licence holders. The Ministry has issued a draft Petroleum Upstream Local Content Policy (currently under stakeholder consultation), which prescribes the government objectives for local content.

4.54. Under the Petroleum (Exploration and Production) Act, 1991, the state-owned National Petroleum Company of Namibia (NAMCOR) has the non-exclusive right to carry out reconnaissance, exploration, and production operations either on its own or in partnerships/joint ventures. All upstream petroleum licences require a minimum of 10% minority stake held by NAMCOR. Under a 25-year production licence, NAMCOR, together with BW Energy, is in the process of developing parts of the Kudu Gas Field for use of the natural gas to generate electricity in partnership with the national power utility NamPower.

4.55. All petroleum products are imported. The transportation, storage, marketing, and distribution of petroleum products (petrol and diesel) are regulated by the Petroleum Products and Energy Act, 1990 and the Petroleum Products Regulations, 2000. NAMCOR acts as the operational arm of the Government in the market. With regards to importation, marketing, and distribution of petroleum products, NAMCOR participates in fuel supply on an equal footing with the private sector (Puma Energy, Engen, Vivo Energy, and Total). In 2019, the Namibian Competition Commission rejected NAMCOR's application to supply 50% of Namibia's petroleum imports (its exclusive mandate

¹⁴⁴ See also Chamber of Mines of Namibia, *Mining Tax Regime*. Viewed at: <https://chamberofmines.org.na/mining-tax-regime/>.

¹⁴⁵ Export Levy Act, 2016. Viewed at: <https://namiblii.org/akn/na/act/2016/2/eng%402020-11-30>.

¹⁴⁶ Chamber of Mines of Namibia, *2021 Annual Review*.

¹⁴⁷ The Graff, Venus, and Jonker wells, located in the ultra-deep water section of the Orange basin.

was revoked in 2011).¹⁴⁸ NAMCOR has an equity stake in three inland storage depots and was mandated by the Government to build and operate a new National Oil Storage Facility with a capacity of 75 million litres (operational since February 2021). This facility serves to ensure national security of fuel supplies for 30 to 45 days.

4.3.3 Electricity

4.56. Namibia is highly dependent on imports of electricity (about 60%-80% of the electricity supply, Table 4.6).¹⁴⁹ The country has significant solar and wind power potential.¹⁵⁰ However, as of 2022, renewables (excluding hydropower) contributed only 9% to the electricity mix. Access to electricity, particularly in rural areas, remains a challenge. Namibia has not been shielded from power shortages occurring in South Africa. When South Africa undergoes load shedding, Namibia's power supply is reduced proportionately, forcing Namibia to seek alternate, often costlier, short-term power solutions. Droughts in the region have further affected electricity availability from hydropower sources in Zambia, Zimbabwe, and Mozambique.

4.57. Namibia does not have a specific policy for nuclear fuel, although it is a large producer and exporter of uranium concentrate. According to the authorities, it may explore the feasibility of a small or modular nuclear power programme as a future component of its energy mix. Namibia is a signatory to several international treaties and agreements concerning nuclear materials and non-proliferation.

4.58. In 2017, Namibia revised its National Energy Policy (replacing the 1998 policy) and introduced a new National Renewable Energy Policy. The electricity sector is regulated by the Electricity Control Board (ECB) under the Electricity Act, 2007. The ECB has the mandate to exercise control over electricity generation, transmission, distribution, supply, and imports/exports by setting tariffs and issuing licences (subject to approval by the MME). A draft Namibian Energy Regulatory Authority Bill is currently in the legislative pipeline with the aim of establishing a unified sector regulator.

4.59. NamPower is the public utility responsible for electricity generation, transmission, imports/exports, and trading in electricity under the Electricity Act, 2007. NamPower owns and manages four power plants with a total installed capacity of 509.5 MW.¹⁵¹ Several generation projects are in progress.

4.60. Namibia's electricity generation sector is open to participation from the private sector, including foreign investors. Currently, renewable energy capacity, particularly solar PV and wind power, totals 131.5 MW, contracted under power purchase agreements with NamPower for 25 years. Of this, 70 MW has been procured through independent power producers (IPPs) under the Renewable Energy Feed-in Tariff (REFIT) Programme launched in 2015.¹⁵² The ECB administers a feed-in tariff regime for installations ranging from 500 kW and above, and regulates power purchase agreements for IPPs selling power to the national grid.

4.61. In December 2022, a Modified Single Buyer (MSB) market model was introduced, replacing NamPower's conventional single buyer role. Since 2019, the MSB market had been operating under Cabinet approved draft MSB Rules, which allow customers to procure up to 30% of their annual energy demand from IPPs.

¹⁴⁸ Government Gazette (2019), No. 6838, 4 February. Viewed at: <http://www.lac.org.na/laws/2019/6838.pdf>.

¹⁴⁹ Subject to seasonal variations and the operational status of the country's largest hydroelectric plant, the Ruacana Hydropower Station.

¹⁵⁰ Namibia has one of the world's highest solar irradiation regimes. National Renewable Energy Policy. Viewed at: <https://www.climate-laws.org/geographies/namibia/policies/national-renewable-energy-policy>.

¹⁵¹ These consist of one hydropower plant (Ruacana with a capacity of 347 MW), one liquid fuel plant (Anixas with a capacity of 22.5 MW), one coal-fired plant (Van Eck with a potential capacity of 120 MW), and the Omburu Solar PV Power Stations (20 MW). NamPower, *Integrated Annual Report 2022*. Viewed at: https://www.nampower.com.na/public/docs/annual-reports/NamPower_2022%20Annual%20Report_210223.pdf.

¹⁵² The renewable capacity includes the 4.5 MW Innosun Omburu Solar PV Plant, two GreeNam Solar PV Plants (situated adjacent to the Kokerboom and Hardap substations) each contributing 10 MW, and the 37 MW Alten Hardap Solar PV Plant.

4.62. NamPower owns and operates the transmission system as a statutory monopoly and has exclusive rights to trade and import/export electricity. Most electricity imports are sourced through long-term power purchase agreements with utilities like ESKOM from South Africa, ZESCO from Zambia, and ZPC from Zimbabwe, while some is sourced through the Short-Term Energy Market of the Southern African Power Pool (SAPP). A major transmission project in the works since 2008 includes the ZIZABONA transmission facility linking Zimbabwe, Zambia, Botswana, and Namibia. Namibia's electricity distribution network is primarily composed of NamPower and four Regional Electricity Distributors (REDs).

4.63. Electricity prices in Namibia are relatively high compared to those in other SADC members, partly due to the cost-reflective tariff structure applied by the ECB. Cross-subsidies among NamPower generation plants are subject to approval by the regulator. NamPower is a profit-making SOE normally paying out dividends to the Government and taxes (it incurred a loss in 2022) (Table 3.2).

Table 4.5 Namibia's electricity sources, FY2014-22

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total (GWh)	3,872	3,846	3,912	4,019	4,272	4,054	4,479	4,169	4,067
<i>of which in %</i>									
NamPower	38.7	40.0	36.3	41.4	27.3	24.8	35.0	24.2	20.1
ESKOM	11.1	9.4	34.8	36.8	33.6	31.1	31.4	35.2	30.8
ZPC	26.3	23.7	10.3	8.7	8.4	6.9	8.1	9.6	9.6
ZESCO	10.8	11.0	8.5	8.7	8.4	8.0	10.9	19.1	24.2
Other imports	13.1	15.9	9.7	3.4	19.4	22.6	6.9	3.2	6.3
IPPs	0.0	0.0	0.3	1.0	2.9	6.6	7.7	8.6	9.0

Source: ECB.

4.4 Manufacturing

4.64. The manufacturing sector contributes about 12% to GDP (Table 1.1). The sector experienced a sharp contraction in 2020 due to pandemic-related lockdowns (down 17.1%), but overall has been able to maintain its share in the economy. The largest subsectors are the food, milling, and beverage industries, followed by the diamond processing industry.

4.65. The MIT has developed the Industrial Policy, 2017¹⁵³, which complements the Growth at Home Strategy¹⁵⁴ with the objective to become a high-income industrialized country by 2030. Key instruments of Namibia's industrial policy regime are currently under review. All three manufacturing incentives schemes¹⁵⁵ (EPZ incentives, special tax incentives for exporters of manufactured products, and the registered manufacturers scheme) were repealed in 2020 (Sections 3.2.4.2 and 3.3.1). An SEZ policy and the investment-related legislation (Namibia Investment Promotion and Facilitation Act (NIPA) and National Equitable Economic Empowerment Bill) remain pending (Section 2.4). The National Policy on MSMEs, 2016-21, which replaces the SME policy of 1997¹⁵⁶, is currently under review.

4.66. Measures in support of the manufacturing sector include:

¹⁵³ MIT, *Namibia's Industrial Policy*. Viewed at: https://mit.gov.na/policies/-/document_library/arcid/view_file/62547.

¹⁵⁴ Ministry of Trade and Industry, "Growth at Home": A Strategy for Industrial Development. Viewed at: https://mit.gov.na/documents/41692/64347/Growth+at+Home+ML_Pamphlet.pdf/6e818006-96d2-af9a-fc01-f68b73a8366d?t=1603698322585.

¹⁵⁵ Office of the President (2017), *Manufacturing Sector in Namibia*. Viewed at: https://www.npc.gov.na/wp-content/uploads/2022/02/Manufacturing-paper-Nov_2017.pdf.

¹⁵⁶ Ministry of Industrialisation, Trade and SME Development (2016), *National Policy on Micro, Small and Medium Enterprises in Namibia, 2016-2021*. Viewed at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKFwiG5ebC2Oz9AhW0gv0HfNsBkoQFnoECA4QAO&url=https%3A%2F%2Fmit.gov.na%2Fdocuments%2F41692%2F88507%2FMMSME%2Bpolicy%2Bfinal.pdf%2F2094d938-c397-0813-e997-91d95a84c6da%3Ft%3D1603782832841%26download%3Dtrue&usq=AOvVaw3QP_bnmiPV1Ik9vY0TVcET.

- Namibia Industrial Development Agency (NIDA): The NIDA was established in 2018 under the MIT to advance the industrialization agenda.¹⁵⁷ The agency is currently responsible for administering and servicing the EPZs (Section 3.2.4.2). NIDA plans to make infrastructure and other investments in the future SEZs¹⁵⁸.
- Special Industrialization Initiative: The scheme is intended to enhance economic growth through investment in priority sectors.¹⁵⁹ To date, a biomass industrial park at Otjiwarongo has been completed, and a project agreement has been reached for private sector investment in a beef cold storage facility at Walvis Bay.
- Under the Business Support Services Programme, SMEs are assisted through feasibility studies (80% of the cost is covered by the MIT); business plan development (fully funded); environmental impact assessments (80% of the cost is covered by the Ministry); enhancement of business skills through training (fully funded); and assistance in providing an SME recognition certificate for tender purposes. The Entrepreneurship Development Programme provides SMEs with production machinery and equipment that are 70%-80% funded by the Ministry. Under the Sites and Premises Programme, industrial premises are constructed at a cost covered by the Ministry, then leased at lower prices by the NIDA.¹⁶⁰

4.67. Tariff protection in the manufacturing sector (ISIC 3) averages 8.9% in 2023 (Main Report, Table A3.1). The highest MFN rates are applied, on average, to imports of clothing and textiles.

4.5 Services

4.5.1 Financial services

4.5.1.1 Banking services

4.68. The Bank of Namibia (BoN) is responsible for bank regulation and supervision, subject to regular consultation with the MFPE. A new Bank of Namibia Act entered into force in 2020, which strengthens the Central Bank's responsibility for macro-prudential oversight through a coordinating role in safeguarding financial stability and enhances the Monetary Policy and the Financial Stability Committees.¹⁶¹

4.69. The principal law, the Banking Institutions Act, 1998 (as amended in 2010) is currently under review. The regulatory framework also comprises the Payment System Management Act, 2003 (as amended); the Financial Intelligence Act, 2012 regarding the supervision of AML/CFT/CPF¹⁶² by the Financial Intelligence Centre of Namibia; and the Currency and Exchanges Act, 1933 (as amended).

4.70. At present, the banking system comprises seven commercial banks (First National Bank of Namibia, Standard Bank of Namibia, Nedbank Namibia, Bank Windhoek, Letshego Bank, Trustco Bank Namibia, and Bank BIC), one branch of a foreign bank (Banco Atlantico), and one representative office (ABSA Representative Office). The BoN has also licensed two credit bureaux. Namibia has three state-owned banks (Agribank, Development Bank of Namibia, and Post Office Savings Bank).¹⁶³ The three institutions have been established by separate legislation.

¹⁵⁷ Namibia Industrial Development Agency Act 16 of 2016). Viewed at: <https://www.nida.com.na/>. NIDA is classified as a commercial SOE, but no information is available regarding its financial performance (Table 3.2).

¹⁵⁸ NIDA, *NIDA Flagship Interventions 2020-2025*. Viewed at: <https://www.nida.com.na/nida-flagship-interventions/>.

¹⁵⁹ MIT, *Annual Report 2021/22*. Viewed at: <https://mit.gov.na/documents/41692/109418/Annual+Report+2021-2022.pdf/d592efb5-123c-07cd-df02-24d65c63f989?t=1654157589822>.

¹⁶⁰ MIT. Viewed at: <https://mit.gov.na/industrial-development>.

¹⁶¹ The new Act repeals the Bank of Namibia Act 15 of 1997 and the Bank of Namibia Amendment Act 11 of 2004. BoN, *Bank of Namibia Act 1 of 2020*. Viewed at: <https://www.bon.com.na/Regulations/Bank-of-Namibia-Act-2020.aspx>.

¹⁶² Anti-money Laundering / Combating the Financing of Terrorism / Combating Proliferation Financing.

¹⁶³ SME Bank ceased operations in 2017.

4.71. The banking sector has been stable, profitable, and resilient to the economic shock of the pandemic, with the level of non-performing loans at 5.6% being below the Central Bank's benchmark of 6%.¹⁶⁴

4.72. Basel III capital standards have been applied since 2018 to four Domestic Systemically Important Banks, namely First National Bank of Namibia, Bank Windhoek, Standard Bank of Namibia, and Nedbank Namibia, which together held 97% of the total banking assets (NAD 164.4 billion at end-December 2022). The other banks are supervised on Basel II standards.

4.73. The BoN licensing and prudential requirements for foreign banks are stipulated in section 11 of the Banking Institutions Act, 1998 (as amended) and concern capital requirements¹⁶⁵, viable business plan, fitness of shareholders and directors, clear ownership structure, financial history of the applicant, and whether the granting of the application for authorization is in the economic interest of Namibia. Licensing requirements for a foreign bank branch are stipulated in the BoN Determination on Branches of Foreign Banking Institutions.

4.74. Bank clients may seek recourse against banking fees. In November 2020, the BoN issued a determination (BID-13) that aims to extend consumer protection with the enforcement of the disclosure and transparency of fees, charges, and commissions in relation to banking products offered and services rendered. The Namibia Deposit Guarantee Authority, operational since April 2021, has established a new deposit guarantee scheme pursuant to the Deposit Guarantee Act, 2018.

4.5.1.2 Insurance services

4.75. The insurance industry is regulated by the Namibia Financial Institutions Supervisory Authority (NAMFISA).¹⁶⁶ Altogether, 649 financial institutions and 12,272 financial intermediaries with a total asset value of NAD 366 billion were under NAMFISA's oversight in 2022.¹⁶⁷ NAMFISA is a member of the International Association of Insurance Supervisors (IAIS) and SADC's Committee of Insurance, Securities and Non-Banking Authorities (CISNA).

4.76. At present, the insurance industry comprises 14 short-term and 14 long-term insurers, 1 composite reinsurer, and 12,242 intermediaries. In terms of market size, the total assets of long-term insurers amounted to NAD 69 billion, while short-term insurers totalled NAD 7.2 billion (31 December 2022). The top three systemic entities held more than 80% of the market share. The 2020 and 2021 gross written premiums reduction reflects COVID-19 pandemic-related restrictions (Table 4.7).

4.77. According to the authorities, the current regulatory framework has several weaknesses, including an outdated legislative framework, reliance on a compliance-driven approach to supervision, inadequate supervisory and enforcement powers, inadequate support for innovation, and lack of consumer recourse mechanisms.¹⁶⁸ In response, the NAMFISA Act, 2021 and the Financial Institutions and Markets Act (FIMA), 2021 were passed by Parliament and signed by the President in 2021. The Minister of Finance and Public Enterprises is to determine when this legislation will be implemented by way of a notice in the Official Gazette. The FIMA, *inter alia*, addresses the requirements for risk-weighted capital by insurers; introduces the concept of micro-insurance, gap

¹⁶⁴ BoN, *Annual Reports*. Viewed at: <https://www.bon.com.na/Economic-information/Annual-Reports.aspx>.

¹⁶⁵ The minimum capital requirement to establish a bank in Namibia is determined by the BoN on the basis of the risk-weighted assets, and the size and complexity of the proposed bank's business model and infrastructure; it may not amount to less than 10% of risk-weighted assets.

¹⁶⁶ NAMFISA regulates and supervises the non-banking financial sector, including insurance services and insurance brokers/agents; asset management; unit trusts (collective investment schemes); pension funds; medical aid funds; public accountants and auditors; moneylenders; and the Namibian Stock Exchange and stockbrokers.

¹⁶⁷ NAMFISA, *Annual Report 2022*. Viewed at: <https://www.namfisa.com.na/wp-content/uploads/2022/10/NAMFISA-Annual-Report-2022.pdf>.

¹⁶⁸ A Financial Services Adjudicator Bill is pending that would create a complaints adjudicator for clients of banks and non-bank financial institutions. The adjudicator's determinations would carry the same weight as civil judgements by a court of law. Ministry of Finance, *Financial Services Adjudicator Bill, 2018*. Viewed at: <https://www.parliament.na/wp-content/uploads/2021/08/Hon-Calle-Schlettwein-Financial-Services-Adjudicator-Bill-2018.pdf>.

insurance, and cell captive insurance; redefines remuneration of brokers and agents; introduces fit and proper requirements; and addresses market conduct. Once implemented, capital requirements will increase, and a risk-weighted solvency regime will be applied. NAMFISA also foresees that micro-insurance will widen the scope of insurance cover, once the FIMA is operationalized.

4.78. The licensing requirements are listed under section 10 of the FIMA. For a foreign insurer to operate in Namibia, full licensing requirements must be met, including registration as a public company in Namibia, and paid-up capital ranging from NAD 2 million-NAD 12 million, depending on the number of insurance classes to be registered. There are no foreign investment restrictions.

4.79. The current regulatory framework prohibits Namibian insurers from varying policies so that they become payable in a currency other than the Namibian dollar, or become payable outside Namibia, unless prior approval is obtained from the Registrar of Short-term/Long-term Insurance. Similarly, foreign insurers are allowed to cover Namibian risks provided prior approval has been obtained from the Registrar. The value of foreign insurance exemptions amounted to NAD 484.7 million (gross written premiums) in 2022.

4.80. The state-owned Namibia National Reinsurance Corporation (NamibRe) has the mandate to provide reinsurance services and minimize the placement of insurance and reinsurance business abroad. Accordingly, NamibRe is authorized to collect a compulsory 12.5% share of new pure risk policies (with certain exceptions). In addition, insurers and reinsurers must cede 20% of their reinsurance business to NamibRe. Thus, NamibRe has the first right to accept or refuse an insurer's ceded risk to a maximum of 20% and the remainder is placed with foreign reinsurers.

Table 4.6 Gross insurance premiums, 2014-22

(NAD billion)

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Long-term insurance	7,433.2	7,350.1	7,703.7	9,075.6	5,358.7	11,641.0	9,480.0	10,945.3	11,013.3
Short-term insurance	3,338.3	3,493.5	3,522.0	3,714.1	3,788.1	3,673.5	3,485.7	3,741.3	4,115.5

Source: NAMFISA.

4.5.2 Telecommunications services

4.81. The ICT sector contributes about 1.7% to GDP (Table 1.1). Namibia has a penetration rate of over 100% for mobile telephony and benefits from mobile coverage in most towns and road coverage along virtually all the major routes. While 79% of the population had access in 2020 to 4G Internet at home via mobile or fixed devices¹⁶⁹, affordability remains a challenge. Namibia is one of the most expensive countries in Africa for mobile broadband services.¹⁷⁰

4.82. According to the Communications Regulatory Authority of Namibia (CRAN), which regulates telecom, broadcasting, and postal services, Namibia's telecom subsector suffers from insufficient competition in a market that is dominated by SOEs: "Namibia lost its leading role in Africa as a result of state-driven consolidation in the sector and the significant reduction in competition. All telecommunication (broadband, voice and SMS) prices are high and broadband download speeds are low in comparison to other SADC countries. Namibia can regain its position but needs to restructure the sector and investigate ways to attract private sector investment and to improve the level of competition".¹⁷¹ Despite a policy and regulatory framework that long professed to promote competition in the telecom sector (Communications Act, 2009, Chapter 1)¹⁷², Namibia has ended up with a virtual state-owned monopoly in mobile telephony.

4.83. Among the mobile network operators (Telecom Namibia, Mobile Telecommunications Namibia (MTC), and Paratus Namibia), the mobile infrastructure is 97% owned by the state-owned Telecom Namibia and MTC. MTC's market share is close to 100% for both voice and SMS traffic. Telecom Namibia in 2014 acquired Leo (Powercom), a private company that leases ICT infrastructure to other

¹⁶⁹ CRAN, *Market Report 2020*. Viewed at: <https://www.cran.na/yglilidy/2022/03/CRAN-Presentation-Market-Report-Universal-Service-Data-Study-2020-Termination-Rates.pdf>.

¹⁷⁰ CRAN (2022), *Telecommunication Sector Market Report 2020/2021*. Viewed at: <https://www.cran.na/yglilidy/2022/12/Market-Report-Final-2021.pdf>.

¹⁷¹ CRAN (2022), *Telecommunication Sector Market Report 2020/2021*, p. 20.

¹⁷² Communications Act 8 of 2009. Viewed at: <http://www.lac.org.na/laws/annoSTAT/Communications%20Act%208%20of%202009.pdf>.

service providers. In the same year, a new market entrant, Paratus, began offering fixed voice services using VoIP technology and is now offering fixed and mobile 4G Internet access, among other services.

4.84. The MICT is responsible for formulating telecommunications policies, including the Information Technology Policy (2008), Telecommunications Policy (2009), Postal Policy (2009), Universal Access and Service Policy for ICT (2012), Digital Terrestrial Television Policy Guidelines (2013), and National Broadband Policy (2019).

4.85. CRAN's responsibilities include the granting of licences, regulation of interconnection tariffs, implementation of a transparent and fair pricing regime that facilitates competition on a wide variety of services, and managing the Universal Service Fund. Tariffs for all telecom services are subject approval by CRAN.

4.5.3 Transport services

4.86. The Ministry of Works and Transport (MWT) has developed a new Transport Policy 2018-35, which addresses the partially outdated regulatory framework, especially in the area of maritime and rail transport.¹⁷³ Several transport-related legislative bills are pending. Namibia also completed a Master Plan in 2015 for the International Logistics Hub for SADC Countries in Namibia.

4.87. Namibia has become a net-exporter of transport services in recent years (Table 1.2). While maritime transport dominates for exports, road transport dominates for imports of goods, reflecting Namibia's trade deficit with South Africa. The port of Walvis Bay is one of the main gateways to Africa.

4.5.3.1 Maritime transport

4.88. Namibia is a member of the International Maritime Organization, and party to the International Convention for the Safety of Life at Sea (SOLAS); the International Convention for the Prevention of Pollution from Ships (MARPOL); the International Convention on Standards for Training, Certification and Watch-keeping for Seafarers (STCW); the Maritime Labour Convention (MLC); and the Port State Control (PSC) system.

4.89. The Directorate of Maritime Affairs (DMA) of the MWT is responsible for implementing Namibia's obligations as flag, port, and coastal state, but is facing capacity challenges.¹⁷⁴ The MWT with the assistance of the IMO is currently engaged in a marine administration reform programme that involves the establishment of a new Namibian Maritime Authority as regulator and the modernization of the maritime legislation (Maritime Authority Bill, Merchant Shipping Bill, and Marine Pollution Bill and related regulations).¹⁷⁵

4.90. There are no restrictions on foreign investment in maritime freight transport, except licensing/registration requirements.¹⁷⁶ Namibia is opposed to flag-of-convenience vessels and discourages the use of such vessels.¹⁷⁷ Namibian regulations provide that every company registering a vessel in Namibia must be a Namibian company, have a place of business in Namibia, or be affiliated with a Namibian company with a substantial ownership in that foreign company. The national fleet comprises 249 registered vessels, totalling about 263,000 gross tonnes. A number of private freight forwarders operate in Namibia's ports. They must meet seaworthiness requirements and adhere to customs transit procedures.

4.91. Namibia has no cabotage restrictions; all vessels, including foreign ones, can engage in cabotage trade without operational permits, but seaworthiness requirements apply. Foreign vessels

¹⁷³ Ministry of Works and Transport, *2018 Namibian Transport Policy*. Viewed at: https://www.giz.de/en/downloads/Namibian%20Transport%20Policy_Print.pdf.

¹⁷⁴ Ministry of Works and Transport. Viewed at: <https://mwt.gov.na/services>.

¹⁷⁵ Ministry of Works and Transport, *2018 Namibian Transport Policy*. Viewed at: https://www.giz.de/en/downloads/Namibian%20Transport%20Policy_Print.pdf.

¹⁷⁶ WTO and World Bank, *I-TIP Services*. Viewed at: <https://i-tip.wto.org/services/SearchResultApplied.aspx>.

¹⁷⁷ National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Viewed at: <https://faolex.fao.org/docs/pdf/nam165163.pdf>.

may operate domestic services between the ports of Walvis Bay and Lüderitz without a permit. Tariffs for maritime transport services are market-determined.

4.92. Namibia's two main ports of Walvis Bay and Lüderitz are managed and operated by the state-owned Namibian Ports Authority (NamPort)¹⁷⁸ under a service port model with some exceptions.

4.93. The port of Walvis Bay is the largest port with about 3,000 vessel calls each year and handling about 5 million tonnes of cargo. The main commodities landed at the port are petroleum, vehicles, sulphuric acid, copper/lead, fish products, and cement; the main products shipped include salt, fish products, copper/lead and concentrates, and manganese ore. NamPort's handling of cargo and containers increased considerably during the period under review (Table 4.8).

4.94. NamPort operates the new container terminal at the port of Walvis Bay, while the bulk terminals, ship repair, and cold storage warehouse management are under concession agreements. The tariffs of the concessionaires are subject to approval by NamPort and annually gazetted in the Port and Syncrolift Tariff Book. In 2022, NamPort awarded a concession to the Mediterranean Shipping Company (MSC) subsidiary Terminal Investment Ltd to operate a new container terminal, which expands the port's handling capacity from 350,000 twenty-foot equivalent units (TEU) to 750,000 TEUs per year.¹⁷⁹ NamPort is also constructing a new marine petroleum offloading facility in Walvis Bay. The new tanker berth will be constructed to accommodate larger tanker vessels/fuel carriers.

4.95. The port of Lüderitz serves the fishing industry and the offshore diamond and petroleum industries. Cargos include manganese ore, zinc products, and fruit (grapes and dates).

Table 4.7 Freight handling by Namibia's ports, 2014-22

('000 tonnes/TEU)

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Cargo									
Landed	3,720	1,958	3,427	3,243	3,619	3,234	3,319	3,470	3,794
Shipped	1,546	861	1,556	1,727	2,009	2,215	2,532	2,872	3,781
Transhipped	884	407	573	333	169	112	345	235	117
<i>Total cargo handled</i>	6,150	3,226	5,556	5,303	5,796	5,562	6,196	6,576	7,692
Containers									
Landed, TEU	69	30	52	59	65	71	60	69	70
Shipped, TEU	62	28	49	56	60	65	59	61	67
Transhipped, TEU	109	59	106	68	25	13	36	38	24
<i>Total containers handled</i>	240	117	206	183	149	149	156	168	161

Source: NamPort.

4.5.3.2 Air transport

4.96. Namibia has adopted the new Civil Aviation Act, 2016, which established the Namibian Civil Aviation Authority (NCAA) as regulator and provider of Air Traffic Navigation Services.¹⁸⁰

4.97. Namibia is a participant in the Single African Air Transport Market (SAATM) under the Yamoussoukro Decision relating to the liberalization of access to air transport markets in Africa.¹⁸¹ Namibia favours an open skies policy. Namibia is part of the SAATM members who were chosen to implement the SAATM.

¹⁷⁸ By virtue of the Namibia Ports Authority Act, 1994 and in terms of the State-Owned Enterprises Governance Act, 2006.

¹⁷⁹ *Freight News* (2022), "MSC Company Wins Concession to Run Walvis Bay Container Terminal", 17 October. Viewed at: <https://www.freightnews.co.za/article/msc-company-wins-concession-run-walvis-bay-container-terminal>.

¹⁸⁰ NCAA, *About Us*. Viewed at: <http://www.ncaa.com.na/index.php/home/about-us>.

¹⁸¹ IATA, *The Single African Air Transport Market (SAATM)*. Viewed at: <https://www.iata.org/en/about/worldwide/ame/saatm/>.

4.98. Namibia has Bilateral Air Services Agreements (BASAs) (in force) with Ethiopia, Germany, South Africa, and Qatar. Since the last Review in 2014, Namibia has signed seven new BASAs and seven MoUs.¹⁸² Most foreign carriers have 5th freedom rights.

4.99. The national carrier Air Namibia was liquidated on 26 March 2021. There are currently six airlines offering scheduled flights to Namibia, namely Ethiopian Airlines, Airlink, South African Airways, TAAG Angola, Qatar Airways, and Eurowings Discover. Most international passengers have to connect through Johannesburg, Addis Ababa (Ethiopian Airlines), or Frankfurt. Namibia has one domestic carrier offering scheduled flights (Fly Namibia).

4.100. Namibia's state-owned airports are managed by the Namibia Airports Company (NAC). The NAC is classified as a commercial SOE, but has been a loss-making enterprise and reliant on subsidies in some years (Table 3.2).¹⁸³ Hosea Kutako International Airport in Windhoek is the nation's main gateway, located about 40 km east of the city. The airport caters to all regional and intercontinental services, as well as three coastal domestic airports (Walvis Bay, Lüderitz, and Oranjemund). Ground handling services are allocated under licence by the NAC.

4.5.3.3 Road transport

4.101. Namibia's road infrastructure (about 49,000 km) is considered as one of the best in Africa.¹⁸⁴ The country is part of four cross-border road transport corridors in the East and Southern African region: the Trans-Kalahari (stretches over 1,900 km along Walvis Bay–Windhoek–Gaborone–Johannesburg/Pretoria); the Trans-Caprivi (Walvis Bay–Zambia); the Trans-Cunene (via Angola to the Democratic Republic of the Congo); and the Trans-Oranje (via South Africa to SADC members).¹⁸⁵

4.102. Namibia is member of the SADC-COMESA-EAC Tripartite Transport & Transit Facilitation Programme (TTTFP). However, it appears that the lack of an integrated and liberalized road transport market in the region "poses numerous obstacles to trade by causing severe delays and increased transport costs, as well as challenges to road safety and durability".¹⁸⁶ For example, the regulations for trucks regarding axle-loads and dimensional limits are only partly harmonized within SACU.¹⁸⁷ Cabotage is prohibited in Namibia (none of the SACU members allow cabotage), unless the specific services cannot be provided locally. Generally, a foreign-registered truck may enter a load, for instance, from Zambia and pick up another load from Namibia to Zambia.

4.103. The main road transport laws (Road Transportation Act, 1977 and Road Traffic and Transport Act, 1999) require modernization. Several bills are pending. A Roads Bill (dealing with ownership and management of the road network) and a Vehicle Mass Bill (dealing with decriminalization of overload offences, and harmonization of axle-loads) are harmonized with the SADC Protocol on Transport as well as the SADC-EAC-COMESA harmonization principles and are to be submitted to Parliament during 2023. A Road Safety Bill is still in the consultation stage.

4.104. The national road infrastructure is managed by three SOEs. Construction and maintenance fall under the Roads Authority Namibia.¹⁸⁸ The construction of roads is outsourced in a tender process with preference given to Namibian companies with expertise or companies that partner with Namibia companies. The preferential treatment of the state-owned Roads Contractor Company expired in March 2015. The Road Fund Administration, established under the MFPE, is responsible for the

¹⁸² Angola, Mauritius, Rwanda, South Africa, Türkiye, Switzerland, and the United Arab Emirates (BASAs); Benin, China, Egypt, Finland, Ghana, Kenya, and the United Kingdom (MoUs).

¹⁸³ Ministry of Works and Transport, *2018 Namibian Transport Policy*.

¹⁸⁴ Cross-Border Road Transport Agency, *Country Profile for Namibia*. Viewed at: <https://www.cbrta.co.za/uploads/files/Namibia-Country-Profile-Report.pdf>; and *Surface Summaries*. Viewed at: <https://www.ra.org.na/Documents/RMS%20Notices/Road%20Summary%20Network%202011%20%28%20Lates%20t%29.pdf>.

¹⁸⁵ TTTFP, *All Corridors*. Viewed at: <https://tttfp.org/corridors-overview/>.

¹⁸⁶ TTTFP, *About TTTFP*. Viewed at: <https://tttfp.org/>.

¹⁸⁷ Cross-Border Road Transport Agency, *Country Profile for Namibia*.

¹⁸⁸ Roads Authority. Viewed at: <https://www.ra.org.na/Pages/index.aspx>.

management of the Road User Charging System, which comprises fuel levies (about 60% of the receipts of the Road Fund) and other fees and charges.¹⁸⁹

4.105. There are no restrictions on foreign investment in freight operators, except for licensing. To transport goods across borders, foreign operators are required to obtain a cross-border road transport permit, which is vehicle and route specific.

4.106. Namibia is member of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. According to the authorities, Namibia has adopted standards for the transportation of dangerous goods in accordance with the Basel Convention.

4.5.3.4 Rail transport

4.107. The railway network comprises 2,382 km of narrow-gauge track. The Trans-Kalahari road corridor is supported by a railway line from Walvis Bay to Gobabis (via Windhoek), where transshipment facilities are available. The railway remains an important part of Namibia's transport infrastructure for containers and bulk freight such as mining products, liquids, and building materials. The railway subsector holds about 15% of the land transport freight market. However, transport volumes have been declining (Table 4.9). Challenges include ageing locomotives and rolling stock, dilapidated railway infrastructure, and outdated equipment.

4.108. Under the National Transport Services Holding Company Act, 1998, the state-owned TransNamib is the monopoly provider of railway services for passengers and freight. TransNamib owns the rolling stock, while the State owns the rail network. Namibia does not have a railway regulatory authority.

Table 4.8 TransNamib cargo and passenger transport, 2014-22

Financial year	Cargo ('000 tonnes)	Passengers ('000)
2014	1,775	80.3
2015	1,525	67.1
2016	1,528	55.9
2017	1,444	50.5
2018	1,428	35.0
2019	1,533	31.3
2020	1,644	31.6
2021	1,502	5.3
2022	1,415	0.1

Source: Information provided by the authorities.

4.5.4 Tourism

4.109. The tourism sector is estimated to contribute about 15% to GDP and provides about 112,000 jobs directly or indirectly (15% of total employment).¹⁹⁰ Namibia's core assets are wildlife and trophy hunting. Tourist arrivals had increased steadily until the tourism industry was hit by the border closures and lockdowns due to the COVID-19 pandemic (Table 4.10).

4.110. The Ministry of Environment, Forestry and Tourism (MEFT) is responsible for tourism policy, while the Namibian Tourism Board (NTB) is charge of regulating the tourism industry. Namibia has adopted a National Tourism Policy (2008), a National Tourism Investment Profile and Promotion Strategy (2016), and a National Sustainable Tourism Growth and Development Strategy (2016).¹⁹¹

4.111. Under its GATS commitments, Namibia has no restrictions related to market access or national treatment with respect to any modes of supply for hotels and restaurants or travel agencies

¹⁸⁹ Road Fund Administration, *Road User Charging System*. Viewed at: <https://www.rfanam.com.na/overview-road-user-charges/>.

¹⁹⁰ A development of tourism satellite account is underway. ECA (2022), "Namibia Launches National Tourism Satellite Account", 19 May. Viewed at: <https://www.uneca.org/stories/namibia-launches-national-tourism-satellite-account>.

¹⁹¹ Ministry of Environment, Forestry and Tourism, *Policies*. Viewed at: <https://www.meft.gov.na/policies-legislation/policies/185/>.

and tour operator services.¹⁹² Tourist establishments are required to register with the NTB and pay a one-off registration fee.

4.112. Tourism services providers are subject to the standard tax rates (32% for corporations). A tourism levy of 2% per night applies for accommodation and breakfast (1% on an all-inclusive basis).

Table 4.9 International tourist arrivals, 2014-22

	2014	2015	2016	2017	2018	2019	2020	2021	2022 ^a
Total ('000)	1,320.1	1,387.8	1,469.3	1,499.4	1,557.3	1,596.0	169.6	232.8	423.7
	(% of total international arrivals)								
By origin:									
Angola	35.7	32.2	27.2	26.9	31.4	35.3	16.0	0.8	0.0
Botswana	2.7	3.2	3.4	3.5	3.2	4.2	4.3	4.1	2.9
France	1.5	1.5	1.6	2.1	2.0	1.8	2.1	3.1	3.5
Germany	6.5	6.5	8.3	8.2	8.0	6.1	11.6	9.4	5.8
South Africa	23.6	25.4	23.3	21.7	19.2	17.3	28.6	47.0	58.1
Switzerland	1.1	1.1	1.2	1.3	1.3	0.8	1.6	2.6	3.1
United Kingdom	1.9	1.8	2.1	2.2	2.0	1.7	3.0	1.4	0.5
United States	1.6	1.8	1.9	2.1	1.8	1.6	2.5	2.0	1.2
Zambia	9.5	10.6	13.0	13.0	15.6	14.9	8.5	7.1	4.4
Zimbabwe	4.6	5.1	5.7	6.0	3.9	4.9	6.2	8.1	7.9
By mode of travel:									
Air	25.8	27.1	29.0	27.2	28.0	42.8	47.1	42.3	..
Road	73.5	72.1	69.0	70.7	70.4	54.1	51.5	57.5	..
Sea	0.7	0.7	0.7	0.6	0.6	2.4	1.5	0.2	..
Other	0.0	0.0	1.3	1.5	1.1	0.7	0.0	0.0	..

.. Not available.

a Estimate.

Source: MEFT, *Tourist Statistical Reports, 2016, 2017, 2018, 2019, and 2020*; and World Tourism Organization (2023), *UNWTO Tourism Statistics Database, 145 Key Tourism Statistics*. Viewed at: <https://www.unwto.org/tourism-statistics/key-tourism-statistics>.

¹⁹² WTO document GATS/SC/60, 15 April 1994.

5 APPENDIX TABLES

Table A1.1 Domestic exports of merchandise by HS section, 2014-22

HS section/chapter/ subheading	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total domestic exports (USD million)	4,738.4	3,793.5	2,977.1	3,041.4	3,627.8	3,503.6	2,739.3	3,171.4	3,850.8
	(% of total)								
1-Live animals and products	17.7	19.9	29.6	30.4	27.4	26.3	25.3	26.9	22.7
HS 03 Fish and crustaceans, molluscs and other aquatic invertebrates	13.9	14.4	24.0	22.1	20.2	20.1	21.5	22.7	18.7
HS 0304 Fish fillets and other fish meat, fresh, chilled or frozen.	3.5	4.4	8.4	9.5	9.5	9.2	10.7	10.7	8.7
HS 0303 Fish, frozen	8.7	8.8	13.7	11.0	9.2	9.1	9.0	10.0	8.1
HS 01 Live animals	1.5	3.2	2.8	6.3	5.8	4.2	3.0	3.2	2.9
2-Vegetable products	1.3	1.4	1.6	1.8	2.0	2.3	2.7	2.9	2.9
HS 08 Edible fruit and nuts; peel of citrus fruit or melons	0.8	0.9	1.1	1.4	1.6	1.9	2.1	2.3	2.2
HS 07 Edible vegetables and certain roots and tubers	0.2	0.2	0.3	0.2	0.3	0.2	0.3	0.4	0.5
3-Fats and oils	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0
4-Prepared food, beverages and tobacco	5.5	5.5	5.2	3.8	4.1	4.1	3.1	3.4	4.0
HS 22 Beverages, spirits and vinegar	3.2	3.1	2.3	2.1	2.2	2.7	1.4	2.0	2.2
5-Mineral products	19.2	14.4	15.6	15.8	23.9	26.9	29.5	29.0	30.3
HS 26 Ores, slag and ash	15.6	10.4	11.3	12.8	21.3	23.8	26.2	25.0	24.3
HS 2612 Uranium or thorium ores and concentrates.	8.8	7.5	9.2	10.2	18.0	20.3	23.2	22.2	21.1
HS 2608 Zinc ores and concentrates.	1.2	1.4	1.6	2.3	2.9	2.1	2.1	1.9	2.1
HS 2607 Lead ores and concentrates.	0.6	0.6	0.5	0.2	0.4	0.2	0.4	0.4	0.5
HS 27 Mineral fuels	1.8	2.6	2.1	1.0	0.9	1.4	1.2	1.6	3.6
HS 2710 Petroleum oils and oils obtained from bituminous minerals, other than crude	1.8	2.6	2.1	1.0	0.9	1.4	1.2	1.5	3.4
HS 25 Salt; sulphur; earths and stone; plastering materials, lime and cement	1.7	1.4	2.2	2.0	1.7	1.8	2.1	2.4	2.3
6-Chemicals and products thereof	0.7	0.8	0.2	0.2	0.2	0.3	0.2	0.3	0.2
7-Plastics and rubber	0.8	0.4	0.2	0.2	0.2	0.2	0.2	0.2	0.3
8-Raw hides and skins; leather, furskins and articles thereof	0.8	0.8	0.9	0.8	0.6	0.4	0.3	0.4	0.3
9-Wood, cork, straw	0.7	0.8	1.2	1.0	1.0	1.4	2.2	2.3	2.3
HS 44 Wood and articles of wood; wood charcoal	0.7	0.8	1.2	1.0	1.0	1.4	2.2	2.3	2.3
10-Pulp of wood; paper and paperboard	0.5	1.0	0.2	0.3	0.2	0.1	0.1	0.5	0.1
11-Textiles and textile articles	0.5	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1
12-Footwear, headgear, etc.	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
13-Articles of stone, plaster, cement	0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.4	0.3
14-Precious stones and metals	29.6	35.7	38.4	37.9	30.9	28.3	30.6	31.6	34.9
HS 71 Precious or semi-precious stones, precious metals	29.6	35.7	38.4	37.9	30.9	28.3	30.6	31.6	34.9
HS 7102 Diamonds	27.6	29.3	26.8	24.0	23.0	19.1	16.0	17.6	23.4
HS 7108 Gold	2.0	6.3	11.6	13.9	7.9	9.3	14.5	13.9	11.4
15-Base metals and articles thereof	12.8	15.0	5.4	7.0	7.6	8.8	5.2	1.7	1.5

HS section/chapter/ subheading	2014	2015	2016	2017	2018	2019	2020	2021	2022
HS 74 Copper and articles thereof	4.9	10.2	3.4	3.0	2.8	2.8	2.4	0.6	0.6
16-Machinery, electrical equipment	3.9	2.3	0.5	0.0	0.0	0.0	0.0	0.0	0.0
17-Transport equipment	4.3	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
18-Precision equipment	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
19-Arms and ammunition	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
20-Miscellaneous manufactured articles	0.9	0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0
21-Works of art, etc.	0.1	0.1	0.2	0.2	0.2	0.2	0.1	0.1	0.1
Other	0.2	0.2	0.3	0.3	1.5	0.2	0.2	0.2	0.2

Source: WTO Secretariat calculations, based on the data provided by the authorities.

Table A1.2 Domestic exports of merchandise by destination, 2014-22

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total domestic exports (USD million)	4,738.4	3,793.5	2,977.1	3,041.4	3,627.8	3,503.6	2,739.3	3,171.4	3,850.8
	(% of total)								
Americas	7.2	3.3	4.1	3.4	1.1	3.9	4.0	2.2	4.1
United States	3.9	1.2	2.1	1.6	0.1	1.0	0.6	0.6	2.0
Other America	3.3	2.1	2.0	1.9	1.0	2.9	3.4	1.6	2.1
Canada	2.7	2.0	1.6	1.6	0.6	2.6	2.8	1.5	2.0
Europe	27.6	27.8	26.7	26.8	27.3	23.7	20.2	21.8	21.0
EU-27	13.6	15.9	24.4	25.2	25.8	22.1	18.6	20.0	19.8
Spain	4.9	5.4	8.6	7.7	8.0	8.9	9.5	9.1	7.4
France	2.2	3.4	5.2	5.7	7.3	3.6	1.4	2.5	4.8
Netherlands	1.0	1.9	0.9	1.2	1.2	1.6	1.5	1.8	2.0
Belgium	0.9	0.6	0.5	1.6	1.6	1.5	1.0	2.0	1.6
Italy	2.4	2.7	4.7	5.7	5.2	4.2	3.1	2.4	1.3
Germany	1.2	0.9	2.2	1.2	1.2	1.0	1.0	1.0	1.0
Poland	0.0	0.1	0.1	0.1	0.1	0.1	0.2	0.1	0.4
EFTA	12.8	10.1	0.3	0.1	0.1	0.0	0.2	0.3	0.2
Switzerland	12.8	9.9	0.2	0.0	0.0	0.0	0.1	0.0	0.0
Other Europe	1.2	1.8	1.9	1.4	1.4	1.5	1.4	1.5	1.0
United Kingdom	1.1	1.8	1.9	1.4	1.3	1.4	1.3	1.4	0.9
Commonwealth of Independent States (CIS)^a	0.0	0.0	0.0	0.1	0.1	0.1	0.0	0.1	0.1
Africa	52.1	59.1	61.5	57.1	50.1	48.1	46.9	49.2	49.2
South Africa	13.7	20.7	26.0	30.6	24.8	25.7	25.4	25.9	22.3
Botswana	20.9	26.7	26.1	19.4	18.4	15.3	14.2	14.5	18.4
Zambia	3.4	4.0	3.1	2.4	2.4	2.4	2.8	3.7	3.5
Democratic Republic of the Congo	2.1	2.5	2.3	2.3	2.3	2.7	2.1	2.3	2.4
Mozambique	1.1	0.7	1.7	0.6	0.7	0.8	1.1	1.3	1.1
Angola	8.6	3.3	0.6	0.4	0.4	0.3	0.3	0.4	0.4
Middle East	0.7	0.8	2.0	5.3	4.7	4.2	2.5	3.6	4.3
United Arab Emirates	0.2	0.7	1.9	5.2	4.5	3.9	2.3	3.3	3.3
Israel	0.5	0.1	0.0	0.0	0.2	0.1	0.2	0.1	0.7
Asia	7.2	5.4	5.6	7.0	15.1	19.9	26.0	22.6	19.7
China	3.8	3.5	4.1	6.1	13.7	17.5	23.4	21.2	16.9
Japan	0.2	0.3	0.3	0.2	0.2	0.2	0.3	0.2	0.1
Other Asia	3.3	1.7	1.3	0.7	1.3	2.2	2.3	1.2	2.6
India	0.1	0.0	0.1	0.1	0.0	0.1	0.0	0.1	0.9
Thailand	0.1	0.0	0.0	0.0	0.0	0.2	0.2	0.4	0.5
Other	5.1	3.6	0.1	0.3	1.6	0.2	0.5	0.6	1.8
Memo:									
EU-28	14.7	17.7	26.3	26.6	27.2	23.5	20.0	21.4	20.7
SACU	35.2	47.4	52.1	50.0	43.2	41.1	39.6	40.4	40.7

a Commonwealth of Independent States, including certain associate and former member States.

Source: WTO Secretariat calculations, based on the data provided by the authorities.

Table A1.3 Merchandise imports by HS section, 2014-22

HS section/chapter/ subheading	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total imports (USD million)	8,585.9	7,731.7	7,159.7	6,557.5	6,764.3	6,209.8	4,932.3	6,442.4	7,887.5
	(% of total)								
1-Live animals and products	1.7	1.8	2.1	2.2	2.4	2.4	3.0	3.0	2.7
2-Vegetable products	2.3	2.5	3.1	2.8	3.0	3.9	3.8	3.4	3.1
3-Fats and oils	0.4	0.5	0.6	0.7	0.6	0.7	0.8	0.9	0.9
4-Prepared food, beverages and tobacco	6.9	7.4	8.0	8.9	9.0	8.9	9.3	8.6	8.1
HS 22 Beverages, spirits and vinegar	2.5	2.4	2.3	2.9	3.1	2.4	2.2	2.4	2.1
5-Mineral products	9.4	19.1	17.9	19.5	18.9	23.7	24.4	23.2	27.0
HS 27 Mineral fuels	6.3	14.6	13.8	10.5	13.0	15.1	11.9	13.7	18.5
HS 2710 Petroleum oils and oils obtained from bituminous minerals, other than crude	5.6	13.9	13.2	9.9	12.6	14.5	11.2	13.0	17.4
HS 26 Ores, slag and ash	2.8	4.3	3.7	8.7	5.4	8.3	11.9	8.6	7.1
6-Chemicals and products thereof	6.6	7.1	9.0	9.5	9.9	9.4	12.0	11.2	10.7
HS 28 Inorganic chemicals; organic or inorganic compounds of precious metals	1.0	0.9	1.1	1.7	1.9	1.1	3.0	2.3	2.6
HS 2822 Cobalt oxides and hydroxides; commercial cobalt oxides	0.0	0.0	0.0	0.0	0.0	0.0	1.9	1.2	1.5
HS 30 Pharmaceutical products	1.8	1.9	2.7	2.2	2.4	2.6	3.1	3.2	2.2
7-Plastics and rubber	3.2	3.2	3.7	3.9	4.5	5.1	5.5	5.7	4.6
HS 39 Plastics and articles thereof	2.2	2.2	2.3	2.4	3.0	3.3	3.6	3.6	2.8
8-Raw hides and skins; leather, furskins and articles thereof	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2
9-Wood, cork, straw	0.8	0.9	1.0	0.9	0.7	0.8	0.8	0.9	0.7
10-Pulp of wood; paper and paperboard	1.7	1.9	2.0	1.9	2.3	1.9	1.8	1.9	1.5
11-Textiles and textile articles	3.1	3.0	3.2	3.3	3.1	3.0	3.2	3.3	2.6
12-Footwear, headgear, etc.	1.0	1.0	1.0	1.1	0.9	0.9	0.9	0.9	0.8
13-Articles of stone, plaster, cement	1.1	1.2	1.3	1.2	1.3	1.5	1.2	1.4	1.3
14-Precious stones and metals	5.3	3.9	8.6	9.4	8.4	4.3	1.6	3.0	3.4
HS 71 Precious or semi-precious stones, precious metals	5.3	3.9	8.6	9.4	8.4	4.3	1.6	3.0	3.4
HS 7102 Diamonds	5.2	3.8	8.4	9.3	8.3	4.3	1.5	2.9	3.3
15-Base metals and articles thereof	9.6	11.1	6.4	6.1	6.4	6.5	6.2	6.8	5.7
HS 73 Articles of iron or steel	3.9	4.3	3.1	3.4	3.4	3.4	2.9	3.1	2.7
HS 72 Iron and steel	1.3	1.6	1.6	1.3	1.5	1.6	1.9	2.1	1.6
HS 74 Copper and articles thereof	3.0	4.0	0.1	0.1	0.2	0.1	0.1	0.1	0.1
16-Machinery, electrical equipment	17.1	14.6	14.2	13.9	14.4	13.5	13.5	13.6	13.7
HS 84 Machinery and mechanical appliances; parts thereof	11.8	9.2	8.9	8.3	8.8	8.6	8.5	8.4	8.6
HS 85 Electrical machinery and equipment and parts thereof	5.3	5.3	5.3	5.5	5.7	5.0	5.0	5.2	5.1
17-Transport equipment	25.3	16.1	13.4	10.3	10.5	9.5	8.0	8.5	10.0
HS 87 Vehicles	12.2	10.8	9.6	8.5	7.7	8.1	7.1	8.0	7.5
HS 89 Ships, boats and floating structures	12.9	4.1	3.0	0.8	2.5	1.2	0.7	0.1	2.0
18-Precision equipment	1.6	1.5	1.6	1.5	1.5	1.5	1.7	1.8	1.3
19-Arms and ammunition	0.1	0.3	0.4	0.4	0.1	0.1	0.2	0.1	0.1
20-Miscellaneous manufactured articles	2.2	2.4	2.2	2.0	1.8	2.0	1.9	1.8	1.7
21-Works of art, etc.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1

Source: WTO Secretariat calculations, based on the data provided by the authorities.

Table A1.4 Merchandise imports by origin, 2014-22

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total imports (USD million)	8,585.9	7,731.7	7,159.7	6,557.5	6,764.3	6,209.8	4,932.3	6,442.4	7,887.5
	(% of total)								
Americas	7.6	4.9	5.9	5.0	5.5	7.4	8.5	8.0	9.1
United States	2.4	1.0	2.2	2.0	2.5	2.7	3.4	2.7	3.3
Other America	5.2	3.9	3.7	3.0	3.0	4.7	5.1	5.3	5.7
Peru	0.3	1.1	1.4	1.8	1.8	2.2	2.7	3.8	3.3
Chile	0.3	0.2	0.9	0.0	0.3	1.8	1.6	0.4	1.1
Brazil	0.2	0.1	0.1	0.6	0.3	0.2	0.3	0.5	0.8
Europe	11.6	10.1	11.8	15.0	11.3	14.9	16.4	13.6	16.2
EU-27	8.5	6.3	6.6	12.6	9.3	12.1	13.0	10.1	13.7
Netherlands	0.4	0.5	0.3	0.2	0.5	0.8	0.9	0.9	2.8
Bulgaria	1.0	0.8	0.8	6.7	3.1	4.0	5.3	2.5	2.5
Germany	2.8	1.8	1.4	1.2	1.1	1.2	1.4	1.7	1.6
Italy	1.3	1.1	1.9	1.3	0.5	1.4	0.4	0.4	1.5
Ireland	0.0	0.2	0.0	0.3	0.5	0.7	0.9	0.8	1.0
Finland	0.2	0.1	0.3	0.1	0.2	0.2	0.4	0.4	0.8
EFTA	1.6	2.4	3.1	0.4	0.6	1.1	0.7	1.2	0.9
Switzerland	1.5	2.4	0.8	0.4	0.4	0.8	0.6	1.1	0.8
Other Europe	1.5	1.3	2.0	1.9	1.4	1.8	2.8	2.3	1.7
United Kingdom	1.0	0.4	0.5	0.8	0.8	0.9	1.2	1.7	1.3
Commonwealth of Independent States (CIS)^a	0.1	0.5	0.5	0.2	0.4	0.5	0.8	0.7	0.6
Africa	62.0	71.0	70.2	63.0	61.7	60.6	56.2	52.9	43.7
South Africa	55.6	62.8	61.5	55.2	53.8	54.9	50.4	47.9	39.0
Democratic Republic of the Congo	2.6	1.9	0.0	0.0	0.0	0.0	1.9	1.2	1.5
Middle East	0.4	1.4	1.3	2.8	3.3	2.9	2.8	4.7	9.5
United Arab Emirates	0.2	0.6	0.7	1.5	1.8	1.6	1.0	1.0	3.8
Saudi Arabia, Kingdom of	0.1	0.6	0.2	0.7	0.1	0.1	0.5	0.8	2.9
Qatar	0.0	0.0	0.0	0.0	0.1	0.2	0.0	0.3	1.1
Bahrain, Kingdom of	0.0	0.0	0.0	0.3	0.3	0.4	0.0	0.2	0.8
Oman	0.0	0.0	0.3	0.2	0.9	0.5	1.2	1.9	0.8
Asia	14.9	10.2	7.6	9.4	12.2	11.0	13.0	15.7	15.6
China	3.9	6.3	3.2	5.3	6.7	5.1	6.4	7.1	7.6
Japan	0.3	0.2	0.4	0.6	0.6	0.7	0.9	1.0	1.2
Other Asia	10.7	3.7	4.0	3.5	5.0	5.2	5.8	7.6	6.8
India	1.8	1.9	2.5	2.2	2.2	3.6	3.6	4.8	4.7
Other	3.5	2.0	2.7	4.6	5.6	2.6	2.2	4.3	5.3
Memo:									
EU-28	9.5	6.7	7.1	13.4	10.1	12.9	14.2	11.8	15.0
SACU	58.0	65.4	69.0	61.7	59.1	58.4	52.0	49.0	40.1

a Commonwealth of Independent States, including certain associate and former member States.

Source: WTO Secretariat calculations, based on the data provided by the authorities.

Table A3.1 Non-exhaustive list of import prohibitions and restrictions, 2022

Description/goods	Prohibition/restriction	Authority/body	Documentation requirement	Actions to be taken by NamRA in case of non-compliance
Firearms & ammunition	Restricted	Namibian Police Commissioner	Import/export permit	Detain
Narcotic/drugs	Prohibited	Namibian Police Commissioner	Not allowed by law	Seize
Medicines and related substances	Restricted	Namibia Medicine Regulatory Council (NMRC)	Import/export permit	Detain
Uranium ores or concentration	Restricted	Ministry of Health and Social Services (MHSS) National Radiation Protection Authority	Import/export permit	Detain
Nuclear reactors, fuel elements	Restricted	MHSS National Radiation Protection Authority	Import/export permit	Detain
Radioactive chemical elements and radioactive isotopes	Restricted	MHSS National Radiation Protection Authority	Import/export permit	Detain
Apparatus based on the use of X-ray or of alpha, beta, and gamma radiation	Restricted	MHSS National Radiation Protection Authority	Import/export permit	Detain
Instrument and apparatus for checking the flow levels. Instruments and apparatus of measuring or detection alpha, beta, gamma radiation	Restricted	MHSS National Radiation Protection Authority	Import/export permit	Detain

Source: NamRA.

Table A4.1 Fish landings in Namibia, 2014-22

(Tonnes)

Species	2014	2015	2016	2017	2018	2019	2020	2021	2022
Pilchards	32,076	20,379	3,427	3,974	0	0	0	0	0
Anchovy	0	0	0	0	0	0	0	0	0
Hake	121,764	137,488	150,219	159,600	152,038	143,574	122,429	154,861	150,662
Horse mackerel	277,826	315,972	318,200	304,533	311,892	295,976	182,186	209,676	196,602
Monk	10,076	10,105	8,412	8,001	7,702	8,054	6,768	6,420	7,054
Crab	2,723	2,968	3,078	2,964	3,136	4,100	2,773	3,324	4,254
Rock lobster	196	87	126	164	134	282	80	170	110
Orange roughy	0	0	0	0	0	0	0	0	0
Tuna	1,447	1,589	1,098	463	1,016	475	1,256	3,369	7,667
Kingklip	3,607	3,441	3,731	2,655	3,084	2,505	2,104	2,719	1,422
Other species	31,583	25,242	31,793	27,768	37,184	31,784	22,755	22,166	39,668
Total	481,298	517,271	520,084	510,122	516,186	486,749	340,350	402,704	407,438

Source: MFMR.