

The United Nations and Namibia since 1990*

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Introduction

Namibia is a relatively small country in comparison with other members of the United Nations (UN), especially with regard to its population size and gross domestic product. However, considering its long fight for liberation; domestic progress on the economic and political front; and major achievement in building a nation characterised by peace, democracy and political stability in the post-Independence period, one can confidently say that Namibia is a small country with a big heart. Despite the existence of significant challenges, 21 years after Independence, freedom, peace and security still prevail, and the country is considered a democracy both in legal and political terms.

It is well documented that Namibia's long fight for freedom may not have been possible without the support by the UN over many years. In a number of ways, Namibia is a child of the UN. This is often underscored in conversations with those who either actively or indirectly participated in the liberation struggle. There are no legal or other obligations on Namibia to compensate the UN for its tremendous work in helping it achieve independence. However, the country, its people and its government still show appreciation to the UN for its role during the liberation struggle as well as in helping it strive for development and prosperity. Namibia's appreciation of the UN and the countries that assisted her in the fight for independence is witnessed by her tight engagement with the global body and her various contributions in the post-Independence period.

In attempting to describe the relations between Namibia and the UN (and vice versa), this article will focus on the three pillars of the UN, namely *Peace and security*, *Development*, and *Human rights*.

With regard to peace and security, Namibia's engagement in the UN peacekeeping missions will be highlighted, namely Namibia's contribution on several occasions by way of troops, law enforcement, and security personnel and observers to the UN's international peacekeeping and security missions.

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Namibia is not only a close UN development partner, but it also contributed to the crafting of the UN Millennium Declaration while Theo-Ben Gurirab was President of the UN General Assembly. The Millennium Declaration notably formed the basis for the drafting of the Millennium Development Goals (MDGs), which eventually became the UN and UN member states' long-term development agenda and strategy for global change.

Finally, the article will also examine the UN human rights agenda and Namibia's quest to promote, respect and fulfil its human rights obligations globally and in the country.

And since Namibia's relations to the UN are not a one-way street, the article will also describe the UN's current role in and contribution to Namibia.

Peace and security

Namibia's involvement in peacekeeping missions abroad

Namibia's contributions towards and support of the maintenance of international peace and security is a result of principle, policy and constitutional consequence and is, therefore, well founded. The Namibian Constitution states that Namibia, in its conduct of international relations, is obliged to promote international cooperation, peace and security;¹ and encourage the settlement of international disputes by peaceful means.² On closer analysis, these provisions complement and support the UN vision of maintaining international peace and security as outlined in the UN Charter.

The provisions also guide the country's foreign policy, which has as its prime objective the promotion of national security, peace and prosperity. These help to form the basis of Namibia's international engagements and, most importantly, support the UN principles of peaceful settlement to international disputes. Those constitutional provisions and principles also guide Namibia's contributions to UN peacekeeping missions.

The UN, having no permanent military infrastructure to draw from, relies on the contributions of its member states to assist in maintaining international peace and security. By virtue of article 43 of its Charter, the UN can call upon all its members to contribute towards the maintenance of international peace and security by providing armed forces, facilities and assistance.³ Since Independence, Namibia has actively and positively responded to the UN's calls to contribute forces and other forms of assistance.

1 Article 96(b), Constitution of the Republic of Namibia.

2 (ibid.:Article 96(e)).

3 Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression; Article 43(1–3), UN Charter. Available at <http://www.un.org/en/documents/charter/chapter7.shtml>; last accessed 26 July 2011.

As a result, and despite its small army size, the country has taken part in a number of UN peacekeeping and peace support missions in many countries.

Based on Namibia's constitutional support and the UN's need for assistance, the country has participated in UN peacekeeping missions with full commitment. Namibia's first engagement in such operations was as part of the United Nations Transitional Authority in Cambodia (UNTAC), 1992–1993,⁴ to which it contributed a contingent of 43 soldiers as well as equipment. In total, the country participated in three UNTAC missions. UNTAC was set up by the UN Security Council to ensure that the Agreements on a Comprehensive Political Settlement of the Cambodian Conflict were implemented.

Namibia also participated in the UN Angola Verification Mission (UNAVEM) III in 1996. UNAVEM was established to assist the Angolan Government and the União Nacional de Independência Total de Angola (UNITA) in restoring peace and achieving national reconciliation against a fragile politico-military background. Namibia continued to serve with the smaller UN Observer Mission in Angola (Mission d'Observation des Nations Unies à l'Angola, MONUA), which replaced UNAVEM III in 1997. In 1999, Namibia was also part of a panel of experts tasked with the responsibility of tracking violations of UN sanctions against UNITA. Thus, Namibia played an active part in advancing peace in Angola.

In 2003, Namibia took part in the UN Mission in Liberia (UNMIL)⁵ and initially contributed a contingent of 855 personnel, which included 844 troops, 6 civilian police officers, 4 staff officers, and 3 military observers. In the end, Namibia contributed 3,835 personnel to the mission.⁶ UNMIL was ordered by the UN to replace the 3,250 strong West African multinational force, in order to help stabilise Liberia and support the implementation of the ceasefire agreement. UNMIL ended in 2007.

Namibia participated in the UN Mission in Ethiopia and Eritrea (UNMEE)⁷ as well, by providing 26 personnel. UNMEE was tasked by the Security Council to prepare the ground for future peacekeeping missions.

4 Established by United Nations Security Council (UNSC) Resolution 745 of 28 February 1992. Available at <http://www.un.org/en/peacekeeping/missions/past/untacbackgr2.html>; last accessed 26 July 2011.

5 Established by UNSC Resolution 1509 (2003). Available at <http://www.un.org/en/peacekeeping/missions/unmil/resolutions.shtml>; last accessed 26 July 2011.

6 Mushelenga (2008:220). Available at http://uir.unisa.ac.za/bitstream/handle/10500/2703/dissertation_mushelenga_%20s.pdf?sequence=1; last accessed 26 September 2011.

7 Established by UNSC Resolution 1312 (2000), adopted by the UNSC at its 4181st meeting, 31 July 2000. Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/583/66/PDF/N0058366.pdf?OpenElement>; last accessed 26 July 2011.

Apart from the above missions, Namibia provided military observers to Burundi, Ivory Coast, Kosovo, Sierra Leone, Sudan, and Timor-Leste.⁸ Up to September 2010, Namibia has also been part of seven other UN peacekeeping missions, including the United Nations Mission in the Central African Republic and Chad (MINURCAT).⁹

Domestic policy decisions on peacekeeping and security

By being part of UN peacekeeping missions, Namibia demonstrates a better understanding of peace and security issues within an international, regional, and domestic context. Indeed, Namibia's Defence Policy reflects this position, emphasising that –¹⁰

Namibia's foreign and defence policy is founded on the principles of peaceful co-existence and co-operation with other countries and in the operation of international law. The day-to-day guarantee of security lies in the maintenance of international order and, in particular, in the regional stability.

This underscores Namibia's understanding that, if it is to be secure and continue to prosper, it needs to function within a peaceful and secure neighbourhood – regionally and beyond. This explains Namibia's contribution to efforts by the UN and other regional bodies aimed at keeping and bringing peace and security to the southern African region and elsewhere.

Namibia's efforts and contributions also need to be understood within the framework of its history. Namibia is a product of international efforts garnered through the UN. The UN's involvement and support for Namibia's independence can be traced back to 1946, when the first-ever session of the UN General Assembly attempted to persuade South Africa to place Namibia under the UN trusteeship system. A milestone was placed in 1978, when the UN Security Council (UNSC) adopted Resolution 435, paving the way for Namibia's independence. That journey continued with the successful implementation of the UNSC Resolution setting up the United Nations Transition Assistance Group (UNTAG), which was then deployed to Namibia to monitor South Africa's withdrawal and provide electoral assistance.

Finally, the country's independence was witnessed by the then UN Secretary General, Javier Perez de Cuellar,¹¹ who also administered the oath of office to the first-ever President of an independent Namibia, His Excellency Sam Nujoma. Many countries had expressed and shown their solidarity with the Namibian cause from the beginning until its independence; therefore, as a free and independent country, Namibia now supports

8 Ministry of Defence [(n.d.)]. Available at <http://www.mod.gov.na/>; last accessed 10 July 2011.

9 A product of UNSC Resolution 1861 of 14 January 2009. Available at <http://www.un.org/en/peacekeeping/missions/minurcat/facts.shtml>; last accessed 30 August 2011.

10 Ministry of Defence [(n.d.)].

11 Term of service January 1982 to December 1991.

peacekeeping missions in other countries by committing troops and observers as part of its obligations as a member of the international community and the UN.

Namibia has gained a good deal of experience in peacekeeping operations and continues to build up its military expertise. This is crucial for future operations at home and as part of the UN. The country has established a name for itself in the UN as a strong participant in the maintenance of international peace and security. Therefore, Namibia has transformed itself from being a security concern prior to its independence, to being a fully fledged and active member on all fronts today.

By supporting and helping to maintain international peace and security, the country also helps to reduce human suffering and enhance the protection of vulnerable civilians in crisis. This helps reduce conflict-related challenges like increasing numbers of refugees, harassment and abuse of civilians, war crimes and intolerable acts of war, and humanitarian suffering. If not prevented and managed, these issues can stretch the UN's limited resources to its limits.

Today, Namibia takes part in many UN-sponsored workshops and training and capacity-development programmes aimed at enhancing knowledge, skills and understanding in peacekeeping and peace support missions. For example, in March 2010, Namibia participated in the Lessons Learned Workshop on Management of Police Deployment to Peace Missions, organised by the Pearson Peacekeeping Centre.¹² Namibian officials also attended a course on combatting sexual and gender-based violence, delivered in Khartoum to female UN police officers deployed in the Darfur (African Union–United Nations Mission in Darfur/UNAMID)¹³ and Sudan (UNAMIS) crises.¹⁴ The skills gained from these training programmes are undoubtedly put to good use, and will have a positive spill-over effect at home and in future UN peacekeeping missions. Moreover, Namibians who have participated in many of these missions are being praised and continue to be recognised for their role and good work. A case in point is when Lieutenant-General Chikadibia Obiakor of the UN Mission in Liberia decorated the peacekeepers of the Namibian contingent with UN medals for their effort and contribution towards maintaining peace and security in that country.¹⁵

12 See <http://www.peaceoperations.org/index.php/capacity-building-programs/past-projects/pan-africa/namibia-policy/lang/en/>; last accessed 27 July 2011.

13 UN–African Union hybrid operation in Darfur. It was established on 13 July 2007 with the adoption of UNSC Resolution 1769. Available at [http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1769%20\(2007\)&Lang=E&Area=UNDOC](http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1769%20(2007)&Lang=E&Area=UNDOC); last accessed 21 May 2011.

14 UN Missions in the Sudan, established by UNSC Resolution 1590 of 2005. Available at [http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1590%20\(2005\)&Lang=E&Area=UNDOC](http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1590%20(2005)&Lang=E&Area=UNDOC); last accessed 21 May 2011.

15 UNMIL [n.d.].

Namibia was only two years old in 1992 when it first committed troops to UNTAC. To date Namibia has contributed to more than six missions in total. The country's contribution to world order is not only time and money well spent, but is also about the opportunities that were created by being part of these missions that offered the country a rare chance to share with the rest of the world its own successful experience and transition from a conflict-ridden country to a fully independent and sovereign state.

Development

Namibia's involvement regarding the issue of development at the UN

Shortly after becoming President of the UN General Assembly in September 1999, and before the issue of terrorism became the most urgent topic in the international community, Theo-Ben Gurirab of Namibia stated that poverty –¹⁶

... can cause political instability, economic retrogression, social disorder, widespread acts of terrorism and crime leading inevitably to the breakdown of family cohesion and negation of human dignity. It is against poverty – the father of all evils – that the international community must declare war and achieve victory in the interest of protecting our existence and safeguarding future generations.

These dramatic and evocative words made clear how serious he and Namibia are about the problem of poverty, and also how important it is for the countries with higher levels of development and more resources to support the underdeveloped ones.

Namibia's greatest contribution to the international community so far has been its assistance in the establishment of the current UN development framework and strategy, comprising the MDGs. At the end of his term, in September 2000, Theo-Ben Gurirab submitted a Draft Resolution containing a proposal for the UN Millennium Declaration. The Draft Resolution was presented at the UN Millennium Summit and was then adopted by the UN General Assembly in New York in 2000. The Millennium Declaration¹⁷ is the key document on which the MDGs are based. Most of the phrases of the final MDGs were directly derived from the Draft Resolution, especially sections III and IV therein. Namibia's contribution was of great importance as the MDGs are the UN's and its member states' long-term strategy for development.

The attainment of the MDGs is reviewed on a regular basis. Namibia has been active in this respect as well. At interval MDG Summits, the Namibian Government has regularly

16 *Government News*, 20 September 1999; "Assembly President says international community must achieve victory in war against poverty". Available at http://www.gov-news.org/gov/un/news/assembly_president_says_international_community/66743.html; last accessed 16 June 2011.

17 UN (2000b),

reported on its progress towards the goals. Currently serving President Hifikepunye Pohamba participated in the last periodic review in New York in September 2010, and made a strong statement on Namibia's contributions towards the MDGs. Although Namibia has introduced a special campaign and efforts on the MDGs, it still lags behind the targets set for MDG4, 5, and 6, and the indicator on nutrition under MDG1.

Namibia is among the UN member states in sub-Saharan Africa that is hardest hit by the HIV and AIDS pandemic. In support of the global fight against the pandemic and the attainment of MDG6, Namibia is collaborating closely with relevant UN bodies at all levels, particularly with UNAIDS and its ten co-sponsors, by sharing lessons and experiences in areas like preventing mother-to-child transmission of HIV – a realm in which Namibia is a success story among UN member states.

Namibia has also actively provided support to the UN reforms introduced in 1996 by then Secretary General Kofi Annan. A call for reform has since affected the whole UN system: the Secretariat in New York, the Security Council, and all the UN agencies, funds and programmes that work at country level at the request of the UN Secretariat and its various bodies. Namibia volunteered to become a pilot country to the UN reform when these were identified through a voluntary process in 2006. Cape Verde was instead chosen in that category.

Similarly, during 2008 and 2009, Namibia co-chaired the Session on System-wide Coherence in the UN and wanted to become a 'self-starter' country in terms of the UN reforms. At that stage, however, the UN agencies, particularly those at country level, were not ready to implement the reform agenda in Namibia. However, negotiations continued, mainly at New York level and through the UN Development Group office. In April 2010, Namibia's Prime Minister, Nahas Angula, committed Namibia to becoming a self-starter country to the UN reform programme during a meeting with the UN Development Programme (UNDP) Administrator, Helen Clark, who is also the Chair of the UN Development Group. Since then, Namibia has been an even stronger supporter of UN reform, and has requested that the UN system in Namibia come together around the "Delivering as One" concept to ensure a more coherent approach to development assistance, a reduction of overlap and duplication of efforts, more effective utilisation of resources, and a results-based management approach. The coordinating body for this long-term process in-country is Namibia's National Planning Commission.

The UN's involvement in respect of development in Namibia

Conversely, the UN has also been very active in Namibia since Independence. Various UN agencies established themselves in the country after its independence at the new government's request, and have since then worked closely with most government bodies through clearly defined country programmes and the UN Development Assistance Framework (UNDAF) – the overall strategy for the UN system's support to the Namibian Government and civil society organisations.

Non-resident UN agencies also assist the country through technical assistance frameworks and in areas identified by the government. Today, there are 12 resident and more than 20 non-resident UN agencies and offices supporting Namibia in respect of implementing its Vision 2030 and goals outlined in respective five-year National Development Plans. The UN system also supports MDG implementation through policy development, technical assistance and, in some areas, service delivery.

During the floods in Namibia in the first of 2011, the UN expanded its work to introduce collaboration on the UN's Humanitarian Reform programme. This has led to an increase of agencies that support Namibia's drive towards the more efficient reduction of disaster risks and an improved humanitarian assistance framework.

UNDAF (2006–2010)

Quite a number of UN agencies operate in Namibia. Apart from the UNDP already mentioned, there are the United Nations High Commissioner for Refugees (UNHCR), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), United Nations Population Fund (UNFPA), United Nations Children's Fund (Unicef), the World Bank (WB), the World Food Programme (WFP), the United Nations Office of Drugs and Crime (UNODC), International Civil Aviation Organization (ICAO) and the World Health Organisation (WHO).¹⁸ These agencies, in collaboration with the Namibian Government and civil society, developed the UNDAF. Besides international commitments related to development, the UNDAF –¹⁹

... aims to guide integrated programming among the UN Agencies working in Namibia to support government and civil society to reach Namibia's economic and social development goals, outlined in Vision 2030, the Millennium Development Goals, [and] NDP III ...

The UNDAF specifies UN support in the areas of HIV and AIDS, livelihoods and food security, and capacity-building for the governmental and civil society sectors.²⁰ The UNDAF is based on Namibia's 2004 MDG report, which coined the term *triple thread*²¹ to describe these three areas of support. The UNDAF also identifies the roles of the respective UN agencies, and how they are to collaborate with the government and civil society.

Following the introduction of the “Delivering as One” agenda as part of the UN reform since May 2010, and based on the current UNDAF period (2006–2012) ending

18 See UN ([n.d.]a:1).

19 (ibid.:1).

20 See (ibid:v, 3).

21 GRN (2004:28).

on 31 December 2012, a new UNDAF process has started in Namibia by way of the development of a situation analysis. The aim of this analysis is to lay the foundation for the UN's future development assistance to Namibia, and offers a UN perspective on Namibia's development. Furthermore, the new process serves as a contribution towards Namibia's preparations for its Fourth National Development Plan (NDP4).

The UN agencies working in Namibia provide assistance and technical support in areas such as the following:

- Health
- Nutrition
- Education
- Food security and livelihoods
- HIV and AIDS, and sustainable financing of the national AIDS response
- Programmes for decent work
- Population issues, and sexual and reproductive health
- Refugee assistance
- School feeding programmes
- Social security and welfare
- Climate change and environment
- Emergency prevention and response
- Civil aviation
- Anti-corruption measures
- Good governance and decentralisation
- Cultural tourism, and
- Human rights and gender.

The above list is far from exhaustive, but it provides an insight into how broad the collaboration between the Namibian Government and the various UN bodies is.

The United Nations information Centre (UNIC) also collaborates with many government institutions, the University of Namibia, the Polytechnic of Namibia, public and private institutions in the country, and the media, in order to provide information on the UN, globally and locally. In addition, UNIC works closely with a number of school outreach programmes in the country.

The United Nations Department for Safety and Security (UNDSS) is another UN representative at the UN House in Windhoek. The UNDSS provides security and safety advice to the UN and UN-deployed staff. It also enhances knowledge and collaboration efforts with the respective government bodies on the importance of safety and security issues related to UN staff and their various programme operations around the country and in the region. In addition, the UNDSS provides training to security personnel employed at the UN to enhance their knowledge and skills.

Human rights

Human rights constitute the third pillar of the UN system's work, and represent an area that has become increasingly important during the world organisation's 66-year lifespan to date. With most member states having adopted the Universal Declaration of Human Rights (UDHR) of 10 December 1948, the Declaration has provided the framework for the UN's work in human rights. An increasingly large number of UN Conventions, Treaties and other instruments have been drafted among member states and adopted by the UN General Assembly for ratification by member countries. Since its independence, Namibia has ratified and signed a number of human rights Conventions and Treaties, as listed below. This has had a critical impact on the country's legislative work, norms and standard-setting, as well as its policy development in the respective sectors and with the bodies responsible. Ratifying human rights Conventions and Treaties means that national legislation needs to be aligned with their intention and content. Namibia has taken considerable strides in this direction. Nonetheless, the country has admitted it has some distance to go before its human rights duties and obligations are fully integrated into national legislation and policies that reflect the government's obligations towards its citizens in this respect. Human rights duties and obligations rest with government, being the primary duty-bearer in respect of its own citizens. It is important to note that the international community and the UN have a duty to support and provide resources to countries like Namibia in its work to fulfil obligations such as these that will help give effect to each citizen's human rights.

The basic principles that are set out for the UN's human rights work are very important, as they also form the foundation for the UN's support to Namibia in this area. These principles entail that, since human rights are individual, no forms of discrimination are permitted to occur in any country on the basis of race, sex, cultural norms, political views or belonging, or religious beliefs.

Thus, all citizens have equal rights – whether they are girls or boys, women or men, rich or poor. Violations of these principles and the various Conventions and Treaties that give effect to them should be reported to the UN bodies that are responsible for providing the necessary technical and administrative support to any holder of a right that has been violated and/or abused.

Besides the Office of the High Commissioner for Human Rights (OHCHR) and its regional office for southern Africa, other UN agencies are instrumental in giving effect to human rights. These are linked to some of the UN agencies' mandates and their roles vis-à-vis national institutions such as government ministries which they assist in abiding by the expectations of Conventions and Treaties. For example, Unicef, on behalf of the Global Staff Association, oversees the implementation of the Convention on the Rights of the Child (CRC), while the UNFPA oversees sexual and reproductive health rights. WHO is responsible for ensuring rights to health are respected, while the Food and

Agriculture Organisation (FAO) performs this function in respect of the right to food and nutrition.

Namibia and UN human rights Conventions and Treaties

From the very beginning, the UN made the promotion, protection and realisation of human rights its top priority. Since the adoption of the UDHR in 1948, the UN and its member states have established a great number of treaties covering various human rights topics. Of the nine core international human rights treaties that fall under the umbrella of the United Nations,²² Namibia has ratified or acceded to seven, as follows:

- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The Convention on the Rights of the Child (CRC), and
- The Convention on the Rights of Persons with Disabilities (CRPD).

Namibia has not yet signed or ratified the following treaties:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

Various human rights institutions within the UN human rights framework oversee the implementation of UN Conventions, Treaties and other instruments. These are the UN Human Rights Council (UNHRC), which superseded the UN Commission on Human Rights (UNCHR) in 2006; the Human Rights Council Advisory Committee; the Social, Humanitarian and Cultural Affairs Committee (or *Third Committee*) of the General Assembly; and, finally, the Office of the High Commissioner for Human Rights (OHCHR).

After the World Conference on Human Rights in 1993, OHCHR Regional Offices were established with the aim of coordinating human rights issues in the UN system and within the international community, and promoting human rights at the regional and national level. The goal of these Regional Offices is to make sure that all civil, political and socio-economic, and cultural human rights are guaranteed. The Southern Offices, for example,

22 See OHCHR ([n.d.]a).

support country governments and civil society actors in strengthening human rights protection systems such as parliaments, the judiciary, and human rights institutions.

Namibia's Prime Minister Nahas Angula made a strong statement by declaring employment a human right.²³ This is in line with the International Labour Organisation (ILO) Convention²⁴ that Namibia has ratified, and helps the government in its efforts to focus on unemployment as a top priority for the nation's development. It is of great interest, therefore, to see how Namibia contributes to the UN's human rights framework and whether Namibia complies with the stipulated obligations.

Monitoring and reporting

Each of the above-mentioned Conventions and treaties has a monitoring body to which all member states have committed themselves to submit regular reports with regard to progress in implementing the rights that have been agreed upon. In most cases, the first report has to be submitted a year after the ratification/accession of a treaty, while subsequent reports are due five years after such ratification/accession. The Committee examines the reports, discusses its concerns with member states, and makes recommendations for improvement.

Namibia has written reports to six of these monitoring bodies, but with delays. Delayed submissions have a considerable impact on a country's opportunities to surge ahead as regards implementing its obligations and duties in respect UN instruments. Namibia's delayed reporting is a concern that has been brought up with the bodies responsible during the recent (2011) Universal Periodic Review (UPR), but also during OHCHR visits to Namibia. Some of these reports were delivered years after they were due. According to the list, there are at least three outstanding as at May 2010. The records show the following up to May 2010, which are the last data available:

- The second report to the Committee Against Torture was due in December 1999, but had not been delivered by May 2010²⁵
- The initial report to the Human Rights Committee monitoring implementation of the ICCPR was due in 1996, but was only submitted in October 2003²⁶
- In the case of the Committee on the Elimination of Racial Discrimination, Namibia has not yet submitted a report for the period 1997–2006²⁷
- The Committee on Social, Cultural and Economic Rights state that Namibia has not submitted its core document since acceding to the ICSCR in 1995, and no report had been submitted by May 2010²⁸

23 See Nakale (2011).

24 The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111); ratified in 2001.

25 UN (2010c).

26 UN (2009).

27 UN (2007).

28 UN (2010d).

- The reports to the Committee on the Elimination of Discrimination Against Women were submitted with delays of four to eight years, with the last one still being outstanding by May 2010²⁹
- Despite the fact that the initial report to the Committee on the Rights of the Child was submitted on time, the submission of the subsequent report was delayed by 12 years,³⁰ and
- In the case of the Committee on the Rights of People with Disabilities, the report has been due since June 2010.³¹

Apart from delays in submitting its reports, Namibia still has some way to go before the international instruments to which it has acceded are fully integrated into national legislation, policies, development plans and programmes, which are the normal means for implementing and realising these instruments.

In terms of other issues outstanding, also raised during the recent UPR meeting in Geneva, is that the Namibian Government has not yet made any of the declarations referred to in Articles 14 and 22 of the ICERD and CAT, respectively, where it recognises the competence of the respective treaty bodies to receive complaints from individuals or groups claiming that their human rights guaranteed in the said treaties have been violated by Namibia. In addition to this, the Namibian Minister of Justice conceded the following in Parliament on 21 April 2011:³²

Our legislation needs to be reviewed and/or amended in order to make provision for the domestication of international instruments which we have ratified or acceded to. It serves no purpose for us to ratify international instruments if our domestic laws are not in line with those instruments.

It is important to note that Namibia ratified the Rome Statute of the International Criminal Court in June 2002.³³

Universal Periodic Review

The UNHRC, which was established in March 2004 and succeeded the UNCHR, introduced the UPR as a mechanism to monitor and control the implementation of human rights agreements. The UPR for Namibia took place in Geneva from 24 January–4 February 2011.³⁴ Namibia's national report was submitted³⁵ to the UNHRC. At the UPR, Namibia reported on a number of human right topics, namely –

29 UN (2006a).

30 OHCHR (2010a).

31 OHCHR ([n.d.]b).

32 Ministry of Justice Budget Presentation, 2011. Hon. Pendukeni Iivula-Ithana, Member of Parliament and Minister of Justice.

33 Coalition for the International Criminal Court (2009).

34 UN (2011).

35 UN (2010a).

- affirmative action
- children
- discrimination, racism and xenophobia
- education
- gender
- health care
- non-governmental organisations and civil society
- refugees and asylum seekers
- religious and socio-cultural rights
- the role and independence of the media
- torture
- trafficking, and
- social security.

The country's report also stated that "Namibia is attentive of its international obligations to submit the outstanding periodic reports",³⁶ and mentioned that the country lacked the human and material resources as well as the internal organisational framework to coordinate all ministries concerning human rights issues. The UPR Working Group made 27 human-rights-related recommendations, and set a deadline for their examination and/or implementation.³⁷

The recommendations from the UPR deliberations touch on a number of international human rights issues, such as child labour and asylum. The recommendations also demanded an end to the discrimination and marginalisation of indigenous people³⁸ and minorities.³⁹

Nonetheless, despite the weaknesses highlighted by the UPR, there are also positive aspects worth mentioning, such as the accreditation of the Office of the Ombudsman

36 (ibid.).

37 The Universal Human Rights Index of UN Documents can be accessed for all recommendations all observations the UN has made on Namibia. Available at <http://www.universalhumanrightsindex.org/>; last accessed 19 September 2011.

38 Compare Namibia's position on the same topic in the section entitled "Namibia's participation in the UN human rights system".

39 See the Universal Human Rights Index of UN Documents for the 1954 Convention Relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the 2006 International Convention for the Protection of All Persons from Enforced Disappearances; and the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Available at <http://www.universalhumanrightsindex.org/>; last accessed 19 September 2011.

with an “A” status,⁴⁰ meaning that it fully complies with the Principles relating to the Status of National Institutions, named the *Paris Principles*.⁴¹

Special Procedures

Apart from the UPR, the UN human rights system provides for what are known as *Special Procedures* with regard either to a country or to thematic issues. These Procedures –⁴²

... usually call on mandate-holders to examine, monitor, advise and publicly report on human rights situations in specific countries or territories, known as country mandates, or on major phenomena of human rights violations worldwide, known as thematic mandates.

There are various Procedures, of which three were conducted for Namibia.⁴³ One such Procedure was conducted in 2011 by way of a country visit by an independent expert (*mandate-holder*) on the topic of water and sanitation,⁴⁴ which falls under the thematic mandates.⁴⁵ In addition, Namibia received at least four letters of allegation and urgent appeals sent by Special Procedures mandate holders, and it replied to only one.⁴⁶ In the period from 1 January 2006 to 30 June 2010, the country also received 23 questionnaires, but had responded to none of them.⁴⁷ A Namibian human rights organisation, Namrights, points out that Namibia has not extended a standing or open invitation to all HRC Special Procedures, unlike 82 other UN member states have done.⁴⁸ An invitation would demonstrate Namibia’s commitment to human rights issues, since it would allow mandate holders to visit the country at any time.

Namibia’s participation in the UN human rights system

The UNHRC was established in 2006 and has 20 African members. Namibia is not yet among these members.⁴⁹ The UNCHR – the predecessor of the UNHRC – was

40 See UN (2010b).

41 See UN (2010e:8). For the Paris Principles, see OHCHR ([n.d.]e).

42 OHCHR ([n.d.]h).

43 (i) Standing invitation (“A standing invitation is an open invitation extended by a Government to all thematic special procedures. By extending a standing invitation States announce that they will always accept requests to visit from all special procedures. As of 31 August 2011, ... 88 States have extended a standing invitation to thematic procedures”; OHCHR [n.d.]f); (ii) “Country and other visits” (OHCHR [n.d.]g); and (iii) “Urgent appeals”, “Allegation letters” (OHCHR [n.d.]h), and questionnaires on thematic issues.

44 See OHCHR ([n.d.]c).

45 See OHCHR ([n.d.]d).

46 See UN (2010b). Since the document just states “[d]uring the period of review”, but does not give the exact dates, one cannot say whether Namibia received more than these four letters.

47 (*ibid.*).

48 Namrights (2011a). Available at <http://www.nshr.org.na/index.php?module=News&func=display&sid=1480>; last accessed 26 September 2011.

49 See UNHRC ([n.d.]a).

established in 1947. Even before Namibia became independent, it was not a member of the UNCHR.⁵⁰ Similarly, Namibia has not yet become a member of either the current Human Rights Council Advisory Committee or its predecessor,⁵¹ the Sub-commission on the Promotion and Protection of Human Rights. Namibia has received considerable support from the OHCHR through its Regional Office, but has so far not taken part in the various sub-institutions, such as the Treaty-based bodies.⁵²

During its short life as an independent country, Namibia has realised the importance of human rights instruments, and participates actively in workshops, seminars and consultations on human rights in the region in particular. At UN level, however, there is still room for Namibia to engage in the deliberations on human rights – as this will be of major importance to the country during its efforts to realise Vision 2030 and to consolidate its position among UN member states as a democratic country that fully actualises its human rights obligations and duties. While it has proved a solid partner in respect of fulfilling its obligations towards the CRC and CEDAW, Namibia's support in terms of some other treaties in the UN Global Staff Association has surprised a number of member states. For example, as a member of the UN General Assembly's Social, Humanitarian and Cultural Affairs Committee (Third Committee) in 2007, by proposing an amendment on behalf of several other African states,⁵³ Namibia delayed a declaration on the rights of indigenous peoples which had a history in the UN system as far back as 1985.⁵⁴ International human rights groups claimed Namibia's stance was a delaying tactic as no regular sessions of the General Assembly were scheduled after mid-December 2007, and no budget had been authorised for a special session.⁵⁵

It is to be understood that the implementation of human rights instruments is always a work in progress, and it is expected to be supported by the international community. However, while there is increasing interest and considerable progress in Namibia's commitment towards realising its obligations on these instruments, its role in the UN's global activities on the promotion, protection and realisation of human rights cannot be considered as significant at the moment.

Conclusion

Namibia was 'born' of the UN and is still one of its youngest member states. The country's transition period – which is regarded as the most successful to have taken place from conflict to peace and development – and maturation over the past 21 years has

50 See OHCHR ([n.d.]i).

51 See OHCHR ([n.d.]j).

52 See UNHRC ([n.d.]b).

53 See UN (2006b).

54 See Converge ([n.d.]).

55 Maletsky (2006).

received full support from the UN and its agencies. Similarly, the various agencies that were established in the country together with the UN Resident Coordinator's Office very soon after Independence received full support from the Namibian Government and its institutions throughout the 21-year period. The country's commitment and collaboration with the UN system is consistently strong and constructive; the Government's committed support of UN reform is highly regarded; and its strides on the road to development and progress are widely acknowledged. In addition, while Namibia is still in transition from being dependent on foreign aid and development assistance to a situation where she will have to fund most of her own development plans and activities from domestic resources, the UN system is itself in transition in respect of the way it supports and assists Namibia in her development efforts.

Through its move from providing considerable support and assistance towards service delivery to focus increasingly focus on 'upstream' work in areas like legislation review, standard- and norm-setting, policy development, and provision of high-level technical assistance at the government's request, the UN system is gradually applying new strategies in respect of its development assistance to Namibia. The Namibian Government is now in the driver's seat. The stage has been reached where equal partners agree on the way forward and on how the UN system is best positioned to assist its development.

With the UN system adhering to the Paris Declaration and the Accra Agenda for Action,⁵⁶ the UN's role in Namibia is increasingly one of providing support to the government's national development plans and programmes through the "Delivering as One" drive and UNDAF, instead of implementing its own priorities and agendas in the country. This change will be implemented over time, but it is in recognition of Namibia's increasing capacity to determine her own route for development and her augmented role in contributing towards the three pillars of UN work.

While the country's current record on progress in respect of the three UN pillars may be somewhat mixed, there is no doubt about the Namibian Government's political commitment towards the work and value of the UN as the global governing body. Recent proof of this was the country's participation at the MDG Summit in New York,⁵⁷ its regular participation in the Global Health Assembly in Geneva, the high-level delegation that was sent to the UPR by the HRC in Geneva in January 2011, and the UN High-level Meeting on HIV and AIDS in New York in June 2011. Namibia's important role in crafting the Millennium Declaration, which led to the establishment of the MDGs in 2000 will always reflect positively on the country and its commitment to global progress.

56 OECD ([n.d.]).

57 Namibia's MDG Report is available at <http://www.un.org/esa/socdev/unpfii/documents/Desk%20Review%202010.pdf>; last accessed 30 August 2011

Namibia has, despite its small population, contributed to more than half a dozen UN peacekeeping missions. This reflects its strong sense of responsibility and commitment to the cause of peace and security – one of the most important areas requiring action in a world that is constantly charged with a number of challenging conflicts and crises.

When assessing Namibia's record on actualising human rights in the country, all collaborating bodies have agreed that there is room for improvement, and that this should be implemented through a review of legislation; the development of relevant policies, instruments and action plans; and, not least, through the increased participation of all Namibians in the development process – independent of race, sex, and cultural and/or religious affiliation. Although Namibia has signed and ratified many international human rights instruments, their domestic implementation poses considerable challenges. Thus, support for the development of a National Action Plan on Human Rights needs to be high on the government's agenda as well as the UN's. Such a Plan is critical for ensuring all human rights are gradually actualised in a country that has ratified and adopted many international human rights instruments.

Development is all about empowering people so that they have the capacity to take part fully in their country's development process. The UN system in Namibia has taken this on board and has adopted strategies and approaches in its work to reflect this. With the country being on a move towards the attainment of its Vision 2030⁵⁸ and towards greater independence of foreign assistance and support, the UN system's future role may, therefore, increasingly be one of facilitation, advising and assisting the Namibian Government in ensuring that the three UN pillars are fully understood and reflected in the country's development aspirations and programmes. Moving towards a partnership agenda of this kind has already started in some other middle-income countries, and Namibia may adopt the same approach in the next few years. Hence, the UN system will also increasingly have to take regular stock of its country collaboration strategies and its relevance in the country, and make changes according to the country's specific needs.

There is no doubt that Namibia needs the UN system; the contributions of Namibia in the different UN forums are also indispensable. Namibia could easily serve as a role model for other middle-income countries in areas where they have a lot to learn. Taking advantage of such a role could function as an entry point to increased trade, South–South collaboration, and the cross-fertilisation of ideas between countries in the region and across continents.

It is the UN's belief that Namibia, being a country with a small population and a solid income, can attain all the MDGs – and the various UN bodies are ready to support her efforts on all fronts.

58 Progress in some key areas is very slow and may hamper ultimate achievement of this long-term development plan.

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