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Namibia's Foreign Policy on Human Rights

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Abstract

Despite the far-reaching and progressive provisions for human rights in its Constitution, Namibia's foreign policy on human rights has been marred by inconsistencies. This paper provides a primarily qualitative analysis of Namibia's track record in upholding human rights in the international community since gaining independence in 1990. It explores the critical drivers of Namibia's foreign policy in this regard and argues that its foreign policy on human rights is characterised by several key tensions. These are multilateralism versus defence of state sovereignty; international solidarity versus African solidarity; and default neutrality versus support for oppressed peoples. This situation is most succinctly captured by Namibia's overarching foreign policy creed of being 'a friend to all and an enemy to none'.

Introduction

'The foreign policy of a country... is or ought to be a mirror-image of its domestic policy... One cannot profess abroad, either on legal, political, or moral grounds, something which does not have its sources here back home.'

Theo-Ben Gurirab, Debates of the National Assembly, 1990

'I have often said that Namibia is a child of international solidarity: a friend to all and an enemy to none.'

Hage Geingob, Inaugural Address of the President of the Republic of Namibia, 2015

Namibia's progressive Constitution, and in particular the values expressed in its Bill of Rights (contained in chapter three), gives it the potential to become a bastion of human rights. The country's birth story as a 'child of international solidarity' whose transition to independence in 1990 was midwifed in large part by the UN also means it has a strong affinity with the core tenets of the UN system. This markedly internationalist pathway to nationhood continues to inform aspects of Namibian foreign policymaking some 33 years after independence.

During its first two decades as an independent state, Namibia's foreign policy was characterised by the pursuit of a widely inclusive diplomacy

During its first two decades as an independent state, Namibia's foreign policy was characterised by the pursuit of a widely inclusive diplomacy that saw it 'punching well above its weight in international relations' relative to the small size of its population.¹ Thereafter, the young country built a fairly good international standing, regularly performing well on various international good governance metrics, including respect for the rule of law and human rights. Most notably, Namibia has consistently been ranked as having one of the world's freest media environments, with a score second only to that of Seychelles in Africa and 18th globally in the World Press Freedom Index for 2022.² Yet despite these

1 William Lindeke, "From Confrontation to Pragmatic Cooperation: USA-Namibia Relations", in *Namibia's Foreign Relations: Historic Contexts, Current Dimensions and Perspectives for the 21st Century*, eds. André du Pisani and Dennis U Zaire (Windhoek: Konrad Adenauer Foundation, 2014), 181-207.

2 Reporters Without Borders, "World Press Freedom Index 2022", <https://rsf.org/en/index?year=2022>.

early strides in strengthening domestic protections for fundamental rights and freedoms, Namibia's track record in upholding human rights internationally has been less consistent.

A review of its voting record as a UN member state speaks to a number of conflicting principles informing Namibian foreign policy, particularly in terms of its commitment to international human rights. While, in some instances, Namibia has presented itself as an advocate of multilateralism, actively participating in international peacekeeping missions of both the UN and the AU, in other instances it has chosen to prioritise principles of non-intervention and respect for state sovereignty. A decidedly more hands-off approach to international human rights violations is especially evident in Namibia's relations with states that provided aid to the ruling SWAPO Party in its initial formation as the South West Africa People's Organisation (SWAPO). SWAPO was the main national liberation movement during 'the struggle years' against South African occupation.

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Furthermore, Namibia has maintained a neutral foreign policy stance on the vast majority of country-specific human rights issues at the UN. This has resulted in a multitude of controversial abstentions on key resolutions at the UN General Assembly (UNGA) and as a non-permanent member of the UN Security Council (UNSC) in 1999-2000 and the UN Human Rights Council (UNHRC) in 2014-2016 and 2020-2022. These abstentions are regularly justified in terms of Article 96 of the Namibian Constitution, which provides for a policy of non-alignment in the country's foreign relations. However, this line of defence effectively disregards Namibia's concurrent commitments to defend and uphold the normative principles underpinning the international order.

To be sure, Namibia has been forthright in defending international human rights in relation to certain issues, particularly where these cross-cut the right to self-determination. Most notably, it has been unwavering in its support for the liberation struggles of Palestine and the Sahrawi Arab Democratic Republic (Western Sahara). Yet these selective showings of solidarity with historically oppressed groups appear at odds with the country's more recent self-characterisation as 'a friend to all and an enemy to none'. Such non-committal mantras are most likely devised with the policy of economic diplomacy and broader attempts to cultivate mutually beneficial foreign relations in mind. Yet they risk portraying Namibia as an unprincipled actor in the international community whose commitment to upholding human rights is invariably limited by its adoption of blanket neutrality in most country-specific cases where human rights are violated.

Thus, while possessing a constitution that is arguably unparalleled in its extensive provisions for human rights, Namibia has been less successful in integrating these constitutional ideals into its foreign policy agenda. Instead, its foreign policy on human rights tends to draw from an often contradictory mix of ideological jargon and aging strategic alliances. This has resulted in an inconsistent policy trajectory, which makes it difficult to discern its guiding values. To that end, Namibia's professed commitment to international human rights, while rhetorically robust, can be most aptly described as ambivalent in practice.

It would be worthwhile for Namibia to engage in some political soul-searching to determine how it wishes to present itself and its alignment with the values of human rights in the international community moving forward. As a starting point, this will require a political audit of increasingly defunct ideological allegiances left over from the struggle era. Moreover, in order to evolve Namibian foreign policy beyond its current iteration as 'a nostalgic reminder of the exile days', the Namibian Constitution and its strong provisions for the protection of human rights should be centred as the pre-eminent force guiding foreign policy.³

Historical background

The Namibia question as a matter of international solidarity

'Our cause is the cause of the UN, which means it is the cause of all who cherish peace and uphold justice.'

Sam Nujoma, 38th Session of the UN Security Council, 1983

The Namibian liberation struggle was emphatically an issue of international solidarity, occupying more time at the UN than any other in the decades immediately preceding independence.⁴ Petitioning for an end to South African occupation began in earnest in the days of the League of Nations. These lobbying efforts became more coordinated following the establishment of SWAPO in 1960 and the subsequent expansion of the liberation movement's political goals from Namibia's being placed under an international trusteeship towards a full-scale transition to national independence. In 1966 the UNGA passed Resolution 2145, terminating South Africa's mandate over South West Africa – as it was then named – and placing the territory under the direct responsibility of the UN, albeit without South African compliance. In 1974 the UN conferred Permanent Observer status on SWAPO and began channelling funds to the organisation from its New York headquarters.

³ Henning Melber, "Namibia's Abstention on Russia Violates Its Foreign Policy Principles", *The Conversation*, March 6, 2022.

⁴ Christopher Saunders, "Namibian Diplomacy Before Independence", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 27-37.

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Two years later, the UNGA passed Resolution 31/146, formally recognising SWAPO as the 'sole and authentic representative of the Namibian people'.⁵

In 1978 the UNSC passed Resolution 435, which laid out a plan for Namibian independence through the formation of the UN Transition Assistance Group (UNTAG). UNTAG was tasked with overseeing Namibia's first democratic elections and the withdrawal of South African troops. However, the implementation of Resolution 435 was delayed as a result of the linkage policy imposed by the US in its capacity as a member of the Western Contact Group. This diplomatic initiative with Canada, France, the UK and West Germany aimed to address the stalemate over Namibian independence.

The linkage policy determined that Namibian independence would only be permitted following the withdrawal of Cuban forces from neighbouring Angola. This essentially rendered Namibia's right to self-determination conditional on satisfying the strategic interests of the multiple stakeholders overseeing the independence process, particularly those of the world's most powerful states with permanent seats on the UNSC. Consequently, the implementation of Resolution 435 was effectively blocked until 1 April 1989, more than a decade after its adoption. This underscores the central role played by the international community in shaping the terms, conditions and timing of Namibia's transition to independence. Similarly, the centrality of multilateral bodies such as the UNSC in facilitating the realisation of Namibian statehood laid the foundation for the country's adoption of a liberal internationalist approach to foreign policy after 1990.

SWAPO's multipronged diplomacy

By 1964 SWAPO had permanent petitioners based at the UN headquarters in New York, where Hage Geingob was appointed as its Chief Representative to the Americas and the UN.⁶ While SWAPO's efforts to establish Namibia's diplomatic presence at the UN were a key component of its international lobbying strategy, the leadership quickly realised the structural limitations of this approach. The UN system is susceptible to partisan interests, which in this case regularly paralysed its capacity to take swift and decisive action on the

5 Saunders, "Namibian Diplomacy", 29.

6 Samuel Abraham Peyavali Mushelenga, "Foreign Policymaking in Namibia: The Dynamics of the Smallness of a State" (Master's diss., University of South Africa, 2008), 44.

'Namibian Question'.⁷ An example of this is the 1962 advisory opinion of the International Court of Justice (ICJ) that dismissed Ethiopia and Liberia's applications to have South Africa's mandate over South West Africa overturned. Following the judgement, SWAPO resolved to cast a wider diplomatic net to secure more international support for its cause. This strategic recalibration has since been lauded as 'a prime exhibit... of non-state actors' using multiple diplomatic avenues 'to realise the goal of self-determination'.⁸

In 1963 the Organization of African Unity's (OAU) Liberation Committee began supplying SWAPO with material and financial resources, granting it de facto membership alongside a host of independent African states in 1972. As a de facto member, SWAPO was expected to adhere to the OAU's founding pan-African vision by working to enhance political and economic cooperation across the continent, supporting peaceful settlements of inter- and intrastate conflicts through negotiation and mediation, and practising non-interference in the internal affairs of fellow African states. SWAPO's early ideological proclivity for non-intervention was further cemented when it became a full member of the Non-Aligned Movement (NAM) in 1978.⁹

SWAPO built diplomatic ties with and received material support from the Frontline States, a broad coalition of independent states in Southern Africa committed to ending white minority rule in the region

The NAM was established in response to the polarisation of the international system emanating from the Cold War between the US and the then Union of Soviet Socialist Republics (USSR). The primary goal of non-alignment was to provide a political alternative to the domination of the international system by the two imperialist powers. It supported burgeoning independence movements, fostered greater South-South cooperation, and discouraged member states from entering into military alliances with the US or the USSR, particularly where agreements were leveraged under the framework of the conflict.¹⁰ SWAPO's international diplomatic stature grew further in 1982 when it opened its first mission in India – a founding member of and key player in the NAM. Here the SWAPO chief representative gained the title of ambassador well before Namibia was granted full diplomatic status in 1985.¹¹ SWAPO also built diplomatic ties with and received material

7 Henning Melber and Christopher Saunders, "Conflict Mediation in Decolonisation: Namibia's Transition to Independence", *Afrika Spectrum* 42, no. 1 (2007): 90.

8 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy and Diplomacy Management* (Windhoek: Government Printers, 2004), 28.

9 Peya Mushelenga, "Principles and Principals of Namibia's Foreign Relations", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 59-78.

10 Mushelenga, "Principles and Principals", 62.

11 Mushelenga, "Foreign Policymaking in Namibia", 54.

support from the Frontline States, a broad coalition of independent states in Southern Africa committed to ending white minority rule in the region, and the Commonwealth of Nations.

SWAPO's strategic adoption of multipronged diplomacy proved to be a highly effective tool in bolstering its advocacy campaign for Namibian independence at the UN. This was because many of SWAPO's key issues of concern were given amplified support by its allies in the UNGA after initially being discussed and agreed upon in meetings of the OAU and the NAM.¹²

The international affair of Namibian independence

The presence of some 147 country representatives at Namibia's Independence Day on 21 March 1990 was a testament to the 'close engagement of the international community in bringing about independence, and the wide appraisal of Namibia... as the UN's ultimate success story'.¹³ The negotiations leading up to the implementation of UN Resolution 435 in April 1989 were spearheaded by a number of international actors, including the Frontline States, Nigeria and the Western Contact Group, and included the South African, Russian and Cuban governments. SWAPO was notably not party to the negotiations owing to the US' refusal to deal directly with non-state actors. As a result, the representation of Namibian interests was entrusted to the Frontline States. Another symbolic indicator of Namibian Independence Day as a decisively international affair was evidenced by the country's refusal to receive the instruments of power from FW de Klerk, the then president of South Africa, Namibia's outgoing colonial overlord.¹⁴ Instead it was decided that UN secretary-general Javier Pérez de Cuéllar would preside over the historic occasion.

In light of the volatility of the international system in the immediate aftermath of the Cold War, Namibia was also keen to avoid diplomatic isolation

When members of the newly elected Constituent Assembly gathered to draft the Constitution of Namibia in November 1989, non-alignment was the only foreign policy subject to debate. The outcome was that Namibia would maintain its pre-independence position of 'standing above' interstate conflicts and disagreements.¹⁵ However, in light of the volatility of the international system in the immediate aftermath of the Cold War, Namibia was also keen to avoid diplomatic isolation. Consequently, a policy of 'active non-alignment'

12 Mushelenga, "Principles and Principals", 31.

13 Henning Melber, "Namibia: Global Governance Matters", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 435-449.

14 UN General Assembly, *Official Records, 70th Session, 16th Plenary Meeting, UN Doc A/70/PV.16*, (September 29, 2015).

15 Mushelenga, "Principles and Principals", 63.

was adopted. This meant that it became a member of various multilateral organisations, hosted ever more foreign embassies and missions, and ratified numerous international agreements – many of which significantly expanded its international commitments on human rights – all within the first few years of independence.¹⁶

Flash points of Namibian foreign policy since independence

Namibian foreign policy has remained largely consistent throughout the Nujoma, Pohamba and Geingob administrations. The policy priorities of each of the country's three presidential administrations have been rooted in a unified commitment to solidarity politics emanating from the struggle era. However, this theme of unwavering veneration for Namibia's pre-independence struggle ties often comes into conflict with the country's post-independence commitments to multilateralism, human rights and respect for international law.

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Some of the defining features of Namibian foreign policy on human rights since independence can be summarised as follows.

Palestine and Western Sahara

Namibia has voted in favour of every UN resolution concerning Palestine since 1990 and is also a permanent representative of the UN Committee on the Inalienable Rights of Palestinian People. During its first tenure on the UNHRC from 2014–2016, 13 out of 37 resolutions co-sponsored by Namibia concerned the Israel-Palestine conflict and Israel's illegal occupation of the West Bank, East Jerusalem, the Gaza Strip and the Golan Heights.

Similarly, Namibia's support for the liberation struggle of Western Sahara dates back to before its own independence. This long-standing support originated with Namibia's second president, Hifikepunye Pohamba, who, while working in Algeria as SWAPO's representative to North-West Africa during the struggle years, came into contact with the Polisario Front (PF). He educated the rest of the SWAPO leadership on the PF's struggle against

¹⁶ Lindeke, "USA-Namibia Relations", 192.

Moroccan occupation. In the 2004 White Paper on Foreign Policy, Namibia explains its support for Western Sahara in terms of its 'own experience with colonial occupation by a powerful neighbour [which] has shaped our outlook so as not to accept such an occupation anywhere in the world'.¹⁷

Cuba

'During the darkest days of our fight for independence, the government and people of Cuba... came to our aid and shed their blood for our liberation... It is in that spirit of profound kinship that we share with the Cuban people that we renew our call for lifting of the decades-old, outdated, ineffective... economic embargo on Cuba.'

Hage Geingob, 73rd Session of the UN General Assembly, 2018

Since 1992 Namibia has voted in support of every UNGA resolution calling for an end to the economic and financial embargo imposed on Cuba by the US government. Between 1992 and 1996 Namibia also voted against all UN resolutions condemning human rights violations in Cuba. This speaks to the country's prioritisation of policies that honour its historical solidarity ties with the Cuban government over policies that take a stance against possible human rights violations committed against the Cuban people.

Democratisation of the UN system

'Namibia supports the view that the membership of the Security Council should be increased, and more permanent and non-permanent members added, taking into consideration equitable geographic representation. Africa itself needs an effective presence on the Council, as do Asia and Latin America. The outmoded and undemocratic veto powers should be abolished altogether.'

Theo-Ben Gurirab, 48th Session of the UN General Assembly, 1993

Namibia has consistently supported the Common African Position provided in both the Ezulwini Consensus and the AU's Sirte Declaration, which calls for the UN to be restructured to become more representative of the entirety of the international community. Moreover, Namibia supports the abolition of veto rights and the expansion of Africa's democratic representation by at least two permanent African seats on the UNSC, with the right to veto while this principle continues to exist. Accordingly, Namibia voted in favour of all resolutions on the 'Promotion of a Democratic and Equitable International Order' while serving its two terms as a non-permanent member of the UNHRC.

¹⁷ Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, 76.

International peacekeeping

Namibia participated in its first UN peacekeeping mission in Cambodia from March 1992 to September 1993 where members of the Namibia Defence Force helped to escort ballot boxes from polling to counting stations, just two years after its holding its own first round of democratic elections.¹⁸ Namibia has since served in numerous UN and AU missions in Angola, Côte d'Ivoire, Darfur, Eritrea, Kosovo, Liberia, South Sudan and Timor-Leste, among others. During his maiden speech at the UNGA in 2015, President Hage Geingob characterised Namibia's active participation in international peacekeeping as 'an expression of our profound gratitude to the international community for its solidarity with our people' and a testament to Namibia's 'undying commitment to international peace and security'.¹⁹

Pan-Africanism

Nujoma's three-term presidency (1990–2005) was distinctive for its overtly pan-Africanist approach to foreign policy. Perhaps the most popular example of Nujoma's pan-African policies was his 1998 directive that the OAU anthem should be sung alongside the Namibian national anthem and that the OAU flag should fly together with the national flag. Namibia was the first country to implement such a policy. The Nujoma administration was also vocal in its objection to external intervention in African affairs. At the World Earth Summit in 2002, Nujoma confronted then British prime minister Tony Blair to demand the lifting of EU sanctions on Zimbabwe in response to the land seizures of 2000–2001. Nujoma accused his British counterpart of personally creating the conditions for these seizures.²⁰

Nujoma's three-term presidency (1990–2005) was distinctive for its overtly pan-Africanist approach to foreign policy

Namibian foreign policy under Nujoma also appeared less aligned with multilateralism than that of succeeding administrations. Namibia's unprecedented military intervention in the Democratic Republic of the Congo (DRC) alongside Angola and Zimbabwe in 1998 is a case in point. On the one hand, the intervention was justified as an affirmative response to DRC president Laurent Kabila's request for emergency assistance from fellow SADC states to fend off a joint Rwandan and Ugandan incursion and restore national security. On the other hand, this offensive was not part of a UN or OAU-mandated mission but instead resulted from the unilateral decision-making of Nujoma. In fact, he did not consult

18 Mushelenga, "Foreign Policymaking in Namibia", 96.

19 UN General Assembly, Official Records, 70th Session, 16th Plenary Meeting.

20 Mushelenga, "Foreign Policymaking in Namibia", 181.

the Namibian Parliament or even his own cabinet before announcing the deployment of Namibian Defence Force troops in a televised presidential address.²¹ This display of unilateralism underscored the leadership's failure to 'ground the country's foreign policy in democratic values'.²² While South Africa, Botswana and Tanzania had advocated a diplomatic solution to the DRC conflict, the Nujoma administration opted to respond militarily without first securing a democratic mandate from Namibian citizens.²³

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Legal and conceptual frameworks

'The foundation stone of the [Namibian] Constitution is the recognition and jealous protection of fundamental human rights.'

Hage Geingob, 18th Special Session of the UN General Assembly, 1990

Namibia has produced fairly little official documentation comprehensively outlining its foreign policy vision and strategic objectives since independence. Consequently, the Constitution has remained the 'primordial source of legitimacy of Namibia's foreign policy'.²⁴

Article 96 on Foreign Relations states:²⁵

'The state shall endeavour to ensure in its international relations [that] it:

- Adopts and maintains a policy of non-alignment;
- Promotes international cooperation, peace, and security;
- Creates and maintains just and mutually beneficial relations among nations;
- Fosters respect for international law and treaty obligations;
- Encourages the settlement of international disputes by peaceful means.'

21 André Du Pisani, "Namibian Foreign Policy: Transformation and Emerging Global Orders 1989-1999", in *State, Society and Democracy: A Reader in Namibian Politics*, ed. Christiaan Keulder (Windhoek: Konrad Adenauer Foundation, 2010), 297-311.

22 Alfredo T Hengari and Christopher Saunders, "Unequal but Intertwined: Namibia's Bilateral Relationship with South Africa", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 169-180.

23 Hengari and Saunders, "Unequal but Intertwined", 175.

24 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, ii.

25 Namibian Constitution, art. 96.

Article 144 on International Law states:²⁶

Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.

These articles speak to the progressive and internationalist nature of the Namibian Constitution. In particular, the essence of Article 144 is that Namibian national law and international law should be regarded as largely synonymous. As such, the Constitution demands that Namibia not only embraces its obligations under international law but also upholds these commitments in a manner that is 'international law-positive'.²⁷

The 2004 White Paper on Namibia's Foreign Policy and Diplomacy Management is the most comprehensive source on the country's foreign policy outside the Constitution. One of the key policy priorities outlined in this paper is the practice of economic diplomacy. This is based on the idea that Namibia should be marketed as a peaceful and politically stable environment for international investors while bilateral and multilateral relations are used to yield greater economic benefits to fuel the country's economic development. The document also underlines the necessity of 'fostering international peace and security and regional harmony through active support for... effective multilateralism... including participation in UN peacekeeping missions'.²⁸ However, this apparent commitment to the values of multilateralism is tempered by Namibia's parallel embrace of 'positive non-alignment', which is identified as a main 'source of inspiration in the formulation and conduct of foreign policy'.²⁹ Finally, the paper classifies the building of stronger ties with other African countries as a priority.³⁰

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A year after the Foreign Policy Review Conference in Windhoek in July 2016, then minister of international relations and cooperation Netumbo Nandi-Ndaitwah presented 'Namibia's Policy on International Relations and Cooperation', a long-awaited document with updates on foreign policy, to Parliament. It introduces several new foreign policy themes with

26 Namibian Constitution, art. 144.

27 Sacky Shanghala, "The Legal Dimension of Namibia's Foreign Relations", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 317-341.

28 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, 49.

29 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, 43.

30 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, 73.

contemporary relevance, including cybersecurity, climate change and environmental protection, terrorism and migration. It also reaffirms Namibia's commitments to advancing economic integration, political stability and democratic governance, both regionally and continentally, with a particular emphasis on fostering mutually beneficial bilateral relations with neighbouring African states.³¹ However, all in all, this document builds little on previously articulated foreign policy focuses and contains no new provisions for upholding Namibia's commitments to international human rights.

The Harambee Prosperity Plans I and II were engineered under consecutive Geingob administrations to complement the longer-term objectives of Namibia's National Development Plans and Vision 2030 by tackling operational issues surrounding the country's short-term developmental goals. With an implementation period of 2016–2020, the first Harambee Plan was composed of five pillars, the last of which pertained to 'International Relations and Cooperation'. This pillar contained several foreign policy goals, including the expansion of Namibia's multilateral ties and participation in international peacekeeping missions; continued showings of solidarity with oppressed groups through advocacy for the inalienable right to self-determination; and the advancement of pan-Africanism by deepening continental and regional economic integration.

Harambee Plan I also featured the first official reference to Namibia as 'a friend to all and an enemy to none' within the international community. This catchall slogan introduced a clear tension between being a 'friend to all' and identifying with oppressed peoples.³² Indeed, such expressions of global friendship seem difficult to reconcile with Namibia's unequivocal stances on highly polarising foreign policy issues such as the liberation struggles of Palestine and Western Sahara – stances that can hardly elicit the 'friendliest' reactions from the occupying powers of Israel and Morocco.

International relations and cooperation also feature as a pillar of Harambee Plan II, albeit with a more specific focus on advancing economic diplomacy through Namibia's various foreign missions and embassies. While the importance of multilateral and bilateral cooperation continues to be affirmed, the document's core policy priority is the acceleration of national socio-economic development. As such, Namibia's commitments to deepening both its own multilateral ties and the multilateral system more generally are advocated only to the extent that it can benefit by 'proactively leveraging technical cooperation [with multilateral organisations] in crucial areas of national interest'.³³

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- 31 Dietrich Remmert, "The Harambee Prosperity Plan: Namibia's Foreign Policy Directions and Human Security Dimensions", in *Shaping the Human Security Landscape in Southern Africa: Namibia's Foreign Relations and Cooperation with its Neighbouring Countries*, eds. Dietrich Remmert and Anna Sabroso-Wasserfall (Windhoek: Konrad Adenauer Stiftung, 2018), 17–38.
- 32 Jessica Brown, Gwen Lister and Graham Hopwood, "Namibia's Foreign Policy: Fit for the 21st Century? Reflections on the Role of the Media and Public Diplomacy" (Discussion Paper, Institute for Public Policy Research and Namibia Media Trust, Windhoek, 2016), 4.
- 33 Government of Namibia, *Harambee Prosperity Plan II 2021–2025: Action Plan of the Namibian Government Towards Economic Recovery and Inclusive Growth* (Windhoek: Government Printers, 2021), 71.

Analysis of key policy themes

A champion of multilateralism and defender of state sovereignty

Namibian foreign policy is characterised by several thematic tensions that can make for inconsistent political outcomes. One such tension exists between Namibia's embrace of multilateralism and support for humanitarian intervention, on the one hand, and a watchful defence of state sovereignty and non-interference in the internal affairs of other states, on the other.

Namibian foreign policy is characterised by several thematic tensions that can make for inconsistent political outcomes

Namibia was quick to become a member of multiple international and regional organisations, including the UN and its specialised agencies, the OAU and AU, SADC, the Southern African Customs Union and the Commonwealth. This speaks to the strongly multilateral orientation of its foreign policy after independence. Namibia demonstrated not only respect for international law but also trust in its institutions when it enlisted third-party support from international conflict mediation organs to resolve a territorial dispute with its neighbour. In 1996 the issue of contested ownership of Kasikili/Sedudu Island was jointly referred by Namibia and Botswana to the ICJ. When the court ruled in favour of Botswana in 1999, Namibia accepted and adhered to the ruling. This not only significantly improved Namibian bilateral relations with its neighbour but also demonstrated the country's commitment to multilateralism and respect for a rules-based international order.

In 1998 Namibia's first foreign affairs minister, Theo-Ben Gurirab, was elected as chairperson of the UNGA's 54th session at the same time that the country was elected as a non-permanent member of the UNSC for 1999–2000. In what Kari Egge, the former UN resident coordinator in Namibia, described as the country's 'greatest contribution to the international community so far', Gurirab submitted a draft resolution containing Namibia's proposal for the Millennium Development Goals (MDGs).³⁴ This resolution was subsequently adopted by the UNGA, with Gurirab's contributions featuring prominently in the final draft of the MDGs. The following year, Nujoma was selected to jointly chair the UN Millennium Summit of Heads of State and Government alongside his Finnish counterpart.

34 Kari Egge, "The UN and Namibia Since 1990", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 293–314.

Yet, at the same time, Namibian foreign policy tends to harbour a degree of scepticism about the expanded powers of multilateral organisations and the powerful states that have come to dominate them in the wake of globalisation. In the 2004 White Paper, the uneven benefits and burdens of globalisation on countries in the North and the South are criticised for demanding ‘the application of universal standards of human rights and public accountability to a point... [that] questions the concept of state sovereignty’.³⁵

Namibian foreign policy tends to harbour a degree of scepticism about the expanded powers of multilateral organisations and the powerful states that have come to dominate them in the wake of globalisation

A similar display of Namibia’s latent cynicism about the uneven and far-reaching demands of multilateralism also came to the fore at the first AU Summit in Durban in 2002. Here, member states were asked to commit to the establishment of the New Economic Partnership for Africa’s Development (NEPAD) and the African Peer Review Mechanism (APRM).

At the time, NEPAD was a novel strategic framework for implementing continental development with a focus on fast-tracking poverty eradication and effectively integrating Africa into the global economy. Meanwhile, the APRM is a collective arrangement among AU member states to accede to a voluntary self-monitoring mechanism aiming to systematically assess and evaluate the respective policies and practises of participating African governments across four key areas. These are democracy and political governance, economic governance and management, corporate governance and socio-economic development. A fifth thematic area – state resilience – was added after the COVID-19 pandemic.

While Namibia tentatively supported NEPAD on the condition that it would be managed by Africans, it was initially unwilling to accede to the APRM because, according to Gurirab, it had already fulfilled all of the governing standards that the APRM was designed to monitor.³⁶ Gurirab’s then deputy minister, Nandi-Ndaitwah, was more explicit in her dismissal of the mechanism as a ‘judgmental’ attempt to ‘divide Africa between democratic and undemocratic’ systems of governance.³⁷ Namibia did eventually accede to the APRM in 2017. However, its long-standing refusal to participate in Africa’s foremost instrument for tackling continental good governance issues undermined its commitment to uphold the standards of inclusive growth, sustainable development and the rule of law monitored by the APRM and their complementary relationship to the promotion and protection of human rights.

35 Government of Namibia, Ministry of Foreign Affairs, *White Paper on Foreign Policy*, 55.

36 Mushelenga, “Foreign Policymaking in Namibia”, 137.

37 Mushelenga, “Foreign Policymaking in Namibia”, 138.

African solidarity and the charge of anti-African bias

Namibia is part of a cohort of African states openly critical of the international community for its uneven responses to human rights issues on the continent. The disproportionate severity with which African perpetrators of human rights violations are perceived to be dealt with relative to perpetrators from other regions is often cited as evidence of the fundamentally unjust nature of the international order. This charge of anti-African bias has been laid most vociferously against the International Criminal Court (ICC), where to date 31 of the court's 32 official cases have been brought against African nationals.³⁸

Despite 33 African countries – including Namibia, which ratified the Rome Statute in June 2002 – being party to the ICC, the AU has a generally contentious relationship with the institution. When the ICC issued its first arrest warrant for then Sudanese president Omar al-Bashir on charges of genocide, war crimes and crimes against humanity in 2009, the AU responded by drafting a resolution that it would not cooperate with the ICC. Instead, it advocated for the deferral of legal proceedings against African leaders from both Sudan and Kenya.³⁹ For its part, Namibia was among those African countries that voted in favour of the AU's dismissal of the ICC extradition order for al-Bashir at the AU Summit in Sirte, Libya in 2009. This antagonistic response to the court's proceedings was later justified by then AU Commission chairperson Dr Jean Ping in 2011, who accused the ICC's former chief prosecutor Luis Moreno-Ocampo of practising double standards against Africans.⁴⁰

Geingob has also been highly critical of the ICC's mandate in Africa and its charges against former Kenyan president Uhuru Kenyatta for his alleged role in the post-election violence in Kenya in 2007–2008. In a prepared but ultimately undelivered speech for the AU Summit in South Africa in 2015, Geingob insisted that 'no institute or country can dictate to Africa... by whom they should be governed' before calling on the ICC to 'stay out of Kenya's domestic affairs'.⁴¹

This unambiguous dismissal of the ICC's mandate plainly contradicts Namibia's professed commitment to multilateralism and the promotion of a rules-based international order. Geingob's statement arguably amounts to an outright rejection of international accountability mechanisms for human rights abuses committed in Africa. Instead, it places a political premium on the principle of African solidarity or, perhaps more accurately, solidarity among African heads of state.⁴² Namibia's refusal to take affirmative policy stances against the actions of fellow African governments in this regard has often proven detrimental to its own global standing as a law-abiding and rights-respecting member of the international community.

38 A notable exception to this trend occurred relatively recently following the ICC's decision to issue an arrest warrant for Russian President Vladimir Putin in March 2023 on charges of alleged war crimes involving the unlawful abduction and transfer of Ukrainian children.

39 Manuel Manrique Gil and Anete Bandone, "Human Rights Protection Mechanisms in Africa: Strong Potential, Weak Capacity" (Policy Briefing, Directorate-General for External Policies of the European Union, Brussels, 2013), 12.

40 Richard Lough, "African Union Accuses ICC Prosecutor of Bias", *Reuters*, January 30, 2011.

41 Shinovene Immanuel, "Geingob's Undelivered Speech Blasts ICC", *The Namibian*, June 15, 2015.

42 Brown, Lister and Hopwood, "Namibia's Foreign Policy", 5.

In 1995 Namibia also failed to take a firm stand against the decision of Gen. Sani Abacha's government in Nigeria to sentence Ken Saro-Wiwa and eight other activists from the Ogoni tribe to death for campaigning against crude oil extraction in the Niger Delta and seeking compensation for the resulting environmental degradation. While South Africa's president Nelson Mandela publicly condemned the actions of the Nigerian government and sought to engage Abacha personally to halt the executions (albeit with mixed reception), Nujoma proceeded as planned with a state visit to Nigeria in the same year that the killings took place. Moreover, during this visit Nujoma even invited Abacha to visit Namibia. This decision was defended by Gurirab on the basis that 'diplomatic relations should be maintained even when countries differ on policies'.⁴³

Similarly, despite attracting both international and domestic criticism over its quiet diplomacy approach to the human rights situation in Zimbabwe, Namibia maintained cordial relations with its troubled neighbour for the entirety of president Robert Mugabe's 37-year rule. In 2013, for example, Pohamba publicly congratulated Mugabe on his re-election despite widespread allegations of election rigging and violations of SADC's electoral guidelines.⁴⁴

This extension of seemingly unconditional support for the Mugabe regime speaks to the triumph of solidarity politics over Namibia's parallel commitments to upholding the values of international human rights.⁴⁵ In this way, Namibian foreign policy on human rights and its post-independence relations with fellow African governments in particular can best be described as 'an extension of idioms of the liberation struggle based on past experiences... [rather than] a well-thought-out policy undergirded by a set of fundamental principles'.⁴⁶

From non-alignment to non-intervention

'Namibia remains unconvinced and will continue to oppose any form of unilateral humanitarian intervention outside the [UN] Charter... The South is incapable of initiating any humanitarian intervention in the North. But the reverse is not only possible; it can be an ominous certainty... Quite simply, in a world of lopsided military might, humanitarian intervention is yet another code-name for colonisation.'

Theo-Ben Gurirab, 55th Session of the UN General Assembly, 2000

Namibia's pre-independence adoption of the principle of non-alignment has become increasingly interchangeable with policies of non-intervention to justify the country's non-committal responses to various contemporary threats to human rights. As signposted in

43 Mushelenga, "Foreign Policymaking in Namibia", 127.

44 "Pohamba Congratulates Mugabe", *The Villager Newspaper*, August 5, 2013.

45 Lindeke, "From Confrontation to Pragmatic Cooperation", 192.

46 Joseph Diescho, "Namibia's Attitudes Towards Pan-Africanism", in Du Pisani and Zaire, *Namibia's Foreign Relations*, 413-434.

the previous section, Namibia's proclivity for non-interference in the affairs of other states has been especially evident in its foreign policy choices concerning human rights abuses in Africa.

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The country's opposition to most external interventions in the internal affairs of independent states is anchored in its SADC and AU memberships. The Constitutive Act of the AU (2002) gives the continental body more legal powers than its predecessor to carry out interventions on grounds of genocide, war crimes and crimes against humanity, as well as when member states request assistance to restore peace and security. At the same time, the AU has been highly critical of non-African interventions in African affairs. In 2011 the AU Peace and Security Council strongly opposed the NATO-led military intervention launched following the events of the First Libyan Civil War. This intervention encroached on the AU's proposed roadmap of working towards a negotiated settlement and a peaceful democratic transition. In addition, it was also understood to have been undertaken on the duplicitous grounds of upholding the responsibility to protect (R2P) principle when, in fact, the coalition's primary intent was to drive regime change.

In July 2011 Namibia's then minister of justice, Pendukeni Iivula-Ithana, announced that the state would not comply with the ICC's arrest warrant for Muammar Gaddafi on charges of crimes against humanity committed against Libya's political opposition. Moreover, during his speech at the UNGA's 66th session that September, Pohamba condemned the NATO-led intervention in Libya as a guise for Western imperialism reminiscent of 'the infamous Berlin Conference... when Africa was carved up by imperial powers'.⁴⁷

Namibia has also favoured non-intervention over the values of international human rights in its dealings with Eswatini, Africa's last absolute monarchy. This neutral foreign policy stance is evident in its muted response to the violent state crackdown on anti-monarchy protests in Eswatini in June 2021. Despite the government's brutal repression of dissent resulting in the deaths of at least 80 pro-democracy protestors on this occasion alone, Namibia has continued to toe the SADC line by withholding criticism of the authoritarian regime of King Mswati III.

⁴⁷ UN Web TV, 'General Assembly Debate, 66th Session (23 September 2011 AM – Part 1)', quoted in Melber, "Namibia: Global Governance Matters", 444.

Most recently, the assassination of renowned human rights lawyer and pro-democracy activist Thulani Maseko on 21 January 2023 has sparked fresh waves of international outrage. One week after Maseko's murder, Namibia hosted a SADC Extraordinary Troika Summit in Windhoek where Geingob, the newly elected chairperson, issued a blanket condemnation of 'all killings and damage to property' before renewing SADC's previously issued calls for 'peaceful national dialogue'.⁴⁸ However, he remained silent on the state-sanctioned violence against civilians in Eswatini, effectively enabling the regime to continue its repression of the democratic opposition while continuing to benefit from its SADC membership.

The regrettable human rights situation in Eswatini has been allowed to persist at least in part as a result of the SADC Protocol on Politics, Defence and Security Cooperation, the preamble of which demands 'strict respect for sovereignty... and non-interference in the internal affairs of other States'.⁴⁹ Namibia's adherence to these principles as a member of SADC has effectively precluded it from meaningfully honouring its concurrent commitments to upholding international human rights as a member of the international community.

Country-specific abstentions at the UN

Namibia's default abstentions on the majority of country-specific resolutions on human rights at the UN also speak to the ambivalence of its foreign policy in this regard. During the course of its two elected memberships to the UNHRC between 2014–2016 and 2020–2022, Namibia abstained on multiple resolutions expressing concern with the human rights situations in Belarus, Burundi, Eritrea, Iran, Nicaragua, South Sudan, Sri Lanka, Syria, Venezuela and Yemen. The only exceptions to this rule was a vote in favour on the human rights situations in the occupied Syrian Golan Heights and Occupied Palestinian Territories, and one vote cast in favour on the situation of human rights in Myanmar in June 2020. According to the former permanent secretary of the Ministry of Foreign Relations, Selma Ashipala-Musavyi, Namibia's frequent abstentions can be explained in terms of its stance of non-participation in country-specific UN agenda items. '[T]he highly selective and subjective

Namibia's default abstentions on the majority of country-specific resolutions on human rights at the UN also speak to the ambivalence of its foreign policy in this regard

48 "SADC Leaders Call on Eswatini to Initiate National Dialogue", *Dev Discourse*, February 2, 2023.

49 SADC, *Protocol on Politics, Defence and Security Co-Operation*, 1.

naming and shaming' nature of the latter is regarded as incompatible with the principles of 'international cooperation and collective process', according to Ashipala-Musavyi.⁵⁰

Namibia also voted to abstain on a draft resolution put forward in the UNGA in May 2021 that sought to permanently include the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity in the UNGA's annual agenda. Nandi-Ndaitwah cited the government's concerns with the resolution's application of the R2P principle, which it saw as susceptible to strategic misinterpretation in order to sanction the targeting of 'certain countries in pursuit of the narrow interests of the few'.⁵¹ The third pillar of R2P, the responsibility of the international community to protect when a state fails to protect its own population, was also cited by the minister as incompatible with Article 96 of the Namibian Constitution, owing to its endorsement of 'unilateral decisions to interfere in other countries'.⁵²

On the other hand, Namibia's consistent voting record in favour of all human rights resolutions concerning Palestine is rationalised on the basis that these do not fall under the category of country-specific resolutions. As Ashipala-Musavyi contends, 'while country-specific resolutions fall under HRC agenda item four concerning the internal affairs of states, Israel-Palestine and the Occupied Territories fall under item seven', classifying them as an 'international issue of the entire UN' on which Namibia may assert its position uninhibitedly.⁵³ Consequently, showings of solidarity with Palestine have been a key feature of Namibian foreign policy since 1990.

Most recently, Namibia joined a coalition of African states, including South Africa and Algeria, in opposing the accreditation of Israel with observer status at the AU in July 2021. The Ministry of International Relations and Cooperation's executive director Penda Naanda described the 'granting of observer status to an occupying power [as] contrary to the principles of the Constitutive Act of the AU'.⁵⁴ At the time of writing, a committee of seven African heads of state was mooted to reconcile the divisions among African countries on this issue. Although a final vote on Israel's status was expected to take place at the next AU summit in Addis Ababa on 18 February 2023, this committee has never sat and the issue remains in limbo.

50 Selma Ashipala-Musavyi, "Letter to the Editor", *Insight Magazine*, June 2015, quoted in Brown, Lister and Hopwood, "Namibia's Foreign Policy", 5.

51 Donald Matthys, "Namibia Sits on the Fence on Vote Against UN Resolution to Stop Crimes Against Humanity", *Namibia Economist*, May 20, 2021.

52 Matthys, "Namibia Sits".

53 Ashipala-Musavyi, "Letter to the Editor".

54 Hassan Isilow, "Namibia Joins Nations Objecting to African Union Granting Israel Observer Status", *Anadolu Agency*, July 30, 2021.

Bilateral relations with international pariah states

Namibia's long-standing friendly relations with Iran and North Korea also cast doubt over its commitments to the values of international law and human rights. These close bilateral relations are grounded in their solidarity with the Namibian liberation struggle prior to 1990. Iran invited SWAPO to set up a diplomatic office in Tehran in the 1980s and was among the first countries to establish diplomatic ties with Namibia after independence.⁵⁵ Meanwhile, North Korea provided SWAPO with military and training support during the struggle years, although it was not among the 30 countries where SWAPO had formal diplomatic representation prior to independence.⁵⁶

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In more recent years, the exposure of illicit nuclear weapons and missile programmes in violation of the Nuclear Non-Proliferation Treaty has made both North Korea and Iran the targets of international sanctions. In June 2010 the UNSC adopted Resolution 1929 banning Iran from acquiring any commercial interests in uranium mining, enrichment and the production and usage of nuclear materials and technology. Likewise, in March 2013 the UNSC adopted Resolution 2094, which built on previous sanctions against North Korea by imposing more punitive financial measures. These included bans on bulk cash transfers, asset freezes and further restrictions on trade that could further North Korea's nuclear programme. Both resolutions created multilateral obligations for Namibia, requiring it to suspend its domestic interests in trade and investment capital injections from the two countries.

UN sanctions on Iran had a direct bearing on Namibia owing to the Iranian Foreign Investment Company's ownership of 15% shares in the Rössing uranium mine, which it got prior to Namibian independence in 1975. While Resolution 1929 banned Iran from acquiring new uranium stakes, it did not specify whether divestment was necessary where such shares predated sanctions. Seeking clarification, the Namibian government

55 Seyyed Mehdi Parsaei, "Time to Revitalise Tehran-Windhoek Relations", *New Era*, April 13, 2017.

56 Selma El Obeid and John Mendelsohn, "Namibia's Fair-Weather Friends and One All-Weather Friend" (Notes de l'Ifri, French Institute of International Relations, Paris, 2021); John Grobler, "Namibia Violates UN Sanctions Against North Korea", *Mail & Guardian*, April 14, 2016.

consulted Rio Tinto, the majority shareholder in the Rössing uranium mine. It was subsequently agreed that Iran would be allowed to retain its shareholder status but would be restricted in its involvement as a passive investor with no access to product off-take rights and associated technologies or any future dividend payments.⁵⁷ The Prevention and Combatting of Terrorist and Proliferation Activities Act, passed by Parliament in 2014, directed the Financial Intelligence Centre at the Bank of Namibia to issue circulars on compliance with the terms of UNSC sanctions to all relevant institutions.⁵⁸

However, Namibia was decidedly less willing to implement the required measures to ensure its compliance with UN sanctions against North Korea. In February 2016 the UN Panel of Experts on North Korea accused Namibia of violating international sanctions through its receipt of assistance related to the provision, manufacture, maintenance or use of arms and related material from North Korea in contravention of Resolution 1718. Specifically, the panel flagged Namibia's contracting of North Korea's Mansudae Overseas Projects to help build an ammunition factory at Leopard Valley base, a military academy at Okahandja, the new headquarters of the Ministry of Defence and the Suiderhof military base. These violations were taken especially seriously owing to Mansudae's well-established links to the Korea Mining and Development Trading Corporation, which is widely believed to be North Korea's main weapons exporter.

Initially, the Namibian government maintained its ignorance of any such linkages and claimed that all of its projects with Mansudae had been completed in 2005, a year before the first wave of North Korean sanctions were imposed. However, following the release of satellite imagery by the panel revealing that construction projects were still underway as late as 2015, Geingob was forced to lead a high-ranking delegation to New York to explain Namibia's actions to the UN Sanctions Committee. While there was never any public admission by the Namibian government that sanctions had been violated, it announced the termination of all of Mansudae's commercial contracts inside Namibia and instructed all North Korean workers to leave the country immediately.⁵⁹

While Namibia did eventually honour its international obligations to sever commercial ties with North Korea, it did so while defiantly insisting that 'warm diplomatic relations with the DPRK will be maintained'.⁶⁰ Moreover, although the government moved quickly to implement the required measures when faced with the threat of crippling UN sanctions, once the dust had settled, reports began to trickle in that a number of North Korean 'guest workers' were completing construction projects at the Ministry of Defence and the State House.⁶¹

57 "Rössing Reviews Iranian Shareholding after Lifting of Sanctions", *New Era*, January 26, 2016.

58 Peya Mushelenga, "Respect for International Law in an Uneven Playing Field: The Case of Namibia" (Occasional Paper 341, Observer Research Foundation, New Delhi, 2021).

59 Max Weylandt, "Is It All Over Between Namibia and North Korea?", *African Arguments*, July 13, 2016.

60 "Namibia Sends North Koreans Packing", *Informanté*, June 30, 2016.

61 "North Koreans Still Operating in Namibia", *The Namibian*, January 13, 2017.

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Whether or not these reports of ongoing clandestine dealings can be substantiated, Namibia’s decision to maintain close diplomatic relations with Iran and North Korea is difficult to reconcile with its touted respect for international law and human rights.

Namibian and African responses to the Russian invasion of Ukraine

Namibia’s muted response to the Russian invasion of Ukraine and its abstentions from every resolution brought before the UNGA and the UNHRC in the wake of the Ukraine crisis are the latest iteration of its fence-sitting foreign policy record on human rights.

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- On 28 February 2022 Namibia abstained on a UNHRC vote to hold an emergency debate on human rights in Ukraine following the Russian invasion on 24 February 2022.
- During an Emergency Special Session of the UNGA on 2 March 2022 Namibia abstained on Resolution ES-11/1, which strongly deplored Russian aggression against Ukraine and called for the immediate withdrawal of Russian military forces from Ukrainian territory.
- Namibia abstained on a second UNHRC Resolution on 4 March 2022 that called for the establishment of an independent international commission of inquiry to investigate all alleged human rights violations committed during Russian military attacks on Ukraine.
- At a second Emergency Special Session of the UNGA regarding Ukraine on 24 March 2022 Namibia abstained on a resolution demanding aid access and civilian protections.

- On 7 April 2022 Namibia abstained on a US-sponsored resolution in the UNGA that sought to suspend Russia from the UNHRC.
- In a fourth Emergency Session at the UNGA on 12 October 2022 Namibia cast a vote of abstention on Resolution ES-11/4 condemning Russia's illegal annexation of four partially occupied regions in Ukraine.
- At the 11th UNGA Emergency Session in November 2022 Namibia was among 74 states that abstained on a resolution demanding that Russia pay reparations for injury caused by its violations of international law.

In the African context more broadly, there has been no evidence of a unified diplomatic response to the Russia-Ukraine war. Rather, the voting patterns of African member states at the UN have been divided across several ideological blocs and political cleavages. On the one hand, the three states representing Africa as non-permanent members of the UNSC in 2022, Ghana, Kenya and Gabon, were quick to condemn the invasion, noting the Russian Federation's violation of the AU's cardinal principle of territorial integrity. Particularly noteworthy was the indictment by Kenya's UN Envoy, Dr Martin Kimani, of President Vladimir Putin's attempts to delegitimise Ukraine's territorial integrity on ethnic grounds. He drew parallels between Western and Russian imperialism to affirm Kenya's stance on the inviolability of borders and the illegality of Russian attempts to alter such borders by force.

On the other hand, African countries have been overrepresented in the abstention camp at the UNGA. African nations comprised 17 of the 35 abstentions on Resolution ES-11/1 at the UNGA's first Emergency Special Session following Russia's invasion, while eight African countries did not submit a vote at all and one (Eritrea) voted against the resolution condemning Russian aggression. African abstentions were also accompanied by a series of non-committal public statements on the Russia-Ukraine issue by African officials in the earlier days of the conflict. South African President Cyril Ramaphosa defended his country's abstentions on the basis that 'the resolution did not foreground the call for meaningful engagement [between the warring parties]' before insisting that the security concerns of both parties ought to be considered equally.⁶² However, in recent months, South Africa's official stance of neutrality has appeared to veer more in favour of Russia. The South African navy has undertaken controversial joint military exercises with the Chinese and Russian navies on the one-year anniversary of the Russian invasion. For a time it also seemed as though Putin would be welcomed at the BRICS Summit in Durban in August 2023, despite an ICC indictment against him on child trafficking charges.

The reticence shown by roughly one-third of African countries in response to Russia's invasion of Ukraine could be understood in terms of several factors. Firstly, African abstentions could be seen less as a showing of support for Russian aggression and more

62 Nicole McCain, "President Cyril Ramaphosa Defends SA's Decision to Abstain from UN Vote on Russian Invasion", *News24*, March 7, 2022.

as a stand against the hypocrisy of Western actors whose demands for countries in the South to ‘stand with Ukraine’ conveniently sidestep their own histories of violating international law with impunity.⁶³ Indeed, despite widespread attempts to impose Cold War framings on the Russia-Ukraine conflict as a battle between democracy and fascism, African countries may be understandably less willing to listen to Western evangelising in this regard.

Despite widespread attempts to impose Cold War framings on the Russia–Ukraine conflict as a battle between democracy and fascism, African countries may be understandably less willing to listen to Western evangelising in this regard

Certain pundits have explained the reluctance of some African countries to condemn Russian aggression as a result of the Russian military alliances with African states and its growing role as Africa’s arms dealer.⁶⁴ Since its illegal annexation of Crimea in 2014 and the wave of international sanctions that followed, Russia has sought to deepen its relations with Africa by establishing a multitude of bilateral security and defensive arrangements. In fact, between 2016 and 2020 Russia supplied ‘30% of arms purchased by sub-Saharan countries’ and it has signed ‘military cooperation agreements with 20 such countries’ since 2017.⁶⁵ Meanwhile, the Russia-Africa Summit in Sochi in 2019 – the first of its kind – was attended by 43 African heads of state.⁶⁶ Russia’s efforts to strengthen its political foothold on the continent have intensified since the launch of its offensive in Ukraine, with Russian Foreign Minister Sergey Lavrov recently undertaking three African tours in just over six months.

However, in the case of Namibia, bilateral relations with Russia are nowhere near as consequential as its economic ties with the West and China.⁶⁷ Instead, Namibia’s abstentions might be better understood as an ideological relic of the struggle when Russia, in its Soviet incarnation, was a key supporter of the anti-colonial struggle against the South African apartheid regime. Such ideological talking points are the subject of routine regurgitation by the Russian government. Its ‘appropriation of the history of Soviet support’ for various African independence struggles, including that of Namibia, has been adept in deflecting attention from the modesty of its current economic and diplomatic investments in Africa.⁶⁸

63 Ebenezer Obadare, “Analyzing the Russia-Ukraine Conflict from an African Standpoint”, Council on Foreign Relations, March 3, 2022.

64 Anas Siddiqui, “African Leaders Condemn Russia Invasion, But Some Remain Silent”, *Verve Times*, March 3, 2022.

65 Anne-Cécile Robert, “Ukraine: The View from Africa”, *Le Monde Diplomatique*, February 5, 2023.

66 Peter Kagwanja, “How the Russia-Ukraine Conflict Impacts Security in the Horn of Africa”, *The Citizen*, March 7, 2022.

67 Siddiqui, “African Leaders Condemn”.

68 Jade McGlynn, “Why Russia Markets Itself as an Anti-Colonial Power to Africa”, *Foreign Policy*, February 8, 2023.

During a meeting with EU commissioners in January 2023, Geingob doubled down on Namibia's abstentions on the Ukraine issue. He alluded to the premium that Namibia and other African countries still place on their pre-independence struggle ties, stating:⁶⁹

Our history also teaches us where we were and who was with us... We remember certain things that were happening during that time [that African states were fighting for their independence]... Those that were supporting us and those that were not supporting us, that's why many African countries are abstaining [on the Russia-Ukraine issue].

Yet this line of reasoning is founded on the historically inaccurate assumption that the Russian Federation has inherited all of the supposed anti-imperialist traditions and principles of the Soviet Union – of which Ukraine, it should be said, was also a part. In reality, Putin's attempts to redraw the lines of the former Russian Empire and remove the independent state of Ukraine from existence can surely be described as emphatically imperialist in nature. To that end, Namibia's stance of 'pseudo neutrality' on the Russia-Ukraine conflict shows that Namibian foreign policy on human rights 'does in fact take sides with aggressors' on this particular issue.⁷⁰

Conclusion: An ambivalent legacy

While Namibia has sought to maintain a commitment to human rights in the abstract, its reluctance to condemn country-specific violations often undermines the seriousness of its commitment to these values in practice. Namibian foreign policymakers regurgitate increasingly defunct ideologies at the expense of developing a comprehensive and progressive foreign policy agenda that is fit for the 21st century. They engage in quiet diplomacy when faced with the undemocratic penchants of neighbouring states, venerate old anti-imperialist ties to justify continuing relations with authoritarian governments and invoke respect for state sovereignty to sidestep the need for humanitarian intervention.

While Namibia has sought to maintain a commitment to human rights in the abstract, its reluctance to condemn country-specific violations often undermines the seriousness of its commitment to these values in practice

69 Shelleygan Petersen, "Leave Nam out of Ukraine-Russia War, Geingob tells Europe", *The Namibian*, January 25, 2023.

70 Melber, "Namibia's Abstention".

In the final analysis, this paper regards the catchall sloganeering of being a ‘friend to all and an enemy to none’ as a key driver of Namibia’s inconsistent track record in upholding the values of international human rights through its foreign policies. Where most nation states understand that ‘they do not have friends or enemies but rather a hierarchy of relations’, Namibia’s attempts to foster too many friendships after independence have proven problematic to its own national interests. In addition, this often portrays it as an unprincipled and ultimately extraneous actor in the context of international efforts to uphold universal human rights.⁷¹ Therefore, despite comprehensive provisions for the promotion of human rights in the Namibian Constitution, human rights cannot be described as a determinative guide in Namibian foreign policymaking.

⁷¹ Diescho, “Namibia’s Attitudes”, 421.

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Cover image

Russian Foreign Minister Sergei Lavrov (R) meets with Namibia's Deputy Prime Minister and Minister of International Relations and Cooperation Netumbo Nandi-Ndaitwah in Moscow on October 26, 2016 (Natalia Kolesnikova/AFP via Getty Images)

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