

REPUBLIC OF NAMIBIA



**MINISTERIAL STATEMENT
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**CONSIDERATION ON THE SIGNING OF THE NEW
PARTNERSHIP AGREEMENT (NPA) BETWEEN THE
EUROPEAN UNION (EU) AND THE ORGANISATION OF THE
AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS)**

Hon. Speaker,

Hon. Members,

1. I rise to inform the House that on 15 November 2023, **interested** Member States of the Organisation of African, Caribbean and Pacific States (OACPS), and the Member States of the European Union (EU) and the European Union Commission, will sign the New Partnership Agreement, that will replace the Cotonou Agreement of Cooperation that was signed in 2000, that has expired in 2019 and extended due to various factors such as COVID-19 etc.
2. The New Partnership Agreement would be a **20-Year long, political, and legally binding document**, once signed and ratified by interested parties.
3. Negotiations for the New Partnership Agreement started in 2019, and were concluded on 15 April 2021, when the New Partnership Agreement was initialed by the lead negotiator. These Negotiations were not conducted in secret, but took place openly between the Seventy-Nine (79) OACPS Member States, and the Twenty-Seven (27) Members of the EU and the EU Commission. This information is available on the Internet.
4. In 2021, **the Government noted several provisions in the New Partnership Agreement that are of fundamental concern to us**. In this regard, the Attorney-General of the Republic of Namibia was asked to provide a Legal Opinion on the New Partnership Agreement. The Legal Opinion on the New Partnership Agreement identified further certain

issues/prescriptive provisions of note that impose certain actions that are **not in line with the Namibian Constitution**, its legal framework, nor its international relations and cooperation policy.

5. According to the Legal Opinion, **Namibia, as a Member State of OACPS is not bound to sign the NPA**, if it is not comfortable with it. Subsequently, on 15 February 2022, through Decision 1st/15.02.22.008, Cabinet directed that the following concerns should be communicated to the European Union:

- The Treaty **does not have a glossary of terms or a definitions section**, to ensure that all parties have the same understanding of terms, which may pose a problem in the implementation and evaluation phase.
- The NPA refers to over eighty (80) regional and international treaties/strategies/initiatives and programmes that may not be legally-binding agreements or processes, and our country may not necessarily be a party to. Having these provisions in the legally-binding New Partnership Agreement may elevate **non-binding agreements/strategies/initiatives, programmes and processes to a legally-binding position or a treaty status**.
- The New Partnership Agreement refers to commitment to the full and effective implementation of FUTURE outcomes of Beijing and ICPD review conferences that may **bind Parties to future processes and outcomes that cannot be predicted at the present moment**;

- In Article 49 of the African Protocol, the draft New Partnership Agreement calls for the **destruction of (ivory) stockpiles** in the context of combating wildlife trafficking under CITES, a position that contradicts Namibia's national position as well as the SADC Common Position on the matter.
 - The **EU Party unilaterally removed the provisions for declarations in Article 6** of the New Partnership Agreement, even after negotiations were closed. It is normal practice when concluding international treaties, that provision for declarations would be made in the text, so that a State may make a declaration about its understanding of a matter contained in or the interpretation of a particular provision in a treaty. The purpose of the interpretative declarations of this kind would be to clarify the meaning of certain provisions of, or the entire treaty.
 - **The New Partnership Agreement does not include a provision/clause/article for reservations.**
6. In February 2022, the Government notified the EU that the **Government of the Republic of Namibia would not sign the draft NPA in its current form**, should the identified concerns not be addressed.
7. Additional aspects of the New Partnership Agreement also raised some concerns, in particular Article 97 which, states that, *"No treaty, convention, agreement or arrangement of any kind between one or more Member States of the European Union and one or more OACPS Members shall impede the implementation of this Agreement."*

8. Moreover, Article 101 in particular Sub-Article 7 provides that “appropriate measures” shall be taken against a country that is not fulfilling its obligations under this Agreement.

9. BASED ON THE ABOVE GIVEN INFORMATION, A DECISION WAS TAKEN THAT THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA WILL NOT SIGN THE NEW PARTNERSHIP AGREEMENT (NPA) BETWEEN THE ORGANISATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES, AND THE MEMBER STATES OF THE EUROPEAN UNION AND THE EUROPEAN UNION COMMISSION IN ITS CURRENT FORM.

Hon. Speaker,

NAMIBIA – EU RELATIONS

10. Namibia established diplomatic relations with the Commission of European Communities, now the European Union, in 1991.

11. Namibia and EU Members States, and the EU have been strengthening cooperation in the area of green hydrogen production, which culminated in the signing of the MoU on Sustainable Hydrogen and Critical Raw Materials, on the margins of the COP27 in November 2022. The Roadmap to implement the MoU was agreed by both sides, during the EU Global Gateway Conference held in Brussels last week.

Hon. Speaker, in conclusion,

12. Namibia will therefore continue to have friendly relations and enjoy cooperation with the EU and its Member

States, in various sectors, through other frameworks and arrangements, including in the area of trade, climate change, water, energy, good governance, education, environmental management, democracy, rural development, agriculture, and development cooperation.