



Financial Intelligence Centre Republic of Namibia

PO Box 2882
Windhoek
Namibia

Phone: + 264 61 283 5100
Fax: + 264 61 283 5259
helpdesk@fic.na

10 March 2023

FINAL PUBLIC CONSULTATIONS UNDERWAY ON PROPOSED LEGISLATIVE AMENDMENTS TO ADDRESS FINDINGS OF THE MUTUAL EVALUATION OF NAMIBIA

1. As announced earlier this month, Namibia is making steady progress in addressing findings related to its Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation Framework (AML/CFT/CPF) in order to maintain integrity of the financial system. Namibia underwent a second peer review/mutual evaluation, aimed at assessing the country's compliance with the United Nations Conventions on AML/CFT/CPF and mandatory UN Security Council Resolutions, issued under Chapter VII of the United Nations Charter, as embedded in the Financial Action Task Force (FATF) Recommendations.
2. Following the review and adoption of the Mutual Evaluation Report, the country was given a year to close all findings in order to avoid a targeted FATF review. Namibia is going to great lengths to meet the deadlines in order to prevent the country being greylisted. Greylisting means that the FATF will closely monitor the country's financial transactions with the rest of the world. When this occurs, the country's financial system may suffer reputational harm, affecting foreign direct investments and capital flows, and increasing due diligence costs.
3. To effectively mitigate the risk of a targeted review, the Cabinet of the Republic of Namibia approved a National Action Plan in December 2022, which includes proposed legislative

changes and enhanced effectiveness measures by law enforcement agencies to address the findings.

4. To this end, the following draft amendments and Bills have been prepared by the relevant national stakeholders, and a first round of public consultations in respect thereof already took place from mid-February to early March 2023:
 - The Financial Intelligence Act, 2012 (Act. No 13 of 2012) as amended (FIA);
 - The Prevention and Combating of Organised Crime Act, 2004 (Act No. 29 of 2004) as amended;
 - The Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014);
 - The Criminal Procedure Act, 1977 (Act No. 51 of 1977);
 - The Police Act, 1990 (Act No. 19 of 1990);
 - The Extradition Act, 1996 (Act No. 11 of 1996);
 - The International Cooperation in Criminal Matters Act, 2000 (Act No. 9 of 2000);
 - The Companies Act, 2004 (Act No. 28 of 2004);
 - The Close Corporations Act, 1988 (Act No. 26 of 1988);
 - The Banking Institutions Act, (Act 2 of 1998);
 - Payment Systems Management Act, (Act 18 of 2003)
 - Trust Property Bill

5. This communication serves to invite inputs and contributions to the proposed **Virtual Asset and Initial Token Offering Services Bill (VASP Bill)**. If passed, this legal instrument will support the existing legislative framework, especially the FIA, in enhancing the supervision, licensing and monitoring of Virtual Assets Service Providers (VASP).

6. All regulated entities, regulatory and supervisory bodies, civil societies, the academia, public and private sector role players, key stakeholders and members of the wider public are again invited to provide inputs and comments to the proposed amendments and Bills mentioned above. A round of public consultation is scheduled to take place on **Tuesday, 14 March 2023**, from **09h00 to 15H00** at the **Bank of Namibia offices**. An e-copy of the VASP Bill will be available in a link on the Financial Intelligence Centre's website, www.fic.na, as from today, 10 March 2023. Alternatively contact the following email

addresses: julia.mukapuli@fic.na and zenobia.barry@fic.na. Written comments may also be addressed to the same contacts up and until 17h00 on **14 March 2023**.

7. Finally, the FIC assures stakeholders that closing gaps in the mutual evaluation findings remains a top priority for the government. In this regard, all public and private sector stakeholders are under strict commitment and instruction to do everything possible to expedite the implementation of the Cabinet-approved National Action Plan.

8. The AML/CFT/CPF Council, the Minister of Finance and Public Enterprises, and the Prime Minister of the Republic of Namibia regularly monitor the progress being made by both public and private entities within the financial integrity ecosystem. The ongoing consultations are the first step in ensuring Namibia meets the expectations of the exercise.



Mr. Kristian Hamutenya
Acting Director