

A Research and Educational Affiliate of TransAfrica
The Black American Lobby for Africa and the Caribbean

FEBRUARY 1982

NAMIBIA: IS SOUTH AFRICA PLAYING FOR TIME?

The people of Namibia (South West Africa) have been struggling against colonial occupation and oppression for nearly 100 years. First, they fought the Germans who colonized the country in the late 1800's. Following World War I, the League of Nations gave South Africa a mandate to "protect" the country. South Africa has used this power to exploit both the labor of the Namibian people and the vast mineral wealth of the country. In 1966 the United Nations (UN) withdrew the mandate, and later the World Court ruled that South Africa's presence in Namibia was illegal. South Africa, however, has refused to leave. Since 1966 the South West Africa People's Organization (SWAPO) has fought militarily to overthrow South Africa's control in Namibia.

The Namibian conflict has become a major international issue. The UN has worked toward an internationally acceptable solution to this difficult problem. In 1978 the UN Security Council adopted Resolution 435 which calls for free elections and self-determination in Namibia. The Western Contact Group (US, Great Britain, France, Germany, and Canada) and the African Frontline States (Angola, Botswana, Mozambique, Tanzania, Zambia, and Zimbabwe) have attempted to negotiate a meaningful settlement. South Africa, however, has not moved.

What follows is an interview with former UN Ambassador Donald F. McHenry, who has worked on the Namibian issue for a number of years. As UN Ambassador, McHenry coordinated the Contact Group effort. During a two-hour interview with Randall Robinson, McHenry discussed the current Namibian situation in his Georgetown University office.

How do you respond to those who say that a new approach to US-South Africa relations had to be tried with more carrot and less stick?

McHenry: I find the characterization which has been used insulting, frankly. There is always an effort on the

part of a new administration to try and push its own proposals by downgrading and negating those of the past. This Administration has done this to a greater extent than any I have seen before—even to the point of mischaracterizing what has gone on before. I don't remember that we engaged in the kind of sterile rhetoric which Mr. Haig and Mr. Crocker seem to be painting. I don't remember that we were only critical of the South Africans. We did make it clear to them that there could be no improvement in our relations unless there was progress on three issues: Rhodesia, now Zimbabwe, Namibia and *apartheid*. Now, this puts the control in terms of improving relations in the hands of the South Africans.

WHAT THE ADMINISTRATION IS DOING IS COVERING UP ITS OWN EFFORTS TO COZY UP TO THE SOUTH AFRICANS BY TRYING TO CONTRAST WITH THE OTHER ADMINISTRATION AS IF WE STOOD ON THE TOP OF THE ROOF EVERYDAY TO SCREAM AT THE SOUTH AFRICANS.

I think the record of South African intransigence on the question of Namibia is abundantly clear, and I think the participants in this Administration know it.



Photo by Marvin Jones

Ambassador McHenry and Randall Robinson

In the current search for a Namibian solution do you believe that the interests of the South African people are being compromised?

McHenry: Well, I think they have been compromised already. In addition, I think the relations between the US and the rest of Africa have already been adversely affected. I think the South Africans have the view that if they talk about how pro-Western and anti-communist and Christian they are that people will forget the treatment of their own people. It is perfectly obvious at a time when the Administration is making more positive statements of South Africa, allowing the training of coast guard personnel, increasing the attaches in this country, and doing a number of other things in the way of liberalization of the arms embargo, the South Africans are moving in the opposite direction. You have a much more conservative government now. Even those things which passed as reforms have been stalled in their tracks over the last six to nine months. Moreover, if I were the Administration I would be very concerned that we have not fallen into the strategy of the South Africans.

THE SOUTH AFRICANS WANT TIME: TIME TO WIPE OUT SWAPO IF THEY CAN, TIME TO STRENGTHEN THE DEMOCRATIC TURNHALLE ALLIANCE (DTA) IF THEY CAN, TIME TO GIVE IT GOVERNMENTAL PRACTICE, TIME TO ALLOW THE DTA TO CONTEST THE GOVERNMENT IF IN THE FINAL ANALYSIS IT MUST.

And so instead of picking up and pressing the South Africans as the Administration should have done when it came into office, it stepped back, it loosened the pressure on them; and it had done that before the election.

Do you think this Administration genuinely wants a Namibian solution? And if so, why?

McHenry: Well, I think they want a settlement of the question. The continuation of the conflict is in no one's interest. They want a settlement; however, not on the basis of its merits, but for ulterior motives.

Vol. 1, No. 1

February 1982

TransAfrica Forum Issue Brief ©
545 Eighth Street S.E., Suite 200
Washington, D.C. 20003

Anne Forrester Holloway *Sr. Research Fellow*
Cherri D. Waters *Research Fellow*
Menda Ahart *Administrator*
Randall Robinson *Executive Director*

THEY SEE EVERYTHING THROUGH AN EAST-WEST LENS. SO THEY SEE A SETTLEMENT AS NOT JUST GIVING JUSTICE TO THE PEOPLE OF NAMIBIA BUT AS FIGHTING THE SOVIET UNION. THEY SEE IT IN TERMS OF TRYING TO USE THE SETTLEMENT AS LEVERAGE AGAINST THE CUBANS IN ANGOLA.

They want to cozy up to the South Africans because of silly reasons such as strategic minerals or access to the Cape route. In the final analysis, these things have no real meaning in the practical world. These are nice theories for text books, but when you're dealing with practicalities, these things aren't very relevant. If we were ever in a conflict, South Africa's two-bit navy wouldn't do very much to protect the Cape route. If we were ever endangered in terms of natural resources, South Africa can't eat its resources, it wants to market them. In addition, I think we ought to have learned by now that a combination of conservation and the cessation of the wasteful practices of the American people can go a long way toward providing even the most strategic minerals.

Secretary of State Haig declared recently that the Reagan Administration policy has "fundamentally changed" South Africa's attitude toward the independence of Namibia and that independence could come in 1982. Do you see a basis for this optimism?

McHenry: Well, I don't know what Mr. Haig is talking about. He says, on the one hand, that its fundamentally changed. On the other hand, he reiterates that they stand by Resolution 435. Something is wrong here. The difficulty with South Africa over the last couple of years was ostensibly over the question of the implementation of 435. So far as I can tell, this Administration has not faced the question of implementation of 435 at all. That is not the subject of negotiations with South Africa. So far as I can tell, they are basically discussing things which were not an issue, or they raised as an issue something which is going to get them nowhere. At some point, they will have to come back to the implementation of 435, and the South Africans will have a field-day raising all of the objections which they raised before.

Can you tell us what took place behind the scenes during the UN conference on Namibia in January of last year?

McHenry: I think the most interesting thing that took place behind the scenes was the admission on the part of Mr. Dirk Mudge of the Turnhalle Group that he had no problem with the objectivity of the UN or the likelihood of fair elections or the effort on the part of the UN military contingent to keep the peace. He said that the South Africans were concerned about that. His concern was that he felt he was going to lose the election. As long as he felt he was going to lose, he was going to throw up a road block in terms of the elections. □

FINE POINTS IN FINE PRINT: WESTERN PROPOSALS AND AFRICAN RESPONSE

Despite the Reagan Administration's promise of a solution to the Namibian problem in 1982, TransAfrica Forum has found that substantial points of disagreement still exist between the parties. Below is the verbatim text of the Contact Group (US, Great Britain, France, Germany, and Canada) original proposals for the Principles Concerning the Constituent Assembly, and the Frontline States (Angola, Botswana, Mozambique, Tanzania, Zambia, and Zimbabwe) response to those proposals.

CONTACT GROUP PROPOSAL

A. CONSTITUENT ASSEMBLY:

1. The Constituent Assembly should be elected so as to ensure fair representation in that body to different political groups representing the people of Namibia.
2. The Constituent Assembly will formulate the Constitution for an independent Namibia in accordance with the principles in part B below and will adopt the Constitution as a whole by a two-thirds majority of all its members.

B. PRINCIPLES FOR A CONSTITUTION FOR AN INDEPENDENT NAMIBIA:

1. Namibia will be a unitary, sovereign and democratic state.
2. The Constitution will be the supreme law of the state. It may be amended only by a designated process of either the legislature or the votes cast in a popular referendum.
3. The constitution will provide for a system of government with three branches: an elected executive branch which will be responsible to the legislative branch; a legislative branch to be elected by universal and equal suffrage which will be responsible for the passage of all laws; and an independent judicial branch which will be responsible for the interpretation of the Constitution and for ensuring its supremacy and the authority of the law. The executive and legislative branches will be constituted by periodic and genuine elections which will be held by secret vote.
4. The electoral system will ensure fair representation in the legislature to different political groups representing the people of Namibia. For example, by proportional representation or by appropriate determination of constituencies or by a combination of both.
5. There will be a declaration of fundamental rights, which will include the rights to life, personal liberty and freedom of movement; to freedom of conscience, to freedom of expression, including freedom of speech and a free press, to freedom of assembly and association, including political parties and trade unions; to due process and equality before the law; to protection from arbitrary deprivation of private property without prompt and just compensation; and to freedom from racial, ethnic, religious or sexual discrimination. The declaration of rights will be consistent with the provisions of the Universal Declaration of Human Rights. The declaration of rights will be enforceable by the courts, at the instance of the aggrieved individual.
6. It will be forbidden to create criminal offenses with retrospective effect or to provide for increased penalties with retrospective effect.
7. Provision will be made to secure equal access by all to recruitment to the public service, the police service and the defence services. The fair administration of personnel policy in relation to these services will be assured by appropriate independent bodies.
8. Private cultural, social, health and educational institutions will be open to all without discrimination.
9. Provision will be made for the establishment of elected councils for local and regional administrative and fiscal purposes. □

FRONTLINE STATES RESPONSE

During a meeting in Dar Es Salaam, the foreign ministers of the Frontline States, the foreign ministers of Kenya and Nigeria, and the President of SWAPO discussed the Contact Group proposals. Two caveats were raised. First, a glaring problem exists with the Western proposals' amendment of Resolution 435. By setting forth constitutional principles, the Contact Group proposals preempt the work of the Constituent Assembly which 435 establishes. Thus, the Frontline States felt that by agreeing to the consideration of the Western constitutional principles that they would be agreeing to the *prior* writing of the constitution. They stress, however, that they do not see this exercise as supplanting 435 because the Contact Group proposals are merely guideposts. When the Constituent Assembly meets, they argue that the actual writing of the constitution will be left to the Namibians as 435 guarantees.

Secondly, the Frontline States object to specific provisions of the Contact Group proposals. In the Dar Es Salaam meeting, they agreed to amend the first paragraph Section A of the Contact Group proposal as follows:

"Elections will be held to select a Constituent Assembly which will adopt a Constitution for an independent Namibia. The Constitution will determine the organization and powers of all members of government. Every adult Namibian will be eligible without discrimination or fear of intimidation from any source to vote, campaign, and stand for election to the Constituent Assembly. Voting will be by secret ballot with provisions made for those who cannot read or write. The date for elections, the electoral system, the preparation of voter rolls, and other aspects of electoral procedure will be promptly decided upon so as to give all political parties and interested persons, without regard to political views, a full and fair opportunity to organize and participate in the electoral process. Full freedom of speech, assembly, movement, and press shall be guaranteed." Some of these elements were taken directly from the UN proposed plan itself.

In explaining the Frontline amendment, Theo-Ben Gurirab, SWAPO's Permanent Representative to the UN, pointed out the inherent flaws in the Contact Group's proposal. The Frontline position is that the Contact Group proposal seeks to assuage South African fears by perpetuating ethnic-based representation and further entrenching *apartheid*-bantustanic provisions now in practice. The Organization of African Unity (OAU) and SWAPO find this process fundamentally unacceptable since it "is intended to keep the Namibian people disunited and separated physically . . . It is the white minority which presently holds power and monopolizes economic interests and institutions that are predicated on *apartheid* laws and legislation . . . intended to perpetuate white control." The African vision of Namibia's future, Gurirab explained, "is to embark upon a program of reconciling the various racial-ethnic groups . . . and to seek to unite all Namibian people to rise above tribal and racial affiliations." □

CONTACT GROUP NON-PAPER

The Contact Group has also presented the Frontline States and SWAPO with a "Non-Paper" on security questions. It must be noted that Pretoria has, time and again, invited the independent African countries individually to enter into non-aggression pacts with South Africa which are basically intended to undermine the cause of liberation in southern Africa. All the Frontline States including Zimbabwe, Swaziland, and Lesotho have rejected this idea. The Non-Paper which follows represents another such attempt—this time raised by the Contact Group rather than the South Africans themselves. It is also, from the Frontline States point of view, another attempt to circumscribe the prospective, independent Namibian government's capacity to make its own security arrangements.

CONTACT GROUP NON-PAPER (COMPLETE TEXT)

1. All States will respect the independence, the sovereignty, the territorial integrity and the policy of non-alignment of Namibia, in particular by refraining from the unlawful threat or use of force, or from any other act inconsistent with the purposes of the United Nations. All States are urged to manifest their will to respect these principles.
2. The State of Namibia will live in peace and develop friendly relations with other States in accordance with international law. It will therefore not permit organized activities within its territory directed towards the commission of any act of aggression or any other act which involves an unlawful threat or use of force against any other State. The neighboring States will follow the same principle regarding their relations with Namibia.
3. The State of Namibia will not permit within its territory the installation of foreign military bases or the presence of foreign military units except by virtue of a decision of the UN Security Council or in accordance with the exercise of its right of self-defence if an armed attack occurs against it, as provided for in the Charter of the United Nations.

FRONTLINE STATES POSITION

For the Frontline States and SWAPO, the Contact Group non-paper has very serious and far reaching implications for the future. If they were to agree to the terms of the non-paper, then they would have to agree, *before Namibia was granted independence*, to establishing a multi-party system, to adopting a non-aligned policy, to not allowing foreign military bases, to not entering into military agreements with foreign powers, and to not giving military assistance to liberation movements such as the African National Congress (ANC). Moreover, should they agree to these conditions, they would, in effect, be agreeing to a permanent role for South Africa in enforcing them. Thus, the non-paper would create a pretext for South Africa to intervene in Namibia in the future. As SWAPO has pointed out: "... We have a unique situation in Namibia: after independence for the first time in the decolonization of the whole continent, our ex-colonial power will be just across the river with every intention to subvert, to destabilize, to intervene should SWAPO come to power." Either Namibia is an independent, sovereign state with the power to decide what arrangements it will make with the world community, or it is not independent. For these reasons, the Frontline States have decided that the non-paper should not even be considered.

REVISED CONTACT GROUP PROPOSAL (EXCERPTS)

In December 1981, the Contact Group proposed the revised Principles Concerning the Constituent Assembly and the Constitution for an Independent Namibia which follows. Responding to the Frontline States objections, the Contact Group has adopted a new first paragraph, Section A. However, a second part has been added which sets forth the structure of the Constituent Assembly. Although a number of questions have been raised by the revised proposal, TransAfrica Forum was unable to get the Frontline States position before going to press in late December.

REVISED CONTACT GROUP PROPOSAL

A. CONSTITUENT ASSEMBLY

1. In Accordance with UNSCR 435, elections will be held to select a Constituent Assembly which will adopt a constitution for an independent Namibia. The constitution will determine the organization and powers of all levels of government. Every adult Namibian will be eligible, without discrimination or fear of intimidation from any source, to vote, campaign, and stand for election to the Constituent Assembly. Voting will be by secret ballot, with provisions made for those who cannot read or write. The date of the elections, the electoral system, the preparation of voters rolls and other aspects of electoral procedures will be promptly decided upon so as to give all political parties and interested persons, without regard to their political views, a full and fair opportunity to organize and participate in the electoral process. Full freedom of speech, assembly, movement, and press shall be guaranteed.

The electoral system will seek to ensure fair representation in the Constituent Assembly to political parties which gain substantial support in the election. To this end, half the members of the Constituent Assembly will be elected on a national basis by proportional representation and half on the basis of single member constituencies. These constituencies

will be delimited so that they have as nearly equal a number of inhabitants as may be reasonably practicable.

B. PRINCIPLES FOR A CONSTITUTION FOR AN INDEPENDENT NAMIBIA:

3. The constitution will determine the organization and powers of all levels of government. It will provide for a system of government with three branches: a legislative branch to be elected by universal and equal suffrage which will be responsible for the passage of all laws; and an independent judicial branch which will be responsible for the interpretation of the constitution and for ensuring its supremacy and the authority of the law. The executive and legislative branches will be constituted by periodic and genuine elections which will be held by secret vote.

4. The electoral system will be consistent with the principles in A(1) above.

7. Provision will be made for the balanced structuring of the public service, the police service and the defence services and for equal access by all to recruitment to these services. The fair administration of personnel policy in relation to these services will be assured by appropriate independent bodies.

8. Provision will be made for the establishment of elected councils for local and/or regional administration.

A Chronological Guide (Jun.-Dec., 1981)

June 1981: Organization of African Unity (OAU) summit meeting denounces the Reagan Administration policy on Namibia citing the expanded dealings between the US and South Africa as a "very dangerous" development.

July 1981: Contact Group meets in Bonn, West Germany to debate further the constitutional measures developed at the Group's May meeting. Group continues its debate in Paris.

Contact Group meets in Ottawa, Canada to discuss Namibian future during the Ottawa Economic Summit meeting of Western nations.

August 1981: South African troops invade Angola with widespread air and ground assaults.

Reagan Administration issues carefully worded statement blaming SWAPO guerillas and the Angolan Government for the South African invasion.

September 1981: US vetoes Security Council Resolution condemning South Africa for its invasion of Angola. Haig and other Contact Group members meet to reach a

consensus of a list of guarantees for preserving the white minority and South African interests in Namibia.

Contact Group announces timetable for final negotiations for Namibian independence after UN negotiations with South Africa and the Frontline States.

Senate votes to repeal Clark Amendment.

October 1981: Contact Group travels to Africa, visits Frontline capitals, Pretoria and Windhoek to present Constitutional guideline proposals and a non-paper on a non-aggression pact.

November 1981: Foreign Ministers from Frontline States, Kenya, and Nigeria meet with SWAPO President in Dar Es Salaam, reject the non-paper, and revise the constitutional proposals to counter bantustan element.

December 1981: UNITA leader Jonas Savimbi concludes US visit after conferring with Haig.

Rep. Derwinski (R-Ill.) withdraws Clark Amendment repeal effort. House retains the Clark Amendment. House-Senate Conferences, agrees to retain the amendment.

Contact Group presents revised proposal to Frontline States and SWAPO.

PROFILE ON PEOPLE: THEO-BEN GURIRAB

If you are looking for up-to-date information on the South West Africa People's Organization (SWAPO), your first stop should be Theo-Ben Gurirab, SWAPO's Permanent Representative to the United Nations.

For more than nine years, Gurirab has been telling the Namibia story to whomever will listen. He has appeared on countless radio and television broadcasts, met with members of Congress, and marched in American protest demonstrations on behalf of liberation for his homeland. And he has been the chief link in the chain of UN-Contact Group negotiations on Namibia over the last three years.

Gurirab is a seasoned veteran, a campaigner of unflagging energy and devotion. As chief spokesman in the US for his organization since 1972, he often is called upon to provide information to an American public both ignorant and naive on African matters.

He remains unfailingly polite, soft spoken and effective at his tasks. When he speaks, his sincerity and commitment are impressive. Gurirab is a very believable and articulate presence. There are no hidden nuances or imprecise utterances on his part.

Born January 23, 1939 in *Usakos*, a railway town in Namibia's central western region, Gurirab grew up in a Lutheran household. "My father was a worker", he says simply. He attended a primary German Lutheran



Theo-Ben Gurirab at the UN

Missionary school and then went on to qualify as a teacher after attending *Okahtndja* Secondary and Teachers Training School.

Following periods of teaching and political activism in the 1960's in his homeland, he finally came to the US to study at Temple University where he received a BA in political science and an MA in international relations. He

embarked on further graduate study but in 1972 was called to become SWAPO's representative at the UN. During this period, Gurirab also married a black American, and has three children, one girl and two boys.

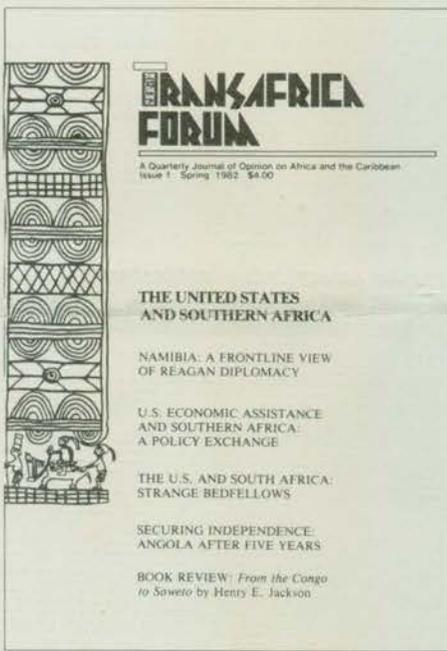
The politics of decolonization and a life of exile often takes an incalculable toll on the human spirit. Theo-Ben Gurirab gathers his strength from a warm family environment and from his conviction that Namibia will be imminently independent. He travels widely as a member of SWAPO's central Committee and as SWAPO's Senator to the Institute for Namibia based in Lusaka, Zambia. He interprets US policy activities and decisions to SWAPO's President, Sam Nujoma, from a sound basis of understanding American perspectives. When the negotiations process is ended, it is hard not to speculate that someday Gurirab will be found at home in Namibia teaching the young that they now have a chance to make a nation. □

INTRODUCING... **TRANSAFRICA FORUM QUARTERLY**

The New Foreign Policy Journal

An exciting venture

- For all readers who want to be informed about political, economic, and cultural matters regarding African and Caribbean countries
- For all readers who desire a better understanding of U.S. foreign policy issues and their impact at home and abroad



BE INFORMED!

ENHANCE YOUR UNDERSTANDING!

SUBSCRIBE NOW*

Please enter my subscription for:
TRANSAFRICA FORUM

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Organizational Affiliation _____

Mail Check & Subscription Form To:
Transaction Periodicals Consortium
Dept. #9000
Rutgers University
New Brunswick, N.J. 08903

*Subscription includes 4 Journals and monthly Issue Briefs.

Individual

1 Year — \$15.00
 2 Years — 25.00
 3 Years — 40.00

Institutions

1 Year — \$30.00
 2 Years — 55.00
 3 Years — 85.00

Add overseas postage of:
\$ 8.00 annually for surface
\$30.00 annually for airmail.

TRANSAFRICA FORUM

545 Eighth Street, S.E., Suite 200
Washington, D.C. 20003

Non-Profit Organization
U.S. Postage PAID
Wash., DC
Permit No. 3549

Mr. George M. Houser
198 Broadway
New York, NY 10038