

Namibian Foreign Policy: Transformation and Emerging Global Orders (1989-1999)

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*The world of the things that come into being as the
result of action, materialises through thinking.*

(Ibn Khaldun 1958:II,413)

*... foreign policy is really, in a nutshell, the reflection
of domestic policy.*

(Theo-Ben Gurirab, Minister of Foreign Affairs, In-
formation and Broadcasting, 1990)

The end of the Cold War, as well as the promise and challenge of globalisation, with deep shifts in the world economy, reconfigurations in political space, and the rise of new and older forms of cultural identity, portend both opportunities and constraints for States. This is especially true in the case of new and altered States – such as Namibia – that were a constituent part of global transformation and the emergence of new global orders.

An important part of the hegemonic structure of world orders is the dominant role of international financial institutions (IFIs), notably the World Bank and the International Monetary Fund (IMF), in the global financial structure. With it came a dominant form of power relations in production – the globalisation of manufacture. Regional impulses, too, were getting stronger: partly in response to globalisation, partly for economic, political and security reasons.

In the wake of the end of the Cold War, human security was becoming both more complex and broader, with increasing emphasis on “low politics” as opposed to “high politics”.¹ There was also a growing realisation of the socio-economic import and transnational nature of global security. For southern Africa, too, regional security became increasingly interdependent, as was evidenced in, among other things, the ongoing conflict in neighbouring Angola and the Great Lakes region.

Namibia claimed her independence on 21 March 1990, at a time when the old certainties of the Cold War and the attendant superpower rivalries driven by bipolarity, ended. The very fabric of international society underwent profound change, as did the relationships which characterised this system. The end of the Cold War

¹ For classical realists, “high politics” is the domain of the State. It covers matters as vital as war and peace. In contrast, “low politics” includes economic, environmental and social issues.

also brought a decline in the importance of ideological considerations, both in domestic and foreign policy.

In the recent past, superpower rivalry has, paradoxically, in the words of Schrire (1991:124), “contributed to and restrained regional conflicts”. In Namibia, the former Soviet Union contributed to sustaining the conflict through its military support for the South West African People’s Organisation (SWAPO), thus giving SWAPO the capability to engage in, and sustain, armed struggle. However, the former Soviet Union also supported international diplomatic efforts to bring an end to one of the southern African region’s most destructive and intractable conflicts. The end of the Cold War saw the implosion of this conflict.

The death of the icons of the Cold War not only brought an end to ideological politics over security, but removed the new State’s potential ability to play on erstwhile ideological rivalries as well. With this came a more creative foreign policy posture, one that is strongly informed by domestic, developmental, regional and global economic considerations.

Foreign Policy

Traditionally, *foreign policy* has been understood as the activities and processes whereby State actors act, react and interact. Understood in this way, foreign policy has been seen as profoundly State-centric and as a boundary activity. The term *boundary* implies that those making foreign policy straddle at least two environments: an internal or domestic one, and an external or global one. Understood in this way, the policy-makers and the policy system stand at these junction points, therefore, and seek to mediate between the various environments.

The internal, or domestic, environment forms the primary context against which policy is made and implemented. Thus, factors such as the resource base of the State, its geographic position, the structure and level of development of its economy, its demographic and human resources profile, its leadership potential, and its ideology and national values (such as those contained in its constitution) form the domestic or internal context. The international, or external, environment is where policy is actually implemented. Of necessity, the implementation of policy involves other factors, and their reactions will feed back into the policy-making process and system, thus forming part of the context and environment upon which future policy will be made. This attempt to create a reality upon which policy can be made is generally referred to as the *definition of the situation*. It is a necessary prerequisite to understanding the environment and, therefore, to making policy decisions.

In line with most other States, Namibia, too, approaches the international environment from a national and regional perspective. Geopolitics sets the parameters for this particular form of regionalism, with the State having to react to its neighbours in important aspects of policy such as trade, monetary and fiscal matters.

Similarly, cooperation, trade and economic integration take place at the regional level. Regional fractures, such as Angola, decisively shape Namibia's foreign policy as well.

The actual conduct of foreign policy is primarily based within the institutional framework of the State, although (as will be shown later) not to the exclusion of other agencies such as multinational corporations (MNCs) and non-governmental organisations (NGOs). What are defined as vital matters of "national interest" are normally handled by the Executive (or the Head of State) along with a small number of loyal supporters and trusted advisers. Such matters are normally referred to in the literature as *high politics* and would include issues such as peace and security as well as questions vital to the welfare of the State, its interests, and its people. Conversely, *low politics* refers to matters of a routine nature, as well as to a new agenda of issues which have become much more important since the end of the Cold War, such as crime, the environment, health and migration, to mention but a few. Clearly, these categories are not hard and fast and a particular issue area may change in its relative significance.

Classical or traditional realists² might want to suppose that foreign policy is formulated on the basis of rational calculations of advantage and disadvantage, with the policy-makers acting as a unified system. As this chapter will show, there is good reason to doubt that this view is particularly useful. In recent years the bureaucratic politics approach has sought to emphasise that the decision-makers and organisations that make foreign policy are not unified. As a result the policy that emerges may represent a compromise between various points of view or the triumph of one organisational perspective (or its interests) over another. In the case of new States such as Namibia, Presidents and the Executive often dominate aspects of their countries' foreign policy.

The implementation of foreign policy decisions requires States to harness instruments such as military, technological, economic and leadership capabilities. In the final analysis, however well endowed a State may be with the capacity to act to advance its interests, the skill and determination of its diplomats and the conduct of its diplomacy may be crucial to the outcome. It is useful to distinguish diplomacy from foreign policy. Whereas *diplomacy* refers to the manner of conducting one's foreign relations, *foreign policy* refers to the matter. The latter remains the most useful term to use to encapsulate a State's relations with the outside world.

Against this wider theoretical and global canvas, it needs to be said that the study of the foreign relations and policy of small and new States, such as Namibia, is a relatively new and under-researched aspect of the study of world politics. Tradi-

² "Classical" or "traditional" realists departed from the premise that the international system of States was anarchic and conflict-bound. Through the mechanism of the "balance-of-power" and military alliances, order and peace could be brought.

tionally, the focus of much of the academic literature has generally been upon the foreign relations of Great Powers.

Since the pioneering scholarship of Fox (1959) and Vital (1967), much has been achieved. Selwyn (1975), for example, edited a useful compilation entitled *Development policy in small countries*, while Barston (n.d.) suggested criteria for distinguishing small States from middle and big (powerful) States. In Barston's (*op. cit.*) analysis, most small States face a common problem: defining an appropriate relationship between national capability and policy. Many small States have only a limited machinery for conducting external relations. The foreign ministry is often relatively small, "evidence of the significance of economic considerations" and – one could add – national development. Moreover, small States normally pursue a more limited range of policies (compared to "middle range" States and "Great Powers") which are usually distinguished by their high commercial content and regional preoccupation. Conversely, some of the comparatively advanced small States such as Finland and Norway pursue active intraregional as well as extraregional economic and trade relations.

Another matter of special interest is that of the security of small States. Meyns (1990: 147) shows how small States often enhance their security by entering into bilateral and multilateral agreements with regional neighbours. In most cases, geographic location and economic and trade dependence significantly shape the pattern and scope of their foreign relations.

These observations are also pertinent to Namibia, whose foreign policy and relations are based on a sober and generally realistic assessment of the country's capabilities and development needs. Coming from a potentially radicalising tradition of armed struggle against South African neocolonialism, it is understandable, however, that the new Government has by and large sustained relations with former allies in the struggle: Algeria, Angola, Cuba, Egypt, India, Libya, the Nordic countries, the People's Republic of China, the Russian Federation, Tanzania, and Zambia, among others.

Given Namibia's considerable dependence on foreign assistance and direct foreign investment (DFI), its foreign policy is intimately linked to its overall development efforts as announced in, among other official documents, the First National Development Plan (NDP1), Trade Policy and more recently, the more ambitious Vision 2030. Moreover, spatial and regional inequality in the social economy plays an increasingly important role, as is evidenced in the recent emphasis on spatial development initiatives such as the Export Processing Zones (EPZs) in Walvis Bay, Oshikango, Rundu and Katima Mulilo.

Understandably, bilateral relations with South Africa – especially in finance, trade, communication, investment, fisheries, mining, and tourism – are of special importance. In the domain of cross-border security, too, Namibia and South Africa cooperate on the combating of drugs, "illegal" migrants and crime syndica-

tion. Since Independence, core trade and investment links between the two countries have been maintained and strengthened in some respects. At the same time, however, Namibia actively seeks to promote efforts aimed at greater economic self-reliance, among others through EPZs and a liberal investment regime under the Foreign Investments Act, 1990 (No. 27 of 1990).

An important strand in policy is that of the protection and sustainable utilisation of the country's natural resources, such as its marine and mining resources. It is not surprising, therefore, that one of the first pieces of legislation to be passed soon after Independence was the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (No. 3 of 1990).

Namibia's foreign policy is also anchored in a commitment to regional and continental peace. In this respect, President Sam Nujoma, in his opening address to the First Session of Parliament on 15 May 1990, stated *inter alia* that –

... Namibia, in foreign policy, would play a constructive role to reduce tensions in the conflict zones of the world and to promote international co-operation and dialogue. Namibia, through its membership of the UN, the Non-Aligned Movement, the Organization of African Unity and the Commonwealth would contribute its quota, however insignificant, to the promotion of world peace and security.

Article 96 of *The Constitution of the Republic of Namibia*, in the Chapter entitled “Principles of State Policy”, outlines the following in respect to the new State's foreign relations:

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.

Sources

Namibia's foreign policy is anchored on a diversity of principal sources. These include (Gurirab 1999b:7):

- the Constitution (especially Article 96)
- all relevant laws, treaties and international agreements
- Cabinet decisions
- the NDP
- election manifestos of the governing party
- public policy statements of the Head of State and other key members of Cabinet, and
- Hansards and votes cast or formal positions taken in international and regional fora.

Regional relations of a bilateral and multilateral nature have taken precedence since Independence. On 1 April 1990, Namibia became the tenth member of the Southern African Development Co-ordination Conference (SADCC; renamed the Southern African Development Community, SADC, in August 1992). Namibia went on to join the Common Market of Southern and Eastern Africa (COMESA), the Southern African Customs Union (SACU) and the Common Monetary Area (CMA). Namibia has also entered into various bilateral agreements with its neighbours. These include a bilateral monetary agreement with South Africa (April 1990); an agreement between Namibia and Botswana on cooperation in culture and education (July 1990); a protocol of understanding between Namibia and Botswana on defence and security (July 1990); an agreement on a Namibia/Zambia joint permanent commission of cooperation (August 1990); an agreement between Namibia and Zambia regarding the supply of electric power (August 1990); a general agreement of cooperation as well as a joint commission of cooperation between Namibia and Angola (September 1990); a joint water committee with Botswana (November 1990); a memorandum of agreement for the supply of water between Namibia and South Africa (November 1990); and an agreement for the establishment of a joint commission of cooperation between Namibia and Tanzania (April 1991).

In addition to these bilateral agreements, Namibia has ratified various SADC Protocols on Trade, Education and Training, Energy and the Combating of Drugs, among others.

South Africa

Arguably, Namibia's bilateral relations with South Africa – the former coloniser – are of special importance to the new State. As Namibia's Minister of Foreign Affairs, Theo-Ben Gurirab's first major statement on foreign policy to the National Assembly spoke passionately about South Africa and the prospect of peace in that country. While the overtures of the former De Klerk Government were recognised, Namibia (in concert with much of the rest of the world) demanded the commencement of inclusive negotiations between the De Klerk Government and the black majority as represented by the African National Congress (ANC) and the Pan-African Congress (PAC). Initially the former apartheid Government in South Africa established an Interest Office in Windhoek while, at the same time, the new Government in Windhoek allowed a Representative of the ANC to operate in the country. Namibia did not reciprocate with a similar arrangement in South Africa. The Namibian High Commission in Pretoria was only opened two years after Independence.

This arrangement did not find universal favour with the opposition parties in the National Assembly. Moses Katjuongua of the Namibia Patriotic Front (NPF), for example, saw Namibia's foreign policy as "ambiguous" and carrying risks for the

country's territorial integrity and its relations with its neighbours and other nations (*Debates of the National Assembly*, 1990, Vol. 2:28). The Namibian Government's decision to be guided by the ANC on its policy towards South Africa, in particular in its support for sanctions against the former minority white Government, too, were cited by Katjiuongua as evidence of inherent contradictions and ambiguity in policy.

Katjiuongua quoted the famous dictum of the 19th century British statesman, Lord Palmerston: "Nations have neither permanent friends, nor permanent enemies, but rather permanent interests". He suggested that this should guide "the conduct of our foreign policy at all times" (*Debates of the National Assembly*, 1990, Vol. 2:30).

As a constitutional democracy, the point of departure for Namibia's foreign policy, as indeed for all other policies, ought to be the "Principles of State Policy" contained in Article 96 of the Constitution. Katjiuongua saw these principles as the foundation upon which a consensus could emerge on questions of foreign policy. However, the said principles fall short of a foreign policy. Foreign policy had to be forged in the context of a fast-changing world and the loss of older certainties.

Initially, bilateral relations with South Africa were dominated by four principal issues: the need for comprehensive negotiations in that country that would end apartheid, the question of Walvis Bay and the offshore islands, the southern boundary along the Orange River with South Africa, and the matter of the new State's inherited debt incurred by the previous Interim Government. Extensive trade and economic relations as well as security and political considerations provided core interests that drove policy.

The issue of Namibia's diplomatic representation, too, generated much debate in the National Assembly. From the outset, questions were raised as to whether Namibia would be able to afford 18 missions abroad. A related question was the prioritising of locations and countries where Namibia should have a diplomatic presence, e.g. whether it was more important to have an embassy in Cuba or in Germany. The Prime Minister was also questioned on the criteria governing the appointment of personnel, particularly as regards whether this would be in terms of the Public Service Act, 1995, or in terms of Article 32(3)(i)(ee) of the Constitution. A related matter was that of the ethnic and party-political affiliation of the first ambassadors and high commissioners.

On the latter, ethnic and party-political affiliation, the former Deputy Minister of Foreign Affairs, Netumbo Nditwah, denied emphatically that either ethnic affiliation or party-political allegiance played any part in the appointment of the country's diplomats. She went on to state that "... the President of the Republic did not, does not, and will never appoint officials on the basis of ethnic considerations, but only on the basis of merit, competence, dedication and, above all else, loyalty to the Republic of Namibia" (*Debates of the National Assembly*, Vol. 12, 30 May

1991:22-23). Her assurance notwithstanding, these matters were again raised in the local media, when it was asserted that out of the 18 key diplomatic postings, only two were held by non-Oshiwambo-speaking Namibians (*The Namibian*, 5 December 1998).

In a wide-ranging policy statement to the National Assembly in 1990, the Minister of Foreign Affairs outlined the domain values and beliefs that informed foreign policy. He saw Article 96 as foundational to the policy, but emphasised equally that none of the domain values and beliefs outlined in that Article constituted foreign policy. On the conceptualisation, formulation, “analysis, co-ordination and implementation” of policy, he recognised three primary actors: the President, the Foreign Minister, and Parliament – with the latter serving a “watchdog and overseer function” (*Debates of the National Assembly*, 19 July 1990, Vol. 3:202). Under the Constitution, therefore, it is the Head of State who is empowered to negotiate and sign international agreements and to delegate such power to the Foreign Minister or to any other appropriate Minister.

The foreign policy of a country “... is or ought to be a mirror-image of its domestic policy. ... (O)ne cannot profess abroad, either on legal, political, or moral grounds, something which does not have its sources here back home” (*Debates of the National Assembly*, 19 July 1990, Vol. 3:202). State-building, necessary for the consolidation of independence and “the operationalisation of our policy of national reconciliation and unity” (*ibid.*), had to take precedence.

Significantly, and appropriately, the Foreign Minister underlined the earlier, and rich, foreign policy conceptualisation and experience of SWAPO as a liberation movement. In this respect, Minister Gurirab continued (*Debates of the National Assembly*, 19 July 1990, Vol. 3:203) –

[A]s a national liberation movement SWAPO maintained some 27 foreign missions on all the continents except Antarctica. I was busy thinking about Antarctica and then the 435-process commenced and I dropped the idea. Our President, our Prime Minister and most of the members of the Cabinet of the day are well-known and respected personalities internationally. They have been interacting and doing business with missions, countries, governments, organisations and individuals, thinking and planning together with them this day, with Namibia’s nationhood, in mind.

The Foreign Minister cited the convergence on Windhoek of some 2 500 world leaders and notables at Independence as proof of international support for the new State. He went on to state (*ibid.*) that he had personally “signed more than one hundred agreements on the establishment of diplomatic relations with various countries of the world”. The President had received letters of credence or commissions of some 21 ambassadors and high commissioners, all within the first four months of independence.

Minister Theo Ben-Gurirab saw the presence of so many foreign missions as a “big plus for our society and economy”, since they brought international friend-

ship and confirmation that Namibia belonged to the Committee of Nations (*Debates of the National Assembly*, 19 July 1990, Vol. 3:204). Trade and investment, however, were accorded special priority, as was evidenced by the successful June 1990 Donors' Conference held in New York. The G-7 countries³, at their meeting in Houston, Texas in the United States, too, voted Namibia as a "model country", especially in Africa.

The Ministry of Foreign Affairs mounted its first diplomatic training programmes with the technical cooperation of the Commonwealth Secretariat. The initial intake comprised 43 Namibians and two Swazi nationals. The Ministry then made recommendations to the President on the appointment of the country's first diplomats.

Namibian foreign policy is strongly multilateral, as evidenced by the country's membership of various international and regional organisations. Among these are the United Nations and its Specialised Agencies, the Organization of African Unity (OAU), the Commonwealth, SADC, COMESA and the Lomé Convention as a member of the ACP countries (Africa, the Caribbean and the Pacific). Through Lomé IV, Namibia enjoys associated membership of the European Union (EU).

The Minister of Foreign Affairs, while emphasising Namibia's participation in world affairs, nonetheless underlined that the country is "a small, poor African state, whose fate and fortune are intertwined in so many ways with the one destiny of Africa". He added that this was why Namibia would always strive to have warm, friendly and productive relations with its immediate neighbours (*Debates of the National Assembly*, 18 July 1990, Vol. 3:205).

On Namibia's representation abroad, Minister Gurirab indicated that Cabinet had approved the establishment of 18 embassies and high commissions. This, however, was a long-term projection. Shortly after Independence, in the 1990/91 fiscal year, the budgetary allocation for the Ministry was a modest R45 million.⁴

Angola

The ongoing fracture of Angola has weighed, and continues to weigh, heavily on the minds of many Namibians. This is hardly surprising since the two countries share a common history, a common border, a rich exile experience and extensive cultural and linguistic ties. In the words of the Namibian Foreign Minister, "We are deeply concerned about the suffering and bleeding that continues there" (*Debates of the National Assembly*, 19 July 1990, Vol 3:207).

Significantly, Minister Gurirab saw the signing of the December 1988 tripartite New York Accord, which opened the way for the withdrawal of Cuban forces from Angola, as having had the potential to bolster the prospects for peace in this

³ Canada, France, Germany, Italy, Japan, the UK and the USA

⁴ R1 = N\$1. The Namibia Dollar (N\$) was introduced in 1994.

neighbouring country. He saw foreign interference in the form of military and financial assistance to the *União Nacional de Indêpença Total de Angola* (UNITA) as “prolonging the suffering” of the Angolan people, and expressed Namibia’s willingness to encourage and actively support negotiations between UNITA and the Angolan Government. Since this early foreign policy statement on the question of Angola, Namibia has consistently strived to carve for herself a relatively independent position on the matter. More recently, Namibia has actively worked in support of the United Nations Angola Verification Mission I and II (UNAVEM I & II) mandate and the former UN envoy to Angola, Ambassador Blondin-Baye, and his tireless efforts to bring peace to that war-torn country. Namibia is also an active participant in UN peace-keeping efforts in Angola.

Since Independence, Namibia has entered into various bilateral agreements with Angola. These cover issue-areas such as energy, border security and water. Angola is an important and natural hinterland for Namibian business; and through the recently-established EPZ in Oshikango, which lies near the common border between the two countries, they have significantly increased their bilateral economic and trade relations.

Africa

Namibian foreign policy, while predominantly concerned with key economic and trade relations such as those under Lomé IV and with regional matters, has nonetheless also concerned itself with wider international questions in Africa. Two interesting examples include the conflict in the Western Sahara and the right of the Palestinian people to self-determination. On the Palestinian question, for example, the Namibian Government supports the struggle of the people for self-determination and statehood under the leadership of the Palestine Liberation Organization (PLO).

In its own way, Namibia has tried to lessen the divides created by the principal fractures on the African continent: Angola, Western Sahara, Chad, Sudan and more recently in the Democratic Republic of the Congo (DRC). The DRC is arguably one of the most controversial and expensive foreign policy adventures Namibia has undertaken since Independence. Available evidence suggests that the decision to deploy some 300 members of the Namibian Defence Force (NDF) in support of President Laurent Kabila’s embattled Government was taken by the Namibian Head of State without prior discussion at Cabinet level. Parliament, too, was sidelined, while the nation was subsequently informed of the decision by way of a televised address by the President.

The decision to intervene in the internal conflict in the DRC not only underlined the central position of the Head of State in matters of foreign policy, but also elevated the NDF to a position of prominence in foreign policy. In so doing, it

underscored the assertion made earlier in this chapter, namely that foreign policy is rarely made by unitary actors. There are, indeed, competing bureaucratic and personal interests involved in the making and conduct of foreign policy.

Economic Diplomacy

As argued previously, economic considerations weigh heavily in determining the thrust of Namibia's foreign policy. The Lomé IV Convention, ratified by Parliament on 19 December 1990, provides a key economic regime under which the country's trade relations with the EU are conducted. In June 1992, Namibia also ratified the Abuja Treaty, which established the African Economic Community, and joined the World Trade Organization (WTO).

Namibia's accession to the Fourth APC/EU Convention, popularly known as Lomé IV, was especially interesting. The Ministers of Foreign Affairs and of Trade and Industry negotiated the terms of the country's accession to Lomé IV. Namibia formally acceded to the Convention when the Rt Hon. Prime Minister appended his signature to the Convention on Namibia's behalf at a ceremony held in the Council of Ministers' building in Brussels, Belgium. This was made possible by the inclusion of a special provision contained in Article 364 of the Convention, which specifically allowed Namibia to accede to the Convention after it had already been signed by the parties to the agreement.

In an attempt to enhance trade and investment, the Government has deputed commercial counsellors to its foreign missions in Bonn, London and Brussels. There are also trade representatives in Asia and the emerging markets in select Arab countries. At home, the Ministry of Foreign Affairs collaborates with that of Trade and Industry in the mounting of trade fairs. Over the past nine years of independence, notable achievements in the economic and trade field include –

- the export of beef to the EU
- Nakara's agreement with Grunstein to market karakul products in the EU
- the entry of Namibian beef into the Polish market
- the export of table grapes (mostly to Austria), and
- the export of marine and fisheries products to the EU, Zimbabwe and, more recently, to the DRC.

The country's one-stop Investment Centre, which was instrumental in the drawing up of the Special Incentive Package for Industrial Development (for example as in the case of Arandis), is indicative of the importance of trade and investment for the new State. Under the "Special incentives for manufacturers and exporters" in the said Package, various tax regulations apply in the case of foreign investors and manufacturers. In an attempt to establish Namibia as a gateway location in the southern African region, preferential market access to the EU and the USA is

provided. Another important string in this bow is a coherent fisheries policy and the growing economic importance of this sector since Independence.⁵

The overall importance of trade, investment and general economic relations has elevated the Ministry of Trade and Industry, and the Minister, to a position of prominence in the foreign policy field. This, in turn, has introduced an element of bureaucratic rivalry and resource competition between the two Ministries at stake here, and has at times undermined coordination between them at operational level.

Namibia and Germany signed a Protection of Investment Agreement in 1993 (a similar agreement was signed with the United States in 1995). Germany is Namibia's biggest foreign donor. In 1997, Germany announced development assistance to Namibia of DM 60 million (approximately N\$151,8 million)⁶ for the next two years. The assistance was to be divided equally between financial and technical cooperation projects, respectively. At the time, Germany's overall development assistance to Namibia amounted to DM 634 million (N\$1,585 billion) since Independence in 1990.⁷ In comparison, Swedish bilateral assistance to Namibia over the same period amounted to N\$600 million.⁸

Multilateralism

The country's foreign policy operates largely within the corset of multilateralism as determined by the global economy. For example, Namibia participated in the Second Tokyo International Conference on African Development (TICAD II) in June 1998. On that occasion, Foreign Minister Gurirab emphasised the need for the international community "... to review the economic, social and political conditions in Africa and to redouble its actions together with the African peoples themselves for sustainable development on the Continent" (*New Era*, 22-25 June 1998). Under the multilateral framework of the Bretton Woods institutions such as the World Bank and the IMF, Namibia sought "growth for poverty alleviation and strengthening of Africa's participation in the global economy" (*ibid.*).

Namibia is a member of the standing committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The country represents southern Africa on the committee. One of the most recent accolades accorded to Namibia was the election of Foreign Minister Gurirab as President of the UN General Assembly for the year 2000. At the time of writing, the country serves on the UN Security Council as one of its non-permanent members and took over its presidency for the month of August.

⁵ Since Independence, the fisheries sector has emerged as one of the most significant for the national economy.

⁶ At an exchange rate of DM1 = N\$2.53, as at August 2000

⁷ This figure reflects German bilateral assistance up to the end of October 1998.

⁸ This figure was reported in the local print media (*The Namibian*, 5 December 1998).

Fractures

Since Independence, Namibia has had to deal with several fractures in southern Africa. These included –

- the disputed reintegration of Walvis Bay and the offshore islands into Namibia, which was peacefully resolved in February 1994
- the Kasikili/Sedudu (and more recently, the Situngu) Island dispute with Botswana
- the ongoing conflict in Angola
- military intervention in the DRC, and
- and secessionist impulses in the Caprivi, that led to more than 2 000 Namibians leaving for neighbouring Botswana and an armed attack on selected installations in Katima Mulilo.

The Walvis Bay and offshore islands issue provided a most interesting case of how Namibia was able to enhance its bargaining power over its stronger southern neighbour, by linking its diplomacy to transformation in South Africa itself. Rather than engaging the former white-minority South African Government in unequal bilateral negotiations, Namibia chose to work through both the PAC and the ANC at a time when the embattled minority Government was negotiating a transition with opposition political formations at the CODESA talks.

Based on provisions of the Constitution, as well as on UN Security Council Resolution 432 (1978), Namibia negotiated joint administration over Walvis Bay and the offshore islands with the former South African Government, as an interim arrangement. Formal reintegration was completed on 1 February 1994. However, the reintegration process was not without its share of problems, which included claims by PortNet⁹ over infrastructure, outstanding debt for the provision of electricity and rolling stock.

The issue of rival claims to sovereignty over the Kasikili/Sedudu Island by both Botswana and Namibia ended in unsuccessful mediation by Zimbabwean President Robert Mugabe in 1995. Both Governments in the dispute then agreed to refer the matter to the International Court of Justice (ICJ) in The Hague, the Netherlands, for international arbitration. Before discussing this issue any further, its politico-legal context needs to be briefly sketched.

Kasikili/Sedudu is a 3,5 km island on the north-eastern border between Botswana and Namibia. In the rainy season the island is covered by water from the Chobe River. The dispute has its roots in the Anglo–German agreement of 1890 that defined the centre of the Chobe River’s main channel as the boundary between what were then German South West Africa and British Bechuanaland. Con-

⁹ A commercialised entity that took over the harbour network and port functions of the former South African Railways and Harbours

troverly ensued over legal ownership of the island, as well as on the question as to which was the Chobe's main channel: that to the north or the south of the island. (Namibia claimed it was the south channel, and Botswana the north.)

In 1995, following President Mugabe's unsuccessful mediation, the Namibian and Botswana Governments agreed to refer the matter to the ICJ, as mentioned previously. This decision followed unsuccessful attempts to implement recommendations contained in a report by a Namibia–Botswana Joint Technical Commission, established in 1992.

The Joint Technical Commission consisted of three members from each country. Both sides remained adamant that the island belonged to their respective territories. During its work, the Commission made use of earlier border demarcations contained in the 1890 Anglo–German and the 1892 Anglo–German–Portuguese Treaties, as well as several maps.

Namibia argued that the island belonged to it on the grounds of historical evidence, as well as its reading of the 1890 Anglo–German Treaty. Invoking the legal principle of “description”, Namibia's legal team argued that Kasikili/Sedudu was legally part of Namibia on the basis of ownership of territory through long use: Namibia's Subia people had been using the resources of the island for more than a century without any protest from the United Kingdom or Botswana. Botswana based its claim to ownership on the position of the northern channel, as well as on a 1985 bilateral agreement between itself and South Africa. Both parties made extensive use of maps and other evidence in support of their legal arguments.

Oral hearings before the ICJ started in February 1999 and were concluded on March 5 that year. The chairperson of Botswana's legal team was Deputy Attorney-General (Prosecutions), Abednigo Tafa. Chief Legal Counsel was Professor Ian Brownlie. 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 Namibian 14-member legal team was headed by Dr Albert Kawana, Permanent Secretary of the Ministry of Justice. Professor Abram Chayes from Harvard University acted as Leading Counsel. In the end, when the ICJ resolved that the island indeed belonged to Botswana, Namibia bowed to the decision graciously.

Namibia is now in dispute with Botswana over the boundaries of the Situngu Island in the Caprivi Region, but the two parties are still attempting to find an amicable solution to the issue on their own.

The country's decision to involve itself militarily in the DRC during 1998 illustrated the pivotal position of the President in matters of foreign and regional policy. According to all available accounts, the matter was not deliberated upon in Cabinet; nor was agreement sought from Parliament. In time, the unilateral nature of the decision may well be seen to have set an unfortunate precedent, since it detracted from the importance of Parliament in matters of foreign policy.

Conclusions

This discursive chapter showed how Namibia's foreign policy is strongly bilateral, regional and economic in thrust and focus. It emphasised the post-Cold War context that shaped much of the country's foreign relations and highlighted some of the key bilateral relations, such as that obtaining with South Africa. It argued that under the rubric of "economic diplomacy", much emphasis of late has been accorded to spatial development initiatives such as the EPZs at Walvis Bay and Oshikango, among others. Finally, it takes into account that regional fractures such as Angola, the legal dispute over Situngu and the conflict in the DRC are likely to shape the foreign policy environment of the new State for the foreseeable future.

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