

**19 September 2023**

## **PRESS RELEASE**

### **GOVERNMENT'S CRACKDOWN ON CIVIL SOCIETY ORGANISATIONS: UNCONSTITUTIONAL AND A SUBSTANTIAL THREAT TO OUR FREE DEMOCRACY**

#### **1. Background**

The Financial Intelligence Centre (FIC) was established under the Financial Intelligence Act (13 of 2012) (FIA). It existed before, under the Financial Intelligence, Act 3 of 2007, which Act was repealed by this 2012 Act. The Bank of Namibia (BoN) provides “*administrative services*” to the FIC. Around 2005 already, when the FIA was still in draft-bill format, the Law Society of Namibia expressed concerns over several aspects of that draft law that are likely unconstitutional. This was done through a presentation by Eben de Klerk on invitation from the BoN. In 2011, the Law Society commissioned an independent report on the FIA (as was applicable then) and again the unconstitutionality of substantial portions of the FIA still remained. This remains the case with the latest FIA (2012).

On 21 July 2023, the President signed into law the Financial Intelligence Amendment Act (6 of 2023) in Government Gazette, Nr 8139. This amendment act *inter alia* added a definition of “*non-profit organisation*”, as well as section 35A with the heading “*Powers of Centre in relation to non-profit organisations*”. In terms of this newly added section, on 31 August 2023, the Minister of Finance promulgated a host of regulations (Government Gazette number 8192) with which all “*non-profit organisations*” must comply.

A non-profit organisation is defined as meaning “[a] *legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other type of good works, where the Centre under section 35A identifies certain non-profit organisations to which the applicable provisions of this Act apply*”.

The regulations define a “*beneficiary*” (of a non-profit organisation) to mean “*a person, a group of persons or other entities or bodies entitled, or designated by a non-profit organisation, to benefit from the funds, services, assets or other type of benefits of the non-profit organisation*”.

The preceding definitions are so broad that virtually every civil society organisation (CSO) will come under the jurisdiction of the FIA. Foreign donor agencies such as KAS, GIZ, HSF, (and many others) should not assume this law is not applicable to them either.

In terms of the FIA and the above-mentioned regulations, the FIC now has the power to (*inter alia*):

- Request any information relating to the CSO, including (but not limited to) its membership and sources of funding (including donations);
- Enter the premises and conduct an inspection on any CSO;
- Order the production of any document;
- Open any strong room, safe or other container, or order any person to open any strong room, safe or other container;
- Use any computer system or equipment on the premises or require reasonable assistance from any person on the premises to use that computer system to -
  - (i) access any data contained in or available on that computer system; and
  - (ii) reproduce any document from data stored on that computer system;
- Examine or make extracts from or copy any document ... and ... remove that document;
- Seize any document obtained ... which in the opinion of the inspector may constitute evidence of non-compliance with a provision of this Act or any regulation, order, determination or directive issued in terms of this Act;
- Assess the fit and properness of persons managing a CSO;
- Prescribe the governance within a CSO;
- Order the CSO to provide information (essentially unlimited in nature) periodically for as long as the FIC deems appropriate;
- Issue any directive with which CSOs must comply with (risk severe consequences); and
- “Cancel” a CSO (section 55(3)).

The above powers are exercised without the need for court order, or any judicial oversight before these actions may be taken by FIC. A person who (a) obstructs, hinders or threatens an inspector [of the FIC], (b) who fails to appear for questioning (c) who gives false information to the inspector or (d) who fails to comply with a reasonable request or order by an inspector in the performance of his or her duties or the exercise of his or her powers in terms of FIA commits an offence and is liable to a fine not exceeding N\$10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

The regulations require all non-profit organisations (as stated above, essentially all CSOs), to comply within 60 days from the date of the amendment of the FIA i.e., 60 days as from 21 July 2021. Recent advertisements in the media require compliance by 29 September 2023.

*“A non-profit organisation or an identified non-profit organisation that contravenes or fails to comply with [the FIA or regulations thereto] commits an offence and is liable to a fine not exceeding N\$100 million or, where the commission of the offence is attributable to a representative of the organisation, to such fine or imprisonment for a period not exceeding 30 years, or to both such fine and such imprisonment.”*

## 2. Impact

The adage goes “*The road to hell is paved with good intentions*”. From its early inception the FIA was presented as being in public interest, for the intention of the law is to curb funding for terrorism and money laundering of ill-gotten gains. These objectives sound noble. Institutions complied, at enormous additional cost to their operations, and at additional cost passed on to customers.

It is safe to assume that not all complied because they thought the intentions of the FIA were noble, but rather because they feared contravening any of the 42 newly introduced offences which may result in one or more penalties, each ranging from a fine of N\$10 million or 10 years imprisonment, or both, to (in most instances) a fine of N\$100 million or 30 years imprisonment, or both. These are no-doubt draconian (and unconstitutional) sanctions, but they are still pale in comparison to the maximum punishment for contravening the Prevention of Organised Crime Act (also imposed on Namibia by foreign agencies); fines of up to N\$1 billion or imprisonment up to 100 years. Clearly the Namibian Constitution was not considered when these laws were drafted.

In their book “*Why Nations Fail*” Acemoglu and Robinson provides an in-depth analysis of why some nations / societies fail. Their analysis span over a period of many thousands of years. The book examines examples from countries in Africa, Latin America, Asia, Europe, and other regions to support its arguments. They conclude that the single biggest contributing factor to nations failing is the prevalence (and undue protection) of “*institutions of extraction*”.

An institution of extraction is a type of institution that serves the interests of a small elite or ruling class at the expense of the broader population. These institutions are characterized by their ability to extract resources, wealth, or power from the majority of society and concentrate it in the hands of a privileged few.

The key features of institutions of extraction include:

**Limited Access:** Only a select group of individuals or organizations have privileged access to resources, political power, or economic opportunities, while the majority of the population is excluded from these benefits.

**Lack of Inclusivity:** These institutions are exclusionary in nature, often discriminating against certain groups based on factors such as wealth, social status, or political affiliation.

**Repressive Mechanisms:** They may use repression, coercion, or force to maintain their control and suppress dissent or opposition.

**Short-Term Focus:** Institutions of extraction tend to prioritize short-term gains for the elite, which can lead to policies and actions that undermine the long-term development and stability of a nation.

**Resistance to Change:** They resist reforms or changes that would threaten their control or reduce their ability to extract resources and wealth.

The authors argue that nations with institutions of extraction are prone to poverty, inequality, and political turmoil.

To establish and safeguard institutions that enable resource extraction, political power is essential. When such corrupt power is held by governing authorities, institutions, elites or cadres, civil society plays a pivotal role in exposing these unscrupulous entities and individuals, advocating for accountability, and to make efforts to dismantle these extraction-oriented institutions.

A free civil society thus fulfils a crucial role in maintaining a free democracy. The benefits of a free civil society include:

**Protection of Rights:** Civil society organisations often serve as watchdogs, advocating for and defending the rights of individuals and marginalised groups. They help ensure that human rights, civil liberties, and social justice are upheld.

**Accountability:** Civil society organisations hold governments and other powerful entities accountable for their actions and decisions. They provide oversight and transparency in public affairs, reducing the likelihood of corruption and abuse of power.

**Voice for the Voiceless:** These organisations amplify the voices of those who might otherwise go unheard. They provide a platform for marginalised communities to express their concerns and advocate for change.

**Policy Advocacy:** Civil society plays a crucial role in shaping public policy. They research, analyse, and advocate for policies that promote the common good, social welfare, and environmental sustainability.

**Social Services:** Many civil society organisations provide vital social services, such as healthcare, education, and humanitarian aid, often in areas where government services are lacking or inadequate.

**Fostering Democracy:** A robust civil society is a hallmark of a healthy democracy. It encourages political participation, civic engagement, and the peaceful resolution of disputes.

**Innovation and Problem-Solving:** Civil society is often at the forefront of innovation and problem-solving. It can identify emerging issues and develop creative solutions that governments and traditional institutions might overlook.

**Diversity of Perspectives:** A free civil society allows for a diversity of voices and perspectives. This diversity can lead to better-informed decision-making and the consideration of a wide range of viewpoints.

**Crisis Response:** Civil society organisations are often among the first responders during natural disasters, conflicts, and public health crises. They provide humanitarian aid, relief, and support to affected communities.

**Cultural and Artistic Expression:** Many civil society groups, including cultural and artistic organisations, contribute to the enrichment of society through creative expression and cultural preservation.

A free civil society is vital for promoting democracy, protecting individual rights, fostering social justice, and addressing a wide range of societal challenges. It serves as a critical counterbalance to government power and contributes to the overall well-being and vibrancy of a society.

Democracy is under threat if civil society is not free. Civil society plays a crucial role in sustaining and strengthening democratic systems. A lack of freedom for civil society can pose a threat to democracy in the following ways:

**Lack of Accountability:** Civil society organisations often serve as watchdogs, holding government officials and institutions accountable for their actions. When civil society is not free to operate independently and scrutinise the government, there is a higher risk of unchecked power and corruption within the government.

**Suppression of Dissent:** In a healthy democracy, citizens have the right to express their opinions, dissent, and criticise government policies without fear of reprisal. When civil society is not free, dissenting voices may be silenced, leading to a narrowing of the public discourse and a reduction in the diversity of perspectives.

**Erosion of Rights:** Civil society organisations often advocate for the protection of human rights, civil liberties, and the rule of law. When civil society is restricted, there is a greater risk of erosion of these rights, potentially leading to authoritarianism or autocracy.

**Limited Civic Engagement:** A free civil society encourages civic engagement and political participation. When civil society is constrained, citizens may become disengaged from the political process, weakening the democratic system.

**Diminished Transparency and Accountability:** Civil society organisations promote transparency and government accountability. Restrictions on civil society can lead to decreased transparency and a lack of or limited oversight, making it easier for corruption and abuses of power to thrive.

**Weakened Civil Society Institutions:** A lack of freedom for civil society organisations can lead to their weakening or even their dissolution. These organizations are essential for advocating for the needs and interests of various segments of society.

**Threats to Freedom of Expression:** Civil society often includes media outlets, advocacy groups, and free speech advocates. When these entities are not free to operate, freedom of expression can be compromised, which is a fundamental pillar of democracy.

**Undermining Social Pluralism:** A vibrant civil society represents a diverse array of voices and interests within society. Restricting civil society can undermine social pluralism, making it difficult to address the needs and concerns of different communities.

The consequences of undermining, and ultimately oppressing and purging a free civil society are dire. Civil societies are *inter alia* undermined through onerous regulation, and especially regulation that require the exposure of funders / donors. In a politically intolerant environment, which we experience in Namibia<sup>1</sup>, a free civil society is in many ways the last bastion in our democracy. The oppression of civil society comes not only from regulating it out of existence, but the mandatory collection of information on all civil society organisations. This allows unscrupulous government actors (and their cadres) to oppress CSOs in countless other ways. To assume there are no unscrupulous Government actors will be extremely naïve.

### **3. Can the FIC be independent (as required in section 7(1A) of the FIA)?**

The FIC is statutory body “under” the Bank of Namibia. The FIC is “*subject to any general or specific policy directives which the Minister (of Finance and Public Enterprises) may issue*” (section 7(1) of the FIA). “*The Centre is physically hosted within the Bank [Bon] and the Bank must provide administrative support services to the Centre, where needed*” (section 7(2)). “*The Minister, upon the recommendation of the Board, must appoint a suitably qualified, fit and proper person as the Director.*” (section 11(1)).

As per section 11(3) of the FIA: “*A person may not be appointed as the Director, unless –*  
*(a) information with respect to that person has been gathered in a security screening investigation by the National Intelligence Agency established by the Namibia Central Intelligence Service Act, 1997 (Act No. 10 of 1997); and*  
*(b) the Minister, after evaluating the gathered information, is satisfied that the person may be so appointed without the possibility that such person may pose a security risk or that such person may act in any manner prejudicial to the objects of this Act or the functions of the Centre.*” The above assessment by National Intelligence is also required for all other staff of the FIC.

“*The Minister, on his or her own accord or upon recommendation by the Board, may remove the Director from office before the expiry of the Director’s term of office*” (section 11(5)). “... [the] Minister, after consultation with the Board or upon recommendation by the Board, may suspend the Director from office” (section 11(6)).

The funding of the FIC comes from budget allocations by Parliament and Government grants.

“*The persons to be appointed as members of the Board [of the FIC] must be fit and proper persons and are appointed by the Minister.*” (section 16A(2)).

An Anti-Money Laundering and Combating the Financing of Terrorism and Proliferation Council is established through FIA. Section 18(1) of the FIA prescribes the composition of this Council as follows:

“(1) *The Minister must appoint members of the Council which consists of -*

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<sup>1</sup> “SWAPO will rule until Jesus comes”, and many other shockingly undemocratic statements from the ruling party refers. Also numerous reports to EPRA that Government and Government institutions and agencies punish them if they oppose any action by Government or critique of any action or policy.

- (a) the Governor or his or her delegate who is the chairperson;
- (b) the Executive Director of the Ministry responsible for finance;
- (c) the Inspector-General of the Namibian Police Force;
- (d) the Executive Director of the Ministry responsible for trade;
- (e) the Executive Director of the Ministry responsible for justice;
- (f) the Executive Director of the Ministry responsible for safety and security;
- (g) the Director-General of the Namibian Central Intelligence Service;
- (h) the Chief Executive Officer of the Namibia Financial Institutions Supervisory Authority;
- (i) the Director-General of the Anti-Corruption Commission;
- (j) the chairperson of the Bankers Association;
- (k) one or more persons representing associations representing categories of accountable or reporting institutions requested by the Minister to nominate representatives;
- (l) one person representing supervisory bodies requested by the Minister to nominate representatives;
- (m) the Executive Director of the Ministry responsible for international relations and cooperation;
- (n) the Prosecutor-General;
- (o) the Commissioner of the Namibia Revenue Agency;
- (p) the Chief Executive Officer of the Business and Intellectual Property Authority; and
- (q) the Master of the High Court.”

A maximum of two persons on the Council is (possibly) not from any government office / institution.

From the above it is clear that the FIC is absolutely a government agency, with its functions, operations, management and funding controlled by Government. To think that the FIC will be completely unbiased (i.e., “perform its functions freely and without fear, favour or prejudice and independent”) or free from political influence, is extremely naïve.<sup>2</sup>

How can the FIC then be trusted with all the information that CSOs must now provide?

#### **4. Practical examples of FIC’s conflict of interest**

##### The case of SME Bank

Let us assume, from the (little) publicly available information on the SME Bank, EPRA concluded that:

- the SME Bank was likely established for the sole purpose of looting public funds,
- the SME Bank was likely established in disregard for the stringent requirements that would normally be applicable to the registration of commercial banks, through political pressure,

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<sup>2</sup> We pause to note that many of those now serving on this council oversaw the SME Bank matter, in which no arrests were made. Many were also in their respective positions when the looting of GIPF was investigated, and that matter ended with the Prosecutor General (still serving on this council) stating: “*The money is gone but there is no evidence*”. The Minister of Finance at the time stated: “The money is gone and we don’t know who lost it”. Miraculously, N\$660 million in public funds disappeared without trace.

- the FIC must have, through its stringent systems employed to detect money laundering, identified very early on that massive amounts of funds were being looted and laundered from SME Bank,
- even if FIC failed to detect the grand looting at SME Bank, FIC must have had the means to trace all the transactions through all its international partner institutions,
- several politicians were directly or indirectly involved or likely in the governance of SME Bank at the time of the grand looting at SME Bank, and
- despite all of the above, not a single person has to date been charged with the looting at SME Bank, more than six years after its liquidation commenced,
- FIC was either deplorably incompetent in detecting the grand looting, or complicit in this crime by concealing information and protecting the guilty parties.

Now let us assume EPRA would make this above statements about the SME Bank, today. EPRA is funded by Namibian businesses. These members joined EPRA because they are concerned about the future of Namibia. They fear to speak out alone. They join and support an association such as EPRA, because they can (and on such condition) anonymously support efforts to improve policy in Namibia to stop the institutions of extraction and to stop the government policies that cause so much hardship and unemployment.

The said new statutory amendments and regulations now forces EPRA to disclose to the FIC exactly who the parties are who dared to speak out (through EPRA) against the FIC and some unscrupulous politicians and government officials. The FIC is obviously conflicted, and cannot possibly act in an independent manner, given especially its politically controlled management structure.

### Witness protection

The Fishrot trial is about to commence soon. Let us assume the following hypothetical scenario. Conjecture has it that some crucial witnesses are not safe, and that they fear for their lives. (At least one witness stated this under oath.) Conjecture also has it that this threat may come from agents within the Namibian Government. Let us assume that a CSO, based on this conjecture, decides to provide additional protection to these witnesses, solely for the purpose of ensuring they are safe during their time of testifying, in a case which is crucial to establish who corrupted our public institutions and looted public assets.

Now the FIC (a government agency as explained before), can demand that this CSO provide its address, full details of its founders, full details of every person in its management, full details of all its funders and the funds it receives, and much, much more. This is a glaring conflict of interest, and many will argue that these new requirements on non-profits may have been put in place exactly for this purpose, to get information on CSOs to be able to stop the good work CSOs are doing in protecting civilians (and the nation) from unscrupulous elements in Government.

In such a case, not even the judiciary can assist the CSO or witnesses. Many will simply die or disappear under mysterious circumstances (and this will not be a first in Namibia). GIPF and Avid Investments come to mine. We refer to the discussion above on institutions of extraction



and how they remain protected through corrupt abuse of public power and institutional capture. Take civil society out of the equation, and they operate with impunity.

### CSO wanting to expose possible corruption

Assume a CSO that has as its object the exposure of corruption, and such CSO finds corruption within the FIC, or the Ministry of Finance, or National Intelligence. These hypothetical examples are not too far-fetched, as can be deduced from many media reports and court cases before.<sup>3</sup> FIC's conflict of interest, and the latest system to enable the purging of such a CSO, is glaringly obvious in this scenario.

### Right to a fair trial

As a last example of the deplorable consequences of these new requirements on CSOs: Assume a CSO intends to challenge the constitutionality of the impugned section 35A of the FIA and the regulations thereto. In such a High Court challenge the Minister of Finance and the FIC must, *inter alia*, be joined as respondents, failing which the application will fail on the basis of misjoinder alone. But, at the same time, this CSO must also provide all its information to the FIC (which operates at behest of the Minister of Finance), including the details of those who fund this CSO and the funds they provided. If these funders are for instance businesses, as is the case with EPRA, they are all subject to piles of compliance requirements to do business; they are wholly dependent on Government to be able to do business. They need licenses, good standings (including tax good standings), quotas, tenders, fitness certificates, concessions, and many more. The NEEEB and Investment Promotion and Facilitation Bill already states that Government can use this dependency to ensure compliance. As shocking (and unconstitutional) as this may sound, it is our reality, and it is naïve to think that this dependency will not be used to punish those who fall out of favour with a politician or some unscrupulous elements within Government.

It is naive to think that no reprisal will follow once the names of the funders of a CSO, embroiled in an application against the FIC and Government, are known to the same parties who are also the respondents in that application. EPRA has over the years received numerous informal reports from its members and supporters of instances where Government / SOEs / Government agencies, statutory regulators, etc, have "punished" them in one way or another after they criticised or otherwise challenged some decision or policy of Government. Understandably, these victims will never report this or raise alarm publicly, for they will just put another target on their back. They have no choice but to keep quiet and do their best to save their businesses against these odds. This is the reality in our country - it is not assumed.

## **5. The purge of civil society has commenced**

Zimbabwe is an excellent example of a country marred by institutions of extraction (and outright institutional capture) and oppressed civil society organisations. In the recently held elections the consequences of the oppression of civil society organisations (apart from the secretive FAZ entity aligned with ZANU-PF) were especially visible. A secret government outfit

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<sup>3</sup> Also see the situation in Zimbabwe at <https://www.ft.com/content/b66cae06-a0da-4dbf-ae69-d91a40e69c89>

was able to forcefully purge any organisation which was viewed to be a threat to Mnangagwa's continued rule. This was only possible if the government had sufficient information about these CSOs, exactly the information the FIC now requires Namibian CSOs to provide to the FIC. Following the development of Zimbabwean laws, it all started with mere "regulation" of civil society organisations and ended with an outright ban of those posing a "threat" to the ruling party.<sup>4</sup>

Namibians have reason to fear that our Government has taken the same direction as Zimbabwe, for, despite criticism from all independent election observers, including SADC, which labelled the elections as undemocratic, our government congratulated Mnangagwa on his victory. The Namibian Government later explained that those complaining about the elections should approach the relevant institution in Zimbabwean. This is disingenuous. These institutions are captured, right up to the judiciary, and every Namibian who cares to read will know this.<sup>5</sup> Approaching these institutions will not only be a futile exercise, but it is also likely to be very dangerous for the complaint. Zimbabwe has a long history of purging political dissent, often with extreme force, even murder.

Instead of Namibia showing respect for democracy and human rights and condemning the lack of democracy in Zimbabwe<sup>6</sup> (and the purging of civil society organisations), Namibia congratulates Mnangagwa on his victory. We don't state these facts only to support the Zimbabwean people in their terrible ordeal, but to warn Namibians of the policy direction that the Namibian government appears to have taken. The latest purge of Namibian CSOs is an excellent example of this direction, away from a free democracy. Government's purge of CSOs in Namibia has now commenced, and it poses a major threat to our free democracy.

## 6. "We have no choice"

It was reported in the media that Namibia had to scramble to put in place several laws, or risk being "grey-listed" as a country. Several foreign agencies are involved, including the Financial Action Task Force (FATF)<sup>7</sup>. This is likely partially true. Even at the infancy stages of the Financial Intelligence Bill in 2005, many foreigners, mostly Americans, provided local technical assistance to the Namibian government to put in place this (and other laws) to help fight organised crime, money laundering and terrorism on global level.

ERPA has no objection with lawful efforts to fight any form of crime. We do however fear that the explanation that "*we have no choice*", when it comes to our local laws, may not be completely accurate. We struggle to believe that any responsible international agency would

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<sup>4</sup> See for instance Zimbabwe's Private Voluntary Organisations Amendment Bill

<sup>5</sup> This has been reported on for many years, by numerous media houses. See for instance: <https://www.enca.com/opinion/zimbabwe-elections-mukundu-zimbabwe-judiciary-has-been-captured> Zimbabwe is so adamant to avoid any judicial scrutiny of government actions, that it blocked the reinstatement of the SADC tribunal if such tribunal allowed private citizens to challenge the Zimbabwean government in such tribunal. Before the tribunal was disbanded, it gave a judgment against the Zimbabwean government, which Zimbabwe simply refused to adhere to. The local courts provided no remedy in this instance, which again shows to what extent the Zimbabwean judiciary has been captured.

<sup>6</sup> See also <https://www.justsecurity.org/87928/zimbabwes-troubled-election-might-southern-african-leaders-follow-the-example-of-their-observers/>

<sup>7</sup> FATF is a "global money laundering and terrorist financing watchdog" made up of 37 member countries.

demand that Namibia enact laws that breach our own constitutional rights and freedoms. We struggle to believe that any responsible international agency would demand the oppression of civil society, and the destruction of our free democracy, only to make their countries (Europe and America mostly) safer<sup>8</sup>. If this is indeed the case, Namibia should strongly condemn such demands, and refuse to adhere to same; these laws will in any event be unconstitutional and our courts will rule as such, despite the external pressure. The Namibian Constitution is after all our supreme law, even if other countries may not respect it (possibly for self-serving purposes). We must demand that at least our own leaders respect our Constitution.

## 7. Further Action

EPRA is in the process of consulting legal counsel to challenge the constitutionality of section 35A and regulations thereto.

We urge all our members, supporters, and all civil society organisations to support us in this matter. Our democracy is at stake.

We assure our members that, as per the EPRA Constitution, we will not divulge the details of our members and supporters, especially not to Government. We know the fear of Government reprisal is a reality in our country. We received reports of government reprisal, from small businesses to large corporates. There is nothing we, or these businesses can do about it. Our institutions are not an option.<sup>9</sup> The judiciary is not an option as the onus of proof in such instances are mostly impossible. Government / politicians don't have to act in reprisal, they can simply refuse some application (for a license/tender/quota etc), or not act at all (or give instruction to do so), to punish whomever they want. Businesses dare not speak out, at least not alone.

We understand this, and for that reason we resolved that, if all else fails, before we are forced to provide information on our members to Government, we will rather disband EPRA and pay our funds to a CSO with similar objectives as EPRA. To be clear, we are not against any effort by Government to curtail crime. Crime poses a substantial risk to our economy, especially high level, government corruption. But we cannot support such efforts if they are unconstitutional and pose a substantial threat to our free democracy; especially so if such efforts may result in the suppression of those standing against government corruption, which may result in even more corruption.

We can only hope that, for once, civil society can unite to some extent to oppose this threat to our free democracy.

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<sup>8</sup> Terrorism is not a major problem in Namibia (if at all). The local laws aimed at curtailing financing of terrorism mostly serve other nations. The risk that we are drifting towards the Zimbabwean scenario, with the loss of our constitutional democracy, is a fear greater threat to Namibia. A whole nation will be destroyed. Foreign agencies who do not recognise this are irresponsible in their dealings with Namibia.

<sup>9</sup> We tried to seek remedy from the Office of the Ombudsman before. It was futile as it was obvious that Office will find any excuse to side with Government, no matter how unsound in law their excuse may be.

Yours faithfully  
**EPRA Management Committee**

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**To the editor:**

EPRA was established as a voluntary association in 2017. EPRA's objectives are to advocate for pragmatic, sustainable, pro-growth and investment friendly economic policy. By extension, EPRA advocates for pragmatic job creation and reducing inequality of opportunity. EPRA published several reports on proposed legislation which we believe are unconstitutional and toxic to economic growth.

For more on past reports by EPRA visit [www.epra.cc/downloads](http://www.epra.cc/downloads)

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