

Namibia: New film law causes ructions

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There is a storm brewing in the local film industry over the provisions of a new law that filmmakers fear would curtail their freedom of expression.



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The tension in the movie industry erupted into a war of words over the past week when the Film Association of Namibia (FAN) released a strongly worded statement on the operations of the Namibia Film Commission (NFC) and criticised the new draft law that would transform the existing commission into a state-owned enterprise, the Film Regulatory Authority of Namibia (FRAN).

FAN said: "The two current film industry representatives do not have the mandate of the film industry to serve on the NFC board. They were re-nominated by the minister (in contravention of the current act), despite nominations having been handed in within the specified time frame, and they refuse to step down."

One industry source said they had written letters to him and tried numerous times to meet the former ICT minister, Joel Kaapanda, regarding the appointment of the representatives, but to no avail.

They submitted nominees for the FCN board, but were apparently ignored.

Money matters

The statement issued by the chairperson of FAN, Marinda Stein, also claimed "the current chairperson of the NFC board [Obed Mvula] was awarded a N\$3 million grant by the NFC for the film '*Katutura*', which the NFC chairperson produced as an individual, while serving as NFC board chairperson without a public call or call for submissions."

"The NFC board chairperson did not declare receipt of the grant to FAN although serving as FAN representative on the NFC board. No information was provided about the procedures for the awarding of this grant by the NFC board, especially

given the sizeable amount without a public call. The public also has no information currently about how it is ensured that the commissioner/film producer does not use his position to promote his film."

In November 2014, *The Confidante* newspaper reported that the "Namibian Film Commission (NFC) allegedly had to push off two film projects that had been lined up for funding, only to be dismissed, so as to fund former ICT minister Joel Kaapanda's nephew, Obed Mvula's film, titled 'Katutura' to the amount of N\$3 million."

One industry source familiar with the work of the commission confirmed that several projects, including an animation feature and documentary projects, were sidelined. He said only certain projects were getting funding and there seemed to be some "funny money" going around.

Stein said last week the new law must lay down clear rules to prevent conflict of interest and corruption: "Individuals who were serving as NFC board members received funding from the NFC for commissioned or individual projects," and this created "an undesired situation of frustration and mistrust within the film industry," she wrote.

Secrecy clause

FAN argued that more transparency is needed in the functioning of the board and that the situation is "worsened by an unjustified secrecy provision" in the new law, which stipulates that board members and officers of FRAN "must preserve and aid in preserving secrecy in relation to all matters that may come to his or her knowledge in the exercise of the powers or the performance of their duties."

A member of FAN, who declined to be named, said that it did not make much sense for them to nominate four representatives to the board, when those same delegates would not be able to report back to the members, due to secrecy constraints.

Permission to film and screen

Under the new law "no person may carry out any film production in Namibia without the prior written authorisation of the board" and "every person who wishes to carry out any film production in Namibia must apply... to the board for authorisation to do so."

The board may also impose an entertainment levy on the film industry and FAN believes the purpose of "the entertainment levy needs to be clarified, particularly the roles and responsibilities and selection of the 'inspector', [so as] not to curtail freedom of expression and to avoid unwarranted censorship or hampering of development and smaller initiatives."

In response to questions regarding the allegations by FAN the executive secretary of FCN, Florence Haifene, said "the NFC appreciates the comments and valuable inputs by the FAN board regarding the amendments to the NFC Act."

Haifene said the NFC had appointed a reputable law firm to deal with the issues raised by the draft law and that neither the FCN secretariat nor the board has "any intention of amending the Act in its favour".

Without addressing the specific concerns raised by FAN, the FCN invited filmmakers to participate in great numbers in the public consultations scheduled for 22 April at the NamPower Convention Centre and on 25 April at Swakopmund Hotel and Entertainment Centre.