



**SUPPORT FOR IMPROVING THE INVESTMENT AND BUSINESS
ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
REGION (SIBE)**

**National Action Programme on Investment (NAPI) to
domesticate the SADC Investment Policy Framework (IPF)**

Namibia
2024/2025 to 2026/2027

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FOREWORD

As a member of the Southern Africa Development Community (SADC), we are committed to regional integration, with the aim to create sustained economic growth and development within the Community. Attracting and facilitation of investment is central to the sustainable development and integration agenda of SADC member states. We therefore believe as a group that facilitating improving easy access into our region is crucial for investors to establish or expand their businesses and enterprises in our countries. Furthermore, cooperation between member states coupled with extended collaboration with the private sector will aid the region to realise the SADC ambition of deeper regional integration, industrialisation and infrastructure development. Centre to driving the agenda on investment is the SADC Finance and Investment Protocol (FIP), that all member states subscribe to. Under the Investment Annex of the FIP are various programmes and projects that are aimed to improve the Investment and Business environment in the Region. In fact, the development of the Investment Policy Framework (IPF) has been one of the important projects that Member States did adopt. The IPF aims at guiding Member States in developing their National Action Plans for Investment (NAPI) while at the same time domesticating the IPF. The NAPI intends to support Member States to meet their growth challenges by placing transparent and accountable institutions, market access and competition, inclusiveness, and economic integration at the centre of the region's strategy for attracting sustainable private investment.

For us as a country, it is important that our domestic policies related to investment are aligned to SADC initiatives and strategies, since we feel that only through a unified effort the needed impetus is created for the realisation of our industrialisation objectives for inclusive growth, economic diversification, enhanced competitiveness and deeper regional integration. We therefore embraced the initiative with the support from SADC and embarked with the process to develop the NAPI for Namibia. The NAPI has been informed by the broader national development policy framework of Namibia, including Vision 2030, the fifth National Development Plan, the “Growth at Home Strategy” and the Harambee Prosperity Plans. It furthermore provides necessary guidance for our

National Investment Policy, as well as the Namibia Investment Promotion and Facilitation Act. Both legal instruments are also aimed at creating a conducive and enabling business environment for both foreign and domestic investors. Of course the NAPI was drafted and finally validated with the involvement and input of all stakeholders, both public and private sector.

The NAPI is a continuous programme, which will be implemented through the Technical Working Group (TGW), and it is our wish that stakeholders remain actively involved in order to contribute to the success of the NAPI. We are also thankful to SADC for their support in developing the NAPI and look forward to further future cooperation in improving our investment environment.

Lucia lipumbu, MP

Minister of Industrialisation and Trade

ACKNOWLEDGMENTS

The Ministry herewith acknowledge the inputs received from all stakeholders during the data gathering and validation process, which assisted in shaping the Action Programme. We are equally appreciative of the technical assistance and financial support from the SADC Secretariat, and the SADC Support Consortium (Comprising FinMark Trust, Gesellschaft für Agrarprojekte (GFA) Consulting Group, and Southern Africa Trust). We also wish to acclaim the consultant, Farai Sagonda, for expediting the development of the draft National ACTION Programme towards validation by stakeholders. We look forward to a successful implementation of the National Action Programme for Investment, and its implementation strategy, through active involvement of all the stakeholders.

Sikongo Haihambo

Executive Director

Ministry of Industrialisation and Trade

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

BoN	Bank of Namibia
DBN	Development Bank of Namibia
FIA	Foreign Investment Act
FIP	Finance and Investment Protocol
EPZ	Export Processing Zone
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GoZ	Government of Namibia
ICPs	International Cooperating Partners
IDC	Industrial Development Corporation
IPA	Investment Promotion Authority
IPF	Investment Policy Framework
IRA	Investment Regulatory Agency
MS	Member State
MIT	Ministry of Industrialization and Trade
NACC	Namibia Anti-Corruption Commission
NAPI	National Action Programme for Investment
NDP 5	National Development Plan 5
NIBSS	Namibia Inter-bank Settlement System
NIC	Namibia Investment Centre
NIPDB	Namibia Investment Promotion and Development Board
NIPA	Namibia Investment Promotion Act
NAMRA	Namibia Revenue Agency
NEEEB	New Equitable Economic Empowerment Bill
OSISC	One Stop Investment Shop Centre
RAPI	Regional Action Programme for Investment
RBC	Responsible Business Conduct
RISDP	Regional Indicative Strategic Development Plan
SADC	Southern African Development Community
SEZ	Special Economic Zone
SIBE	Support for Investment and Business Environment
TWG	Technical Working Group
EU	European Union

1. EXECUTIVE SUMMARY

The National Action Programme for Investment (NAPI) is part of the implementation of the SADC Investment Policy Framework. The SADC IPF as guided by the SADC Finance and Investment Protocol (FIP) aims at leveraging a collective effort among Member States to advance reforms necessary to create a favourable business environment which is conducive to attracting higher levels of investments to support the industrialization and development process of the region. The NAPI focus is on Namibia's key priority areas for investment reforms, prioritized as being immediate/short term and medium term for the period of 3 years running through 2004/5 to 2006/7 financial years. These key priority areas were determined through the process of stakeholder consultations and scientific data analysis. They are centred on the five objectives of the NAPI, which are; to promote a coherent and transparent investment environment; to promote market access and competition; to provide security and protection of Investors' rights; to promote responsible business contact by investors; and to cooperate with regional and global countries on investment matters.

The implementation of the NAPI will be done under a mechanism/framework called the Technical Working Group (TWG). The TWG is a way of bringing together officials with multi-faceted skills from different departments together to achieve a common objective. This is important especially in the investment area as it is multi-faceted, multi-sectoral and cross-cutting among many government departments and private sector. In order to effectively measure progress in the implementation of the NAPI, the Rapid Results Approach (RRA) is adopted. The RRA will be implemented over 100-day cycles. At the end of each 100-day cycle, stakeholders will measure progress in investment reviews and take corrective measures if so necessary. The success of the NAPI depends on effective implementation, close monitoring and evaluation to ensure realisation of key targets and milestones. It is therefore recommended that while the TWG implements the action points under NAPI, the MIT will be responsible for monitoring and evaluation of the work of TWG. Several pertinent recommendations have been put forward, among others is the development of the National Investment Policy. Some of these can be viewed as low hanging fruits and their implementation will fast track the intended reforms.

2. INTRODUCTION AND BACKGROUND

The National Action Programme for Investment (NAPI) is part of the implementation of the SADC Investment Policy Framework. The SADC IPF as guided by the SADC Finance and Investment Protocol (FIP) aims at leveraging a collective effort among Member States to advance reforms necessary to create a favourable business environment which is conducive to attracting higher levels of investments to support the industrialization and development process of the region. The FIP and in particular Annex 1, is intended to foster cooperation among SADC Member States (MS) on investment matters to achieve harmonization of investment related laws, regulations, regimes and practices with the objective to enhance regional focus and consistency in investment matters.

It is hoped that this policy framework when fully implemented by MS, a regional investment environment conducive to both domestic and foreign direct investment will be established. A conducive business environment stimulates the generation of investments (both FDI and domestic investments) in individual MS and the region at large. Consequently, the region can better position itself to compete with other Regional Economic Groupings (RECs) for FDI. Higher levels of investment in the region can contribute to economic development, job creation and poverty alleviation.

The process of domesticating the Regional IPF has been ongoing. Some MS have already developed their NAPIs; others are in the process of doing so, while others will do so at a later stage. It is against this background that the NAPI for Namibia has been developed.

3. RATIONALE

The rationale of the development of the NAPI is to domesticate the SADC Investment Policy Framework (IPF), and to facilitate reforms that will enable Namibia to create a conducive and attractive investment climate.

4. ALIGNMENT TO OTHER INTERNATIONAL, REGIONAL (SADC), AND NATIONAL DEVELOPMENT FRAMEWORKS

4.1 Finance and Investment Protocol (“FIP”)

The FIP is one of the Protocols entered into by SADC Member States. It is a binding, legal document and as such, it complements the objectives of the SADC Treaty. Specific objectives of the FIP include:

- i. The formulation and implementation of stability orientated macroeconomic policies, and the attainment of macroeconomic convergence;
- ii. The development, strengthening and deeper integration of financial and capital markets;
- iii. The attainment of deeper monetary co-operation;
- iv. The promotion of SADC as an attractive investment destination, and increasing levels of domestic and foreign investment within SADC; and
- v. The harmonization of policies and the legal and regulatory frameworks relating to the financial and investment environment.

The FIP was signed in August 2006, ratified by two-thirds majority of MS and consequently, came into force on 16 April 2010.

4.2 Regional Indicative Strategic Development Plan (2020-2030)

The Regional Indicative Strategic Development Plan (RISDP) (2020-2030) outlines the need for promoting the development of sound investment policies in MS, to improve the investment climate and enhance the levels of intra-SADC and foreign direct investment in the region.

4.3 SADC Regional Action Programme on Investment

The Regional Action Programme on Investment (RAPI) is an action-oriented call document. One of the tasks under RAPI is to develop regional guidance, based on country experiences and international good practices, with the overreaching goal of facilitating coordinated improvement of investment policy frameworks across MS in support of the Regional integration agenda.

4.4 SADC Investment Policy Framework

The SADC IPF was borne out of the call from RAPI for the need to develop a regional policy guidance on investment. The SADC Secretariat supported by international cooperating partners developed the SADC IPF.

This policy guideline offers MS a framework for the formulation and operationalization of sound investment policies that can promote broad-based economic growth. Driven by MS, the IPF was designed as an action-oriented programme that provides a policy roadmap for reforms in a non-prescriptive manner, promoting peer learning and sharing of good practices.

The aim of the SADC IPF is to leverage a collective effort among MS to advance reforms that can be conducive to attracting higher and significant levels of investments

to support the industrialization and development process of the region. The IPF evolved through three phases:

- **Phase One:** Analysis of the investment climate in the SADC region using the OECD Policy Framework for Investment (PFI). This phase was completed in 2014.
- **Phase Two:** Elaboration of action-oriented regional guidance for investment policy reform based on the results of phase one. This phase was completed in 2015.
- **Phase Three:** Activities and tools to facilitate implementation of the action-oriented guidance developed in phase two. This phase has been started and will need to be sustained for several years.

4.5 Namibia Investment Climate

The investment climate in Namibia is generally positive. Despite global economic disruptions caused by the COVID-19 pandemic, Namibia has maintained political stability and continues to offer key advantages for inward Foreign Direct Investment (FDI), such as an independent judicial system, protection of property and contractual rights, good quality physical and telecommunications infrastructure, and easy access to South Africa and the region. Namibia is upgrading its transportation infrastructure to facilitate investment and position itself as a regional logistics hub. An expansion at Walvis Bay Port concluded in 2019, renovations at Hosea Kutako International Airport are ongoing, and there are plans to extend and rehabilitate the national rail line, notably to improve connection from Walvis Bay port to neighbouring countries.

Namibia has the best roads on the African continent, according to the World Economic Forum. Namibia also has access to the Southern African Customs Union (SACU), which is headquartered in Namibia, the Southern African Development Community's (SADC) Free Trade Area, Africa Continental Free Trade Area (AfCFTA) and markets in Europe and Asia. With the second highest solar radiation in the world and vast land and wind resources, Namibia is also positioning itself to be a global leader in renewable energies and green hydrogen, with potential to improve local and regional access to energy and efforts to combat climate change.

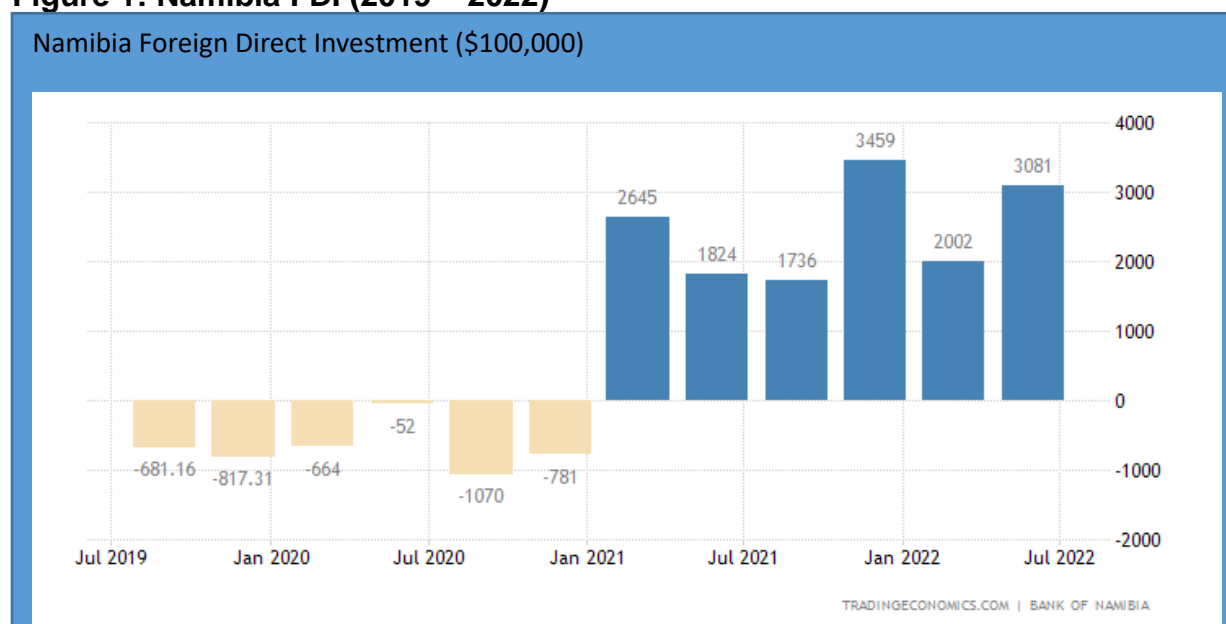
Factors that may inhibit FDI into Namibia are the country's relatively small domestic market, high transport costs, high-energy prices, and limited skilled labour pool. Corruption is a problem but not endemic. A recent scandal in the fishing sector resulted in the arrests of ministers and business leaders and strained public trust. As a post-apartheid country with one of the highest rates of inequality in the world, Namibia continues to look for ways to address historic economic imbalances. Proposed legislation, the New Equitable Economic Empowerment Bill (NEEEB), which has been in draft form for more than a decade, will look to create economic and business opportunities for disadvantaged groups, including in the areas of ownership,

management, human resource development, and value addition. Parliament was to pass the bill in 2022, but this has not realized as yet.

Recent announcements by Shell and Total Energies on oil discoveries can potentially put Namibia on the international investor map than anything else. If these discoveries are exploited, they will involve vast sums of money that will swamp everything else going on in the economy and make aggregate macroeconomic numbers look healthier than they are now. Similarly, Government's ambition to develop Green Hydrogen has potential for economic spin-offs.

According to the UNCTAD's World Investment Report 2021, Namibia realized USD 209 million (2018) and net negative FDI in 2019 and 2020¹.

Figure 1: Namibia FDI (2019 – 2022)



FDI Performance	Namibia			SADC Average			Developing Country Average		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
FDI Inflow (2019-2021) – (in USD M)	-178.9	-155.9	411.6	517.8	455.3	2857.8	3994	3223	4514.9
FDI as % of GDP (2019-2021) ¹	-1.4%	-1.5%	3.3%	2.6%	2.7%	4.3%	3.8%	3.3%	3.8%
Value of Greenfield Investments (2019-2021) (in USDM)	751	149	4,594	874.8	881.5	1242.8	3876	2076	2214

¹ fdi-report-2021.fdiintelligence.com

5. CONTEXTUAL FRAMEWORK

The framework on Investment policy reviews can be looked at from three perspectives;

- International;
- Regional guidelines;
- National level - development plans, policies laws and regulations.

5.1 International Context

The international context for investment policy formulation is guided by the United Nation's sustainable development goals adopted in 2015 by UN Member States. The UN estimates that there is a USD 2.5 trillion financing gap in developing economies. FDI is a critical source of financing for these countries to ensure that they are in a position to attain the SDGs. The UN is leading efforts to support countries through its agencies and others, such as UNCTAD, OECD etc. UNCTAD provides investment policy guidelines to world economies to improve their investment environments. One of the policy guidance is the encouragement of regional cooperation through regional compacts in the investment policy formulation process which is key to maximizing the impact of investments. The framework also provides guidelines in investment policy reviews. The reviews entail an objective evaluation of the country's legal, regulatory, and institutional environment in order to highlight reforms required to attract increased FDI.

The OECD developed the 'Policy Framework for Investments' (PFI). The framework outlines 12 different policy areas affecting investment; Investment Policy, Investment Promotion and Facilitation, Competition, Trade, Taxation, Corporate Governance, Finance, Infrastructure, Developing Human Resources, Policies to promote Responsible Business Conduct and Investment in support of Green Growth. The OECD PFI is the reference framework for the SADC investment Policy Framework which was developed in partnership with the OECD.

The World Bank is another key global actor providing technical assistance on investment policy formulation and benchmarking. The World Bank offers technical assistance in developing FDI strategies, identification of key areas for reforms and investment policy reform guidelines.

5.2 Regional Context

The SADC IPF was borne out of the call from Regional Action Plan on Investment (RAPI) for the need to develop a regional policy guidance on investment. The SADC Secretariat supported by international cooperating partners developed the SADC IPF. This policy guideline offers MS a framework for the formulation and operationalization of sound investment policies that can promote broad-based economic growth. Driven by MS, the IPF was designed as an action-oriented programme that provides a policy roadmap for reforms in a non-prescriptive manner, promoting peer learning and sharing of good practices.

The aim of the SADC IPF is to leverage a collective effort among MS to advance reforms that can be conducive to attracting higher and significant levels of investments to support the industrialization and development process of the region.

The IPF identified five action areas for reforms as key, as given in table 1;

Table 1: Five Action Areas for Investment Reforms

Area	Action
Area 1	Promoting a Coherent and Transparent Investment Environment
Area 2	Ensuring Market Access and Competition
Area 3	Providing Security and Protection of Investors' Rights
Area 4	Ensuring Responsible and Inclusive Investment for Development
Area 5	Promoting Regional and International Cooperation.

5.3 National Context

Whilst the development of the SADC IPF was at a regional level, its domestication is at the national level. It is therefore important to establish progress made by Namibia in domesticating the SADC IPF, identify the challenges and opportunities. In order to do so, it is critical that the country's national development plans, investment related policies, laws and regulations together with institutional mechanisms are reviewed.

5.3.1 National Development Plan

The Harambee Prosperity Plan (HPP) 11 (2021-2025); which extracts certain key projects from the NDP, which are implementation plans aimed at the realization of VISION 2030, and builds on the HPP1&2 which are intended to ensure economic recovery and achieve inclusive growth through the following;

- Entrenching effective governance measures;
- Facilitating inclusive and sustainable levels of economic growth to achieve Economic Advancement;
- Fighting poverty including income and wealth inequalities to achieve Social Progression;
- Delivering essential utilities to support Infrastructure Development; and
- Enhancing International Relations and Cooperation.

5.3.2 Investment Related Legal Frameworks and Institutional Mechanisms.

Namibia has a number of investment - related legal frameworks and institutional mechanisms in place. The principal ones being;

- Companies Act of 2004 and the amendments administered by Business and Intellectual Property Authority; which provides for the incorporation, management, and liquidation of companies;
- Foreign Investment Act, 1990 which makes provision for the promotion of foreign investments in the country; administered by the Investment Centre in the Ministry of Trade and Industry;
- Business and Intellectual Property Authority Act, 2016 administered by the Business and Intellectual Property Authority which provides for the registration of business and industrial property, protection of business and intellectual property;
- Section 21 of the Companies Act (28 of 2004) and Section 2 of the Public Enterprises Governance Act (Act No.1 of 2019) which makes provision for the promotion and facilitation of investment by foreigners and Namibian nationals and administered by the Namibia Investment Promotion and Development Board in the office of the Presidency;
- National Policy on Sustainable Special Economic Zones (2022 – 2027);
- Export Processing Zones Act;
- Public Private Partnership Act, 2017 which provides the legal framework for public private partnership projects and administered by the Public Private Partnership Committee;
- Namibia Land Policy which provides for access to land, rights, security, protection and administration of land;
- Namibia Trade in Goods Policy which is administered by the Ministry of Industrialization and Trade;
- Exchange Control Regulations, 1961
- Immigration Control Act 7 of 1993, Immigration Regulations 134 of 1994 which provides for investors permits, employment of foreign nationalities and governed by the department of Immigration Control;
- Environmental Management Act of 7 of 2007 which provides for the sustainable management of the environment and the use of natural resources;
- Public Enterprises Governance Act, 2019 which provides for the efficient governance of public enterprises, restructuring and monitoring of their performance.

6 STAKEHOLDER CONSULTATION AND VIEWS ON INVESTMENT REFORMS

The process of developing the NAPI for Namibia required that consultations be carried out to gather views of key stakeholders regarding priority areas for investment reviews. Consistent with *Scientific Research Approaches*; a consultative survey was carried out to gather data. With a sample size of 30 surveyed stakeholders; online questionnaires

were distributed to the respondents, and 21 valid questionnaires were returned to the Consultant. The response rate for the survey was approximately 70%. Thus, the response rate was enough to generalize findings and is consistent with Booker, Austin, and Balasubramanian (2021), who suggested that a response rate of 70% and above is ideal for the relevance and significance of research findings. A significantly higher response rate was probably attributable to the convenience offered by the virtual delivery and submission of research questionnaires early enough and accompanied by follow ups.

Focus group meetings were held with key Namibian stakeholders; officials from the Ministry of Trade and Industrialization (MIT) and Namibia Investment Promotion and Development Board (NIPDB). Furthermore, detailed in-depth interviews were held with the EU Delegation to Namibia and Namibia private sector representatives. These key stakeholders are the main drivers of NAPI and adequate consultations were therefore of paramount importance. It was found out during interviews that the key stakeholders had the relevant knowledge about the subject matter and this further helped to improve reliability and dependability of the research.

6.1 Stakeholder Views on Promoting a Coherent and Transparent Investment Environment

Key stakeholders reported that significant progress has been registered in promoting a coherent and transparent investment environment. Stakeholders indicated that a coherent and transparent investment environment increases investor confidence and might make Namibia a comparably strong investment destination in the region. The private sector stressed the need for the country to work more in making investment information easily available and accessible to investors as this is an important aspect of a conducive investment environment. Stakeholders indicated that coordination among government departments which deal with investment on investment related matters is also very important. They called for the country to move with speed in enacting and implementing investment laws, some of which have been in the draft form for some time. The NIPDB needs to quickly get fully operationalized. They stressed the need for the One Stop Shop Investment Centre under NIPDB to resemble a fully functional unit where investors get all the relevant information, approvals for permits and licences under one roof. The private sector indicated that government needs to address private sector concerns about bureaucracy, red tape and general slowness in processes related to starting and establishing a business in the country. The Ministry of Trade and Industrialization and the NIPDB officials indicated that they are working on an investment policy which will address investment related bottlenecks in Namibia.

The views obtained from key stakeholders were supported by survey results; respondents were asked to reveal their perceptions on promoting a coherent and transparent investment environment in Namibia. 71% of the respondents indicated that Namibia needs to immediately work on the *Provision of consolidated and easily accessible information on investment* whilst 86% pointed out that the country needs to immediately work on *Enhancing clarity and predictability of investment screening and authorization processes to improve the effectiveness and efficiency of investment screening and authorization procedures*. Stakeholders indicated that Namibia needs to

continue improving on *Institutionalizing open stake-holder consultation processes for investment policy* through continuous consultations for stakeholders to provide input into the design of new regulations in investment policy formulation. Stakeholders also felt that the country needs to conduct *costs-benefit analyses* of investment policies to enable promotion of better-quality regulation and policies and drop those policies which do not add much value. They also indicated that government needs to continue working on promoting e-government initiatives to enhance the investment climate and was cited as a very important activity which requires immediate attention. Stakeholders noted that government must refrain from creating agencies and authorities that take a long time to get fully functional.

6.2 Stakeholder Views on Ensuring Market Access and Competition

Discussion with key stakeholders from Namibia indicated that generally, the investment environment in Namibia is open and non-discriminatory between local and foreign investors. However, they felt that there is need to balance market access and the need to protect the Micro, Medium and Small Enterprises (MMSE) sector from unjustified competition from FDI. Market access helps to a certain point - for industrialization of economy - where there is no sufficient local capacity and beyond that no FDI would be needed. They indicated that some sectors of the economy would need continual protection especially from state owned firms of other nations and therefore FDI restrictions remain relevant to protect the MMSE sector. In all cases where there is no need to protect the MMSEs, FDI is much welcome.

Survey results on Market Access and Competition show that stakeholders have mixed views on adopting non-discriminatory treatment in investment related policies. Stakeholders view the adoption of non-discriminatory treatment as a reform area which requires focus from government. Results indicated that respondents feel that the government needs to continue maintaining an open environment for the entry and operation of foreign investment and refrain from distorting the market through certain policies, for example employment policies which require certain quotas to be local labour. Respondents feel that the government need to do more in facilitating involvement of the private sector in infrastructure development projects. This is an important aspect which can enhance promotion of good governance of Namibia state-owned enterprises as there will be competition from private owned providers of infrastructure projects. Stakeholders feel that there is need for government to carry out a cost benefit analysis of targeted tax incentives and reforms in these areas are critical to support investment and avoid discrimination. The area of land rights/land ownership was also raised during the consultation process. Stakeholders indicated that policies on land rights should be designed to support investment and the government needs to come up with policies which improves access to land for investment purposes.

6.3 Stakeholder Views on Providing Security and Protection of Investor's Rights

Consultations with key stakeholders reviewed that measures to provide fair compensation in cases of expropriation and mechanisms for dispute settlement are already in place in Namibia and not much investment reviews are necessary under this aspect. Survey results indicate that although the above position is true; respondents further require the government of Namibia to put in place and enforce measures to minimise corruption risks in investments matters as it is a key component of investment

protection. In addition, the protection of intellectual property rights to attract knowledge-based investment was also cited as key and an important aspect in protecting investor rights.

6.4 Stakeholder Views on Ensuring Responsible and Inclusive Investment for Development

Key stakeholders highlighted that the aspect of responsible investment is of crucial importance if the benefits of FDI are to be realized. Namibia has laws in place to protect the environment, labour rights and to ensure protection of public health. Survey results show that there is need to put in place measures to align national investment policy with regional and international development objectives. Survey results indicate that respondents expect the government has to put in place measures to incentive FDI companies to support local entrepreneurship. Respondents indicated that the investment policy which the government of Namibia is developing should be proactive in this aspect.

6.5 Stakeholder Views on Promoting Regional and International Cooperation

Key stakeholders (the Ministry of Industrialisation and Trade, and the Namibia Investment Promotion and Development Board officials) indicated that Namibia is an active member in Regional and International integration activities. Namibian officials do participate in SADC and AfCFTA investment policy issues. The country signed a number of investment agreements with SADC and global countries to promote cooperation on investment matters.

Survey results reviewed that stakeholders support measures by the government of Namibia to deepen its cooperation with regional and the international community. Stakeholders indicated that deepening and diversifying integration through regional and international investment co-operation agreements, improving regional co-operation on tax policies, promoting infrastructure investments through regional co-operation and ensuring coherence between trade and investment policy, particularly in services are issues which the government needs to continue doing. Stakeholders feel that Namibia should continue being an active part in SADC in making the region increasingly attractive to investment. They also indicated that agreements on regional cooperation among countries should be ratified immediately as soon as the agreements are signed to show seriousness among the MS.

7 KEY IDENTIFIED PRIORITY AREAS FOR REFORMS

Data gathered from the consultation process was analysed from which a list of Namibia's key priority areas for investment reforms was determined through the process of scientific prioritisation. This list is given in *Annex IV*. The key identified priority areas for reforms were indicated as requiring; *immediate/short term and medium-term interventions* in order to implement the investment reforms. There are however areas where stakeholders indicated that *long term interventions will be necessary*. There are

also areas where stakeholders indicated that there is no action required as the measures are already in place. The key identified priority areas for reforms are discussed below and broadly fall under the 5 action areas for investment as given under the SADC IPF

7.1 Areas for Reforms under Promoting a Coherent and Transparent Investment Environment

Under this action area, stakeholders identified the following activities as critical and in need of immediate attention;

- Provision of consolidated and easily accessible information on investment,
- Enhancing clarity and predictability of investment screening and authorization processes,
- Improving the coordination of investment activities among government departments,
- Other areas include - Finalization of the Investment policy, operationalization of SEZs, and full operationalization of the One Stop Investment Centre.

7.2 Areas for Reforms under Ensuring Market Access and Competition

The following activities were identified as requiring immediate attention for investment reforms;

- Maintaining an open environment for the entry and operation of foreign investment,
- Facilitating local private sector participation in infrastructure development,
- Carrying out a cost benefit analysis to ensure that there is prudent use of targeted tax incentives.

Policies on the Adoption of non-discriminatory activities and promoting good governance of state-owned enterprises were said to be in place and therefore no need for immediate reforms in these areas.

7.3 Areas of Reforms under Providing Security and Protection of Investors Rights

Namibia stakeholders indicated that the country fares well in protecting investors' rights and not many reforms are necessary under this action area. The following areas were identified as requiring immediate attention in investment reforms;

- Providing well-defined rights for land access and use, and
- Minimizing corruption risks in investment opportunities.

7.4 Areas of Reforms under Ensuring Responsible Business Conduct

The following areas were identified as requiring immediate attention in investment reforms;

- Aligning the investment policy with national, regional and international development objectives,

- Enhancing support to local entrepreneurship, including small and medium sized enterprises and women entrepreneurship,
- Asserting the right to regulate, and
- Encouraging environmentally-friendly investments for sustainable development.

7.5 Areas of Reforms under Cooperation Regionally and Internationally on Investment matters

Under this action area, the following areas were identified as requiring immediate attention in investment reforms;

- Deepening and diversifying integration through regional and international investment co-operation agreements;
- Improving regional co-operation on tax policies and
- Promoting infrastructure investments through regional co-operation.

The key identified areas of investment reforms to address the investment gaps in Namibia is consistent with the country's investment constraints identified from literature review. Generally, Namibia fairs well in protecting investors and their investments. Investment policies in Namibia encourage both locals and foreigners to set up business in the country without discrimination. There is a need for Namibia officials to work to shorten the time it takes to set up a business in the country. There are laws in place to support investor responsibility and responsible business conduct. Enforcement of these laws is generally sufficient. Namibia cooperates well with other regional countries as well as the global village in investment matters. The country has entered into a number of investment agreements with both regional and international countries. Namibia considers that fully opening the economy to FDI without reserving special areas for investment to its MSMEs sector might hamper its developmental objectives. This therefore explains why the country like other SADC MS still has certain areas where there are some restrictions to FDI.

7.6 Other Investment Related Areas

Stakeholders from Namibia indicated that there are other matters which are of priority to the country's development plan such as the development of the National Investment Policy and the operationalization of the Special Economic Zones among others. These areas fall outside the scope of this assignment; however there are linkages between the investment policy, SEZ with some of the aspects under NAPI. The country therefore stands to benefit from the development of the NAPI. Regarding support to the development of the National Investment Policy, Namibia officials are advised to approach other development partners to seek support for aspects outside the scope of the NAPI.

8 NAPI OBJECTIVES, GOVERNANCE AND INSTITUTIONAL MECHANISM

The overall objective of the NAPI is to domesticate the SADC Investment Policy Framework (IPF), and seeks to facilitate reforms that will enable Namibia to create a

conducive and attractive investment climate. The NAPI would focus on areas prioritized as being immediate/short term and medium term. This is because the NAPI is developed for a project span of 3 years. Anything beyond 3 years is considered long term and no strategy, governance or institutional set-up will be considered for these.

8.1 Short Term and Medium-Term Objectives

The stakeholder consultation process reviewed that Namibia's short and medium-term objectives under the NAPI are to implement activities which promote;

- A Coherent and Transparent investment environment.
- Market Access and Competition.
- Provide Security and Protection of Investors' Rights.
- Responsible Business Contact by investors
- Cooperate with regional and the global countries in investment matters.

8.2 NAPI Governance and Institutional Mechanism

MIT will drive the NAPI and provide policy guidance as well as chair all NAPI strategic meetings. However, as the NIPDB is the country's Investment Promotion Agency (IPA), it follows that the bulk of the recommended action areas (at the implementation level) revolve around it and members of the One Stop Investment Services Centre (OSSIC). The MIT will support NIPDB during the NAPI implementation phase. The NIPDB houses the following departments under its OSISC;

- Business Intellectual Property Authority
- City of Windhoek
- Ministry of Agriculture, Water, and Land Reform
- Ministry of Environment, Forestry and Tourism
- Ministry of Home Affairs, Immigration Safety and Security
- Ministry of Mines and Energy
- Namibia Industrial Development Agency
- National Competition Commission
- Namibia Revenue Agency

It is proposed therefore, that the NAPI institutional framework makes it such that each of the members in the OSISC takes an active role in its implementation. Other departments which are not part of the OSISC, for example, the Ministry of Justice, Ministry of Labour among others would need to be co-opted in the implementation of the NAPI. The proposed institutions considered critical in the implementation of the NAPI and their roles are described in table 2.

8.3 Stakeholders and their Respective Roles

The stakeholders and their specific roles in the implementation of the NAPI is given in the table 2, below.

Table 2: Stakeholders and their Respective Roles

Stakeholder	- Role
Ministry of Industrialization and Trade	<ul style="list-style-type: none"> - Leadership in respective sectoral interest area and Liaison with private sector for area under jurisdiction - Overall policy and strategic leadership of NAPI process
Namibia Investment Promotion and Development Board	<ul style="list-style-type: none"> - Main implementing agency for investment reforms
Min of Justice, Legal and Parliamentary Affairs	<ul style="list-style-type: none"> - Leadership on legal processes to facilitate reforms
Namibia Ministry of Finance	<ul style="list-style-type: none"> - Responsible for policy issues on Finance
Bank of Namibia	<ul style="list-style-type: none"> - Leadership on currency and monetary components related to investment
Namibia Tourism Board	<ul style="list-style-type: none"> - Government department which deals with investments in the Tourism sector and issues permits and provide a regulatory role
Namibia Revenue Agency	<ul style="list-style-type: none"> - Leadership on tax issues - Registration for VAT; Company and Employee Tax
United Nations Development Program	<ul style="list-style-type: none"> - Technical Expertise
Delegation of the European Union to Namibia	<ul style="list-style-type: none"> - International Cooperating Partner
Namibia Private Sector organizations e.g. Chamber of Commerce and Industry (NCCI)	<ul style="list-style-type: none"> - Providing private sector input and feedback on reform progress
Business Intellectual Property Authority	<ul style="list-style-type: none"> - Registration of Defensive name, Private/Public, and Close Corporations
City of Windhoek and other Local government Authorities.	<ul style="list-style-type: none"> - Issuance of business registration/certificate of fitness/provision of utilities

Ministry of Agriculture, Water, and Land Reform	- Issuance of various importation permits related to plants and plant products, animal and animal products, and phytosanitary certificates (export permits).The registration of immovable properties and real rights granted by financial institutions in the country.
Ministry of Environmental, Forestry, and Tourism	- Issuing environmental clearance certificates and permits for the utilization of wildlife and plant species and the issuing of gambling licenses, among others
Ministry of Home Affairs, Immigration Safety and Security	- Granting and issuing visas and permits to foreign nationals (business owners and skilled employees), among others
Ministry of Mines and Energy	- Issuing of various licences and permits related to Mineral Rights, Diamond, and Petroleum activities
Namibia Competition Commission	- Issuing certificates of clearance, granting of exemption certificates for certain restrictive practices and intellectual property rights, mergers & acquisitions. Ensuring that all undertakings doing business in Namibia adhere to compliance with the Act.
Namibia Industrial Development Agency	- Availing of land and industrial property
Namibia Trade Forum	- Institutionalise public-private dialogue and cooperation with emphasis on international and domestic trade and investment policies as stipulated by the National Development Plan

8.4 NAPI Implementation Framework

Three approaches will be used in the implementation of the NAPI and measurement of progress in the implementation of the reforms. These approaches are;

- Technical Working Group Model (TWG),
- Rapids Results Approach (RRA), and
- Inclusivity Approach

8.4.1 Technical Working Groups

The implementation of the NAPI will be done under a mechanism/framework called the Technical Working Group. This TWG model was considered appropriate under the Namibia scenario as it brings on board all key parties relevant to each of the five action areas of investment under the SADC IPF.

The TWG is a way of bringing together officials with multi-faceted skills from different departments together to achieve a common objective. This is so important especially in the investment area as it is multi-faceted, multi-sectoral and cross-cutting among many government departments and private sector. It is therefore recommended that the NAPI be implemented using this model (TWG). Five TWGs will be constituted according to the five Action Areas of investment under the SADC IPF, as given under **Annex III**. Trainings or capacity building programmes are hereby recommended for officials of the TWGs. Focus areas of training will be SADC IPF, TWG reporting procedure, temporary governance structure and working arrangements.

8.4.1.1 Work of the Technical Working Groups

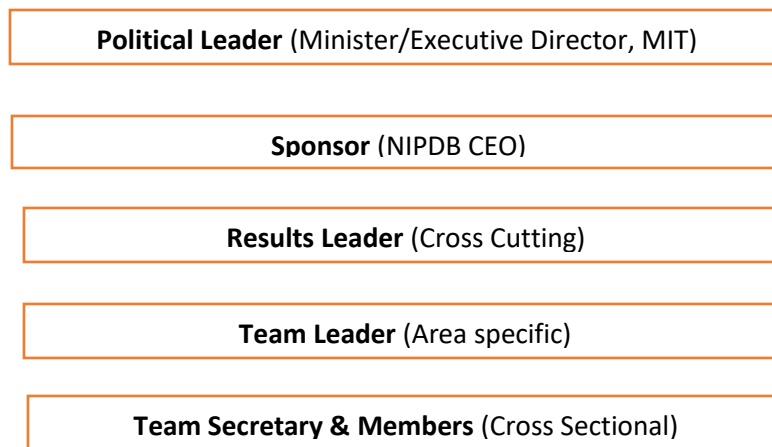
The TWG main functions will be;

- Setting goals, establishing programme milestones and developing work plans;
- Constituting TWG subcommittees. Where necessary subcommittees will be established to handle specific technical and complex components. Examples of are; Legal Committee, Publicity sub-committee among others.
- Recruiting and co-opting additional members to enhance effectiveness of each TWG; and
- Identifying areas for upscaling and/or referrals to higher offices for management.

For each TWG, there is a membership, and a “temporary governance structure” which subsists for the duration of the TWG operations. This structure is independent of the particular individual’s official title, although the latter enables the incumbent to execute their roles in the TWG.

8.4.1.2 Structure of the Technical Working Group

Figure 2: Structure of the Technical Working Group



8.4.1.3 Roles of Members of the TWG

The roles for members of the TWG can be classified as daily and non-daily. The following roles as presented in table 3 are recommended.

Table 3: Members of the TWG and their Roles

Roles (Daily & Non – Daily) of TWG					
Political Leader(non-daily)	Sponsor (non-daily)	Results Leader (non-daily)	Team Leader (Daily)	Team Secretary (daily)	Team Members (daily)
<ul style="list-style-type: none"> Announces NAPI commitments and achievements to all stakeholders Supports overall policy framework Can call upon parties to play their roles. 	<ul style="list-style-type: none"> Mobilizes and avails resources Helps the team overcome financial challenges Liaises with other accounting officers to support NAPI implementation. 	<ul style="list-style-type: none"> Holds an executive position within the implementation structure Coordinates with all members within the structure Holds team Leader accountable for results Assists in the mobilization of resources Reports achievements to Sponsor. 	<ul style="list-style-type: none"> Team Leader has ultimate accountability for team results. Has specialized skills in the focus area which s/he leads. Calls and runs team meetings. Holds members accountable for their actions. Inspires the team members. Assists in unblocking challenges Ensures the lessons from the NAPI implementation are documented. 	<ul style="list-style-type: none"> This is a Daily Management Role Is able to work well with the Team leader Attends all meetings or designates a proxy. Coordinates and schedules all team meetings Distributes team minutes to all members. 	<ul style="list-style-type: none"> Team members can be any number of people who: Have skills in the focus area Are able to work during the 100- days to implement actions that will deliver the goal. Must be able to commit at least 50% of time to the programme. Team composition should include; <ul style="list-style-type: none"> Relevant staff from key stakeholders Other Stakeholders e.g., private sector, development partners, ministries.

8.5 Rapid Results Approach

In order to effectively measure progress in the implementation of the NAPI, it is proposed that the *Rapid Results Approach (RRA)* be adopted. The RRA is a results-focused learning process aimed at jump-starting major change efforts and enhancing implementation capacity. The RRA will be implemented over 100-day cycles. At the end of each 100-day cycle, stakeholders will measure progress in investment reviews and take corrective measures if so necessary. Namibia officials are advised to seek expertise in the implementation of the RRA. Such expertise is readily available from various consultants. The consultants will also train Namibia officials on the RRA on performance measurement.

8.6 Inclusivity in the Implementation of Reforms

The design of the TWG model ensures that all relevant parties are involved in the implementation of reforms. Providers of services such as regulators, if they are involved, would also have users of their services in the same TWG to give instant feedback on system implementation. For instance, company registration officials would be in the same TWG as company secretaries who register companies. The latter can inform the meeting of downtime and delays in registering companies. This matter will then receive prompt attention, and work will commence towards a permanent sustainable solution to address such challenges. The TWGs can also co-opt any other player who is relevant to the activities, without having to follow bureaucratic procedures.

9 NAPI IMPLEMENTATION STRATEGY

Namibia's NAPI implementation strategy consists of the following;

- Country's broad investment reform priorities;
- Broad Investment reforms implementation strategy; and
- Specific investment reforms implementation activities.

The key identified priority areas for reforms form the basis of these strategies being recommended. Table 4, provides Namibia's NAPI implementation strategy. The entities responsible for the implementation are also given.

Table 4: NAPI Implementation Strategy

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
Action Area 1: Promoting a Coherent and Transparent Environment		
1. Provision of consolidated and easily accessible information on investment.	Empowering NIPDB through an Act of Parliament to become a central point to coordinate and systematically assemble comprehensive, up-to-date information on investments.	<ul style="list-style-type: none"> - NIPDB to become that central information point - Collate information on investment sectors, incentives, regulations, application processes, fees, investment opportunities, tenders, SEZs, PPPs, and package in suitable formats for investors. - Maintain above information up to date through regular reviews e.g. bi-annually
2. Enhancing clarity and predictability of investment screening and authorization processes.	Ensuring transparency in investment processes	<ul style="list-style-type: none"> - The investment approval process to include notifications to investors about further information requirements, approved applications, notification on payments via multiple platforms including email, Short Message Service (sms), and via the website. This applies to NIPDB, MIT, OSISC agencies and other regulators offering services to investors, especially for permits/licenses. - Ensure that approval decisions are made within a specified, reasonable time span, after which authorization is considered to be granted ("<i>silence is consent</i>" principle) - Consider waiving certain requirements, especially for Investment approvals, tax registration, local authority registrations for MSMEs, youth and women businesses, and projects below an agreed threshold v. Streamlining or waving screening procedures for investments below a certain size. - Finalise the National Investment Policy.

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
		<ul style="list-style-type: none"> - Operationalise the SEZs
3. Improving the coordination of investment activities among government departments	Promoting e-government initiatives to enhance the investment climate.	<ul style="list-style-type: none"> - Establish online processes for registration and business incorporation by domestic and foreign investors. - Work on having a fully online application, payment and licensing capacities for MIT, NIPDB and OSISC agencies. - Facilitate all regulators to offer online registration options.
Action Area 2: Ensuring Market Access and Competition		
1. Maintaining an open environment for the entry and operation of foreign investment.	Analysis of investment laws	<ul style="list-style-type: none"> - Carry out a cost benefit analysis of investment laws and regulations to determine their effectiveness, MIT.
2. Facilitating local private sector participation in infrastructure development.	<ul style="list-style-type: none"> - Promoting good governance of state-owned enterprises - Facilitating private sector participation in infrastructure projects 	<ul style="list-style-type: none"> - Increase the participation of private investors and the scope for market access and competition. - Enhance the benefits of private sector participation in infrastructure by subjecting activities to commercial pressures (competitive bidding), dismantling unnecessary barriers to entry, and strengthening the prerogatives of competition authorities as regards policy advocacy and regulation of infrastructure markets. - Strengthen the enabling environment for competitive infrastructure investment, including: <ul style="list-style-type: none"> a) building public sector capacity for managing project preparation and project financing; b) guaranteeing procedural fairness; and

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
		<p>c) Minimising risks of corruption and bidder-collusion in Public Private Partnership (PPP) and public procurement processes.</p> <p>d) Develop compendium of bankable infrastructure project proposals ready for financiers/investors for large infrastructure projects</p>
3. Carrying out a cost benefit analysis to ensure that there is prudent use of targeted tax incentives.	Analysis of Tax incentives	<ul style="list-style-type: none"> - Establish an inventory of tax incentives - Establish the cost (forgone tax) - Determine the benefit of tax incentives
Action Area 3: Providing Security and Investors' Rights		
1. Providing well-defined rights for land access and use.	- Facilitating access to land	<ul style="list-style-type: none"> - Establish easily manageable and accessible country-wide land rights database. - Make Namibia's land and properties publicly available for scrutiny whether commercial, residential through an online deeds portal managed by Deeds, Companies and Intellectual Property. - Establish/strengthen the online deeds portal for checking encumbrances, mortgages, transfers and purchases on residential, commercial and industrial land
2. Minimizing corruption risks in investment opportunities.	Ensuring the existence & enforcement of legislation to deal with corruption.	<ul style="list-style-type: none"> - Incorporate dissuasive sanctions in the legislation to effectively and actively combat the giving to and the receiving of bribes by public officials. - Develop sound and transparent administration systems which ensure that contracts between government officials and business services users, notably in the area of taxation, customs, public procurement contracts and other corruption-prone areas are free from undue and improper influence. - Automate licensing/permitting activities to reduce human interface and

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
		<p>chances of exchange of bribes thereby lowering incidents of corruption.</p> <ul style="list-style-type: none"> - Develop model whistle blowing laws and policies for public sector especially regulators. - Strengthen the protection of witnesses will encourage more whistle blowing by members of the public who may have information on corruption cases for investment and other situations.
Action Area 4: Ensuring Responsible Business Conduct		
1. Aligning the investment policy with national, regional and international development objectives.	Compare with Best Practice	- Benchmark laws and practices with regional standards such as SADC IPF and Sustainable Development Goals.
2. Enhancing support to local entrepreneurship, including small and medium sized enterprises and women entrepreneurship.	-Establishing empowerment programmes	<ul style="list-style-type: none"> - Ensure that general or specific investment legislation reflects the interest of promoting local entrepreneurship, targeted support for SMEs, specific rules for women empowerment and other measures to promote disadvantaged people. - Regulators to consider lowering or waiving certain requirements to encourage and motivate registration and development of SMEs, youth businesses and women led enterprises or for projects below a certain agreed threshold. - Facilitate for SME bidders to participate in public procurement, with attention to building SME productive capacity and preserving the quality of the procured services. - Promote linkages and spill-over effects between foreign and domestic enterprises through, for example, investment promotion policies targeting industries with a strong impact in terms of creating backward and forward

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
		<p>linkages and generating many jobs.</p> <ul style="list-style-type: none"> - Encourage investor's sponsorship for entrepreneurship training and skill development and setting-up other mechanisms and/or policies that, to the extent possible, enhance local employment and provide necessary training facilities. - Encourage the development of corporate standards that favour gender development, for example, corporate policies which provide for equal employment opportunities for women.
3. Encouraging environmentally-friendly investments for sustainable development.	Ensure investor responsibility	<ul style="list-style-type: none"> - Develop template of Performance Contract encompassing international standards. - Encourage investors to apply agreed international standards of responsible conduct such as the OECD Guidelines for Multinational Enterprises, the UN Global Compact and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy. - Encourage investors to engage in cooperation with stakeholders within and outside the enterprise, for example with business or trade partners and trade unions, to take due consideration of stakeholder interests. iv. Integrate investor and business obligations into investment treaties in line with recent developments in international treaty making and policy discussion in this area.
Action Area 5: Cooperation Regionally and Internationally		
1. Deepening and diversifying integration through regional and international investment co-operation agreements;	Enhance cooperation in investment matters	<ul style="list-style-type: none"> - Continue to participate in SADC FIP activities. - Review restrictions in Trade (import and export permit rules and charges) to promote trade including trade in services. - Ratify regional protocols and respect existing obligations in all negotiations

Key Identified Priorities Areas for Investment Reforms		
Country Priority	Strategy	Implementation Activities
2. Moving towards harmonized, coherent and compatible regulatory regimes for investments		<ul style="list-style-type: none"> - Benchmark laws and practices with regional frameworks and standards. - Put up programs for regulatory compatibility where differences are warranted.
3. Promoting infrastructure investments through regional co-operation	Promote investment infrastructure projects	<ul style="list-style-type: none"> - Continue to identify infrastructure priorities for investment and mainstream them in national economic development strategies. - Develop a compendium of PPP projects, and work on making these bankable with feasibility studies. - Provide capacity building for contracting authorities to identify and document their potential projects.
4. Improving regional co-operation on tax policies	Cooperate with other countries on tax policies	<ul style="list-style-type: none"> - Systematically evaluate proper utilisation of tax incentives and/or assess the tangible contributions made by Investors who benefitted from incentives. - Negotiate with SADC and other country tax bodies regarding information exchange and signing of Double Taxation and Avoidance Agreements based in the SADC Model agreements. - Expand network of countries to sign DTAA with. - Liaise with the Secretariat of the Global Forum regarding joining the Global Forum on Transparency and Exchange of Information for Tax Purposes. - Consult and adopt international approaches and solutions to fighting base erosion and profit shifting (BEPS) practices.

9.1 Adoption of the NAPI for Implementation in Namibia

It is important to get stakeholder buy-in for the successful implementation of the NAPI. It therefore means that the NAPI has to be adopted and implemented by all key government departments of Namibia. After SADC has formally presented the NAPI document to the government of Namibia it is recommended that the MIT drives the process to enable the program be formally endorsed and approved at the highest level such as by Cabinet, and then officially launches it for its implementation. Publicity and awareness programmes will need to be embarked upon for the program to get acceptance by key stakeholders. This '**Big Bang**' approach in launching the program will ensure success in the NAPI implementation.

9.2 National Level Monitoring, Reporting and Evaluation System

To help assist the MIT in monitoring the implementation of the NAPI, a log frame for monitoring and evaluation has been developed, **Annex 11**. The success of the NAPI will depend on effective implementation, close monitoring and evaluation to ensure realisation of key targets and milestones. It is therefore recommended that while the TWGs will implement the action points under NAPI, the MIT will be responsible for monitoring and evaluation of the work of TWGs.

The following would be the specific roles of the MIT in respect of the NAPI;

- i. Overall monitoring and evaluation of the NAPI implementation;
- ii. Reviewing the Terms of Reference of each TWG;
- iii. Reviewing and tracking performance of each TWG through a series of performance tracking tools such as the Log frame, indicators and others for tracking progress;
- iv. Intervening in dealing with logjams, where TWG capacity is stretched;
- v. Reporting to Cabinet on the progress in implementing NAPI;
- vi. Escalating problem areas to Cabinet to ensure progress.

9.3 Other Country Considerations

The Ministry of Industrialization and Trade (MIT) is the governmental authority primarily responsible for carrying out the provisions of the Foreign Investment Act of 1993 (FIA). The MIT is working on new business legislation, the Namibia Investment Promotion and Facilitation Bill, but the legislation is still in draft form. As a result, the FIA remains the guiding legislation on Investment. The FIA calls for equal treatment of foreign investors and Namibian firms, including the possibility of fair compensation in the event of expropriation, international arbitration of disputes, the right to remit profits, and access to foreign exchange. The government emphasizes the need for investors to collaborate with Namibian-owned companies and/or have a majority of local employees to operate in country. Consultations held with the MIT, NIPDB and other key stakeholders showed that the country requires support to develop its National Investment Policy. This may need to be supported by International Cooperating Partners (ICP).

During the consultations, it was noted, from close liaison with MIT and NIPDB that NIPD may need further investment related support from SADC, and the benefits would filter down to the overall investment environment. Some successes have already been registered such as putting in place the physical structure of the OSS, and having officials stationed at NIPDB premises, as well as advocacy work e.g. for tax incentives.

10 CONCLUSION

The development of the National Action Programme for Investment is very important for the Republic of Namibia. This is especially so, as the country is considering developing the National Investment policy. If well implemented, the NAPI is capable of improving the country's investment environment by Promoting a coherent and transparent environment, Ensuring market access and competition, Providing security and investors' rights, Ensuring responsible business conduct and Cooperation regionally and internationally in investment matters.

11 RECOMMENDATIONS

The following are the recommendations being made;

- i. Develop the National Investment Policy.
- ii. Operationalise the Special Economic Zones.
- iii. Establish of a fully-fledged after care function (incorporating M&E) under OSISC.
- iv. Benchmark NIPDB standards and operational modalities with other IPAs. This may include study tours to selected jurisdictions.
- v. Automate systems to enable online applications, processing and payments for investments.

ANNEX I: LIST OF STAKEHOLDERS

Stakeholder	- Role
SADC Secretariat	- providing documentation/Sponsor of the programme
SADC Subcommittee on investment	- SADC substructure providing leadership in investment matters in the region
Embassy of Namibia in Zimbabwe	- Information provision
Ministry of Industrialization and Trade	- Leadership in respective sectoral interest area and Liaison with private sector for area under jurisdiction
Namibia Investment Promotion and Development Board	- Main implementing agency for investment reforms
Ministry of International Relations and Cooperation	- SADC National Contact Point on issues which relates to the Finance and Investment Protocol
Min of Justice, Legal and Parliamentary Affairs	- Leadership on legal processes to facilitate reforms
Namibia Ministry of Finance	- Responsible for policy issues on Finance
Bank of Namibia	- Leadership on currency and monetary components
	- Directorate of Economic Policy Advisory Services
Registrar of Companies	- Government agency responsible for company registration
Department of Immigration	- Government department which deals with investors and processes work permits
Namibia Tourism Board	- Government department which deals with investments in the Tourism sector and issues permits
Namibia Environmental Authority	- Government department critical in enforcing responsible business conduct as it relates to protection of the environment
Namibia Revenue Agency	- Leadership on tax issues
United Nations Development Program	- Technical Expertise
Delegation of the European Union to Namibia	- International Cooperating Partner
World Bank	- International Cooperating Partner
United States Agency for International Development	- International Cooperating Partner
Namibia Chamber of Commerce and Industry (NCCI)	- Providing private sector input and feedback on reform progress
Namibia Manufacturers Association	- Providing private sector input and feedback on reform progress

ANNEX II – LOGFRAME for MONITORING & EVALUATION

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
1	Promoting a Coherent and Transparent Investment Environment.	1. Existence of a central point to co-ordinate and systematically assemble comprehensive, up-to-date information on investments.	i. Make NIPDB the central information point. ii. Collate information on investment sectors, incentives, regulations, application processes, fees, investment opportunities, tenders, SEZs, PPPs, and package in suitable formats for investors. iii. Maintain above information up to date through regular reviews e.g., quarterly reviews.	Compiled and up to date information and marketing materials for all sectors.	NIPDB OSISC	Short term
		2. An easily accessible web-based information platform on investment in place.	i. Concurrently update information on websites for agencies in the OSISC, and provide two-way links with NIPDB website.	Updated content on websites and e-Government portals.	NIPDB	Medium Term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			ii. Link the NIPDB website to the country's main e-Government portal, working closely with Government Internet Service Provider (GISP).		OSISC	
			iii. Regularly update the content in the investment section on NIPDB, OSISC and Government portals.		e-Govt Unit	
					GISP	
		3. A strong special enquiry point or One-Stop Shop put in place	i. Strengthen operations of OSISC, on the following aspects:	Development of Service Level Agreements between NIPDB and OSISC agencies.	MIT	Medium term
			a. Establish a comprehensive investment enquiry handling at OSISC,		NIPDB	
			b. Online payment for services,		OSISC	
			c. authorization of permits/licenses finalized at OSISC so that investors don't have to visit the agencies Ministries,		Agencies	
			d. Develop fully transactional Digital OSS to link up all OSISC agencies.			

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			ii. Allow processing as well as passing on of investor application information between agencies virtually.			
		4. Enhanced clarity and predictability of investment screening & authorisation processes.	i. Organise processing structures to include notifications to investors about further information requirements, approvals, notification on payments via multiple platforms including e-mail, Short Message Service (sms), and via the website. This applies to NIPDB, OSISC agencies and other regulators offering services to investors, especially for permits/licenses.	Simplified draft policy and procedures manuals	MIT	Medium term
		5. Efficient processing of investment applications.	ii. Ensure that approval decisions are made within a specified, reasonable time span, after which authorisation is considered to be granted ("silence is consent" principle). Consider how the burden of delay can be passed from investor to approving agency e.g., silence is consenting principle thus forcing decisions to be made within an agreed reasonable timeframe.	Waiver on requirements for interest groups	NIPDB	

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			<p>iii. Consider waiving certain requirements, especially for NIPDB, other licencing and permit issuing authorities, NAMRA, local authority registrations, for SMEs, youth businesses, and women businesses.</p> <p>iv. Streamline or waive screening procedures for investments below a certain threshold.</p>		OSISC	
		6. Open stakeholder consultation processes for investment policy in place	<p>i. Provide advance notice to investors and systematically publish draft proposals to changes in regulations.</p> <p>ii. Arrange regular briefings/updates with investors to guide them on regulatory requirements and upcoming policy changes.</p> <p>iii. Establish/maintain a public comment procedure for all regulations & administrative decisions affecting investments.</p> <p>iv. Establish a Presidential Round Table platform with investors.</p>	<p>Press briefings for investors.</p> <p>Consultative seminars.</p> <p>Set up of public comment procedure.</p> <p>Concept note for Presidential Investor Roundtable</p>	<p>MIT</p> <p>OPC, NIPDB, OSISC</p> <p>Agencies</p> <p>MIT NIPDB</p>	Short term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
		7. e-government initiatives to Enhance the investment climate in place and in use	i. Establish online processes for registration and business incorporation by domestic and foreign investors. ii. Work on having a fully online application, payment and licensing capacities for NIPDB and OSISC agencies. iii. Facilitate for all regulators to offer online services for investors	Procurement/ development of online systems	OPM, e-Govt Unit NIPDB BIPA OSISC Agencies	Medium term
2	Ensuring Market Access & Competition	8. Increased private sector participation in infrastructure projects/ investments.	i. Possible unbundling of infrastructure markets to increase the participation of private investors and the scope for market access and competition. ii. Enhance the benefits of private sector participation in infrastructure by subjecting activities to commercial pressures, dismantling unnecessary barriers to entry, and strengthening the prerogatives of competition authorities as regards policy advocacy and regulation of infrastructure markets.	Requests for Expressions of Interest. Invitation to tender.	MIT Namibia Contracting Authorities,	Short term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			iii. Strengthen the enabling environment for competitive infrastructure investment, including:	Training workshops for contracting authorities.	NIPDB Ministry of Finance. NACC	
			a. build public sector capacity for managing project preparation and project financing;			
			b. provide guaranteed procedural fairness; and minimize risks of corruption and bidder-collusion in Public-Private Partnership (PPP) and public procurement processes.			
			iv. Develop a compendium of bankable infrastructure project proposals ready for financiers/investors.			
	9. Good governance of state-owned enterprises		i. Improve internal audit function in all SOEs to ensure that sound internal controls are in place.	Set up/strengthen internal audit department in SOEs.	Office of President MIT, NIPDB	Medium term
			ii. Use best practice Corporate Governance Guidelines (e.g. OECD Guidelines on Corporate Governance).			

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			iii. Strengthen oversight on SOEs through capacity building for staff, and resources to execute their duties.		Ministry of Finance OSISC.	
3	Ensuring Balance of Rights and Obligations between Investor and Host State	10. Fair, adequate and timely compensation for expropriation	i. Develop a system that guarantees:	Draft compensation system	MIT, NIPDB	Short term
			a. that whatever the criteria used for qualifying the amount of compensation to be paid, the fair market value of the investment, prior to the expropriation, is the starting basis;		Ministry of Finance, Central Bank	
			b. the existence of an independent assessment body to determine the amount of compensation; and		OPC	
			c. the possibility for judicial review.		AG's office. Min of Justice	
		11. Easier access to land through easily manageable and accessible country-wide land rights database	i. Make Namibia's land and properties publicly available for scrutiny whether commercial, residential through an Online Deeds' Portal.	Updated database on Land, Commercial & Residential properties.	Ministry responsible for Land NIDA NIPDB Namibia Central bank	Long term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			ii. Regularly make updates on the online deeds portal for checking encumbrances, mortgages, transfers and purchases on residential, commercial and industrial land.		Ministry of Justice	
			iii. Develop a comprehensive database of farm allocations, which should also become an online facility for public viewing and cross checking.		BIPA	
					OPC AGs office	
		12. Intellectual property rights to attract knowledge-intensive investments implemented	i. Enhance the capacity of stakeholders on use of IP to commercialise inventions, research and other intellectual assets.	Stakeholder capacity enhanced through workshops & trainings.	BIPA	Short term
			ii. Hold public awareness seminars and conferences on the IP rules and regulations and relevant legislations and policies.		MoJ	
			iii. Work with ARIPO and WIPO to ensure maximum exploitation of IPs for developing research and commercial exploitation.		NIPDB	
					ARIPO	

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
		13. Corruption risks in investment opportunities minimised	i. Ensure the existence, robustness and enforcement of legislation with dissuasive sanctions which effectively and actively combat the giving to and the receiving of bribes by public officials.	Reduced new cases of corruption	MIT	Short term
			ii. Develop sound and transparent administration systems which ensure that contracts between government officials and business services users, notably in the area of taxation, customs, public procurement contracts and other corruption-prone areas are free from undue and improper influence.	More convictions made.	Police	Medium term
			iii. Automate licensing/permitting activities to reduce human interface and chances of exchange of bribes thereby lowering incidents of corruption.	Appointment of MIT Business Inspectors	Min. of Justice	
			iv. Develop model whistle blowing laws and policies for public sector especially regulators.	Model whistle blowing laws and policies	NIPDB	

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			v. Strengthening the protection of witnesses will encourage more whistle blowing by members of the public who may have information on corruption cases for investment and other situations.			
4	Ensuring Responsible and Inclusive Investment	14. Aligned Investment Policies and laws with national, regional and international development objectives	i. Benchmark laws and practices with regional standards such as this SADC IPF.	Draft revised laws	MIT	Medium term
			ii. Collect and monitor the development impact of different types of investments and using the results to inform policy and stakeholder dialogue.		NIPDB	
		15. Enhanced support to local entrepreneurship, including small & medium-sized enterprises & women entrepreneurship	i. Ensure that general or specific investment legislation reflects the interest of promoting local entrepreneurship, targeted support for SMEs, specific rules for women empowerment and other measures to promote disadvantaged people	Simplified requirements for business registrations for interest groups	Min. of Justice MIT, NIPDB Min. of Finance,	Medium term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			<p>ii. Regulators to consider lowering or waiving certain requirements to encourage and motivate registration and development of SMEs, youth businesses and women led enterprises or for projects below a certain agreed threshold. This can start with Namibia Revenue Authority, BIPA, and Local Authorities.</p>		Min. responsible for SMEs & Gender, EMPRETEC, Min. of Higher Education, NTA,	
			<p>iii. Facilitate for SME bidders to participate in public procurement, with attention to building SME productive capacity and preserving the quality of the procured services.</p>			
			<p>iv. Promote linkages and spill-over effects between foreign and domestic enterprises through, for example, investment promotion policies targeting industries with a strong impact in terms of creating backward and forward linkages and generate many jobs</p>			

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			v. Encourage investor's sponsorship for entrepreneurship training and skill development and setting-up other mechanisms and/or policies that, to the extent possible, enhance local employment and provide necessary training facilities			
			vi. Encourage the development of corporate standards that favour gender development, for example corporate policies which provide for equal employment opportunities for women			
		16. Responsible business conduct by investors sustained	i. Develop template of Performance Contract encompassing international standards	Performance contract with investors	MIT, NIPD, Namibia Revenue Agency, Min. of Environment.	Short term
			ii. Encourage investors to apply agreed international standards of responsible conduct such as the OECD Guidelines for Multinational Enterprises, the UN Global Compact and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy.			

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			iii. Encourage investors to engage in cooperation with stakeholders within and outside the enterprise, for example with business or trade partners and trade unions, to take due consideration of stakeholder interests.			
			iv. Integrate investor and business obligations into investment treaties in line with recent developments in international treaty making and policy discussion in this area			
	Promoting Regional and International Cooperation	17. Harmonized, coherent and compatible regulatory regimes for investments	i. Benchmark laws and practices with regional laws and structures.	Identification of laws for harmonization	NIPDB	Short term and ongoing
			ii. Put up programs for regulatory compatibility where differences are warranted.	Concept notes on harmonization developed.	Min. of Justice	
				Revised laws drafted.	AG's office MIT.	
		18. Deeper and diverse integration through regional and international investment co-operation agreements	i. Continue to participate in SADC FIP activities	Attendance at SADC Investment meetings	MIT	Short term and ongoing

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			ii. Apply regional protocols and respecting existing obligations in all negotiations		Min. of Justice AG's office NIPDB	
		19. Improved regional co-operation on tax policies	i. Systematically evaluate proper utilisation of tax incentives and/or assessing the tangible contributions made by Investors who benefitted from incentives.	Tax analysis papers.	Namibia Revenue Authority,	Short term
			ii. Negotiate with SADC and other country tax bodies regarding information exchange and signing of Double Taxation and Avoidance Agreements based on the SADC Model agreements.	Membership of Global Forum on Transparency and Exchange of Information for Tax Purposes	MIT	
			iii. Expand network of countries to sign DTAA with.	Exchange of Information for Tax Purposes.	Min. of Finance	
			iv. Consult and adopt international approach and solutions to fighting base erosion and profit shifting (BEPS) practices.			
		20. Increased infrastructure investments through regional co-operation	i. Continue to identify infrastructure priorities for investment and mainstreaming them in national economic development strategies.	Tenders for infrastructure projects	NPC	Long term

	Action Area	Expected Results	Implementation Measures/Activities	Milestones/Indicators	Responsibility	Timeframe
			ii. Develop a compendium of PPP projects, and work on making these bankable with feasibility studies. iii. Provide capacity building for contracting authorities to identify and document their potential projects.		Min. Finance, Procurement Board MIT, NIPDB	

ANNEX III: PROPOSED COMPOSITION OF NATIONAL TECHNICAL WORKING GROUPS (Not Conclusive)

	Technical Working Group	Political Leader	Sponsor	Results Leader	Team Leader	Team Secretary	Indicative Team Members
1	Promoting a Coherent and Transparent Investment Environment	Executive Director - MIT	Secretary – Ministry of Finance	Deputy Executive Director-MIT-Director – MIT	MIT	NIPDB	MIT, NIPDB, BIPA, City of Windhoek & other local Authorities, Chamber of Commerce and Industry & other business associations, Namibia Tourism Board, Min. of Home Affairs.
2	Market Access and Competition	Executive Director - MIT	MIT	Deputy Executive Director-MIT-Director – MIT	NIPDB	Namibia Trade Forum	MIT, NIPDB, NAMRA, Namibia Competition Commission, Ministry of Agric, NTF
3	Security and Protection of Investors' Rights	Executive Director - MIT	Secretary - Min of Justice, Legal and Parliamentary Affairs	Attorney General	Min. Home Affairs	NIPDB	MIT, NIPDB, AGs office, Ministry of Justice, Min. of Home Affairs
4	Responsible and Inclusive Investment for Development	Minister - MIT	Executive Director NIPDB	NIPDB	Labour, Employment Creation and Industrial Relations	NIPDB	MIT, NIPDB, , Min. Finance, Min. Labour, Employment Creation and Industrial Relations, Ministry of Environmental, Forestry, and Tourism, Min. Agriculture, Water and Land Reform, Min. Mines and Energy
5	Regional and International Co-operation.	Minister - MIT	Executive Director - MIT	Deputy Executive Director-MIT-Director – MIT	MIRCO	NIPDB	MIT, NIPDB,

ANNEX IV: PRIORITY RANKINGS FOR AREAS OF INVESTMENT REFORMS

PRIORITY RANKINGS FOR AREAS FOR INVESTMENT REFORMS	
Action Area and Activities	Ranking
1. PROMOTING A COHERENT AND TRANSPARENT INVESTMENT ENVIRONMENT	
<i>a. Provision of consolidated and easily accessible information on investment.</i>	1
<i>b. Enhancing clarity and predictability of investment screening and authorization processes to improve the effectiveness and efficiency of investment screening and authorization procedures and is a key element for facilitating the entry and establishments of investments.</i>	1
<i>c. Institutionalizing open stake-holder consultation processes for investment policy which requires that stakeholders are consulted to provide input into the design of new regulations</i>	1
<i>d. Conducting costs-benefit analyses to promote better quality regulation and policies. This calls for an evaluation of costs and benefits of regulations and policies affecting investment, including tax incentives, to analyze their effectiveness and cost – efficiency</i>	2
<i>e. Promoting e-government initiatives to enhance the investment climate. Leveraging the use of electronic administrative systems and online tools (known as e-Government) is an important vehicle for reducing the costs for investors, increasing transparency, and improving access to government services, particularly for small and medium enterprise</i>	2
1. ENSURING MARKET ACCESS AND COMPETITION	
<i>a. Adopting non-discriminatory treatment in investment-related policies. An open investment environment where foreign investors are treated in a non-discriminatory, no less favourable than the treatment host states accords, in like circumstances, to its nationals ensures investment efficiencies. Inefficiencies which come as a result of unequal treatment are eliminated.</i>	6
<i>b. Maintaining an open environment for the entry and operation of foreign investment</i>	5

c. Facilitating private sector participation in infrastructure development	1
d. Promoting good governance of state-owned enterprises	6
e. Ensuring prudent use of targeted tax incentives.	1
2. PROVIDING SECURITY AND PROTECTION OF INVESTMENTS	
a. Providing fair compensation in cases of expropriation.	6
b. Providing well-defined rights for land access and use. <i>Investors expect secure and well-defined rights for land access and use.</i>	1
c. Providing effective mechanisms for dispute settlement. <i>Fair procedures for adjudication, mediation and arbitration of investment disputes are essential and can be cost-effective for governments.</i>	1
d. Minimizing corruption risks in investment opportunities. <i>Corruption seriously undermines investment, and it is important to increasingly invest in measures to prevent and sanction corruption.</i>	1
e. Protecting intellectual property rights to attract knowledge-intensive investments.	6
3. ENSURING RESPONSIBLE AND INCLUSIVE INVESTMENTS	
a. Aligning investment policy with national, regional and international development objectives - <i>Investment policies should contribute to and be integrated in SADC countries' overall development strategy and aligned with regional and international development objectives, as embedded in the post-2015 Sustainable Development Goals (SDGs).</i>	1
b. Enhancing support to local entrepreneurship, including small and medium sized enterprises and women entrepreneurship.	1
c. Asserting the right to regulate. <i>It should be noted that successful implementation of the right to regulate requires that investment rules consolidate domestic priorities instead of creating further complexities and inconsistencies.</i>	1

d. Encouraging environmentally-friendly investments for sustainable development.	1
e. Encouraging environmentally-friendly investments for sustainable development. Ensuring that investment supports sustainable development and inclusiveness also implies that investment policies put emphasis on the promotion of green investments.	1
f. Any other Action you consider important;	
4. COOPERATION REGIONALLY AND INTERNATIONALLY IN INVESTMENT MATTERS.	
a. Moving towards harmonized, coherent and compatible regulatory regimes for investments. Regulatory and procedural divergences across countries increase the costs of investments in the region. Reflecting on this, harmonization of laws and regulations related to investment is critical.	1
b. Deepening and diversifying integration through regional and international investment co-operation agreements.	2
c. Improving regional co-operation on tax policies. Unless the tax competition between the SADC countries is based upon transparent and internationally accepted standards, the regional economy as a whole will feature a business environment that is characterized by sub-optimal investment and growth. Therefore, cooperation in tax matters is very important.	2
d. Promoting infrastructure investments through regional co-operation	2
e. Ensuring coherence between trade and investment policy, particularly in services. Trade in services has important implications for investment policy, notably through rules and commitments concerning mode 3 (i.e., establishment).	1
f. KEY	
g. {1. Immediate - 1 Year; 2. Short Term – 1-3 Years; 4. Medium Term - 3-5 Years; 5. Long Term – Above 5 Years; 6. Already in place and No Action Needed; 7. Don't Know}.	

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