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Internal Developments under Administrator-General appointed by South Africa
- Deadlock in Five Western Powers' Negotiations on Constitutional Settlement -
Other Related Developments

Mr Justice Marthinus Steyn, whom the South African Government had, on July 6, 1977, appointed as Administrator-General of South West Africa, took office in Windhoek (the territory's capital) on Sept. 1 with powers "to make laws by proclamation in the Official Gazette of the Territory of South West Africa, for that territory, and in any such law to repeal or amend any legal provision" applying to the territory or connected with its administration (as gazetted in South Africa on Aug. 19).

Mr Vorster, the South African Prime Minister, had announced on Aug. 9 that Mr B. J. van der Walt, the Administrator of South West Africa, would vacate his post by Sept. 30, and the post of Mr Jannie de Wet as Commissioner-General for the Indigenous Peoples of South West Africa similarly came to an end during that month. On Sept. 28 it was officially announced in South Africa that the representation of the territory's White voters in the South African Parliament (by six members of the House of Assembly and four of the Senate) had ended—as already foreshadowed by Mr Vorster in his announcement of Sept. 20 concerning the holding of parliamentary and provincial elections in South Africa [see page 28665].

In accordance with decisions previously taken by the Turnhalle constitutional conference [see also page 28366] and agreed to by the South African Government, Mr Steyn proceeded to end racial discrimination and other restrictions in the territory while gradually taking over its administration.

It had earlier been announced in Windhoek on Aug. 23 that seven different holiday resorts (including game reserves and swimming baths) had been opened to all races.

By Sept. 29 the Administrator-General and his staff had taken over the departments of Bantu Administration, Bantu Education, Coloured, Rehoboth and Nama Relations and Water Affairs from the South African authorities, and on Oct. 31 he took over the Prisons Department.

On Oct. 5 Mr Steyn informed the Turnhalle constitutional conference that it would be dissolved in the following week and that all South African Government funds, personnel and facilities would be withdrawn from it, as in view of the proposed elections to a constituent assembly no political party or organization could expect state aid to the detriment of other parties opposed to it. [The conference had first met in the September 1975—see 27582 A.] At the same time permission was granted to the South West Africa People's Organization (SWAPO) and other opposition groups to hold political meetings. (Mr Dirk Mudge, the chairman of the Turnhalle conference, however, called on SWAPO to lay down its arms and said that it should not enter the election campaign while continuing to wage an armed struggle.)

On the other hand an application by five churches to allow the return to Namibia of the Anglican Bishop Colin Winter (exiled since 1972--see 25181 A) was turned down by Mr Steyn early in October after members of the Anglican diocese of Damaraland had in a petition objected to his return because it would "not be conducive to a peaceful solution" of the territory's problems, seeing that he had allegedly "aligned himself with terrorist movements in Africa by his past actions". (The election of the Rev. James Kaulama as the first Black Anglican Bishop of Damaraland with effect from January 1978 was announced on Oct. 14.)

From Oct. 14 onwards Mr Steyn proceeded to make sweeping changes in the territory's racial legislation and control of movement.

On Oct. 14 all legislation prohibiting mixed marriages and sexual relations between members of different races was repealed.

This legislation included an Immorality Proclamation of 1934, a Prohibition of Mixed Marriages Ordinance of 1953 and two Immorality Amendment Ordinances (of 1953 and 1954). There had been no prosecutions under this legislation for over a year, and its repeal was welcomed by all political parties, including the (White) National Party (NP) of South West Africa, led by Mr A. H. du Plessis.

On Oct. 21 Mr Steyn repealed the pass laws controlling the movements of Blacks, regulations controlling the entry of Whites into Black homelands and certain other discriminatory laws, such as one prohibiting the granting of financial credit to Blacks.

Nevertheless, restrictions remained in force (ion movement to the northern part of Ovamboland (along the Angolan border), the operational area of the South African Defence Force and the diamond-bearing area
along the coast and (ii) on the right of Blacks to seek or accept employment without permission, the fine for employers failing to register Black employees being raised from R 100 to R 300 (£65-£190) in order to prevent widespread vagrancy.

On Nov. 11 Mr Steyn relaxed the stringent security regulations in force in the Ovambo, Kavango and East Caprivi homelands by repealing the emergency regulations under Proclamation R17 of 1972, [see 25181 A] thus abolishing the indefinite detention of any detainee until he had "fully and truthfully" answered all questions put to him, this provision being replaced by a maximum period of detention of 96 hours. At the same time the judicial powers of the tribal authorities were abolished and sentences for contravening security regulations still in force were reduced.

With the repeal of the emergency regulations it was no longer necessary to ask for permission to hold a political meeting in any of the three northern homelands. Mr Steyn emphasized at the same time that he would neither tolerate force, violence or intimidation anywhere in the territory nor hesitate to use the powers available to him to uphold law and order whenever necessary.

Earlier, however, the South African Government had proceeded to set up further Legislative Councils for ethnic groups, in addition to those already established for the Ovambo, Kavango and East Caprivi homelands [see respectively 23323 A; 26241 A; page 25183].

Thus a Nama Legislative Council was inaugurated on July 9, 1977, and a Damara Legislative Council on July 28, while an election for the first Baster kaptein (head of regional government) chosen from their own ranks was held in the Rehoboth Gebiet on Oct. 3 in preparation for "ethnic" elections for a Baster Legislative Council [For map showing the ethnic areas, see 20054 A].

The inauguration of the Damara Legislative Council was disrupted by hostile demonstrations organized by the Damara Council, a body affiliated to the Namibian National Front (NNF) and opposed to the Turnhalle parties. A strong protest against the holding of elections among the Basters was lodged on July 15 by Dr Benjamin Africa [see page 28498], the leader of the Baster delegation at the Turnhalle constitutional conference, on the ground that such elections were in conflict with the agreed principle of holding non-ethnic national elections for a constituent assembly for the whole territory.

Mr Gerson Veii, an executive member of the NNF and leader of the South West African National Union (SWANU), stated on Aug. 2 that the NNF—which had previously deplored the appointment of Mr Justice Steyn "without prior consultation" of the territory's people—might withdraw its conditional support of the proposed national elections if the South African Government continued with the implementation of its homelands policy, because the "homeland-type governments", he said, would "clamp down on political activity" and "establish themselves for election".

Mr R. F. Botha, the South African Foreign Minister, however, was on the same day reported to have rejected an assertion by the NNF that South Africa had reneged on its agreement with the five Western powers (Britain, Canada, France, West Germany and the United States—all of whom were members of the UN security Council) [see 28497 A] by setting up separate legislative councils and to have pointed out that Mr Vorster had stated that South Africa would give legislative assemblies to those people in South West Africa who wanted them.

As foreshadowed by Mr De Wet in May 1977[see page 28499], the South African Government had also begun to set up a South West African Defence Force on an ethnic basis.

Mr P. W. Botha, the South African Minister of Defence, announced on July 29 that Major-General Jan J. Geldenhuys (42) had been charged with setting up a central command in Windhoek. Men selected by the South African Defence Force from the various ethnic groups, such as Ovambos, Kavangos, East Caprivians, Hereros and Damaras, subsequently began to receive military training for a period of nine months. (Chief Clemens Kapuuo, the leader of the Hereros' Turnhalle delegation, had on July 19 specifically asked for assistance to form a Herero defence force.)

This development was condemned by SWAPO, whose youth secretary, Mr Nashilongo Taaiipopi, said on July 21 that South Africa had decided to use ethnic forces in its war against SWAPO because it could "no longer resist the marching revolutionary forces alone".

Prior to the dissolution of the Turnhalle conference, preparations were made by the territory's different political groupings for the proposed elections to a constituent assembly.

On July 18 it was announced that a central committee of the 11 Turnhalle delegations, or their appointed deputies, would by consensus establish policy and strategy for these elections with a view to the possible formation of an alliance between them, although the identity of the existing parties was to be respected.
Mr Mudge said in Windhoek on July 22 that the Turnhalle delegates would propose a non-ethnic method of voting, based on an adaptation of the West German "list system", with only the names of parties, and not those of candidates, appearing on the ballot papers.

A split occurred in the (White) National Party (NP) of South West Africa when, at a congress held in Windhoek, Mr A. H. du Plessis was on Sept. 27 re-elected as the party's chairman by 141 votes to 136 cast for Mr Mudge (who, in addition to being chairman of the Turnhalle constitutional committee, was also a vice-chairman of the NP, in which capacity the congress replaced him by Mr Koos Pretorius). Furthermore, the congress decided to sever the federal links which the party had had since 1945 with the National Party of South Africa, but to retain its name and to maintain the party as "the home of all White language groups in South West Africa".

Following the vote against him, Mr Mudge walked out of the congress together with 74 other delegates, among them six of the 18 members of the territory's (all-White) Legislative Assembly, and on Sept. 30 Mr Mudge also resigned as a member of South West Africa's Executive Council. Contrary to Mr Mudge, Mr Du Plessis was said to oppose the abandonment of the ethnic base for the proposed national elections, and Mr Mudge also accused him of disagreeing with the proposed removal of "petty apartheid" or "irritating methods" as a result of the Turnhalle's decisions against discrimination on the grounds of race or colour.

On Oct. 5 Mr Mudge announced the formation of a new White party, to be known as the Republican Party of South West Africa, which, he said, would fight against "evil powers" such as SWAPO would co-operate with Black and Brown people and would like to see those people who had not taken South African citizenship but were prepared to take that of South West Africa to be placed on the voters' roll (this being applicable in particular to ethnic Germans in the territory).

The formation of Mr Mudge's party was welcomed by the non-White Turnhalle delegation leaders, and also by Mr Bryan O'Linn, the leader of the Federal Party of South West Africa/Namibia, which supported the five-power initiative seeking an internationally acceptable settlement of the territory's future. (On Sept. 15 Mr O'Linn had announced plans for the formation of a moderate non-racial movement in which all participating parties would have proportional representation and which would advocate the incorporation of Walvis Bay—see below—in Namibia by negotiation and a charter or bill of human rights entrenched in a constitution and enforced by an independent judiciary.)

At a session of the Turnhalle conference on Oct. 13 Mr Mudge and the non-White delegates agreed on an amendment to the draft constitution giving more powers to the central Government and reducing those of the proposed second-tier representative authorities—these amendments being opposed by the NP delegates, Mr Du Plessis and Mr Eben van Zijl, who pointed out that the draft constitution had been approved by 95 per cent of the White electorate in the referendum of May 1977 [see 28497 A].

The Turnhalle constitutional committee was not formally dissolved until Nov. 7.

Many observers believed, however, that truly representative elections could not be held in South West Africa without the participation of SWAPO, which had repeatedly laid down conditions for such participation which were not acceptable to the South African Government.

Dr Lukas de Vries, president of the United Evangelical Lutheran Church in South West Africa, said in Johannesburg on July 26 that an election without SWAPO's participation would "turn into a catastrophe" because it would not obtain international recognition, that without such recognition Namibia would not be free from South Africa, and that if the Turnhalle parties won the elections the border war would not stop. (At the same time he claimed that SWAPO did not want Marxist communism for South West Africa and added: "There is far more emphasis on African socialism and communalism in which the Church will play a very active role.")

Mr Sam Nujoma, SWAPO's president, stated on June 29, prior to the Assembly of the Heads of State and Government of the Organization of African Unity in Libreville [see 28521 A], that all South Africa's armed forces would have to be withdrawn and all political prisoners released unconditionally before an interim administration could be set up in Namibia, and that the UN Council for Namibia was the only legal body to establish such an administration. Before the Assembly on July 3 he expressed appreciation of the five Western powers' efforts but insisted that, until the UN Council for Namibia controlled the process of decolonization, he would not order his freedom fighters to lay down their arms.

Mr Peter Katjavivi, SWAPO's spokesman in London, said on June 29 that SWAPO was prepared to accept, in place of South Africa's armed forces, the stationing of a UN peace-keeping force along Namibia's border with Angola to ensure that SWAPO guerrillas did not pose a threat to law and order.

The appointment of Mr Justice Steyn as Administrator-General of the territory was attacked in a statement by SWAPO on July 8, saying that it had not been agreed upon by SWAPO or the United Nations, that it
was "merely a replacement of one illegal administrator by another" and that the proposed elections were being "geared towards engineering an outcome which suits the South African Government".

A safe-conduct offer, made on Sept. 7 by Mr Steyn to Mr Nujoma to enable the latter to return to South West Africa for discussions on SWAPO's participation in the elections, was rejected by Mr Nujoma on Sept. 8 when he stated in Paris that Mr Steyn represented "the repressive machinery of the Vorster regime" and that he (Mr Nujoma) would "have nothing to do with him".

At a meeting of SWAPO's central committee at Lubango formerly Sá da Bandeira) in Angola, the opening of which was attended by Presidents Neto of Angola and Luis Cabral of Guinea-Bissau and also by representatives of the Soviet Union and Cuba, it was decided at the end of September 1977 to reject South Africa's moves to "hold bogus elections under the armed forces with a view to installing a puppet neo-colonial Turnhalle regime", and to continue and intensify the armed struggle. (The central committee also accused South Africa of committing an act of aggression and of violating Namibia's territorial integrity by claiming Walvis Bay.)

SWAPO's armed struggle had, during the period from June to the end of October, according to announcements by South African Defence Headquarters in Pretoria, consisted mainly of sporadic attacks by small groups of infiltrators from Angola, as the result of which a number of "terrorists" were killed (including a total of 20 during the last three weeks of August), with the South African forces suffering few losses.

According to a statement made on Oct. 25 by General Wally Black, Director-General Operations of the South African Defence Force, there were about 100 contacts a month between South African security forces and "terrorists", of whom there were some 300 in Ovamboland, an estimated 2,000 in Angola and about 1,400 in Zambia on the Caprivi border.

Following interference with the electricity supply for the pumping station at the Calueque Dam in Angola, the water supply for a large part of northern South West Africa was temporarily cut off from July 9 onwards, and in mid-September it was disclosed in Windhoek that, after unsuccessful negotiations with the Angolan Government for a restoration of the water supply, it had been decided to construct an alternative water scheme at an expected cost of R 7,000,000 (over £4,000,000). Mr Nujoma however, had denied on July 19 that SWAPO guerrillas were responsible for the alleged sabotage.

Following a reported increase in "terrorist" activities, directed mainly against the Black civilian population, from Sept. 21 onwards, a major battle took place in the "operational area" on Oct. 27–28 after a South African patrol had clashed with some 80 SWAPO guerrillas on the Namibian side of the border with Angola. According to the Pretoria report on this incident, South African forces had retaliated against firing to which they were exposed from bases in Angola, and had killed a total of "at least 61" SWAPO followers against a loss of five South African soldiers killed (bringing the number of South African armed forces members killed in the border area since July 1977 to 16). Two further South African soldiers were subsequently reported to have been killed in the battle, which according to Major-General Geldenhuys had extended up to 21 kilometres (13 miles) inside Angola.

On Nov. 10 South African Defence Headquarters announced that another 10 "terrorists" had been killed when some 40 or 50 SWAPO men had launched heavy rocket and machine-gun fire against a South African border patrol, which suffered no casualties.

SWAPO, on the other hand, denied on Oct. 31 that it had lost 61 men in the battle of Oct. 27–28 and claimed in Dar-es-Salaam (Tanzania) on Nov. 30 that in an "historic battle" fought in October 1977 its guerrillas had killed 82 South African soldiers and captured quantities of various arms--these claims being dismissed as unfounded by a Defence Force spokesman in Pretoria, who stated that the South African Defence Force was "not in South West Africa to fight political parties but to protect people and property by subduing terrorism".

In connexion with earlier SWAPO actions the Supreme Court in Windhoek had on July 15, 1977, imposed prison sentences of 15, 12, eight and five years respectively on four Africans convicted of offences under South Africa's 1967 "Terrorism" Act [see 22620], arising out of actions carried out by them as members of SWAPO.

In urban areas in South West Africa, SWAPO followers were involved in several violent clashes with political opponents on Oct. 26–28, in particular at Katutura (near Windhoek) and in Tsumeb (near Grootfontein), with a number of persons being injured.

The attitude of the South African Government towards a settlement of the territory's political future was defined by Mr R. F. Botha, the Foreign Minister, in an interview transmitted by the British Broadcasting Corporation on Aug. 15, 1977.
Mr Botha declared that South West Africa could "without fragmentation and with no separate independent homelands" become independent "not later than the end of next year" (i.e. 1978), with all discrimination based on colour being removed, and with elections being held on a one-man, one-vote basis for a constituent assembly which would decide on a constitution, after which further elections would be held to choose a Government which would take the territory to independence. The UN Secretary-General, he added, could send a "personal representative or staff" to satisfy himself of the fairness of the elections and could appoint a panel of jurists to "decide any dispute on the fairness of any election regulations"; South Africa would release all political detainees, of whom there were "not more than about 10" on the South African side, "on condition only that the almost 1,000 people detained by SWAPO in Tanzania and Zambia [see 28497 A] are also released"; the (UN) panel of jurists could decide whether prisoners convicted by a court of law were "politically motivated" or not; and the elections would not be ethnically based, seeing that the Turnhalle representatives had decided on a "free and open one-man, one-vote election". Nevertheless, South Africa had not decided to withdraw its armed forces, "the instruments of security", from the territory, although its Government would "look at the possibility of decreasing the number of its troops".

Mr Nujoma, however, explicitly rejected Mr Botha's ideas on Aug. 16, adding (after talks which he had had with Dr David Owen, the UK Secretary of State for Foreign and Commonwealth Affairs): "We are confident of the British Government's support for peaceful solutions but in the meantime we intend intensifying the war."

Diplomats of the five Western members of the security Council were meanwhile continuing talks with the South African Government and also had a meeting with a SWAPO delegation led by Mr Nujoma in Washington on Aug. 8–11.

In a statement issued after these talks it was said that "the two sides agreed that there exist possibilities for a negotiated settlement of the issue consistent with security Council Resolution 385" [see 27751 A], while some issues remained to be clarified". Mr Nujoma, however, said that no agreement had been reached and that before any elections could be held South Africa's troops would have to be replaced by a UN peace-keeping force.

No decisions were reached in further talks held by the five powers' diplomatic representatives with Mr Botha in Pretoria on Sept. 12 and Sept. 22–26, after which Mr Botha confirmed that South Africa had agreed to "nothing which will jeopardize the maintenance of law and order and the safety and security of the territory".

After Mr Vorster had on Oct. 3 informed the members of the Turnhalle constitutional committee of the matters discussed at the above talks, it was disclosed that, although South Africa would not allow a UN peace-keeping force in the territory, it would admit a large contingent of UN military observers, their role being to ensure that free elections would be held without being inhibited by South African troops or by SWAPO guerrillas, and that South Africa would also allow Mr Martti Ahtisaari, the UN Commissioner for Namibia, to visit South West Africa as the personal representative of Dr Kurt Waldheim, the UN Secretary-General, but that no further concessions would be made, and that, if SWAPO did not accept a ceasefire, involving an end to guerrilla activities and the dismantling of land mines laid in operational areas, elections would be held without SWAPO's participation. If, however, SWAPO accepted the above conditions, a gradual withdrawal of troops would begin after two months.

Following a further meeting between the five Western powers' representatives and a SWAPO delegation led by Mr Nujoma in New York on Oct. 14–15, SWAPO announced that it would not accept any settlement plan which did not include (i) a total withdrawal of South Africa's troops as a precondition to any settlement and (ii) the retention of Walvis Bay as part of Namibia.

The resumption of South African control of the port of Walvis Bay as part of the Cape Province had been announced in a proclamation on Aug. 31, to take effect from Sept. 1, 1977.

The port of Walvis Bay, situated in an enclave of 350 square miles, was South West Africa's only deep-water harbour and the fifth largest port in South Africa. It handled about 2,000,000 tonnes of cargo a year, including uranium from the Rio Tinto-Zinc mine at Rossing (about 40 miles inland), and its fishing, canning and fishmeal industry represented an investment of £15,000,000—which was, however, threatened by a decline in pilchard fishing attributed largely to the activities of foreign fishing fleets, including those of the USSR, Cuba, East Germany and Poland, fishing off the coast all the year round.

A UN spokesman, speaking for Dr Waldheim, said on Sept. 1 that it was "unfortunate" that South Africa had taken such a "unilateral act" in respect of Walvis Bay at a time when concerted efforts were being made "to find a peaceful solution to the whole problem of Namibia".
The South African move was strongly opposed by SWAPO, whose deputy chairman, Mr Daniel Tjongarero, declared on Sept. 1 that Namibians could not be bound by colonial treaties of the 1880s (under which Walvis Bay had become part of the then British Cape Colony), and added: "South Africa's claim to the bay is an expansionist venture, and it could be used for possible aggression against Namibia under SWAPO leadership." Mr Moses Garoeb, SWAPO's administrative secretary in Lusaka (Zambia), said on Sept. 8 that SWAPO's guerrillas would fight "to the bitter end" to prevent South Africa's "annexation" of Walvis Bay.

Mr Mudge was on Sept. 9 quoted as saying that he hoped that South Africa would ultimately see its way clear to pass Walvis Bay on to South West Africa, and that it was important for the latter to know that it would continue to have the full use of the port.

The UN Council for Namibia on Sept. 7 called for a UN security Council session to consider the South African move and "to take appropriate and adequate measures to maintain the status of Walvis Bay as an integral part of the international territory of Namibia".

Mr Vorster, however, said at a public meeting in Bloemfontein on Sept. 8 that, if the security Council disputed South Africa's ownership of the port, he saw no merit in any further discussion on the future of Namibia with the five Western security Council members.

South African Defence Headquarters announced on Oct. 27 that the "dormant naval command and control facilities which already exist at Walvis Bay" would be reactivated as from Nov. 1, 1977.

Of the Western security Council members, the West German Government closed its consulate in Windhoek on Oct. 31, 1977, after it had stated that the interests of German citizens in the territory would be represented by local lawyers and by the West German embassy in Pretoria and consulate in Cape Town, and that the decision had been taken in view of a UN resolution objecting to the presence of official missions in Namibia and in the hope of being able to establish a diplomatic mission there immediately after the territory achieved independence, as expected for 1978. (Resolution 31/148, approved by the UN General Assembly on Dec. 20, 1976, by 118 votes to none with seven abstentions-Belgium, France, West Germany, Luxembourg, Malawi, the United Kingdom and the United States-had, inter alia, called upon those states which had resident or non-resident consular representation in Namibia, whether ordinary or honorary, to terminate such representation.)

Namibia, as represented by a group of African members of the UN Council for Namibia, was on Nov. 14 admitted as a full member of the (UN) Food and Agriculture Organization (FAO) at the latter's biennial conference in Rome–against reservations expressed by the United States, which held the view that, as in other UN specialized agencies, Namibia should merely hold observer status.-

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