

# Namibia's foreign relations and security policy: Exploration of a critical nexus

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## Introduction

The quintessential statement on the nexus between the foreign relations of a state and its security comes from classical realism, a tradition of scholarship that has dominated the study of international relations for several decades. In his seminal study, titled *Politics among nations – The struggle for power and peace*, Hans Morgenthau argues that state-based “collective security”, as provided for in the 1945 Charter of the United Nations, does not supersede the more foundational principle of “the balance of power”.<sup>1</sup> For Morgenthau and other scholars of his persuasion, the *balance of power* construct made collective security possible. The historically most significant manifestation of this ‘balance of power’ is to be found in the relations of economic, political and security alliances involving more than one state.

At the height of the Cold War, the ideas of Morgenthau and his followers essentially shaped the analysis of the nexus between foreign relations and security, while the arms race between the United States (US) and the former Soviet Union gave special credence to such an approach. The end of the Cold War, however, spawned new approaches to the study of foreign relations and security, as well as to the more restrictive notion of *foreign policy* and its complex interface with defence and security policy.

The most salient new understandings of foreign relations (and of foreign policy) and their complex interrelations with security have been a reconsideration of the classical realist notion of *national power* and its elements: geography, natural resources, industrial capacity, military preparedness, population, national character, national morale, the quality of diplomacy, and the quality of government – among others.<sup>2</sup> Since classical realism offers a state-centric account of the world, and because realism takes the state to be central to international relations, topics such as the study of foreign-policy-making or the analysis of the components of national power loom large; for the same reason, interstate ‘war’ is taken to be *sui generis*, unlike any other form of social conflict. This state-centricity suggests that realism ought to have a clear theory of the state. As it

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1 Morgenthau (1948).

2 (ibid.:106–143).

happens, this is not the case: the lack of such a theory is an important problem at the heart of realism – indeed of International relations as an academic discourse.<sup>3</sup>

However, although theory is missing, realism offers quite an elaborate description of the state and of its emergence. The *state* is understood as a territorially based political unit characterised by a central decision-making and enforcement machinery (a government and a civil service); the state is legally ‘sovereign’ in the sense that it recognises neither an exterior superior nor an internal equal; and the state exists in a world composed of other, similarly characterised, territorial, sovereign political units.

As mentioned above, the end of the Cold War and the implosion of once powerful states like the former Soviet Union, and alliances such as the Warsaw Pact, challenged many of the central precepts of the realist understanding of the world and of international relations. In parallel, new understandings of security emerged in the scholarly literature and in the conduct of international relations. While national or state security was not superseded by the widening of the concept of *security*, new dimensions of security became progressively more important, as these posed new policy challenges. The most significant of these included the notions of *human security*, *public security*, *economic security* and *environmental security*. All of these notions of security had people, as opposed to states, as their primary referent. Consequently, *human security* and *national* or *state security* became to be regarded as complementary, mutually constitutive and, largely, indivisible.<sup>4</sup> Moreover, the trinity of *democracy*, *security* and *development* came to characterise the literature on the topic of the nexus between foreign relations and the multi-dimensional construct of *security*.

## Namibia: A fusion of traditional and post-Cold War understandings of *security*

Namibia assumed its independence at a historically most significant confluence in world history – the end of the Cold War. Thus, it is not surprising that the new state articulated a position on security and its interfaces with foreign relations that fused more traditional state-centric notions of *security* with broader understandings of the construct. The Vision and Mission of the Ministry of Foreign Affairs reflect this. The Vision, for example, calls for the following:<sup>5</sup>

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3 See Brown & Ainley (2005:63).

4 See, among the many influential sources, Buzan (1991); Buzan et al. (1998); Prins (1993); and United Nations Commission on Human Security (2003).

5 See Office of the President (2004:vii). See also the *Third National Development Plan* (NPC 2008a:70–79) and *Vision 2030* (Office of the President 2004:187–200).

A peaceful, safe, stable and prosperity-enhancing world order that is predicated on the principles of diplomatic persuasion and a multilateral approach to international relations, a world order in which Namibia is able to become a developed country by the year 2030.

The Ministry's Mission Statement elaborated this by highlighting "the promotion of security domestically, within our neighbourhood and in the global arena".<sup>6</sup>

Both the Ministry's Vision and Mission derive their thrust from the principles and objectives set out in Article 96 of the Constitution of the Republic of Namibia, which state that Namibia will –

- adopt and maintain a policy of non-alignment
- promote international cooperation, peace and security
- create and maintain just and mutually beneficial relations among nations
- foster respect for international law, treaty and obligations, and
- encourage the settlement of international disputes by peaceful means.

While Article 96 reflects some of the post-Cold War values and concerns that have come to characterise the foreign relations and policies of many new states, it is important to emphasise that it also provides for tenets that pre-date the independence of the country in March 1990. Chief among these are the adoption and maintenance of a policy of non-alignment, and the primacy of national or state security – the latter, based on the classical notion of *sovereignty*: a construct that has since undergone important amplification. As a new state, Namibia prized itself on the sacrosanct principle of 'domestic sovereignty',<sup>7</sup> as was evidenced in its bilateral negotiations on the reintegration of Walvis Bay and the Penguin Islands,<sup>8</sup> a topic to which this chapter returns. Of equal importance, as shown in the chapter by Chris Saunders in this volume, has been the imprint of the foreign policy and diplomacy of the erstwhile liberation movement, the South West Africa People's Organisation (now *SWAPO Party of Namibia*), who subsequently took power at Namibia's Independence in March 1990. SWAPO participated actively in international organisations right after its establishment. For example, in 1961, SWAPO President Sam Nujoma attended the founding meeting of the Non-aligned Movement (NAM) in Belgrade, Yugoslavia. SWAPO became a full member of NAM in 1978. Nujoma was present at the inaugural meeting of the Organisation of African Unity (OAU), the antecedent of the African Union (AU), in Addis Ababa, Ethiopia, in May 1963, and he attended many later OAU summits. At the time of Independence, SWAPO had 27 diplomatic missions abroad. Of these, 12 were in Africa, notably in the former Frontline States (FLS, the precursor to the Southern African Development Coordination Conference, which evolved into the Southern African Development Community, SADC),

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6 See Ministry of Foreign Affairs (2004:vii).

7 See the contribution on the African Union (AU) by Bience Gawanas in this volume: Namibia is not supportive of the AU principle of non-indifference.

8 Also officially referred to as *the Offshore Islands*.

11 in Europe, 1 in Asia (India), 2 in the Americas, and 1 in Australia. SWAPO also had observer status at the United Nations (UN).<sup>9</sup>

SWAPO's pre-Independence diplomacy was formative for the post-Independence period: many of the politico-security relations entered into at the time formed the basis for such relations after Namibia's independence. For example, security-related relations with the erstwhile FLS and with the OAU made it relatively easy to continue and further cement such relations with the SADC and the AU. Ties with a number of other liberation movements – including Frente de Libertação de Moçambique (FRELIMO, Front for the Liberation of Mozambique), the African National Congress (ANC) and, from 1975, the *Movimento Popular para la Libertação de Angola* (MPLA, Popular Movement for the Liberation of Angola) – meant that the post-Independence SWAPO Party could continue and deepen such relations after 1990.<sup>10</sup> Moreover, the complex UN-brokered transition in Namibia left a most useful institutional legacy for the conduct of security diplomacy, namely the Joint Permanent Commission (JPC), which has since served both Angola and Namibia well.

As a liberal democracy, the Republic of Namibia strongly reflects in its Constitution the values of a liberal democracy. The organs of state and public policy are clearly subordinate to this fundamental and Supreme Law.<sup>11</sup> Thus, post-Independence foreign policy mirrors the values and principles of the idealist or liberal/pluralist approach to international relations. Four values are especially deeply imprinted in the country's international relations. These are –<sup>12</sup>

- respect for international law and treaty obligations (and, by implication, for the sovereignty of states)
- the promotion of international cooperation with the express purpose of fostering regional and international peace and security
- the peaceful (diplomatic) resolution of conflict, and
- maintaining just and mutually beneficial relations among states – principally through the instrument of economic diplomacy – and privileging South–South cooperation.

In the rest of this chapter we will be concerned with a number of selected issues and agreements between Namibia and other states that illustrate the close nexus between the country's foreign relations and security considerations. The analysis will focus on both bilateral and multilateral relations, without claiming to be comprehensive. The chapter will culminate in a balanced assessment of the achievements after more than two decades of independence.

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9 Mushelenga (2008:5).

10 See Brown (1995:19–39), Dreyer (1994), and Nujoma (2001:205, 339–364).

11 Naldi (1995:14). See also Du Pisani (2003:19; 2010:3–16).

12 Mushelenga (2008:71–145). See also *Vision 2030*, Chapter 6 (Office of the President 2004:179–200) and the Foreign Investment Act, 1993 (No. 24 of 1993).

## The reintegration of Walvis Bay and the Penguin Islands

One of the first and most important problems at Independence concerned the territorial integrity of the Namibian state, which related to a dispute between the newly-independent state and South Africa over the sovereignty of the then South Africa-controlled enclave of Walvis Bay and certain offshore islands known as the *Penguin Islands*. Article 1(4) of the Constitution proclaims that the national territory of Namibia includes Walvis Bay. Walvis Bay, which covers an area of 1,124 km<sup>2</sup>, is the only deep-water port in the country and is of key importance to Namibia's economic development, maritime security, and foreign trade relations.<sup>13</sup>

Historically, Walvis Bay and the Penguin Islands had been occupied by the United Kingdom in 1878. With German colonisation in 1884, they were annexed to the Colony of the Cape of Good Hope and were in turn transferred to South Africa at the time of its Union in 1910. From 1919, they were administered as part of South West Africa, although they had not been incorporated into the Mandate Agreement of 1920. Subsequently, from 1977 onwards, the territory was administered as part of the Cape Province. In the protracted negotiations over the future of Namibia, South Africa stubbornly insisted that it would not give up sovereignty over Walvis Bay and the Penguin Islands although UN Security Council Resolution 432 (1978) called for the reintegration of Walvis Bay into Namibia.

The South African claim to sovereignty was based on occupation, inherited from the colonial power (the United Kingdom), whereas various legal arguments were advanced on Namibia's behalf.<sup>14</sup> Ironically, however, the Namibian courts have expressed support for the original South African claim, rejecting the assertions that the Cape Province did not effectively annex Walvis Bay; that South Africa did not effectively exercise authority and legislative power over it; and that the Namibian Constitution did not regard Walvis Bay as having previously been a legal part of South Africa.<sup>15</sup>

Nevertheless, as has been indicated, under Article 1(4) of the Namibian Constitution considers Walvis Bay and the offshore islands as part of its national territory. This also found expression in the judgment by the Supreme Court of Namibia in *S v Redondo*,

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13 Naldi (1995:26). See also Thornberry (2004:5,329) and Halbach (2000:124–5).

14 In her authoritative study, *Walvis Bay: Decolonization and international law*, Lynn Berat (1990) advances four main claims based on the right of self-determination to support Namibia's title to the land in question: (1) Legal ties between the indigenous peoples, as discussed in the *Western Sahara Case*, International Court of Justice [ICJ] Reports 1975; (2) Inter-temporal Law; (3) Estoppel, as a result of having been administered as part of South West Africa for nearly 60 years; and (4) Its status as a colonial enclave. As Dugard (1973:98–101,111–114) points out, however, none of these arguments is very convincing.

15 *S v Redondo* 1992 NR (2) SA 528 (Namibian Supreme Court), 539. See also *S v Martinez* 1991 (4) SA 741 (Namibia), at 749–750.

which stated that, as from the date of Namibia's Independence, Walvis Bay formed part of Namibia.<sup>16</sup>

Consequently, in 1991, bilateral negotiations over the future of Walvis Bay and the Penguin Islands were initiated between Namibia and South Africa. This resulted in Namibia temporarily accepting joint administration over Walvis Bay in 1992, without prejudice to Namibia's claims to sovereignty. In August 1993, South Africa, seemingly bowing to national calls from within that country – notably from the Pan-Africanist Congress (PAC) and the African National Congress (ANC) – announced that it had agreed to cede Walvis Bay and the offshore islands to Namibia. Such transfer of sovereignty becoming effective on 1 March 1994 under the terms of the bilateral Treaty on Walvis Bay,<sup>17</sup> the Walvis Bay and Off-Shore Islands Act,<sup>18</sup> and the South African Act to Provide for the Transfer to Namibia of the Territory of and Sovereignty over Walvis Bay and Certain Islands.<sup>19</sup>

It was significant that the reintegration of Walvis Bay and the Penguin Islands was the first foreign policy objective among five set by the then Namibian Minister of Foreign Affairs, Theo-Ben Gurirab.<sup>20</sup> The negotiated reintegration of Walvis Bay and the offshore islands was the first fruit borne of shoring up foreign policy and relations with a clear articulation of security interests. The reintegration has since formed the basis for cooperative bilateral relations with South Africa. In retrospect, it was the single most important process in building confidence between the former coloniser (South Africa) and the newly independent Namibian state, especially since the negotiations were successfully concluded before the transition to democracy in that country in April 1994.<sup>21</sup>

Having briefly explored the peaceful, negotiated resolution of the matter of Walvis Bay and the Penguin Islands, the focus now shifts towards a consideration of Namibia's role in peacekeeping and peace support operations both within SADC and further afield.

## Peacekeeping and peace support operations

The establishment and maintenance of a defence capability in Namibia is provided for in Article 118 of the Constitution. The Article also states that the composition, powers,

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16 *S v Redondo* 1992 NR 133 (SC) at 143.

17 The State President of South Africa already had wide powers to legislate for what was then South West Africa (and later, South West Africa/Namibia) and Walvis Bay in terms of the South West Africa Constitution Act, 1968 (No. 39 of 1968), and he exercised these powers in respect of the 1977 Walvis Bay Administration Proclamation R202.

18 Walvis Bay and Off-Shore Islands Act, 1994 (No. 1 of 1994).

19 Naldi (1995:27).

20 Republic of Namibia (1991:80). Among the other foreign policy objectives were playing a constructive and active part in peacemaking, and diversifying foreign trade relations.

21 Notwithstanding South Africa bickering over what it believed was infrastructure belonging to it.

duties and procedures are to be prescribed for the Namibian Defence Force (NDF) in order to protect Namibia's territorial integrity and national interests. Section 2 of the Defence Act<sup>22</sup> makes provision for the composition and organisation of the NDF's three Arms of Services, namely the Army, Air Force and Navy.

The 2008 Defence Policy, ratified by Parliament, has as one of its key elements a definition of the NDF's principal roles. It further provides for a framework for democratic civil-military relations and commits Namibia –<sup>23</sup>

... to secure the region collectively with other Southern African Development Community (SADC) member states through bilateral and multilateral cooperation.

As a State Party to SADC, Namibia has ratified or signed various legal instruments. Chief among these are the following:

- SADC Treaty (1992)
- SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region (1996)
- SADC Protocol on Tribunal and Rules of Procedure thereof (1999)
- SADC Protocol on Legal Affairs (2000)
- SADC Protocol on Defence and Security Cooperation (2001)
- SADC Mutual Defence Pact (2003)
- Protocol on the SADC Standby Force (2008–2009), and
- SADC Revised Edition Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (2010) – popularly known as the *Revised SIPO*. It is important to point out that the Revised SIPO launched in Arusha, Tanzania, in November 2012, happened when Namibia was the Deputy Chair of the Organ on Politics, Defence and Security Cooperation. In August 2013, Namibia became the Chair of the Organ troika.

Further political and legal obligations flow from Namibia's membership of the AU and the UN. In the case of the AU, the most important policy and legal frameworks include –

- the Constitutive Act of the African Union (2000)
- the Protocol Relating to the Establishment of the Peace and Security Council of The African Union (2002), and
- the African Union Non-aggression and Common Defence Pact (2005)

As regards the UN, the Charter of the United Nations (145) (as amended in 1965, 1968 and 1973) is the key legal document.

Apart from the country's military engagement in the Democratic Republic of the Congo (DRC) – a fellow SADC member state – in the period October 1998 to early 2001, which

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22 No. 1 of 2002.

23 Republic of Namibia (2008:3).

will be separately considered later herein on account of its wider political and security importance to SADC, Namibia has participated in 11 peacekeeping and multinational support operations to date under the country's regional and international obligations. These deployments have taken place under three different mandates: that of the UN, the AU, and SADC. In the cases of Angola, Cambodia, East Timor, Haiti, Liberia, Sierra Leone, Somalia, Sri Lanka and Sudan [Darfur],<sup>24</sup> Namibia deployed peacekeepers that included staff officers, military observers and civilian police. In the case of Sudan, Namibian peacekeepers first formed part of the AU-mandated mission (AMIS) and stayed in the country after the mandate was changed into a joint UN–AU one (UNAMIS).

Namibia has, since early 1993 when she first deployed peacekeepers in Cambodia, become an important contributor to multinational peace missions under the aegis of the UN and the AU. As far as SADC is concerned, Namibia has trained both military and police components for future deployment under the SADC Standby Force (SADCSF) arrangement. Both the NDF and the Namibian Police (NAMPOL) are engaged in ongoing training for peace support operations, often in association with external militaries and police forces. In February 2007, former UN Ambassador and Permanent Representative of Namibia, Dr Kaire Mbuende, spoke in support of reforms in UN peacekeeping on the General Assembly Substantive Session of the Special Committee for Peacekeeping Operations.<sup>25</sup>

As far as police and policing are concerned, Namibia supports its foreign policy objectives through membership of the International Police Organisation (IPO) that the country joined in 1991 and the Southern African Regional Police Chiefs Co-operation Organisation (SARPPCO) of which Namibia has been a member since its inception in 1995. Members of NAMPOL have been seconded to the INTERPOL Regional Bureau in Harare, Zimbabwe, including its Deputy Inspector-General for Operations, who, until 2010, served as Head of the Regional Bureau.

Peacekeeping and peace support operations – and, more recently, collective regional police action on transnational crime syndication such as money laundering, drug trafficking, violent crimes, illicit diamond buying, cattle hustling, small arms proliferation, and human trafficking – offer tangible proof of how defence, security, intelligence and foreign policy are mutually constitutive.

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24 NAMPOL contingents or individual members have served in countries such as East Timor, Haiti, Liberia, Sierra Leone, Somalia, and Sudan. See Republic of Namibia (2010:245).

25 Training and capacity-building in peacekeeping and peace support have been – and continue to be – provided by various countries, including the Federal Republic of Germany, the United States of America, the Republic of Malaysia, and the Kingdom of the Netherlands. For the full text of Dr Kaire Mbuende's statement to the UN General Assembly, see Mbuende (2007a:10).

Against this brief and incomplete overview of Namibia's involvement in peacekeeping and peace support operations over the past two decades, the focus now shifts towards a consideration of the Kasikili/Sedudu Island dispute with neighbouring Botswana.

## Kasikili/Sedudu Island dispute

During 1992, Botswana, a fellow SADC member state, claimed sovereignty over Kasikili Island (called *Sedudu*) by Botswana, which Namibia regarded as part of its own territory. Kasikili/Sedudu is a small island, 3.5 km in length, located near the Chobe River on the north-eastern international border between the two countries. The island has limited strategic or economic importance to the two countries. Several meetings, some at the level of SADC Heads of State, mediated by the President of Zimbabwe, Robert Mugabe, were held between the two countries to resolve the dispute peacefully. The mediation ended unsuccessfully in 1995, whereupon both governments decided to refer the dispute to the International Court of Justice (ICJ) in The Hague, the Netherlands, for international arbitration and a binding legal opinion on the matter. Before this issue is discussed any further, the politico-legal background to the island needs to be briefly sketched.

Like many border conflicts in Africa, the dispute over ownership had its roots in the Anglo-German agreement of 1890 that defined the middle of the Chobe River's main channel as the boundary between what were then German South West Africa and British Bechuanaland. Controversy between the two states ensued over legal ownership of the island, as well as on the related question as to whether the Chobe's main channel – more than a century after the original agreement (in addition to the fact that rivers change their courses in 100 years) – was the one to the north or the south of the island. Namibia, in its submission to the ICJ, claimed it was the south channel; Botswana claimed it was the channel north of the island.

In 1995, following President Mugabe's unsuccessful attempts to mediate, both governments agreed to refer the dispute to the ICJ, as mentioned above. The ICJ presented itself as one of the most impartial international bodies to rule on the dispute, and the joint decision to refer the dispute for arbitration came in the wake of both governments failing to implement recommendations contained in a report by a Namibia–Botswana Joint Technical Commission (JTC) established in 1992. Namibia also remembered earlier rulings of the ICJ, notably that of 1971, which declared South Africa's presence “illegal” in the country; hence, it had faith in the impartiality and justice of that body.

The JTC comprised three members from each of the two countries in question. During its work, the JTC made use of earlier border demarcations contained in the 1890 Anglo-German Agreement and the subsequent Anglo-German-Portuguese Treaty of 1892, as

well as of several historical and contemporary political and topographical maps and aerial photographs.<sup>26</sup>

Namibia argued that the island belonged to it on the grounds of human settlement and subsistence, as well as other historical, ethnographic/cultural and oral evidence, besides its reading of the 1890 Anglo-German Treaty. Invoking the legal principles of *description* and of *Estoppel*, which refer to the continuous use and occupation by people of a specific territory, Namibia's legal team under Dr Albert Kawana<sup>27</sup> argued that the island was legally and politically part of the territory of Namibia through long use, as the Subia people had been exploiting both the water and the grazing of the island for more than a century without any protest from either the United Kingdom or Botswana. Botswana based its claim to ownership on the geographic position of the northern channel, as well as on the 1985 agreement between itself and South Africa. Both parties made extensive use of maps and expert evidence in support of their legal arguments.

Oral hearings before the ICJ started in February 1999 and were concluded early in March of the same year. The Chairperson of the Botswana legal team was Deputy Attorney-General (Prosecutions), Adednigo Tafa. Their Chief Legal Counsel was Prof. Ian Brownlie, a noted name in constitutional and international law. Brownlie was assisted by Lady Hazel Fox, QC, formerly associated with the University of Oxford. They were in turn assisted by Dr Stefan Talmon, a former student of Brownlie. The 14-member Namibian legal team was headed by Dr Albert Kawana, then Permanent Secretary in the Ministry of Justice. Prof. Abram Chayes from Harvard University in the US acted as Leading Counsel. In the end, when the ICJ resolved that the island indeed belonged to Botswana, Namibia bowed graciously to the decision.<sup>28</sup>

Subsequent to the ICJ ruling – which, in retrospect, served the bilateral interests of both countries rather well – Botswana indicated that it was unhappy with the current boundaries of another small, insignificant island in the Caprivi Region of Namibia – Situngu. Both countries decided to discuss Botswana's concern at the bilateral level. Since the establishment of a Permanent Security Commission between the two SADC member states, this and other more explicit security concerns have been amicably discussed and resolved.

The erstwhile dispute over the Kasikili/Sedudu Island and the manner in which it was resolved has not only contributed greatly towards improving bilateral relations between

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26 See British and German documents respecting the delimitation of their respective spheres of influence in south-western Africa in the National Archives of Namibia (ZBU: A.I.b.4–A.I.b.5). See also Dierks (2002:72); Hangula (1993:18–21); and Kangumu (2011) for additional historical background to the 1890 and 1892 Treaties.

27 Now Minister of Presidential Affairs.

28 Du Pisani (2000:310).

both countries over a wide spectrum of areas of common interest and concern such as tourism, transnational crime, health and environmental management, but it has also, more importantly, won Namibia respect in the region and beyond, and contributed towards confidence-building at a time when the region had to contend with two other fractures – Angola and the DRC. It is to the latter, the DRC, that this chapter next turns.

## Military engagement in the DRC, 1998–2001

In late 1998, two years after the SADC Organ on Politics, Defence and Security Cooperation (OPDS) had been established and military interventions had occurred in the DRC and Lesotho, intraregional relations were under severe stress. Botswana and South Africa spearheaded the military intervention in Lesotho, ostensibly under SADC auspices. In the case of the conflict in the DRC, three SADC member states – Angola, Namibia and Zimbabwe – decided to engage militarily in that country when the new government under the uncertain tutelage of former President Laurent Kabila faced the threat of external invasion from armed formations in Rwanda and from internal rebellion.

The 1998 intervention in the DRC conflict brought into sharp relief the challenges facing the OPDS. That intervention and South Africa's refusal to join in the military action highlighted intra-SADC tensions around three principal issues:<sup>29</sup>

- Autonomy (the relationship between the OPDS and the SADC Secretariat and Summit)
- The legal and political frameworks in which the OPDS should be operating, and
- The power struggle over regional hegemony in the post-liberation and post-apartheid era.

Divergent views over the appropriate legal and political frameworks of the OPDS were further exacerbated by political and economic considerations, most notably between South Africa, under President Nelson Mandela, and Zimbabwe, under President Robert Mugabe, the latter having been the Chairperson of the OPDS from its inception in 1996. The further accusation by some SADC member states – among them Namibia, Swaziland and Zimbabwe – that South Africa was pursuing selfish and potentially hegemonic economic and trade policies in the region, as well as a restrictive immigration regime, added to the tensions. By 1999, SADC reflected these tensions, and there was every prospect that the region might very well become polarised between a South-African-led grouping and a Zimbabwe-led one. The latter comprised, apart from Zimbabwe itself, Angola, the DRC and Namibia.

At the SADC Summit held in Swaziland in 1999, most of the above tensions were recognised. As the Chair, Swaziland was tasked to review the OPDS and make

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29 Baregu & Landsberg (2003:7).

recommendations for reforming it. Working closely with fellow SADC member states, Swaziland actively drove the process of revisiting the OPDS and its relationship to the Summit and the SADC Treaty over the next year. In March 2001, significant progress was reported under the Chair of Namibia. During the Extraordinary SADC Summit that took place on 16 March in Windhoek, the heads of state and government decided to integrate the OPDS tightly into SADC structures. Whereas, since its inception in 1996, the OPDS had been administered by the Ministry of Foreign Affairs of Zimbabwe and chaired by President Mugabe, SADC leaders decided that, in future, the OPDS would not be accountable to the Chair country of the structure but to the respective SADC heads of state and government.<sup>30</sup>

In retrospect, one of the most significant implications of the military intervention by the three SADC member states was the restructuring of the OPDS. The Organ not only became part of the institutional fabric of SADC, but, since 2001, had been coordinated at Summit level. The principle and practice of a rotating troika – reporting to the Chairperson of the Summit – was also instituted. Since August 2001, the structure, operations, and functions of the OPDS have been regulated by the Protocol on Politics, Defence, and Security Cooperation. In practice, this meant that SADC had made significant advances in terms of both the ideas of collective (state-based) security and collective accountability, as provided for under the troika arrangement.

It came as no surprise, therefore, when the SADC heads of state and government at the Blantyre, Malawi, Summit held in mid-August 2001 unanimously agreed to ratify and implement the Windhoek recommendations of March that year. After the Blantyre Summit, the OPDS was brought firmly under SADC control. In Blantyre, former President Joachim Chissano of Mozambique became the new Chairperson of the OPDS, with outgoing Chair President Mugabe and incoming Chair President Benjamin Mkapa of Tanzania serving as deputies as per the troika arrangement.

Apart from the reintegration of Walvis Bay and the Penguin Islands, the various peacekeeping and peace support operations, the dispute over Kasikili/Sedudu Island with Botswana, and the military engagement in the DRC, foreign and security policy concerns show a confluence in respect of various other aspects of international law as well. These will now be briefly discussed under the rubric of *new forms of security*.

## New forms of security

After 2004 in particular, with the publication of the White Paper on Namibia's Foreign Policy and Diplomacy Management and, later in the same year, Namibia Vision 2030, the

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30 (ibid.:8). See also Statement by the Extraordinary SADC Summit, Sandton, 9 November 2008; available at [www.sadc.net](http://www.sadc.net); last accessed 3 May 2011.

country's long-term national development framework, there has been growing evidence of a policy confluence between more traditional forms of security, such as national/state security, and various dimensions of human security on the one hand, and foreign policy on the other. The White Paper, for example, discusses various aspects of security that transcend the more traditional state-based understandings of the construct. Most of these, it argues, need to be addressed through multilateral diplomacy. The following new security concerns find a place in the White Paper:<sup>31</sup>

- The environment
- Marine resources, and
- Economic security, which is to be ensured through regional integration, foreign direct investment (FDI), and trade diversification.

Namibia Vision 2030 takes the articulation of *security* to a higher, more comprehensive level, when it locates it not only in a regional, but also in a global context. Moreover, Vision 2030 talks of the need to —<sup>32</sup>

- reduce the prevalence of HIV and AIDS
- enhance economic security – principally through the Common Monetary Area and the Southern African Customs Union
- gender development, and
- interface national and regional development and security through holistic and integrated planning and action.

The Third National Development Plan (NDP3) of 2008 for the period 2007/8–2011/12 is even more explicit and coherent on the nexus between peace, security and political stability and foreign policy objectives. In Chapter 10 of the document, it outlines “sustained participatory democracy” as a foundation for domestic and regional peace, security and political stability – and in doing so, forges a link between democracy and security. NDP3 also emphasises the primacy of the rule of law and social justice as a further foundation for peace and security. In common with earlier policy articulations, the document has regional integration – still principally defined in terms of economic, market and trade integration, rather than as security or development integration – as one of the core strategies for deepening peace and security in SADC. NDP3 also makes a clear commitment on the part of government to contribute to peacekeeping and peace support operations in the region and beyond, and to enhance water management, especially at the regional level.<sup>33</sup>

For purposes of balanced and sound analysis, however, it is important to point out that Namibia had ratified or signed various international legal instruments that have a direct bearing on new understandings of security, before the above-mentioned policy

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31 Ministry of Foreign Affairs (2004:79–81).

32 Office of the President (2004:174–192).

33 NPC (2008a:137–158).

frameworks were in place. To its credit, Namibia acted swiftly after Independence to either sign or ratify a raft of such international agreements.<sup>34</sup> What follows is an incomplete overview of some of the most important of these instruments.

### **Some prominent international agreements signed or ratified by Namibia to date**

As a newly independent state, Namibia was formally admitted to the UN on 23 April 1990, and that implied the country acceded to the UN Charter, ratified the ICJ Statute, and endorsed the 1948 Universal Declaration of Human Rights.

Namibia signed and ratified the Constitutive Act of the AU, 2000, on 27 October 2000 and 28 February 2000, respectively. The county acceded to SADC when it signed the Declaration and Treaty Establishing the Southern African Development Community (SADC), 1992, on 17 August 1992. Since then, Namibia has signed and ratified various other important SADC Protocols, including the Protocol on Tribunal and the Rules of Procedure Thereof, 1999 (ratified on 7 March 2001) and the Protocol on Legal Affairs, 2000 (ratified on 7 March 2001). Since the crafting by a South African academic of the AU's Common African Defence and Security Policy, AU member states have made no direct contribution to the policy. The African Peace Facility Fund (APFF) is provided for in the AU's peace and security architecture with the specific purpose of supporting AU-mandated peace support operations and mediation. Namibia has yet to contribute financially to the APFF.

In respect of armed conflict, Namibia has acceded to a number of UN Conventions, popularly referred to as the *Geneva Conventions*.<sup>35</sup> More recently, Namibia also

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34 Article 32(3)(e) of the Namibian Constitution gives the President power to “negotiate and sign international agreements, and to delegate such power”. Article 63(2)(e) gives the National Assembly the power “to agree to the ratification of or accession to international agreements which have been negotiated and signed in terms of Article 32(3)(e) hereof”. Article 144 states that, “[u]nless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia”. Article 143 provides that “[a]ll existing international agreements binding upon Namibia shall remain in force, unless and until the National Assembly acting under Article 63(2)(d) hereof otherwise decides”.

35 The primary UN Conventions that Namibia has acceded to are as follows: Amelioration of Condition of Wounded and Sick in Armed Forces in the Field, 1949 (accession 21 March 1990); Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949 (accession 21 March 1990); Geneva Convention relative to the Treatment of Prisoners of War, 1949 (accession 21 March 1990); Geneva Convention relative to Protection of Civilian Persons in Time of War, 1949 (accession 21 March 1990); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 (accession 21 March 1990); and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of

acceded to various International Conventions on transnational crime. These include the following:<sup>36</sup>

- Rome Statute of the International Criminal Court, 1998 (signed 27 October **1998**)
- Convention Against Transnational Organised Crime, 2000 (signed 13 December **2000**; not ratified to date)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 (signed 13 December **2000**; not ratified to date)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000 (signed 13 December **2000**; not ratified to date), and
- International Convention for the Financing of Terrorism, 1999 (signed 10 November **2001**; not ratified to date).

As a UN member state, Namibia has a number of legal and political obligations with regard to combatting money laundering and the financing of terrorism. Such international public law obligations also derive from specific provisions of the Constitution. Chief among these are the following:

- Preamble: "... the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace"
- Article 13(1): "... national security, public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others", and
- Article 21(2): "... in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence".

The key UN Conventions that apply are the following:<sup>37</sup>

- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), 1988 (accession 31 March **1998**)
- Convention against Transnational Organised Crime (Palermo Convention), 2000 (signed 13 December **2000**; not ratified to date)

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Victims of Non-international Armed Conflicts (Protocol II), 1977 (accession 21 March 1990). The interesting fact is that all the above UN Conventions were originally acceded to by the UN Council for Namibia on behalf of Namibia on 18 October 1983, which is another illustration of how pre-Independence foreign policy and diplomacy impacted on the Republic of Namibia's post-colonial foreign relations and policy.

36 The Prevention and Combating of Terrorist Activities Act, 2012 (No. 12 of 2012) requires Namibia to become a state party to these UN Conventions, particularly the International Convention for the Suppression of the Financing of Terrorism, 1999; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, with Resolution 3166(XXVIII) of the UN General Assembly, 1973; and the International Convention for the Suppression of Terrorist Bombings, 1998.

37 LAC (2001:7).

- Convention for the Suppression of the Financing of Terrorism, 1999 (signed 10 November **2001**; not ratified to date), and
- Convention against Corruption, 2003 (signed **2003**; not ratified to date).

In the domain of anti-money laundering policy and legal frameworks, Namibia has made significant progress. The country acceded to the international provisions of the Financial Action Task Force (FATF), originally established by the then G7 Summit in Paris in 1989. Since then, the FATF has evolved into an international non-governmental organisation whose purpose is to develop and promote national and international policies to combat money laundering and the financing of terrorism.

Since 1990, the FATF has agreed upon a number of recommendations (also known as *standards*) to respond to the evolving global threat of money laundering. At the time of writing, these recommendations/standards amount to 40 plus 9 (40+9). At SADC level, the Eastern and Southern African Anti-money Laundering Group (ESAAMLG) was launched in August 1999 in Arusha, Tanzania. Namibia is a member of the ESAAMLG, and following the events of 11 September 2001 in the US, the ESAAMLG expanded its scope of work to include the countering of funding for terrorists.<sup>38</sup> Based on a Memorandum of Understanding amongst ESAAMLG member states, Namibia undertook to systematically adopt and implement the FAFT 40+9 recommendations/standards. ESAAMLG became an Associate Member of the FATF in June 2010. Namibia, in common with other member states, has engaged in an internal audit process as well as being subjected to inspections by the FATF on the status of its legal and policy frameworks to determine the extent of compliance.

In terms of common law, the High Court of Namibia has an extensive jurisdiction which can be invoked in a transnational crime or offence, such as money laundering, if a significant portion of the activities constituting that offence took place in the country and if no reasonable objection thereto can be raised in international comity.<sup>39</sup> In addition, the jurisdiction of Namibian courts can be extended by expressly providing for an extended or concurrent jurisdiction in an Act of Parliament.

In December 2012, the Namibian Government promulgated the Prevention and Combating of Terrorist Act, 2012.<sup>40</sup> With this Act, Namibia acceded to the FATF regulations and ratified the key UN protocols, mentioned above.

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38 Bank of Namibia (2011:7).

39 The following pieces of legislation provide for extended and/or current jurisdiction: Merchant Shipping Act, 1951 (No. 57 of 1951); Aviation Act, 1962 (No. 74 of 1962); Civil Aviation Offences Act, 1972 (No. 10 of 1972); Protection of Information Act, 1982 (No. 84 of 1982); Prevention of Organised Crime Act, 2004 (No. 29 of 2004); Anti-corruption Act, 2003 (No. 8 of 2003); and Financial Intelligence Act, 2007 (No. 3 of 2007), as amended in 2012.

40 No. 12 of 2012.

Following this brief exploration of the domains of crime, terrorism, drugs, and peacekeeping, as well as Namibia's obligations under international law in respect of these domains, other dimensions of security and their interface with foreign policy objectives will now be examined. The most important of these include environment, marine resources, health, human rights, refugees and stateless persons, and trade.

### ***Environment***

Since Independence, Namibia has emerged as a shining example to Africa and the world in terms of environmental protection and security. The country has earned an enviable status internationally for protecting and securing its biodiversity and for its efforts to practise integrated natural resource management.

The following is a brief and incomplete presentation of some of the most salient international protocols and conventions on the environment that Namibia has either signed or ratified:

- UN Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 (accession 18 December 1990; effective 18 March **1991**)
- Agreement for the Establishment of Southern African Centre for Ivory Marketing (SACIM),<sup>41</sup> 1991 (in force since 20 June **1991**)
- Vienna Convention for the Protection of the Ozone Layer, 1985 (accession 20 September **1993**)
- Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 (accession 20 September **1993**)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 (accession 15 May **1995**)<sup>42</sup>
- UN Convention on Wetlands of International Importance, especially as Waterfowl Habitat, 1971 (Ramsar Convention) (accession 23 December **1995**)
- Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982 (came into force 1 October 1986; accession 23 December **1995**)
- UN Framework Convention on Climate Change, 1992 (signed 12 June 1992; ratified 16 May **1997**)
- UN Convention on Biological Diversity, 1992 (signed 12 June 1992; ratified 16 May **1997**)
- Cartagena Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, 1994 (signed 24 October 2004; ratified 16 May **1997**)

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41 SACIM was changed to the Southern African Convention for Wildlife Management (SACWM) in 1996.

42 Namibia did not agree to every amendment to the Basel Convention.

- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at the Second Meeting of the Parties at London on 29 June 1990 (ratified 6 November **1997**, with the exception of some amendments)<sup>43</sup>
- UN Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972 (accession 6 April **2000**)<sup>44</sup>
- UN World Heritage Convention, 1975 (accession 6 April **2000**)<sup>45</sup>
- SADC Protocol on Wildlife Conservation and Law Enforcement, 1999 (ratified 6 April **2000**)
- SADC Revised Protocol on Shared Watercourses in the Southern African Development Community Region, 2000 (ratified 19 June **2001**)
- UN International Convention on Civil Liability for Oil Pollution Damage, 1969 (accession 9 October **2001**)
- UN International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1997 (accession 9 October **2001**). and
- Copenhagen Climate Conference Declaration, 2009 (signed **2010**, but not ratified to date).

In April 2007, Dr Kaire Mbuende, former Ambassador and Namibia's Permanent Representative to the UN, delivered a comprehensive statement on the relationship between energy, security and climate to the UN Security Council. In his statement, he highlighted the impact of climate change on health, rainfall, biodiversity, and food security, among other things.

From the brief overview above of some of the principal international legal conventions and protocols that Namibia has either signed or ratified, it is clear that the country has a sound record on environmental security-related issues such as the preservation of biodiversity. In this respect, considerations of environmental security do in fact support other developmental (notably tourism) and foreign policy objectives.

### ***Marine resources***

Given the economic and strategic importance of the marine environment, it is not surprising that Namibia has either acceded to or ratified various international conventions and protocols on the protection of marine resources. What follows is an incomplete listing of such legal instruments to which Namibia subscribes:

- UN Convention on the Law of the Sea, 1982 (signed 10 December 1982; ratified 18 April **1983**)<sup>46</sup>

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43 LAC (2001:10).

44 See [www.epi.freedom.org/whtrty.htm](http://www.epi.freedom.org/whtrty.htm); last accessed 9 May 2011.

45 See [www.unesco.org/whc](http://www.unesco.org/whc); last accessed 9 May 2011.

46 Namibia was represented by the UN Council for Namibia as stipulated in Article 305, paragraph 1(b) of the Convention.

- Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995 (signed 19 April 1996; ratified 8 April **1998**)
- Protocol on the Privileges and Immunities of the International Seabed Authority, 1998 (signed 24 September **1999**; not ratified to date)
- Convention on the Conservation of Antarctic Marine Living Resources, 1980 (accession 29 January **2000**; not ratified to date), and
- Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean (ratified 15 November **2001**).

In addition to these international conventions and protocols on marine resources, Namibia has proclaimed an Exclusive Economic Zone along its coastline with the express purpose of protecting the sensitive and lucrative marine ecosystems dominated by the Benguela Current. The Government policy and legal framework that guides sustainable management of aquatic living fisheries resources, is entitled *Towards Responsible Development of the Fisheries Sector* (1991). This framework was reviewed in 2004, when the monitoring, control and surveillance aspects were strengthened to comply with international fisheries conservation and management standards.<sup>47</sup>

### ***Health***

Health is a further policy domain where the accession to international regulations and standards work in support of foreign policy objectives such as human development and enhancing human security. There are essentially four primary legal and policy frameworks – in addition to the assistance provided for by other states such as the US<sup>48</sup> and agencies of the UN – that guide independent Namibia. These are –

- the International Sanitary Regulations, 1951
- the Constitution of the World Health Organization (WHO), 1946 [as amended] (signed 23 April **1990**)
- the Commonwealth Regional Health Community for East, Central and Southern Africa (accession 19 December **1991**), and
- the SADC Protocol on Health, 1999 (ratification reported, but date not located).

### ***Human rights***

The domain of human rights is the last area of policy and politics that has a direct influence on the complex nexus between foreign policy behaviour and security in its different dimensions. As argued at the outset of this chapter, Namibian foreign policy in the post-Independence period has been profoundly normative: the country started out as a

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47 Republic of Namibia (2010:201).

48 See the chapter by William A Lindeke on Namibia–USA relations in this volume.

‘norm entrepreneur’,<sup>49</sup> basing its foreign policy and relations on considerations of human rights and development. It is thus to be expected that Namibia would have acceded to, and ratified, various international public law human rights conventions and covenants. In retrospect, that has indeed been the case. It is the ratification and systematic adherence to such frameworks however, that show that more than two decades after Independence, there is indeed room for improvement.

Of the numerous international human rights conventions and protocols that Namibia signed or ratified since Independence, the following are especially noteworthy:

- International Convention on the Elimination of All Forms of Racial Discrimination, 1966 (accession 11 November **1982**; not ratified to date)
- Convention on the Rights of the Child, 1989 (signed 8 September 1990; ratified 30 September **1990**)
- Convention on the Elimination of All Forms of Discrimination against Women, 1979 (accession 23 November **1992**)
- African Charter on Human and People’s Rights, 1981 (accession 30 July **1992**)
- Convention on the Preservation and Punishment of the Crime of Genocide, 1948 (accession 28 November **1994**; not ratified to date)
- International Covenant on Economic, Social and Cultural Rights, 1966 (accession 28 November **1994**, not ratified to date)
- International Covenant on Civil and Political Rights, 1966 (accession 28 November **1994**)
- Optional Protocol to the International Covenant on Civil and Political Rights (accession 28 November **1994**)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (accession 28 November **1994**)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty, 1989<sup>50</sup> (accession 28 November **1994**)
- African Charter on the Rights and Welfare of the Child, 1990 (signed 13 July **1999**)
- Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 2000 (accession **2000**, but not to all amendments)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (signed 8 September **2000**)
- Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography (signed 8 September **2000**), and

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49 For another application of the construct of a *norm entrepreneur* with reference to South Africa’s foreign policy after isolation and the transition to democracy, see Geldenhuys (2006:93–107).

50 See *Namunjepe & Others v Commanding Officer, Windhoek Prison & Another* 1999 NR 271 (SC) at 284Hff; see also LAC (2001:14).

- Protocol to African Charter on the Establishment of African Court on Human and People's Rights (signed 9 June 1998; ratified 7 November **2000**).

Given the constitutional provisions on the protection of human rights and the more general normative and idealist grounding of the country's foreign policy and relations that privilege international cooperation and the peaceful resolution of conflict, human rights provisions – while clearly important – should have weighed more heavily in respect of the recent conflict in Zimbabwe and regular violations of human rights (particularly those of women) in the DRC, for example.<sup>51</sup> Namibia should act more systematically as a 'norm entrepreneur' in SADC and beyond. In retrospect, it is clear that Namibia has found it difficult to act independently on human rights issues in fellow SADC member states.

The last issue this chapter wishes to address is that of Namibia's position on UN reform, particularly as regards the UN Security Council, since it could impact on the nexus between foreign relations and security.

## UN reform

Since 2008, as a member of the AU Committee of Ten Heads of State and Government, Namibia actively supported UN reform – particularly of the Security Council. In common with other AU member states, Namibia put forward a proposal for Africa to be represented on the Security Council. As shown in the chapter in this volume that explores the country's relations with the UN,<sup>52</sup> Namibia has served in various capacities within the international body, including having one of the Vice Presidents of the UN Security Council (2008–2009) as President of the UN General Assembly (2000–2001) when the Millennium Development Goals were agreed on, and as Chair of the UN Commission on Narcotic Drugs (2008–2009).

As a new constitutive element and norm in public international law, which was brought up by former UN Secretary General Kofi Annan, the theme of "Responsibility to Protect" (R2P) widens the definition of human security and provides a basis for UN member states to intervene in the domestic affairs of other countries in the case of 'mass atrocity crimes'. Although there is no official correspondence or policy in existence to this effect, the Namibian diplomat at the UN spoke in favour of the R2P.

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51 For a critical reading of Namibia's policy on Zimbabwe, see Melber (2008:6). See also Hengari (2009:7).

52 See the chapter by Kari Egge in this volume.

## Conclusion

This cursory chapter has explored, with reference to select cases, the complex nexus between security – in its different dimensions and referents – and the foreign relations of Namibia since Independence in 1990. The chapter has shown that, in terms of both policy articulation and constitutional framing, there is an appreciation of the nexus between security and foreign policy considerations.

Harnessing select case studies such as the reintegration of Walvis Bay and the Penguin Islands, participation in various peacekeeping and peace support operations in the SADC region and beyond, the peaceful resolution of the dispute with Botswana over the Kasikili/Sedudu Island, military engagement in the DRC (1998–2001), and accession to various international legal instruments on aspects of political life with security implications, there is compelling evidence that Namibia values the primacy of different forms of security, both classical (national/state-based and new forms of human security) and their relationship to foreign policy and national development.

The analysis also showed that Namibia has not acted resolutely and consistently in respect of every foreign policy case where human rights and other aspects of human security were threatened. This was so, for example, in the conflicts in the DRC and Zimbabwe. In both cases, Namibia's foreign policy behaviour reflected older forms of solidarity politics emanating from the former liberation struggles in the region, as well as divisions within SADC. Rarely did Namibia act within a normative corset on these issues, and in doing so, undermined the idealist seam of its foreign policy that privileges a 'peace through law' approach.

In respect of new forms of security such as the environment, inclusive of the marine environment and safeguarding of biodiversity and global warming, Namibia's overall record in Africa is enviable. The country has emerged as one of the leading voices when it comes to environmental protection and duly deserves credit for this. When it comes to other forms of security, such as peacekeeping and peace support operations and keeping Africa as a nuclear-free continent, Namibia's record has been admirable. It is within the normative domain of human rights and their centrality for any conception of human security, however, that Namibia could have acted more credibly and decisively. There is a role for Namibia as a new and small state to reignite its role as 'norm entrepreneur' in SADC and beyond. In this respect, various pointers can be found precisely in the way the country acted constructively in resolving earlier conflicts, such as those over Walvis Bay and the Penguin Islands, and over Kasikili/Sedudu Island.

Finally, this chapter concludes that there is a need for additional policy-focused research on the foreign relations of Namibia, particularly since these are often poorly

communicated to the public and there may indeed be a need to “democratise our Foreign Policy”.<sup>53</sup> It is with such an understanding that this exploratory chapter was written.

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