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Implementation of the mandate and programme of work –
Focused thematic discussion and interactive dialogue
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Trade, biodiversity and the right to development: an equation to be constructed

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Transcript of the statement by H.E. Ms. Yvonne Dausab,
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Thank you very much for the opportunity.

I can totally understand why in Namibia is part of this important conversation. One of the things that I'll share as I continue to share some views on this is the fact that we have very strong language in our constitution that talks to the various aspects of the topic that we're discussing.

But there are a number of things that I thought about as I was preparing for this, and the first one is the fact that we're talking about an equation to be constructed. That particular thematic portion of this conversation suggests to me that there is an element of inequality in whichever way we look at it.

But there are a number of things that I wanted to highlight before I go into a little bit more detail about what Namibia has done around this particular topic.

The first one is the context of Africa. If you look at the African charter on human and people's rights and you look at the right to development in the context of the African continent, it's informed by a number of aspects. The first one of course is the aspect of the colonial past that we that we have. In the Namibian context you're talking about the genocidal and apartheid context that we have, and that context is important because it responds to the question of what are we looking at as Africans, what are we looking at this Namibia when we're talking about the right to development?

The second element that relates to the right to development, trade and biodiversity is the question around impact. What is the impact that we're talking about on the lives of our people? Because typically when you're talking about trade, you're talking about diverse diversity, you're talking about the right to development in that context, you are looking at infrastructure development. For example, if you're talking about industrialization, there's no way that you cannot talk about infrastructure and if you talk about infrastructure, you're likely to talk about displacement of people, you are likely to talk about biodiversity loss because people may do certain things for them to build infrastructure, to build industries and so on. So, it's important for us to understand that that's the context.

The other element is the one of human rights in business, and I know that this conversation has started to happen in this space of the United Nations more generally, but it is also a conversation

that we as Namibians have, because of the emerging industries that we have around, oil and gas, the green hydrogen space, and increasingly the conversation is what happens if we need to set up factories for example, if we need to set up space for green hydrogen and ammonia development, what happens? What should the conversation be with members of our society when there is drilling of oil and those communities are likely to be affected? Who should be at the center of that conversation? Typically, when you talk about human rights and business, you're talking about the challenge of the vulnerability of our communities and our people once businesses start coming into your country.

There is a great sense of exclusion. I think there is, if you look not just in the media but elsewhere, youth unemployment or the youth increasingly feeling that they are being excluded from accessing resources and so on.

The additional element is the element of investment. There are many fishes in the sea. For example, Namibia has 3 million people and if you are comparing yourself with another jurisdiction, whether it's Nigeria or South Africa, they have the market and the buying power. So, the argument could very easily be if Namibia does not want to do what we are asking them to do, we can easily go elsewhere because there would be other opportunities and jurisdictions for us to benefit, we can simply take our business elsewhere.

But in the investment context, for example, the issue is typically investors that would tell you "we are bringing industries, we are building factories and we are creating employment", but for us as locals, the question we'll be asking is what is the meaning of work ? when the investor says we are creating work, what do they mean ? what does it mean for us? What is the quality of work that we are getting ? Is it just work? Is it quantities and quality? So it raises those particular issues and then of course the impact of industries and factories on the environment.

Namibia has very strong language and I'd like to read the text in the Namibian constitution, it's important for context. the Namibian constitution has a very unique architecture. We have very strong language in the protection of human rights, we have a very good link between the welfare of the people and the right to development but also the protection of our ecosystem. I want to quote the provisions of the Namibian constitution that deals specifically with this.

So, article 95 of the Namibian constitution directs that "the state takes actively or promotes and maintains the welfare of the people by adopting", and this is the important part, "into earlier policies aimed at the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future. In particular, the government shall provide measures against the dumping or recycling of foreign nuclear toxic waste on the Namibian territory ".

I think as a lesson, it is certainly something that many can borrow because it really captures the essence of what we're talking about here today. And it's also the inclusion of the word in biological diversity, the inclusion of working for future generations, and so it's both direct and very intentional in terms of our language and it could very well be because Namibians knew from the start, before independence, there was a scramble from the media and it started in the 1900s.When that first 20th century genocide took place, we understood that we have the resource capacity that many would want, and we wanted to protect it and this is the way that we've done it.

Of course, the other important aspect when you're talking about equation and about equality is the delicate balance between who should be the center of consideration when these decisions are made. Whether it's in the Global North or in the Global South, when a decision is made about for example investment or a decision is made as we've seen in recent times with the EU's regulation, on for example imports and exports that specifically address the issue of deforestation.

For Namibia, we have very good beefs that we are very proud of and we have also been exporting them. Now we have to relook at it in light of that regulation. We have to relook at what is our policy and our people. In some ways, there is an element of losing your sovereignty as a country because you also want to make sure that you have access to the markets that are out there. I'm concluding my point but there's these additional requirements, the ease of doing business for instance, and if you don't comply with those requirements, you know you are likely to be blacklisted and all gray listed because maybe you don't meet those particular requirements.

So, for me, this conversation is an important one and it raises those additional elements of self-determination and sovereign equality. When the African charter on human and people's rights was passed, and subsequently, when Namibia adopted its constitution which I think is very progressive, particularly in respect of this particular issue, we needed to think also about what is the meaning of developing in the African context, what is the meaning of equality of people for instance? And the African chart, and I think many African constitutions operate within the legal spirit of that charter and what we would like to think about is the rights and duties that Africans have, but also the control that they have. But what does that control when you talk about your global trade activities? what does it mean for us ? What does it mean for example, if you have the ability to dispose of your wealth but you have an EU regulation that says, "if we are not satisfied and after due diligence, we may not be able to accept you, because we don't need to agree with the manner in which it was handled".

We may think it is perfectly in order what we have done with our beef, for example before it was exported. What that does is in a way minimize the power of the sovereign state because now you have to comply with those requirements outside the scope of your own state. It really questions the whole thing of the power dynamics among States, particularly among Global North and Global South dilutes the sovereign equality policies that we saw apply and talk about when we sit in these platforms.

I want to conclude my point, and I think our statement has been shared on the platforms and I think people can look a little bit more on the details, but I think it's important for us to understand that when investors for example come to a country, there are a number of things that they must think about.

First, the people must be at the center and we must also recognize that the colonial oppressive regimes that we come from has contributed to the state of development that is existing in our countries and if you don't recognize that, it almost becomes an as superficial dishonest interaction going forward and it's almost like we are reversing the scramble for Africa, the scramble for Namibia.

We need to be careful that there isn't a sense, that there isn't subservience, almost like a master-servant relationship, but we are increasingly moving away from that relationship. We want to see ourselves as developing partners and if we use that kind of language, we need to be honest

about what that relationship should look like, because the truth is we do have the resources, we do have the natural resources and we are capable as African countries, as Namibia, to control and manage our resources but we do want to do it in a manner and I think we understand perfectly how to do it in a sustainable manner, but everybody must come to the table.

It doesn't make sense that without adequate consultation, for instance if you're going to have a regulation that says because we're moving to green economies which we all want to move to because we want to sustain the environment, we want to protect it, we want to conserve it and so forth. We need to be also sincere about the manner in which we are doing it.

Are we really at the table as African states? are we really at the table when regulations are made so that we there is some form of buy in when that conversation starts. I want to pause here and listen to other people and see how we can take the conversation forward.

Thank you.