MEMORANDUM

DATE: March 29, 1990

TO: Lutheran World Federation
Lutheran Office for World Community

FROM: Ralston Deffenbaugh
FAX No. (264 61) 226775

RE: Observations from Namibia, No. 21

Namibia is free! A few minutes after midnight, early in the morning of Wednesday, March 21, the South African flag was lowered. The new Namibian flag, blue, gold, red, white, and green, was raised in its place. Thus ended 75 years of South African occupation and over a century of foreign rule. Sam Nujoma was sworn in as the first president of the independent Republic of Namibia, and Hage Geingob as the first prime minister. Later in the day, in separate ceremonies, the members of the National Assembly, the Chief Justice, and members of the Cabinet were sworn in. Namibia's government is in place.

The situation in the country continues to be peaceful and calm. People are relaxed and happy. The country has had good rains in March, including a heavy shower in Windhoek a few hours before the independence ceremonies. The rains are seen as an independence blessing from God. In the far north of the country, it has been seven years since rains have come in March. The local farmers expect a bountiful harvest.

INDEPENDENCE. The Republic of Namibia was established on Wednesday, March 21, 1990, with the coming into force of the Constitution. Independence ceremonies began the evening of March 20 and continued over two days. In preparation for the event, foreign guests arrived from all over the world. Namibian leaders Sam Nujoma, Hage Geingob, and Theo-Ben Gurirab spent all day March 20 at Windhoek Airport, meeting airplanes and escorting foreign dignitaries down the red carpet to the terminal.

Among the visitors were United Nations Secretary-General Javier Perez de Cuellar; South African State President F. W. de Klerk and Foreign Minister R. F. Botha; Presidents Hosni Mubarak of Egypt, Kenneth Kaunda of Zambia, Eduardo dos Santos of Angola, Quett Masire of Botswana, Joachim Chissano of Mozambique, Ali Hassan Mwinyi of Tanzania, and Yasser Arafat of the Palestine Liberation Organization; Prime Minister V. P. Singh of India; and foreign ministers James Baker of the U.S.A., Edvard Shevardnadze of the USSR, Douglas Hurd of the U.K., and Hans-Dietrich Genscher of the Federal Republic of Germany. The Namibian crowds gave their warmest welcome to African National Congress leader Nelson

Mandela. He was accompanied by his wife, Winnie, and by ANC officials Thabo Mbeki and Joe Slovo.

Shortly before midnight, the Namibian and foreign dignitaries arrived at Windhoek Athletic Stadium. Earlier in the evening, the crowd at the stadium was sparse because of thundershowers. But the rain stopped and the stadium filled up. The UN Secretary-General gave a message, saying he was filled with profound emotion and gratitude that Namibian independence has been realized -- "by arduous effort, with frustrations and occasional setbacks in the past no doubt, but through a process which has fully vindicated the repute and effectiveness of the United Nations." He continued, "The independence of Namibia also marks the triumph of the international rule of law. The achievement bears eloquent testimony to the strength of the norms of democracy and human rights."

Then it was South African President de Klerk's turn to speak. He said that this was the culmination of a protracted process in which Africans found a solution to an African problem. South Africa had, he continued, made a massive contribution to the development and creation of infrastructure in the territory. He congratulated Sam Nujoma on his election, saying, "The people of South Africa join me in wishing you and the people of the new Namibia prosperity and peace, and we extend the hand of friendship to our new neighbors. Together we should endeavor to build a mutually rewarding friendship between our countries. Good neighborliness is in our mutual interest."

At 00:17 on March 21, the South African flag was lowered. Many in the crowd shouted, "Down, down!" Then the new Namibian flag was raised and the band played "Nkosi Sikelel' iAfrika." (This tune has been chosen as the national anthem, but the Namibian words have not yet been adopted.) The UN Secretary-General swore in Sam Nujoma as the first president of Namibia. This was the first time a United Nations official had sworn in a government leader. It symbolized the completion of the UN's special responsibility for Namibia. After World War I, Namibia had been given to South Africa as a League of Nations mandate. In 1966, the United Nations revoked the mandate. Since then, under international law although not in fact, the United Nations was the legal authority over Namibia.

In his inaugural address, President Nujoma paid tribute to the thousands who had laid down their lives in the struggle for independence. "To the Namibian people, the realization of our most cherished goal, the independence of our country, is a fitting tribute to the heroism with which our people fought for this day." He said it was pleasing that the international leaders were gathered, not to pass yet another resolution, but to celebrate. He paid tribute to South African President de Klerk's statesmanship and realism. He was indebted to the Namibian

people for giving SWAPO the majority. He said he would do his utmost to honor the Constitution and the trust which the people had put in him to lead the nation. Before a closing fireworks display, President Nujoma swore in Hage Geingob as prime minister.

THE NATIONAL ASSEMBLY. At 9 in the morning, the members of the Constituent Assembly met in order to convene the new National Assembly. President Nujoma swore in Hans Berker as the Judge President of Namibia. Constituent Assembly Chairperson and Namibian Prime Minister Hage Geingob announced two vacancies, created by the election of Sam Nujoma as president and the resignation of ACN member W. O. Aston. SWAPO nominated Helmut Angula to fill its vacant seat; the ACN, because of internal strife, has not yet chosen a successor to Aston. In addition, the Prime Minister announced that, as provided by the Constitution, the President had nominated six non-voting members of the National Assembly:

Otto Herrigel	Gerhard Hanekom
Netumbo Ndaitwah	Nangolo Iithete
Daniel Tjongarero	Philemon Malima

Each of these six serves as a minister or deputy minister. the Constitution requires that ministers must be chosen from among the members of the National Assembly and deputy ministers from among the members of the National Assembly or the National Council (which has not yet been elected). These appointments left one deputy minister, Klaus Dierks of Works, Transport and Communications, without a parliamentary seat. He will probably have to be called Assistant Minister instead of Deputy Minister, a slight demotion.

Judge President Berker then swore in the members of the National Assembly. The new National Assembly elected Mose Tjitendero of SWAPO, the only nominee, as Speaker. Then the Assembly adopted its first bill, for the Coat of Arms of Namibia. The national motto is "Unity, Liberty, Justice."

THE CHIEF JUSTICE. In the afternoon of March 21, back at the stadium, President Nujoma swore in Hans Berker as Chief Justice of Namibia. The two remaining members of the Supreme Court are still to be chosen. Judge Berker's elevation to the Supreme Court leaves a vacancy in the post of Judge President which also needs to be filled. In the first proclamation in the first issue of the Government Gazette of the Republic of Namibia, President Nujoma appointed the five members of the Judicial Service Commission, which nominates judges. They are: Chief Justice H. J. Berker, Judge G. J. C. Strydom, Attorney-General H. F. E. Ruppel, Advocate T. J. Frank (nominated by the Bar Council), and Attorney W. H. Dicks (nominated by the Law Society).

THE CABINET. Chief Justice Berker swore in the Cabinet ministers in this order:

Hifikepunya Pohamba, Home Affairs
Theo-Ben Gurirab, Foreign Affairs
Peter Mueshihange, Defense
Hendrik Witbooi, Labor, Public Service and Manpower Development
Andimba Toivo ya Toivo, Mines and Energy
Hidipo Hamutenya, Information and Broadcasting
Nahas Angula, Education, Culture and Sport
Richard Kapelwa, Works, Transport and Communications
Nico Bessinger, Wildlife, Conservation and Tourism
Ngarikutuke Tjiriange, Justice
Nicky Iyambo, Health and Social Services
Ben Amathila, Trade and Industry
Libertine Amathila, Local Government and Housing
Marco Hausiku, Lands, Resettlement and Rehabilitation
Otto Herrigel, Finance
Gerhard Hanekom, Agriculture, Fisheries, Water and Rural Development

PRESIDENTIAL ADDRESS. After the installation of the Cabinet, President Nujoma addressed the nation. He said that the Constitution reflects the aspirations of all the Namibian people. It serves as the fundamental law of the land and the guide to government action. In the spirit of national reconciliation, SWAPO has no intention to rule alone. "We must work together to build our nation." The crippling legacy of colonialism has left mass unemployment (at least 33% unemployed, with more under-employed) and a heavy reliance on imported foodstuffs. Much can be done -- the fertile northern regions could feed the nation. He urged people to stay on the land and promised increased government attention to agricultural extension, training, transport, and marketing.

There is, the President continued, enormous room for expanding the industrial base of Namibia by processing local products, especially in the mining sector, where Namibia ranks fifth in Africa and 17th in the world. He called on business to be responsible citizens, concerned for employee welfare, the environment, and investment in Namibia. Namibia needs capital and technical know-how from abroad. Namibia is committed to a mixed economy, with good partnership between the state and the private sector. The government seeks joint ventures in fishing, large-scale farming, and agricultural industries. For its part, government needs to reduce its deficit through more efficient tax collection, reducing inefficiency in government, and increased growth. Major problems facing society are unemployment, poor housing, lack of education, and inadequate water supply. In conclusion, the President pledged that he and the Cabinet would do their utmost to uphold the Constitution. He called on all

Namibians to protect their hard-won national independence and the integrity of the country.

RELIGIOUS OBSERVANCES. On the following morning, March 22, a national thanksgiving service was held in the stadium, organized by the Council of Churches in Namibia. Roman Catholic Bishop Bonifatius Hausiku preached. Messages of greeting were given by United Evangelical Mission Director Peter Sandner on behalf of the mission societies; Lutheran World Federation General Secretary Gunnar Staalsett on behalf of the northern hemisphere churches; World Council of Churches President Nita Barrow on behalf of the world's churches; Anglican Archbishop Desmond Tutu on behalf of the African churches; and American civil rights leader Jesse Jackson. At the end, South African Council of Churches General Secretary Frank Chikane led the singing of "Nkosi Sikelel' iAfrika."

It was disappointing that President Nujoma, in his independence speeches, did not refer to the role of the church in the struggle for independence. He was scheduled to attend the national thanksgiving service, but did not attend. Furthermore, Lutheran Bishop Hendrik Frederik, President of the Council of Churches in Namibia, had been scheduled to offer a prayer following President Nujoma's inauguration. He was there and ready, but the master of ceremonies failed to call on him.

OTHER EVENTS. In other independence celebrations, on March 21 there was a parade through the streets of Windhoek and a People's Banquet in Katutura (consisting of a free barbecue picnic); on March 22, Cabinet ministers fanned throughout the country to address local gatherings; and on March 24 there was a big rock concert in Windhoek, featuring Ziggy Marley of Jamaica.

It is wonderful to see the colorful Namibian flag appearing everywhere -- on cars, in shops, on T-shirts, displayed outside private as well as government buildings. The street signs denoting Kaiser Strasse have disappeared; Windhoek's main street is to be renamed Independence Avenue. Yet, after the public holidays of March 21 and 22, daily life has resumed in a normal and peaceful way. South African journalist Shaun Johnson, writing in the Weekly Mail, well summed up the unworried atmosphere: "The flurry of events proceeded haphazardly but happily, and this was due in large part to the laissez-faire, accommodating and good-natured mood of the Namibian people. Not a glimmer of violence or hostility was in evidence."

REHOBOTH AND WALVIS BAY. One sour note at independence is the failure of a minority group in Rehoboth to accept independence. Led by the traditional Rehoboth leader ("Kaptein") Hans Diergaardt, this group had ruled over Rehoboth under the ethnic-

based Second Tier government system previously in force. Diergaardt participated in the 1989 election campaign (in which his party finished second to the DTA in Rehoboth) and served in the Constituent Assembly, but now is reneging on that process. His traditional followers proclaimed Rehoboth independence on March 20. In violation of a court order, they have occupied government buildings in Rehoboth and are flying a traditional Rehoboth flag. President Nujoma has warned that Diergaardt's actions are "totally unconstitutional," and that Diergaardt should stop being a "public nuisance." Diergaardt's group is seeking autonomy for Rehoboth and special privileges regarding land use.

Walvis Bay and 12 offshore islands remain under South African control. Namibian and South African authorities are in the process of negotiating treaties relating to Namibia's use of the Walvis Bay port, as well as fishing, transport, and consular arrangements. There is as yet no indication about when and under what conditions South Africa would hand over Walvis Bay to Namibia.

VISIT TO OVAMBOLAND. I visited the far north March 23-25, in order to see Ovamboland free. This area, which bore the brunt of the war and the violent South African occupation, was quiet, peaceful, calm, and hopeful. In a modest, undemonstrative way, people happily congratulated one another on independence, for which they had thirsted so long. Independence has been blessed by good rains -- according to the Lutheran pastor in Oniipa, for the first time in seven years it has rained in March. This year, the farmers can cultivate their fields without fear of war, without danger of Casspir armored vehicles driving through their crops and even their houses. A bountiful harvest is expected. It was beautiful to see Ovamboland at peace.

Several thousand Angolans have settled along certain portions of the Namibian border in Ovamboland, fleeing war and hunger. As many of them are UNITA supporters, they have in some cases been coolly received by the local Namibians.

PRISONERS. In a post-independence amnesty, President Nujoma has pardoned four political prisoners still held in Windhoek Prison. Released on March 27 were Paulus Kapumburu, Paulus Andreas, Afunda Nghiyolwa, and Simon Abed. Pursuant to Resolution 435, their cases had been considered by the independent jurist, Carl Norgaard, but he had declined to classify them as political prisoners, determining that their crimes were out of proportion to their political goals. SWAPO fighter Leonard Sheehama is still imprisoned in South Africa; he was sentenced to death for the bombing of a butcher shop in Walvis Bay. Certain common criminals are also being released. President Nujoma granted a pardon to first offenders serving relatively short sentences and a six-month remission of sentence for repeat offenders. The

pardon or remission does not apply to those convicted of murder, rape, robbery, or stock theft.

THE NAMIBIAN ARMY. On March 27, the main body of the British military advisory team arrived in Windhoek. This team will help train and set up the new Namibian army. In welcoming the team, Defense Minister Peter Mueshihange said, "Our young republic needs internal security, peace and stability for development and all-round security on its territorial borders and its waters. The purpose of the training is to integrate and standardize our former guerrilla force, PLAN, and the semi-regular force of SWATF into a well-disciplined, competent army serving our young republic with love, care and national consciousness." He said that an eight-week training course for the first 50 commissioned officers and the first 150 non-commissioned officers would begin April 4. At the end of a 12-month training program, it is expected that the army will consist of four brigades, each with about 700 men.

THE NAMIBIAN POLICE. Training and integration of the new Namibian police force is also proceeding. The Namibian of March 27 carries a heartening report of a police patrol in Ovamboland in which one of the Namibian police was a former PLAN fighter and the other a former SWA Police member. Wearing their new red berets, carrying only pistols, and driving in a pick-up truck rather than an armored personnel carrier, they looked different and were warmly received by the rural citizenry, which would never have happened for the SWA Police. They seemed genuinely to care for the well-being of the local population.

The new government requested that the UNTAG police monitors from Canada, Ghana, India, Nigeria, Pakistan, Sweden, and West Germany remain in Namibia after independence to supplement the Namibian police. Canada, Sweden, and West Germany declined on grounds that their police do not know the laws or languages of Namibia and because of uncertainty about their legal status. The other four nations' contingents will remain. It is not yet known whether they will retain a separate identity or be incorporated into the Namibian police.

The retention of former UNTAG police monitors and soldiers (the UNTAG Kenyan battalion is staying on), as well as the British military training program, has led the DTA opposition to raise questions in the National Assembly. They ask on what authority this is done, when there has as yet been no relevant legislation or treaty submitted to the Assembly. Legally, they have a point. The government will have speedily to submit legislation to ratify these transitional security arrangements.

THE LUBOWSKI CASE continues. On March 22, Mr. Justice L. Harms, of the Harms Commission in South Africa, announced that he had received evidence that the late Namibian advocate and SWAPO

leader, Anton Lubowski, had received payments totaling Rands 60,000 from the Military Intelligence Division of the South African Defence Force. He made the announcement in order to solicit contrary evidence or other relevant evidence. He has not yet made a finding, so there is as yet no conclusion that Lubowski knew the funds were from Military Intelligence, or that Lubowski was an agent. Meanwhile, Donald Acheson, an Irish national charged with the September 12, 1989 murder of Lubowski, will appear in court in Windhoek on April 18. Calla Botha, a former member of the clandestine South African hit squad called the Civil Cooperation Bureau, has been granted exemption from prosecution if he testifies for the State in Acheson's trial.

FAREWELLS. On Thursday, March 22, the last South African Administrator-General of South West Africa, Louis Pienaar, left Namibia. He will become the head of the South African body which censors films, books, and magazines considered to be either pornographic or politically objectionable.

On Wednesday, March 28, the United Nations Special Representative, Martti Ahtisaari, left Namibia. So did the Deputy Special Representative, Legwaila Joseph Legwaila, and the UNTAG Force Commander, Prem Chand. Ahtisaari began working on Namibia for the United Nations in 1976, when he was elected by the General Assembly to serve as UN Commissioner for Namibia. He will return to his post in New York as UN Under-Secretary-General for Administration and Management.

UNTAG's mandate ended with independence, and UNTAG offices around Namibia have closed down. The big, black "UN" lettering on vehicles is being washed off before the vehicles are donated to the new government. UN civilian staff, military, and police (with the exception of the Kenyan military and the police described above) are steadily leaving Namibia to return home. All but a few administrative staff will have left by April 9. UNTAG's members can return home satisfied with a job well done. This operation has been a high point for the UN.

This will be my last report of observations from Namibia. My period of service as a legal adviser to Lutheran Bishops Kleopas Dumeni and Hendrik Frederik has been completed. I will be leaving next week, returning to my family and to my job in New York as Director of the Lutheran Office for World Community, the United Nations office of the Lutheran World Federation and the Evangelical Lutheran Church in America. It has been deeply satisfying to see the Namibian independence plan finally implemented, and to see it having worked out so well. I am grateful for the privilege of having had a small part in this process. Namibia is certainly a much happier, much more pleasant place to be. Hallelujah!