



June 16, 2017

PRESS STATEMENT FOR IMMEDIATE RELEASE

THE Namibia Media Trust (NMT) urgently requests the Ministry of Information and Communications Technology (MICT) to withdraw the current 2017 draft of the Electronic Transactions and Cybercrime Bill, which, in its present form, is outdated as well as severely problematic in a number of key aspects.

We would further request the MICT and to re-initiate a process of multi-stakeholder and expert consultation in order to ensure that the proposed law is, among others, constitutionally and rights compliant as well as current in the present climate of the constantly-evolving cybersecurity and cybercrime environment.

While the Ministry did request public submissions on the bill with a deadline of June 16, the NMT feels this is not enough to thoroughly scrutinize the Bill, with the help of legal and other experts and key stakeholders, in order to make proper inputs and propose changes to the many areas of concern.

With its partners in the Action Namibia coalition which recently organized a workshop with some experts in the sector on the draft Electronic Transactions and Cybercrime Bill, the NMT joined other voices there in objecting to much of the content of the proposed law, which among others conflicts with principles of openness and transparency as outlined in the Harambee Prosperity Plan, and which is essentially both flawed and outdated.

We would caution that hastily passing a confused bill into law which is both flawed and legally problematic on such important issues as cybersecurity and cybercrime will create immense problems down the line and would conceivably culminate in the erosion of individual rights and privacy.

It is not possible to outline the host of concerns in this bill, some of which are highly technical, but suffice to say that some are related to overreaching power for the Minister; lack of accountability or regulatory/oversight mechanism/s to prevent surveillance abuses; the provision of warrantless search and seizure operations and unauthorized access and failure to define and separate concepts, or clarify definitions and distinctions between cybersecurity and cybercrime.

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While there may be a measure of urgency for such a law, it would be shortsighted and inadvisable for Parliament to rush it through with the prospect of serious future consequences for online security and individual rights.

We would therefore urge the Minister to withdraw the bill, and initiate a thorough consultative process with experts and stakeholders to ensure that Namibia has a progressive and forward-looking law in place to deal with these critical issues.

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Issued by:

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