

Namibia and the African Union*

*Bience Gawanas***

Introduction

It is fair to state that Namibia's foreign relations have largely been shaped by the history of the liberation struggle, the formative years of transition from colonial occupation and independence, and the relationship between the liberation movements – particularly the South West Africa People's Organisation (SWAPO) and organisations such as the United Nations (UN), the Organisation of African Unity (OAU, later the African Union/AU), the Southern African Development Community (SADC), the Commonwealth, the Non-aligned Movement, and the Frontline States.

There is also no doubt that the post-Cold-War era influenced both the OAU/AU and the Namibian agenda, moving from a focus on conflicts and security to broader development goals. Whereas the OAU concentrated on the decolonisation of Africa, the AU's main objectives are unity, integration, governance, peace, and development.

Against this background, it can be clearly stated that the OAU played a key role in Namibia's fight for freedom and independence. Consequently, it is a very meaningful task to verify whether Namibia still appreciates these historical bonds and has a special relationship with the OAU's successor organisation, the AU. In addition, it is important to show Namibia's stance on multilateralism, especially since the AU is at the highest organisational level within the African context. Last, but not least, the chapter is meaningful because it will illustrate the principles on which Namibian foreign policy rests.

The chapter is structured in the following way. First, it looks at the historical background of Namibia's relationship with the OAU prior to the country's independence in 1990. It then highlights Namibia's role in the founding and institutional design and building of the AU. Next, it explains Namibia's participation in the AU, particularly in respect of the four pillars upon which the AU's Strategic Plan is based, namely –

- peace and security
- integration, development and cooperation
- shared values (including governance, gender, culture, and civil society), and
- institution- and capacity-building.

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** Former AU Commissioner for Social Affairs and currently Special Advisor on Social Issues to the Minister of Health and Social Services of Namibia.

The chapter then discusses AU multilateralism and partnerships, before looking at the future of the AU and the changing roles of its members – especially that of Namibia – before drawing its conclusions. Finally, an appendix lists the treaties, protocols and other AU documents Namibia has adopted, signed and ratified to date.

Pre-Independence Namibia's relations with the OAU

A brief historical overview

The roots of pan-Africanism that shaped the future of Namibia both as a colonised and an independent country, as well as Africa as a free continent today, can be traced back to the late 19th Century: years before the Berlin Conference¹ which regulated European colonisation and trade in Africa and before Namibia became a German colony in 1884. The evolution of pan-Africanism finds its high mark at the Pan-African Congress in Manchester in 1945, which laid the foundation for the political independence of African states.² It demanded –³

[a]n end to colonialism in Africa and urged colonial subjects to use strikes and boycotts to end the continent's social, economic and political exploitation by colonial powers.

The Congress stressed that –⁴

[t]he gain of political power for colonial and subject peoples was a necessary prerequisite for complete social, economic and political emancipation.

The above shows that the need for political change – the total decolonisation and political integration of Africa – was raised before the OAU came into being. It was a process nurtured and advocated for by WEB du Bois, an Afro-American, and others, who strongly advocated for a free Africa. Leaders such as Kwame Nkrumah of Ghana, Jomo Kenyatta of Kenya, and Nnamdi Azikiwe of Nigeria, who attended the 1945 Congress, were inspired and later led their countries to freedom. Most importantly, their influence galvanised the formation of the OAU.

Some 18 years after the Manchester meeting, in May 1963, the OAU became a reality⁵ as an association of free and independent African states, with a focus on the decolonisation and integration of the continent, the promotion of unity and solidarity among African states, territorial integrity, and the independence of its members. Its formation provided

1 15 November 1884 to 26 February 1885.

2 The other Pan-African Congress meetings took place in 1919, 1921, 1923 and 1927.

3 Resolution of the 1945 Pan-Africanism Congress in Manchester.

4 (ibid.).

5 Founded on 25 May 1963 in Addis Ababa, Ethiopia.

much-needed political platform for free African countries and those still fighting for freedom to promote inter-African solidarity and gain support from their fellow African member states. The OAU's formation was, therefore, a necessary tool that filled a political vacuum. It signalled a major search for an African identity. However, despite its good achievements over the years, the OAU – and, later, even the AU – became distant from ordinary Africans on the street, as the Afrobarometer surveys indicate.⁶ This is because the OAU was viewed as an organisation for African leaders rather than one for the African people.

The Namibian liberation struggle and the OAU Liberation Committee

A good way to begin this topic is to refer to the relationship between Namibia and the OAU. Before June 1990, as a colonised country, Namibia did not have any kind of relationship with the OAU as such, although it occupied the minds of the international community and jurists. This is mainly because Namibia was under the illegal occupation of apartheid South Africa at the time, and only independent states could join as members of the OAU. In fact, one of the main pillars on which the OAU stood was to fight apartheid, free South Africa, and achieve Namibia's independence.⁷ Under those circumstances, a relationship between the OAU and Namibia as a country was not feasible at all. In view of this, what was the alternative route the OAU pursued to help Namibia gain its independence?

By virtue of Article 20(3) of its Charter, the OAU obliged its member states to provide support to peoples and organisations involved in the struggle for liberation from European colonisation. In line with this provision, the OAU established the Liberation Committee based in Dar es Salaam, Tanzania, which organised diplomatic support and channelled financial, military and logistical aid to the liberation movements – and SWAPO in particular – to help the fight against apartheid South Africa and end its illegal occupation of Namibia. It also embarked on a diplomatic mission to alert and influence world opinion as regards the illegal occupation of Namibia. This resulted in an action at the International Court of Justice (ICJ) in 1971 which declared that South Africa had no right to rule Namibia.⁸

In addition, the ICJ's declaration complemented and was consistent with a number of UN resolutions, particularly –

6 This initiative is an African-led series of national public attitude surveys on democracy and governance in Africa. Surveys in Botswana (2008), Namibia (2008), South Africa (2008) and Zimbabwe (2010) asked respondents how much the AU was doing to help their countries: 37% in Botswana, South Africa and Zimbabwe did not know, while 26% in Namibia thought that the AU helped Namibia somewhat.

7 In October 1966, South Africa's security and apartheid laws were extended to Namibia, retrospective to 1950.

8 ICJ advisory opinion of 21 June 1971; available at <http://www.icj.cij.org/docket/files/53/5597.pdf>, last accessed 31 October 2013.

- UN General Assembly Resolution 385,⁹ which condemned South Africa's presence in Namibia and its apartheid policy, and
- UN General Assembly Resolution 2145,¹⁰ by which the General Assembly terminated South Africa's mandate over the territory of Namibia.

Following the ICJ's declaration, the OAU passed a resolution that demanded South Africa's immediate withdrawal from Namibia and, thus, the end of its occupation of the territory.¹¹ The OAU continued to pass resolutions over the years in unreserved support of the struggle of the people of Namibia.¹²

Furthermore, through the Africa Group at the UN, the OAU lobbied for and succeeded in enabling SWAPO and other liberation movements to gain Observer status at UN and OAU meetings. Through its networks and influence at the UN, the OAU also supported and lobbied for SWAPO to have access to resources and a political platform at a higher level. Therefore, the OAU's formation ensured a constant African representation which formed a united front at the UN, exercising a strong influence on the UN General Assembly to support SWAPO and other liberation movements, and having the calculated intention to disadvantage apartheid South Africa and its illegal occupation of Namibia. In fact, it is as a result of actions by the same Africa Group at the UN and through information campaigns that sanctions were imposed on South Africa and, most importantly, that apartheid was universally declared a crime against humanity.¹³ Therefore, the work of the OAU complemented and strengthened the diplomatic effort at the UN, which also led to SWAPO's recognition as the sole and authentic representative of the people of Namibia by the OAU in 1975 and by the UN in 1976. As a consequence, SWAPO embarked on a rigorous diplomatic campaign and established both multilateral and bilateral relations with various governments and organisations, and became an observer at their meetings.

The above highlights a number of important points:

- That colonised Namibia could not have had a relationship with the OAU for as long as it remained under the (illegal) mandate of apartheid South Africa
- That, by contrast, the OAU had a relationship with SWAPO as a liberation movement
- That SWAPO benefited under Article 20(3) of the OAU Charter, as stated above, and

9 Of 1976, adopted by the Security Council at its 1885th Meeting, on 30 January 1976.

10 (XXX) of 27 October 1966.

11 See http://www.au.int/en/sites/default/assembly_en_21_23_june_1971_assembly_heads_state_government_eighth_ordinary_session_.pdf, last accessed 31 October 2013.

12 See e.g. the OAU Resolution on Namibia; Assembly of Heads of State and Government Fifteenth Ordinary Session, Khartoum, Sudan, 18–22 July 1978.

13 Tehran Conference, 22 April–13 May 1968; available at http://untreaty.un.org/cod/avl/pdf/ha/fatchr/final_act_of_TehranCon.pdf, last accessed 31 October 2013.

- Most importantly, that the OAU succeeded on the diplomatic front through the Africa Group at the UN to benefit not only SWAPO, but also the people of Namibia as a whole.

As stated earlier, Namibia, as an independent country, did not officially have any sort of relationship with the OAU. However, as a colonised territory, Namibia had a relationship with the OAU in the sense that the OAU supported its struggle for independence through supporting SWAPO as a liberation movement. Some 27 years after its formation in 1963, the OAU succeeded in one of its principal objectives: to achieve the decolonisation of Namibia. The country became an independent state in March 1990, and in June that year, a fully-fledged member state of the OAU.

From the OAU to the AU

From its founding, the OAU had been built on an unwavering commitment to political independence for Africa. It was driven by pan-Africanist visionaries that included Kwame Nkrumah of Ghana and Emperor Haile Selassie of Ethiopia, who were able to offer practical support such as logistics, passports and training for African revolutionaries.

The transformation of the OAU into the AU created a clearer mandate and new objectives for the AU. The clearest differences between the OAU and the AU, as set out in its Constitutive Act, are the following:

- A move from non-interference to non-indifference, thus being able to criticise and even intervene in its members' affairs
- Explicit recognition of human rights and a clearer commitment to governance
- Promotion of social, economic and cultural development, and
- An approach based on human-centred development.

The AU's key goal is to achieve integration through the implementation of the Abuja Treaty establishing an African Economic Community, and the Lagos Plan of Action. The Union's objectives in terms of its Constitutive Act include greater unity and solidarity between African countries and the peoples of Africa; accelerating political and socio-economic integration; promoting democratic principles and institutions, popular participation and good governance; and promoting and protecting human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments.

Key AU principles include the peaceful resolution of conflicts among member states, and non-interference by any member state in the internal affairs of another. However, the AU has the right to intervene in a state –

... pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.

Other AU principles include the condemnation and rejection of political assassination, acts of terrorism and subversive activities, as well as condemnation and rejection of unconstitutional changes of governments.

Since our entry into the 21st Century, Africa has remained preoccupied as to why it is being left behind and even marginalised in world development, particularly since the establishment of the AU and its New Partnership for Africa's Development (NEPAD) programme, which provide a clear direction that allows Africans to take charge of their own destiny and determine their continent's development path for the 21st Century. This includes facing core challenges such as conflicts, poverty reduction, fighting corruption, reducing the disease burden, and strengthening the capacities of African states.

At the global level, the world's leaders committed themselves to end poverty with the adoption of the Millennium Declaration by the UN General Assembly, then under the watch of Namibia's Foreign Minister, Theo-Ben Gurirab, who was also serving as President of the General Assembly. The Millennium Declaration united the world around generally agreed Millennium Development Goals (MDGs) with some concrete measures of how to lift people out of poverty, fight disease, and improve standards of living among the poor and marginalised in particular.

It is worth noting that the AU and NEPAD came into being at the same time as the MDGs were adopted. The AU Commission prepared progress reports on the MDGs in 2005, while the AU Assembly requested the Commission to coordinate and lead a process of developing an African Common Position as Africa's contribution to the Report on the Review of the Millennium Declaration and MDGs. The Report was considered at a high-level UN Summit that same year. The review found that several African countries, with the exception of those in North Africa, were unlikely to meet the MDGs by 2015. The document also stresses that the attainment of the MDGs is a minimum prerequisite for sustainable development and poverty reduction.¹⁴

Whereas the dream of African unity might have been distant in 1963, we are much closer today to actualising it with the dedicated participation of many eminent and grass-roots African activists from all over the world. As in Namibia, however, the AU's challenge has shifted its focus on political independence to the urgent need to deliver greater economic autonomy and improve the lives for hundreds of millions of Africans.

On 25 May 2013, the OAU/AU marked its 50th anniversary. The occasion had African leaders gathering to celebrate it in Addis Ababa at the 21st Ordinary Session of AU Assembly. It is worth mentioning that the former President of Namibia and Founding Father, Dr Sam Nujoma, alongside former Zambian President, Dr Kenneth Kaunda, attended the jubilee celebrations as Pan-Africanists who had participated in the 1963 OAU Summit.

14 AU (2006).

The Assembly adopted a Solemn Declaration and pledged to act together with the African diaspora to realise the AU's vision of pan-Africanism and the African Renaissance. In so doing, the AU affirmed its implementation of the integration agenda, as well as its commitment to working towards greater peace, good governance, and social and economic development. The occasion was also used for a resolution that set the 2063 Agenda to define Africa's future with the involvement of all the peoples of Africa. The focus of the Agenda is to ensure that Africa becomes self-reliant and independent; that AU institutions such as the African Union Commission are strengthened; that Africa can take centre stage in world affairs, including in the resolution of conflicts on the continent; and that intra-African trade is promoted.

Namibia embarked on its commemoration of the jubilee celebrations by launching a year-long programme of activities to contribute towards the 2063 Agenda. The launch was attended by President Pohamba and President Nujoma, as well as the Prime Minister, Ministers, Members of Parliament, members of diplomatic missions, and other important stakeholders. Since then, a series of workshops and meetings have been held to solicit input to the AU's 2063 Agenda from the Namibian public at large. The Agenda offers Namibia a golden opportunity to make a meaningful contribution towards Africa's future.

Namibia's participation in the AU

It is imperative to acknowledge that Namibia participated in the transformation of the OAU to the AU as an independent state and full member, starting with Sirte (1999), Lomé (2000), Durban (2002), and Maputo (2003). Indeed, in 2003, with the formalisation of the AU Commission, Namibia nominated its former Ombudswoman to be elected as the Commissioner for Social Affairs – a position she held until 2012. Namibia's membership of the AU is a culmination of its relationship with the OAU, as discussed earlier. In this regard, the country has continued to support the strengthening of the AU in the fulfilment of its mandate.

The Commission is the Secretariat of the AU entrusted with executive functions. It is composed of ten officials, namely a Chairperson, a Deputy Chairperson, eight Commissioners with portfolios such as economic affairs, social affairs, and peace and security, and various staff members. The structure represents the AU and protects its interests under the auspices of the Assembly of Heads of State and Government as well as the Executive Committee.

From 2003 to 2012, the portfolio of Commissioner for Social Affairs was held by Adv. Bience Gawanas, former Ombudswoman of Namibia. She was elected in 2003 and re-elected in 2007. She was one of five women Commissioners elected to serve on the Commission, in line with the AU decision to ensure gender balance within its structures. Namibia and Malawi were the two countries from southern Africa to serve in the AU Commission during this period.

Namibia also participates in the following structures:

- The **Assembly of Heads of State and Government**, the **Executive Council** and the **Permanent Representative Committee**: These are the organs of the AU, with the Assembly being the highest decision-making body.
- The **Pan-African Parliament (PAP)**: Namibian Members of Parliament actively participate in PAP debates and have served on various PAP Committees.
- **Anti-corruption Advisory Board**: Namibia, represented by the Director of the Namibian Anti-corruption Commission, served as a member of the Board since its establishment until 2011.
- **Peace and Security Council**: Namibia served as a Chair for the month of February 2011.
- **Committee of Intelligence Services in Africa**: Namibia served as a member of this Committee until the end of 2012. At the time, Zimbabwe chaired the Committee, with Namibia as its Deputy Chair. Similar to other AU structures, the Committee is important in the domain of conflict prevention and resolution. The security architecture of the AU obliges member states to share their intelligence – also for purposes of the AU Early Warning System and its situation room.
- **Committee on UN Reform**: Namibia is one of ten AU member countries that make up the AU Committee of Heads of State and Government focused on putting forward a common African position on the need for the UN, including the UN Security Council, to be democratised. Namibia subscribes to the principles of democracy, equity, justice and fairness and, hence, it supports the AU's position on this issue. Namibia has also served on this Committee. The common position adopted is known as the *Ezulwini Consensus*, and speaks to Africa having two permanent Security Council seats with all privileges, including voting rights.
- **High-level Committee of Heads of State and Government¹⁵ on the post-2015 MDGs**: Namibia is a member of this Committee, which looks at Africa's post-2015 development agenda in order to ensure that Africa's position is incorporated in the global agenda.

As an AU member state, Namibia has generally participated in various activities and meetings organised by the AU as well as international conferences to promote Africa's common positions. It has also hosted many AU sectoral ministerial meetings and was the Chairperson of the AU Conference of Ministers of Health, the AU Conference of Ministers of Social Development, and the Labour and Social Affairs Commission.

In this role, Namibia has been mandated to represent AU ministers and present African common positions to the UN, such as the African Common Position on Social Development, and the African Common Position on Universal Access to HIV/AIDS Prevention, Treatment, Care and Support. The latter was adopted at the AU Conference of Ministers of Health held in Windhoek on 17–19 April 2011 and presented to the UN

15 This Committee was established at the AU Assembly in May 2012.

General Assembly's Special Session on AIDS in June that year. Namibia is in the process of organising a Special Session of the AU Labour and Social Affairs Commission for 2014 to review the Ouagadougou Plan of Action on Employment and Poverty Alleviation.

Strategic Plan (2007–2012)

The AU's second Strategic Plan is based on four strategic pillars, namely peace and security; development, integration and cooperation; shared values; and institution- and capacity-building. Namibia's AU participation will be discussed in terms of each of these pillars below.

Strategic Pillar 1: Peace and security

World peace and security remain the primary responsibility of the UN Security Council. However, continental bodies such as the AU and regional bodies such as SADC also have a role to play. In this regard, Africans and the AU have been at the forefront of avoiding or resolving conflicts with varying degrees of success through the establishment of the African Peace and Security Architecture (APSA). For example, in early 2005, the AU swiftly condemned an unconstitutional handover of power in Togo, which was later replaced by a more democratic process. After five years of trying to resolve the issue of Madagascar – where the unconstitutional assumption of power by the current government and caused the country's AU membership to be suspended – preparations are under way to hold elections in 2013. Thus, Africans are leading attempts to resolve problems and build peace in, amongst others, the Egypt, Great Lakes region, Ivory Coast, Libya, Mali, Somalia, Sudan and Tunisia. Whilst conflicts are declining, the lack of a rapid response to conflicts remains a challenge. This which leaves a vacuum for external interventions to fill – as evidenced in Ivory Coast, Libya and Mali.

- **AFRICAN PEACE AND SECURITY ARCHITECTURE**

The AU is in the process of operationalising APSA so as to allow Africa to take ownership of and assume leadership in respect of resolving conflicts on the continent. In this respect, the Peace and Security Council (PSC) and the Panel of the Wise are already in place. Other structures which still need to be put in place are the African Standby Force, the Special Peace Fund, and the Continental Early Warning System. When fully operational, APSA will go a long way towards building Africa's capacity to prevent, resolve and manage conflicts.

However, a review conducted in 2010¹⁶ found that there is a huge resource gap, raising questions of financial sustainability: APSA is dependent on development partners such as the European Union (EU) for its operations. Another challenge pointed out in the

16 2010 Assessment Study on APSA available at <http://www.peaceau.org/en/article/report-of-apsa-assessment-study-conducted-july-october-2010>, last accessed 18 November 2013.

review¹⁷ is that, although coordination exists in respect of certain aspects, there is none between the AU and regional economic communities (RECs), or among the RECs themselves. As will be discussed later herein, the issue is defining a clear role in terms of the subsidiarity principle for the AU and the RECs in peace and security matters.

In line with the Namibian Constitution, which stipulates that the country should promote international peace and security and resolve disputes through peaceful means, Namibia has actively participated in both the UN and AU peace agendas. Therefore, Namibia continues to support the AU's capacity for conflict prevention, resolution and management in Africa as part of the country's foreign policy.

- COMMON AFRICAN DEFENCE AND SECURITY POLICY

In February 2004, the AU Heads of State and Government adopted the Common African Defence and Security Policy. The Policy is based on shared principles and objectives which range from non-aggression, non-interference in the internal matters of member states, and mutual respect for national sovereignty, to protecting human rights and safeguarding human security. These principles, which underpin the Policy, seek to strengthen the —¹⁸

... collective efforts [and responses] to contribute to peace, security, stability, justice and development in Africa.

Furthermore, the Policy emphasises the interests of the people, thus seeking to intensify cooperation and integration among AU member states. The Policy's overall objectives encompass three concepts that are seen as preconditions for development, namely defence, security, and the absence of common security threats.

In this regard, the AU's response to conflict situations might be instructive. For example, during the Libyan crisis, although the AU sought peaceful means to resolve the issues at hand, due to the multiplicity of role players and interests, it was not allowed to pursue this path. For the AU, it was an internal matter; and the sovereignty of Libya as an AU member state needed to be respected whilst attempts were made to resolve the conflict.

Whilst it may have been possible for the AU to intervene in Libya because of grave human rights violations, one could also condemn the intervention led by the North Atlantic Treaty Organization (NATO) as an external one that interfered in Africa's internal affairs. This was the position adopted by the PSC, which Namibia, as a member, supported. However, the main contention is that AU member states should decide between two

17 (ibid.).

18 Solemn Declaration on a Common African Defence and Security Policy, p 1; available at <http://www.peaceau.org/uploads/declaration-cadsp-en.pdf>, last accessed 7 November 2013.

crucial options: whether to protect human rights and, therefore, interfere in the internal affairs of another state – even if it were an internal matter, or to respect state sovereignty and do nothing, as was the case under the OAU. Given the new AU emphasis on human rights, it still remains to be seen whether it will adopt the position of non-indifference and intervene.

Whilst many conflicts in the past were between states, more and more conflicts are now occurring within states, e.g. in Ivory Coast, Libya and Mali. External military intervention might not always resolve the conflict, nor may it respect the territorial integrity of the state; thus, the tools for resolving such conflicts should include dialogue, negotiation and reconciliation, which can lead to peaceful solutions. In this respect, the AU has adopted the approach of respecting the sovereignty and unity of the state, and any foreign interventions should be in conformity with these adopted resolutions. Namibia's stance should be seen in this light. Following the NATO-led intervention in Libya, therefore, Namibian President Hifikepunye Pohamba declared that Namibia stood by the PSC resolution that –¹⁹

... any foreign invasion in the internal affairs of any African state [should be] ... rejected in the strongest terms.

Indeed, as a member of the PSC, Namibia took an active part in drafting and adopting this resolution.

- PEACE AND SECURITY COUNCIL

The PSC was established in July 2002 as the main AU organ concerning matters of peace and security. According to the Common African Defence and Security Policy, the PSC should serve as its implementing mechanism. The most interesting and probably important part of the Protocol establishing the PSC²⁰ is the new principle of non-indifference, which supersedes the OAU principle of non-intervention.²¹ Article 4(j) of the Protocol reads as follows:

... the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with Article 4(h) of the Constitutive Act; ...

Namibia became the 23rd member state to ratify the Protocol, which it accomplished on 9 December 2003. In April 2010, for the first time, Namibia took a seat on the PSC.

19 See <http://www.namibian.com.na/news/full-story/archive/2011/march/article/pohamba-slams-libya-strikes/>, last accessed 7 November 2013.

20 See Protocol relating to the Establishment of the Peace and Security Council of the African Union; available at http://www.au.int/en/sites/default/files/Protocol_peace_and_security.pdf, last accessed 7 November 2013.

21 Compare Kioko (2003).

The seat was held until 31 March 2012. Namibia also chaired the PSC in the turbulence of February 2011, which saw the crises in Egypt, Ivory Coast and Libya erupt. In its communiqués, the PSC expressed its deep concern regarding the human rights and human security situation in these countries, and underscored the importance of democracy and the focus on the people and their interests in ensuring democracy, justice and peace. Strikingly, however, the only resolution the PSC, as a decision-making body, was able to pass in respect of the turmoil facing these countries was “to remain actively seized of the matter”.²² Even in the case of Ivory Coast, a violent conflict that lasted three months, the PSC simply expressed its concern without taking any action.

Clearly, as with many policies and legal instruments, despite their effective implementation, there are always some gaps that remain. This, too, might be the case with the cited Article 4(j) of the PSC Protocol.

- NAMIBIA’S PARTICIPATION IN AU-MANDATED PEACE SUPPORT OPERATIONS

Despite its relatively small population, Namibia has taken part in several UN interventions, with the biggest contribution having been made to that in Liberia in 2004,²³ followed by Angola in 1995.²⁴ Namibia also sent a contingent of 3,000 troops to the Democratic Republic of the Congo (DRC) in 1998, which was not a UN- or OAU-mandated mission, but rather fell within the SADC framework. Thus, two of the three biggest contributions to foreign interventions were made when Namibia’s own interest was an issue.

However, Namibia’s involvement in Angola and the DRC were severely criticised. The critics also focused on Parliament having been kept in the dark while the troops were deployed in the DRC, and pointed to the dominance of Namibia’s President and the Executive in deciding whether troops should be deployed. Du Pisani, for example, states that —²⁵

[i]n the case of new States such as Namibia, presidents and the executive often dominate aspects of their countries’ foreign policy.

Therefore, in comparison with UN-mandated missions, Namibia has sent few personnel on AU missions. Although one could speculate as to why this is the case, issues of capacity, the availability of a small number of trained peacekeepers, and limited technical and financial resources may play a role. One can only guess that the UN missions dealt with matters that were of greater concern to Namibia.

22 Compare recent AU Communiqués on Egypt, Ivory Coast and Libya; available at <http://www.au.int/>, last accessed 7 November 2013.

23 A total of 3,835 personnel to the United Nations Mission in Liberia (UNMIL).

24 A total of 760 personnel to the United Nations Angola Verification Mission III (UNAVEM).

25 Du Pisani (2003).

In respect of the three established AU missions in the Comoros, Darfur and Somalia, Namibia took part in the first-ever African Union Mission in Sudan (AMIS), for which 48 personnel were contributed.²⁶ This unit was replaced by the pioneering hybrid operation, the African Union/United Nations Hybrid Operation in Darfur (UNAMID).²⁷ Members of the Namibian Police are currently engaged in Darfur, Sudan, on a hybrid peacekeeping exercise under a joint UN–AU mandate. It is worth stating that most African peace support and peacekeeping operations are hybrid missions, meaning that these involve soldiers, police and civilians (often from non-governmental organisations). As reported in October 2013,²⁸ Namibia is to dispatch an additional contingent of 27 police officers to join UNAMID. The deployment is the second for the Namibian Police in the Sudan region, with 23 officers having already been attached to UNAMID, bringing the total number of Namibian police officers in that region to 50, 6 of whom are female officers.

The AU is also mindful of the role that RECs play in conflict resolution, as shown by the involvement of the Economic Community of West African States (ECOWAS) and SADC in their respective regions. For example, Namibia participated as the Chairperson of the SADC Extraordinary Summit on Madagascar, in keeping with the AU's instruments on unconstitutional changes of government and policies adopted by SADC. In October 2013, four years since the unconstitutional change of government in Madagascar, the latter country held its presidential elections. Because none of the candidates got more than 50% of the votes, there will be a rerun in December. The elections were declared free, fair and peaceful by the AU, the EU, SADC, and the UN. Part of the agreement for the elections was that both the former President and the current incumbent would not offer themselves as candidates.

In West Africa, it is argued that ECOWAS has been one of the most successful in undertaking positive action in conflict prevention, peacekeeping and conflict management in countries such as in Guinea Bissau, Ivory Coast, Liberia and Sierra Leone.

- SUPPORT TO WESTERN SAHARA (SAHARAWI)

Namibia's own history of colonialism and the struggle for liberation continues to influence its relations with other states, particularly those still under foreign occupation. A case in point is Western Sahara. Namibia has been one of the few AU member states to keep the Saharawi question on the agenda of various AU Summits as well as at the UN, and continues to call for the effective implementation of the UN Settlement Plan for Western Sahara as well as UN Security Council and General Assembly Resolutions aimed at holding a free and fair referendum in Western Sahara. At the 17th Ordinary

26 Ministry of Defence (2008).

27 See <http://unamid.unmissions.org/Default.aspx?tabid=898&ctl=Details&mid=1062&Itemid=8158>, last accessed 20 October 2013.

28 *New Era*, 31 October 2013.

Session of the AU Executive Council in Kampala, Uganda, in June 2010, Namibia's Foreign Affairs Minister Utoni Nujoma stated that –

... it is a matter of condemnation, after a decade since the advent of twenty-first century[, that] colonialism is still an issue facing the African Union ...

He called on AU countries to give more support to the decolonisation of Western Sahara, –

... stressing that the right to self-determination is a fundamental human right enshrined in the United Nations Charter. ... Namibia considers that the AU could do more to enable the people of Western Sahara to exercise its inalienable right to self-determination. ... [Africa] will not be free unless the people of Western Sahara have their freedom ... [and] it is the duty of Africa to help the people of Western Sahara in its quest for freedom and independence.

Namibian leaders have echoed these views during their recent workshops and meetings on the AU 2063 Agenda.

Although the APSA is slowly becoming a reality, with an improved leadership structure and more appropriate policy frameworks, the African Union Mission in Sudan illustrates how difficult it is to resolve conflicts without the capacity to prevent or respond rapidly to them, and without effective muscle and leverage. Therefore, how the AU will deal with conflicts and its peacekeeping mandate will largely depend on domestically inspired resources to reduce reliance on externally funded operations.

Strategic pillar 2: Development, integration and cooperation

- PROMOTING SUSTAINABLE DEVELOPMENT

One of the major premises upon which the AU was founded is the promotion of socio-economic development, particularly human and social development on the continent. The AU's Constitutive Act recognises the need to, inter alia, –

... promote sustainable development at economic, social and cultural levels ... [and] to promote cooperation in all fields of human activity to raise the living standards of African people.

Notably, in July 2001, NEPAD's foundation document was adopted as an AU programme in respect of development issues. Some of NEPAD's key principles and messages are as follows:

- African ownership and responsibility for Africa's development
- Self-reliant development to reduce dependency on aid
- Building capacity in African institutions
- Promoting intra-African trade and investment, and
- Accelerating regional economic integration.

The AU has adopted various policy and legal instruments to promote social and economic development on the continent, and Namibia has actively participated in their development and adoption. Informed by these instruments, Namibia has itself adopted five-year National Development Plans and a longer-term Vision 2030, and has developed national policies in line with them.

Africa faces many challenges, including poverty, unemployment, a high burden of disease, and climate change. It is generally agreed that Africa is a rich continent – but with very poor people. Social inequalities abound on the continent, making it imperative that sound pro-poor economic growth and social policies for effective and sustained interventions are implemented to save lives. The AU has embraced the MDGs in order to meet these challenges. The AU's 2006 report²⁹ clearly states that Africa will have to accelerate its action in order to achieve the MDGs.

The current discussions on the post-2015 development agenda raise an important issue about Africa's role in shaping this agenda. The fact that Africa lags behind in reaching some of the MDGs necessitates a more proactive and shared role for Africa and the AU. As noted earlier, in 2012, the AU set up the High-level Committee of ten African Heads of State and Government³⁰ to come up with a strong African Common Position on the post-2015 development agenda, which will ensure that Africa's particular concerns are on that agenda.³¹ Africa's position regarding this development should include –

- inclusive economic growth and structural transformation
- a development paradigm that has to be domestically inspired
- funded initiatives that are grounded in national ownership, social inclusion and equity
- a focus on vulnerable groups, and
- statistical monitoring.

Health, education and social protection are enablers of economic growth because they contribute to human capital, labour markets and worker productivity.

With regard to health, the major cause of the high disease burden in Africa remains HIV and AIDS, tuberculosis and malaria. However, it has become clear that non-communicable diseases and neglected tropical diseases also deserve due attention. It is also well-established that diabetes and cancer have become major concerns, and that maternal and child mortality remain unacceptably high in Africa.

29 AU (2006).

30 The UN Secretary-General also established the UN High-level Panel of Eminent Persons on the Post-2015 Development Agenda, which President Ellen Johnson Sirleaf of Liberia co-chaired. She has now been designated to chair the AU High-level Committee.

31 Available at www.uneca.org/post2015, last accessed 31 October 2013.

One initiative by the AU to achieve the effective implementation and follow-up of AU commitments on health has been the AU Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA) launched at continental, regional and national level. Thus far, 42 AU member states have launched national chapters of CARMMA in their countries. The focus of CARMMA is to ensure accountability, coordination, and effective implementation as regards existing plans and strategies that relate to maternal mortality. Most importantly, CARMMA is an African-led and -owned initiative. It is also a best practice in respect of how continental policies can motivate and provide an impetus to national-level action.

Namibia has participated in various AU Extraordinary or Special Summits at which major policies have been adopted, such as the Abuja Declaration and Plan of Action on HIV, Malaria and Tuberculosis in 2001, and the Abuja Call. Namibia appears to be on track in respect of eliminating malaria in that it has exceeded the targets set through the Abuja Declaration to cut malaria deaths in half by 2010.³² This was partly achieved through its collaboration with neighbouring countries to combat malaria in the spirit of regional cooperation, and the AU policy to harmonise continental policies and actions. However, Namibia has the world's highest prevalence of HIV associated with tuberculosis.

Whilst Namibia has reduced poverty since Independence, and has already achieved MDG1's target for poverty reduction, inequality in the country remains the highest in the world, as does chronic unemployment.³³ Nonetheless, Namibia has done well in reducing child mortality, although malnutrition and under-nutrition remain high. Maternal mortality also remains high. Indeed, it was with these grim facts in mind that Namibia launched CARMMA and put maternal and child health issues high on its agenda.

As regards environmental issues, climate change poses serious threats to humanity and has become a major issue for the AU and its member states. The AU therefore set up a Committee on Climate Change at Head of State and Government level, under the Chairpersonship of the Ethiopian Prime Minister. This Committee's principal task is to develop an African common position. Namibia will do well to remain engaged with climate change issues as environmental matters are of great concern to the country owing to its fragile ecosystems and consequent vulnerability to such change. For example, 2013 saw Namibia gripped in the throes of a severe drought, with the Kunene Region being the worst hit. Climate-related events such as these seriously undermine livestock farming and subsistence agriculture, among other things.

It is worth mentioning that Namibia hosted the United Nations Convention to Combat Desertification (UNCCD) Eleventh Conference of the Parties (COP11) in September 2013, which ended with major agreements. These included the establishment of a mechanism

32 World Bank Group (2013).

33 (ibid.).

(the Science–Policy Interface, or SPI) that scientists have long called for to enable them to communicate scientific findings to policymakers, and an intergovernmental Working Group to follow up on the outcomes of the UN Conference on Sustainable Development (Rio +20).

Unemployment, especially among the youth, remains a major challenge. For this reason, the AU Assembly adopted the Declaration on Employment and Poverty Alleviation and its Plan of Action in 2004. A ten-year review of the Plan of Action is due in 2014.

The AU's Social Policy Framework is another important document. The Framework places great emphasis on harmonised and integrated social policies and social protection. Namibia can be proud that its social protection policies (old age pensions, child grants, etc.) are regarded as best practices in Africa, but they should be promoted more vigorously. Namibia is also among very few countries that have a National Disability Council Act³⁴ which established a National Disability Council and contains a National Policy on Disability as a Schedule to the Act.

In respect of food security, the AU adopted the Comprehensive Africa Agricultural Development Programme. This Programme remains one of the most promising in the AU stable as regards food security and agriculture. The AU also adopted the Africa Regional Nutrition Strategy, linking food security with nutrition. Namibia subscribes to the Africa Regional Nutrition Strategy, in addition to being a lead member of the global Scaling Up Nutrition (SUN) Movement. Namibia also established the National Alliance for Improved Nutrition chaired by the former Prime Minister, and has already made inroads by way of advocating for emergency drought assistance to include nutrition, and called for a renewed focus on children aged 0–5 to reduce child mortality.

Many other social improvement strategies relate to Africa's integration being highly dependent on infrastructural development which promotes connectivity between states and peoples. The AU's Programme for the Infrastructural Development of Africa is a major step in this direction because it aims to promote socio-economic development and poverty reduction in Africa through improved access to integrated regional and continental infrastructure networks and services.

With regard to Namibia in particular, the country's adoption of its fourth five-year National Development Plan since Independence keeps it on track in respect of focusing on faster inclusive growth, more jobs, and less income inequality.

Strategic Pillar 3: Shared values

At Independence, Namibia adopted a Constitution with a Bill of Rights regarded as one of the best in the world. Since then, Namibia has adhered to the rule of law, held peaceful

34 No. 26 of 2004; the Act came into force on 30 October 2009.

and free elections, has a free press, etc. In these respects, Namibia can serve as a role model to other AU member states.

- THE AFRICAN CULTURAL RENAISSANCE

The AU believes that culture is the foundation for promoting the African identity and cultural heritage, the pan-African spirit, and inter-African solidarity.

When Namibia gained its independence in 1990, it immediately adopted a decision to have the OAU flag hoisted alongside the Namibian one, and the OAU anthem sung together with Namibia's. It declared 25 May a public holiday, namely Africa Day. This was done in the spirit of pan-Africanism, as explained by former Namibian President Sam Nujoma in 2001, as follows:³⁵

Namibia is an African country and as such, our citizens are proud sons and daughters of Africa. Our destiny is closely tied to the fate of our neighbours and our continent as a whole. We must, therefore, be proud of our African heritage and our 'Africanness'. Our children must be taught the African values of sharing, respect of authority, good neighbourliness and a sense of belonging to a larger community.

The Commissioner for Social Affairs spearheaded the adoption of the new AU symbols adopted by the Assembly in 2007. The AU Ministers of Culture adopted a decision in 2010 to urge the AU Commission to encourage all AU member states to follow the Namibian practice of honouring and providing visibility to AU symbols. Thus, in a Declaration adopted at the AU Assembly in January 2013, the AU decided that all member states should do likewise. Whilst some may argue that mere symbolism such as this does not constitute action that can lead to a united Africa, it is worth mentioning that symbols have played a major role in African culture and heritage.

As stated earlier, the AU also celebrated its 50 anniversary in 2013 under the theme "Pan-Africanism and the African Renaissance".

- GOVERNANCE AND HUMAN RIGHTS

The AU remains committed to ensuring better governance and accountability are in place across the continent. In this spirit, the AU adopted the African Charter on Democracy, Elections and Governance on 30 January 2009, which entered into force in February 2012. It has been signed by 45 and ratified by 21 member states. Namibia has signed the Charter, but has not yet ratified it.

Further building blocks in the AU's commitment to ensuring enhanced governance and accountability include strengthening the African Peer Review Mechanism (APRM),

35 Founding President Sam Nujoma's State of the Nation Address in Parliament; see *Debates of the National Assembly*, 2001, p 127.

which remains an important tool in this regard. The main aim of the APRM is to help governments deliver public services and goods to their citizens more efficiently and effectively, and to instil confidence in investors – both local and foreign – that governments will be more stable and sustainable.

The standards, guidelines and procedures of the APRM were approved in 2003. So far, 29 African countries have signed up for the Mechanism, and reviews have been completed for 15 countries – the first two being Ghana and Rwanda. Interestingly, Namibia is not part of the peer review exercise although it has high standards of governance and would probably score relatively well.

As regards human rights, it has been argued that the OAU's founding in 1963 was in effect Africa's search for human rights – albeit at the level of states rather than individuals.³⁶ Even though not expressly provided for in the OAU Charter, the OAU has adopted a number of instruments to promote human and peoples' rights on the continent, including the African Charter on Human and Peoples' Rights (Nairobi 1981), which later led to the establishment of the African Human Rights Commission located in Banjul, The Gambia. The establishment of the AU itself was hailed as a welcome opportunity to put human rights firmly on the African agenda. Thus, the AU's Constitutive Act adopted in 2000 marks a major departure from the OAU Charter in giving explicit recognition of human rights and adopting a human-centred approach to development.

However, despite all these instruments and institutions, the AU's reluctance to speak out publicly against its member states that are in violation of human rights or are guilty of bad governance still seems to be a big challenge for the AU's new role.

- ELECTIONS

More states in Africa are participating in elections than ever before. This is a departure from the military coups that hampered Africa's search for democracy and good governance. A major concern, however, has been post-election violence, e.g. in Kenya.

The AU observes its member states' elections in an effort to ensure good governance. Indeed, it dispatched an observer mission at the time of Namibia's presidential and National Assembly elections in November 2009, as well as during subsequent elections. Namibia has also participated in similar missions in respect of its fellow AU member states. During October 2013, Madagascar held presidential elections four years after an unconstitutional change of government led to its suspension from the AU. The elections were guided by SADC instruments, with Namibia's Minister of Foreign Affairs leading a SADC observer mission to the country to oversee elections. The elections were declared free, fair and peaceful by most observers.

36 Murray (2004).

- GENDER

Namibia has signed and ratified the AU Protocol on the Rights of Women and has adopted the Solemn Declaration on Gender Equality. It has also regularly submitted progress reports on the implementation of these two instruments.

Furthermore, Namibia supports the AU policy on gender balance within the organisation. The AU Commission is currently served by five women and five men. Unfortunately, however, gender balance does not apply further down in the organisation or on other AU organs.

In addition, Namibia has enacted gender-related laws, such as the Married Persons Equality Act³⁷ and the Combating of Rape Act.³⁸ Regrettably, women's representation in the Namibian Government, including Parliament and the country's missions abroad, is not very high – unlike countries such as Rwanda, where 60% of the Members of Parliament are women. The recent adoption by the SWAPO Party to ensure 50/50 gender representation within party structures should be welcomed and should be adopted as a government policy.

- SIGNING AND RATIFICATION OF LEGAL INSTRUMENTS

The OAU/AU has adopted many legal instruments over the years. These require ratification by member states in order to come into effect. Member states are committed to domesticating these instruments and ensuring their effective implementation.

Namibia has signed 22 AU documents³⁹ to date, but has only ratified 12 of these.

In order to assess Namibia's accession to treaties, a comparison is made with three other southern African states. In order of decreasing magnitude, Zimbabwe has signed 24 documents, of which it has ratified 17; South Africa has signed 19 documents, of which it has ratified 17; and Botswana has signed 12 documents, of which it has ratified 10. Thus, Namibia's ratification of only 12 out of the 22 signed AU documents ranks it lower in comparison with its three neighbours.

Several reasons could explain this state of affairs, e.g. internal concerns, or needing more time. For example, the Convention on the Conservation of Nature and Natural Resources might conflict with Namibia's Community-based National Resource Management (CBNRM) Policy. Another example is the African Charter on Democracy, Elections and

37 No. 1 of 1996.

38 No. 8 of 2000.

39 *Documents* are defined herein as treaties, conventions, protocols and charters. A complete list of all 50 documents is available at <http://www.au.int/en/treaties>, last accessed 20 October 2013.

Governance, which Namibia has not yet ratified despite its good record on human rights and respecting the rule of law. One could also argue that Namibia is a latecomer to multilateralism, and needs time to study the implications of all these treaties.

Notably, Article 144 of the Namibian Constitution states that –

... the general rules of public international law and international agreements [are] binding upon Namibia under this Constitution [and] shall form part of the law of Namibia[.]

which might also have a bearing on Namibia's ratification of treaties.

The AU remains concerned about the slow ratification or non-ratification of treaties overall as this has a bearing on its credibility. Because its member states differ in respect of the way treaties are ratified by their respective parliaments, the AU has called for such processes to be harmonised in a bid to speed up ratification.

On the issue of treaties and their ratification in general, it may be instructive to look at the recent debate on the relations between Africa and the International Criminal Court (ICC). A total of 27 African countries have consensually ratified the Rome Treaty establishing the ICC, whilst countries such as China, Russian and the United States of America have not joined the ICC.

The relationship between Africa and the ICC has been debated within the AU for a long time. The indictments of the Kenyan President and Vice President who are accused of stirring the post-election violence in Kenya in 2007 as well as the earlier arrest warrant which was issued against the Sudanese President by the ICC strengthen the AU's position that the court is biased against African leaders. Whilst there was a fear that the Extraordinary Summit held in Addis Ababa on 12 and 13 October 2013 would call for the withdrawal of African countries who are party to the ICC, the Summit instead decided to request the UN Security Council to defer the cases of the Kenyan President and Vice President. However, divergent views exist in Africa as regards the ICC, and leaders such as former UN Secretary General Kofi Annan and Nobel Peace Prize winner Archbishop Desmond Tutu of South Africa have supported the respect and dignity of the ICC as an important instrument to end the culture of impunity and uphold justice and the rule of law.

Strategic Pillar 4: Institution- and capacity-building

There are ongoing reforms within the AU to improve internal governance and accountability and to improve coordination among the various AU organs. This will not only ensure greater transparency and accountability in the use of resources, but also the effective implementation of programmes. The Permanent Representatives' Committee of the AU, of which Namibia is also an active member, is mandated by the Executive Council to work with the AU Commission to achieve these objectives.

The implementation of the Strategic Plan and programmes will depend on the effective functioning of the various institutions, particularly the AU Commission, which is the central nerve of the AU as a whole. As pointed out earlier, the AU depends on external funding for its operations and programmes: this cannot be sustained if Africa is to take ownership and leadership of its problems and solutions.

AU multilateralism and partnership

In the introduction, it was stated that Namibia's foreign relations were influenced by the history of its struggle for liberation as well as by globalisation. Namibia's overall foreign policy objective remains building mutually beneficial relations and, in particular, strengthening the capacity of the AU to achieve regional integration and the economic independence of the continent. In this regard, it is informed by the AU's Constitutive Act as well as Article 96 of the Namibian Constitution and the objectives for Namibia's post-Independence foreign policy. The said Article 96 reads as follows:

The State shall endeavour to ensure that in its international relations it:

- (a) adopts and maintains a policy of non-alignment;
- (b) promotes international co-operation, peace and security;
- (c) creates and maintains just and mutually beneficial relations among nations;
- (d) fosters respect for international law and treaty obligations;
- (e) encourages the settlement of international disputes by peaceful means.

Namibia has also adopted economic diplomacy as part of its foreign policy, recognising that promoting Namibia's economic independence and prosperity is an imperative. In this regard, the country has established bilateral relations with other AU member states, Asia, European countries, and the USA – to mention but a few – and promotes economic development as part of regional integration.

No regional organisation such as the AU, however cohesive, can successfully tackle its security and developmental challenges without engaging in multilateral partnerships with other governments and institutions. Thus, the AU has concluded various partnerships with, amongst others, Brazil, China, the EU, India, South America, and Turkey. As an AU member state, Namibia not only supports multilateralism, but also establishes and maintains bilateral relations within the various partnerships established between Africa (the AU) and countries on the other continents.

It is generally recognised that Namibia's strength lies in building mutually beneficial relationships with governments and organisations which have also served to promote Namibia's economic development. Namibia has established foreign missions in various countries as well as at the AU, Commonwealth, the Non-aligned Movement, the UN, etc. Indeed, the OAU was one of the first organisations that Namibia joined after

Independence in 1990 and its successor in 2001. Namibia established a mission to the OAU in 1990, while Namibia's first Ambassador took office in Addis Ababa in 1992.

The question is this: what does this mean, strategically, for Africa and for Namibia, and what benefits have countries gained from such partnerships? Have we been proactive or reactive in our dealings with these partners?

This question is partly answered, for example, by Namibia's stance on the economic partnership agreement (EPA) with the EU. As Peter Katjavivi, former Namibian Ambassador to Brussels, who was quoted in the local daily *New Era* stated, Namibia is one of the countries that has found it unacceptable to endorse the EPA in its current form because it is not favourable to sustainable economic development in Africa in general and to Namibia in particular.

Given the nature of the emerging challenges of regional development and security, even bilateral relations increasingly have to be located in multilateral settings. Similarly, as emerging institutions such as the AU begin to engage in new global challenges like climate change, energy security, global economic recovery, and terrorism, fractures in the international system could pose a threat to their very existence; hence, cooperation and mutually beneficial relationships become essential. What is important, however, is the promotion of trade among African countries themselves and, in this, way, promote regional integration. It is maintained that Africa's trade with the world has increased, especially with the BRICS countries (Brazil, Russia, India, China and South Africa), which are the continent's biggest trading partners; and yet, intra-African trade has lagged behind.

But while multilateralism may be relatively easy and effective in engaging challenging issues and actors, it has its own fault lines. Multilateralism is generally less useful for making quick decisions and for building a wide consensus on issues. This can circumscribe even bilateral initiatives. Multilateralism also carries its own historical baggage. Often new nations and institutions, such as the AU, feel constrained by dated yet influential regional and global norms rooted in post-Second World War multilateral frameworks.

The AU subscribes to the principles of complementarity and subsidiarity. In this regard, it recognises the important role that RECs play in driving the continental integration agenda. Improving and harmonising the relationships between the AU and these communities remains a high priority and will lead to greater complementarity and joint efforts. Yet, despite the existence of RECs, as stated earlier, intra-Africa trade is still insignificant.

As a member of SADC, Namibia and its fellow members represent SADC positions at the AU whilst defending and upholding AU mandates. Unless properly managed, multiple

memberships such as these and overlapping mandates of the various organisations can pose problems. A case in point here is the AU and the RECs both having mandates to resolve conflicts on the continent: some AU member states will side with an REC position that may be contrary to a stance taken by the AU.

The future of the AU and the changing role of member states in general and of Namibia in particular

For the years ahead, the AU will be expected to deliver more effectively on its mandate and to make an impact on some of Africa's development challenges. A key target is to raise the resources needed to start achieving the MDGs by 2015 and to put in place the architecture needed to promote peace, good governance and development, as well as increase the skills and capacity of government services such as public health and education.

As detailed earlier herein, the challenges facing the continent include strengthening and supporting the political leadership and sustaining good governance – which are key to African nations' success. Diseases, especially AIDS, malaria and tuberculosis, place huge burdens on Africa: health is a key cause of poverty on the continent. Universal primary education and equal terms for women and girls are also critical for development. International institutions need to find ways to fund more infrastructure, particularly cross-border projects. Africa's private sector also needs a good environment in order to flourish.

It is argued that, despite limited resources and a weak mandate at times, the AU peacekeeping force has performed admirably in assisting with making peace and security a reality on the continent. However, to achieve some of the objectives and commitments made by African leaders for peace, security, good governance and development, member states will have to respect the norms and principles that they themselves have established, and should commit the required resources as well as secure extensive political and material support from the international community.

Based on the principles of subsidiarity and complementarity, there is also a need for effective coordination and harmonisation among AU members, the RECs, and civil society. The existing African institutions need to be rationalised, therefore, particularly at the level of RECs. This will allow the institutions to function more effectively, and make better use of scarce resources.

Transformation processes take decades – even generations. Similar regional institutions in Asia, Europe and Latin America took many years to establish themselves. Thus, the AU admittedly faces tremendous organisational and financial barriers at the same time as having to deal with poverty and conflicts on the continent.

Despite various obstacles, the AU remains Africa's hope. In many ways, it is a testimony to progress – in development, in security, in human rights – the pillars on which the AU's Constitutive Act is built. As the then UN Secretary-General Kofi Annan stated in his address to the Banjul Summit, –⁴⁰

... the African Union itself is in many ways the most eloquent testimony of that progress, in development, in security, in human rights -- the three interlinked pillars on which the human family must build its future.

An institution which was created only six years ago has established itself as a defining voice in each one of those areas. And Africa as a whole has many success stories to tell in all three.

In order to promote effective programme implementation by and the efficient functioning of the AU, much depends on political will and financial support to operationalise the AU's structures. The operational and programme budget to finance the AU's operations that was approved for 2013 is about US\$280 million. Yet the AU has received only US\$77.3 million of this amount via its member states' contributions: the remainder is paid from partner funds. Thus, more than 90% of the budget will be financed by partners. However, pledges by partners have sometimes not materialised or funds have been disbursed late – resulting in a shortage of resources and, hence, the non-implementation of programmes. This is a situation that calls into question Africa's ownership of its programmes, since partners can make demands that are not necessarily to Africa's benefit. Moreover, despite years of trying to find alternative sources of funding, the AU has not yet adopted the proposals made in this regard by the High-level Panel led by former President Olusegun Obasanjo. This leaves the AU in the position of continuing to depend on foreign sources of funding, which is untenable.

Nonetheless, despite the AU's limitations, Namibia strongly supports the continental body and participates in its programmes. It has also been a fully paid-up AU member state since it joined the OAU.

Conclusion

As an AU member state, Namibia has the responsibility of increasing knowledge of its role within the organisation. This includes providing information on activities in which it is involved, such as serving on AU organs and participating in meetings such as the Assembly, where far-reaching decisions are taken.

Namibia sets a good example as a democratic state, with a model Constitution and Bill of Rights. It should, therefore, become an ardent advocate for the promotion of good

40 See <http://www.un.org/sg/statements/?nid=2117>, last accessed 30 September 2013.

governance, democracy and human rights on the continent. Similarly, it has paved the way for the promotion of a pan-African spirit through the adoption and display of AU symbols, and through celebrating Africa Day as a national holiday. This is an example which can be followed by other AU member states.

The 17th Ordinary Session of the AU took place in Malabo, Equatorial Guinea, in 2011 against a backdrop of the Libyan crisis and the warrant of arrest issued against Libyan President Muammar Gaddafi. In his report to the AU Summit, the Chairperson of the AU Commission pointed out that Africa was marginalised when it came to managing crises that primarily concerned Africa, and this represented a disturbing trend in international relations.⁴¹ In this regard, it might be important to look at the state of affairs in terms of Africa's actions in the management of conflicts, including its reaction to emerging conflicts, as well as Africa's relations with international partners. The management of conflict by Africans will require member states to take leadership and ownership in matters of peace, security and development on the continent, including speedy interventions where necessary, and to enable and make use of the AU peace and security architecture that can react promptly in terms of managing conflicts.

In the final analysis, Namibia's foreign relations are guided by the principles underlying its relationship with the AU. It is safe to argue, therefore, that Namibia can only be as effective in its role as an agent of change in the landscape of foreign relations as the AU is.

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Appendix 1

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- Protocol to the Court of Justice of the African Union (9 December 2003)
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (9 June 1998)
- Protocol on Amendments to the Constitutive Act of the African Union (9 December 2003)
- African Charter on Democracy, Elections and Governance (10 May 2007)
- Convention governing the specific Aspects of Refugee Problems in Africa (11 November 2009)
- Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (23 October 2009)
- African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (11 April 1996)
- Revised African Convention on the Conservation of Nature and Natural Resources (9 December 2003)
- Constitution for the African Civil Aviation Commission (11 May 2010)
- African Maritime Transport Charter (13 July 1999)

African Union instruments ratified to date

- Constitutive Act of the African Union (**53** of 53 members ratified)
- African Charter on Human and Peoples' Rights (**53** of 53 members ratified)
- Statute of the African Union Commission on International Law (**53** of 53 members ratified)
- Treaty Establishing the African Economic Community (**49** of 53 members ratified)
- Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (**47** of 53 members ratified)
- African Charter on the Rights and Welfare of the Child (**46** of 53 members ratified)
- Protocol Relating to the Establishment of the Peace and Security Council of the African Union (**44** of 53 members ratified)
- African Union Convention on Preventing and Combating Corruption (**31** of 53 members ratified)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (**30** of 53 members ratified)
- Convention of the African Energy Commission (**28** of 53 members ratified)
- Agreement for the Establishment of the African Rehabilitation Institute (**25** of 53 members ratified)
- African Youth Charter (**20** of 53 members ratified)