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**Ceasefire agreement between South Africa and Angola-Rejection by South
Africa of draft constitution-Increase in powers of Administrator-General
Developments in guerrilla war to mid-1988-Other internal developments-UN
activities**

Signature of ceasefire agreement between Angola and South Africa (Aug. 22, 1988). Submission of draft constitution by constitutional council (July 6, 1987). Talks with South African government (June 19, 1987). Announcement of increase in powers of Administrator-General (April 8, 1988). Arrest of SWAPO leaders and supporters (Aug. 18, 26, 1987). Intervention by President Botha in trial of soldiers accused of murder (March 22, 1988). Deaths in bank explosion at Oshakati (Feb. 19, 1988). Schools boycott (March-June 1988). Strike by mineworkers (July-August 1987). UN security Council resolution (Oct. 30, 1987).

Progress appeared to be made on reaching a political solution to the conflict in southern Angola and Namibia after the fourth in a series of negotiating sessions, held in Geneva in early August 1988, involving representatives of the Angolan, South African, Cuban and United States governments 80 for earlier meetings [see pages 36079-80 for earlier meetings].

The Angolan and South African governments on Aug. 22, 1988, signed formally at Ruacana, near the Angola-Namibia border, an agreement announced jointly by Angola, Cuba and South Africa two weeks earlier, covering southern Angola, where since late 1987 fighting had intensified into a major confrontation between on the one hand Angolan armed forces backed by Cuban troops, and on the other the South African Defence Forces (SADF), fighting in support of the Angolan rebel organization *Uniao Nacional para Independencia Total de Angola* UNITA [see page 35750; 35174 A; 36076 A; for reports of UNITA activity December 1985-April 1988].

The signature of the ceasefire was expected to bring about the implementation of the UN plan for the independence of Namibia as set out in UN security Council Resolution 435 (1978) [see 29461 A], as a response to the 'linkage' argument, espoused by South Africa and the USA, whereby implementation was conditional on the withdrawal of Cuban troops from Angola.

The timetable as reported in the *New York Times* of (1) Aug. 10, 1988, would be as follows: (2) Aug. 10, 1988—start of withdrawal of South African troops from Angola; Aug. 22—holding of further four-party talks to discuss unresolved issues such as the schedule for the withdrawal of Cuban troops from Angola, future South African aid to UNITA, and the presence in Angola of bases of the South African liberation movement, the African National Congress (ANC) in Angola; (3) Sept. 1—completion of South African troop withdrawal from Angola; presentation of joint Cuban-Angolan timetable for Cuban troop withdrawal; (4) Nov. 1—implementation of Resolution 435 to begin, allowing for a period of seven months leading up to UN supervised elections; (5) Feb. 1, 1989—completion of a phased withdrawal of South African troops from Namibia, with the exception of some 1,500 troops stationed in two southern bases; UN Transitional Assistance Group (UNTAG) peacekeeping force of 7,500, as provided for in Resolution 435, to be in place by this date; start of four-month election campaign in Namibia; (6) June 1—completion of phased withdrawal of Cuban troops; holding of UN-supervised elections.

Full independence would be achieved on the subsequent adoption of a constitution approved by the elected legislature.

It was noted in reports that South Africa's adherence to the target date of Nov. 1, 1988, for the implementation of the first stage of the UN independence plan was dependent on a number of conditions, specifically (i) that Cuba and Angola reach agreement by Sept. 1 on a timetable for withdrawal of Cuban troops—estimated at up to 45,000—which was 'acceptable to all parties'; (ii) that the South African government received assurances of UN impartiality; and (iii) that the estimated cost of US\$ 1,000 million needed to put the UN independence plan into effect would be fully met without any costs being incurred by South Africa, and also that South Africa's annual budget contribution to Namibia (currently the equivalent of \$ 200,000,000) would be taken over by others.

As specified under the terms of the establishment of the 1985 transitional government of national unity (TGNU), installed by the South African government in 1985 [see 33960 A], an 18-member constitutional council in the course of 1987 drew up proposals for an interim constitutional dispensation for the territory.

A draft constitution was finally adopted by the council on July 6, 1987, by 14 votes to four, and two days later was formally presented to the Namibian Cabinet. The constitutional council comprised only representatives of the six parties which had formed the grouping previously known as the Multi-Party Conference, as did the appointed 62-member National Assembly and the Cabinet [ibid]. which together comprised the TGNU.

Observers noted that any draft constitutional document, were it to be accepted by the transitional government, would have to be acceptable to the South African government; it would also have to be approved by the electorate and by all parties to the internationally accepted independence plan for Namibia, enshrined in Resolution 435 [see below for South Africa's effective rejection of the draft].

Parties on the constitutional council voting in favour of the final draft were (i) the Democratic Turnhalle Alliance (DTA), a coalition of African, coloured (mixed race) and white parties under the chairmanship of Mr Dirk Mudge, the leader of the Republican Party (RP); (ii) the Herero population group's South-West Africa National Union (SWANU), led by Mr Moses Katjuongua; (iii) a breakaway faction of the South West Africa People's Organization (SWAPO—the principal liberation movement), the SWAPO-Democrats, led by Mr Andreas Shipanga; and (iv) the Labour Party, which drew its support from the coloured sector of the population, and was led by Mr Dawid Bezuidenhout [but see below for later reported leadership change].

Voting against were representatives of the National Party of South-West Africa (NP-SWA), a white party closely affiliated to the ruling National Party in South Africa, and the Rehoboth Free Democratic Party (*Rehoboth Bevryder Demokratiese Party*—RFDP), an Afrikaner party espousing 'European' customs. An alternative draft based on the views of these two dissenting parties was also submitted to the government [see below].

The majority proposals provided for a non-racial, republican constitution with a President assisted by a Prime Minister; there would be a two-chamber Parliament. The draft omitted any mention of 'minority rights' (which in South African terminology ensured the continuation of white privileges, among other things in facilities such as schools, housing and hospitals, by means of the ethnically based 'second-tier' of local authorities). The draft also proposed English as the future sole official language—the three official languages were currently Afrikaans, English and German.

The alternative, minority proposals incorporated the retention of group legislatures having control over 'own affairs' (including education, land, health and social services) for the different population groups. The South African government had, however, earlier indicated that it considered provisions contained in the majority proposal to be unacceptable, thus effectively ruling out its adoption as a final document. On June 19, 1987, the Cabinet had met the South African Minister of Foreign Affairs, Mr Roelof 'Pik' Botha (who was accompanied, among others, by Gen. Magnus Malan, the South African Minister of Defence), in Windhoek (the Namibian capital), after which it appeared that those ministers who had declared their support for a non-racial constitutional dispensation had accepted South African criticisms of the proposals.

A statement issued by Mr Botha after the meeting declared that there was now 'unanimous agreement' in the Namibian Cabinet that 'minorities protection is of fundamental interest and that the transitional Cabinet will attend to proposals to protect effectively minority rights'. The statement also emphasized that any constitution agreed by the transitional government should merely serve as a basis for further negotiation with other political parties in the territory.

The South African government, in seeking to make the transitional government into an acceptable alternative to SWAPO, was anxious to obtain the co-operation with the transitional government of other Namibian internal parties, particularly those other than SWAPO with claims to represent the Ovambo, the largest population group, from whom SWAPO drew most of its support.

In late July 1987 it was reported that the two existing sets of proposals would nonetheless be considered by the National Assembly, and that further submissions would be sought from other political groups.

On Aug. 11 the six Cabinet members representing the DTA, the Labour Party, SWANU and the SWAPO-Democrats rejected South African plans (proposed via the Administrator-General) to hold elections to the 11 'second-tier' legislative assemblies (10 of which were black and one white); [for elections to eight of these, last held in 1980, see page 30865; see below for court ruling on constitutionality of the 1980 law (AG 8) which among other things had established the administrative authorities].

A joint statement declared that these parties instead favoured 'a country-wide national election, based on the principles of one man, one vote and by using proportional representation, based on a party list system to elect representatives to local, regional and central government'; the parties noted that it was undemocratic

to hold elections to second-tier government while the central government remained a non-elected body. The NP-SWA and the RBDP issued a separate statement in which they stated their support for the holding of elections on an ethnic basis.

The South African State President, Mr P. W. Botha, subsequently ruled out the holding of a national election, because he said, that it would interfere with the implementation of Resolution 435 to which his government was committed, although he said that he himself did not consider Resolution 435 to be 'a practical and viable mechanism'.

The South African government was in favour of ethnic rather than geographical elections as a means of bringing forward local leaders with some claim to popular support, while ensuring the protection of white interests through the white's legislature.

A full bench of the Windhoek Supreme Court on March 7, 1988, issued a non-binding 'advisory opinion' at the request of the transitional Cabinet which concluded that the 'second-tier' legislative assemblies as set up by AG 8 (1980) were in conflict with the Bill of Fundamental Rights and Objectives. (This Bill, drawn up by members of the Multi-Party Conference, had been included as part of the 1985 proclamation establishing the powers of the transitional government—see 33960 A—and among other things prohibited discrimination on the grounds of race or colour.)

The court found that decree AG 8 of 1980 gave the white population advantages over other ethnic groups in terms of social facilities. (All income tax levied on the white population, by far the wealthiest population group, was spent on facilities for whites only.) It urged that the existing legislature be reviewed by a constitutional standing committee of the National Assembly.

This committee recommended on March 22 that AG 8 be repealed and that related legislation be amended, including that which classified all Namibians according to racial or tribal origin and which levied taxes on an ethnic basis.

In November 1987 the Cabinet had extended the term of office of the ethnic authorities by 12 months. Mr Mudge, the Minister of Finance and Governmental Affairs, stated that the decision did not, however, affect the Damara or the Ovambo legislatures—elections were not due in the former until March 1989, while no election in Ovamboland had yet been held.

In February 1988 the Cabinet voted against requesting the Administrator-General to dissolve the white legislative assembly in preparation for elections to that body, as the NP-SWA and the RFDP wished. The NP-SWA nonetheless proceeded with preparations for the holding of elections for whites (initially scheduled for June 1988), although the RP (led by Mr Mudge) stated that it would not participate were such elections to be held (the RP had been defeated in previous elections to the white assembly by the NP-SWA—see page 30865).

Despite the signature in August 1988 of the ceasefire between Angola and South Africa see above, there were indications that South Africa would nonetheless press ahead with the holding of segregated elections. Mr Louis Pienaar, the Administrator-General, stated on Aug. 9 that such elections could be 'a demonstration, before the implementation of UN security Council Resolution 435, that the majority prefer democracy and democratic values'.

In internal party developments (i) it was reported in December 1987 that the Caprivi African National Union (CANU) (which together with the Caprivi Alliance Party had formed the Namibia Unity Front in April 1987), was also seeking elections for the Caprivi ethnic group, and had asked to join the transitional government; and (ii) in the same month Mr Bezuidenhout of the Labour Party was said to have resigned as its leader (although some reports implied that he had been dismissed), and was replaced by Mr Billy Phillips, currently the chairman of the Coloured authority. In April 1988, however, Mr Phillips announced the formation of a new party, the Namibian People's Party.

The powers of Mr Pienaar were increased at the expense of the transitional government in April 1988. The announcement followed a visit to the territory by President Botha on April 8, 1988, at the head of a high-level delegation; this was President Botha's first visit since the installation of the transitional government in 1985.

Mr Pienaar, who had hitherto acted on the advice of the Cabinet but had limited power of veto over legislation (with the South African State President having overall right of veto), was now empowered to call elections to any second-tier legislatures at the request of the leader of the authority concerned (previously the prerogative of the interim government). The government would also henceforth have to seek Mr Pienaar's approval for the abolition or reduction in powers of the second-tier authorities—thus enabling him to prevent the repeal of AG 8 were the Cabinet to attempt it.

Under the terms of its installation in 1985, the transitional government had been prohibited from passing legislation which would alter the status of the territory. Its limited autonomy had been further undermined since its inception by factional disagreements, and it had moreover failed to persuade other Namibian parties to join in what was widely considered within Namibia and by the international community to be a 'puppet' regime under the control of Pretoria. The increase in the powers of the Administrator-General was seen as being likely to weaken further the transitional government's credibility, despite efforts by some of its members to resist Pretoria's rulings regarding the territory.

Mr Pienaar was now also empowered to 'take appropriate steps' against media reporting which in his opinion promoted 'subversion and terrorism'. The Namibian press had not up until now been subject to the same strict reporting censorship as was the case in South Africa under the state of emergency regulations in force there since June 1986; [see 34658 A; 35298 A; 36068 A]. The measure was widely considered to be aimed in particular at *The Namibian* newspaper, which had for several years documented atrocities reportedly carried out by the military against the civilian population of northern Namibia [see also page 33962; 33106 A].

Mr Mudge announced in June 1987 that South African direct budgetary support was to be reduced by 40 per cent, from 508,000,000 rand to R 308,000,000. On July 14 he presented a budget showing a deficit of R 750,000,000 (US\$ 1.00=R 2.056 as at July 15, 1987). Observers interpreted South Africa's cut in aid as a direct attempt to put pressure on the transitional government regarding the draft constitution currently under debate [see above]. In the 1988/89 financial year South African budgetary support was again to be cut, this time by one-third.

In a nationwide swoop on Aug. 18, 1987, police arrested a number of senior figures both in SWAPO and in the trade union movement. (SWAPO'S military wing, the People's Liberation Army of Namibia-PLAN, operated from Angola; the political wing was allowed to function within the territory, although its activities were frequently curtailed.)

Among those arrested under the Terrorism Act 1967 (which provided for indefinite detention without trial—see 22620 A) were (i) Pastor Hendrik Witbooi, SWAPO's vice-president; (ii) Mr Anton Lubowski, a lawyer, trade unionist and spokesman; (iii) Mr Daniel Tjongarero, the national chairman; (iv) Mr Nico Bessinger, SWAPO's assistant secretary of foreign affairs; and (v) Mr John Pandeni, the general secretary of the Food and Allied Workers Union. According to the authorities the arrests were made in connexion with a car bomb which had exploded, without causing casualties, on the evening of July 17 in the commercial district of Windhoek, some 100 metres from military headquarters. They preceded celebrations planned for Aug. 26 to mark the 21st anniversary of SWAPO's engagement in armed opposition to South African rule in Namibia.

Mr Ben Uulenga, the general secretary of the Mineworkers' Union of Namibia (MUN; for its formation in 1986 see 35106 A), who was also a SWAPO member and former guerrilla fighter, was arrested on Aug. 26 on his return from a visit to Scandinavian countries and the United Kingdom to raise support for striking miners [see below].

All six were released however when, in a case brought by the detainees' families, the Windhoek Supreme Court on Sept. 11 found that the arrests had not been strictly in accordance with the provisions of the Terrorism Act.

In giving his reasons for ordering the release of the detainees, Dr Justice Kenneth Bethune commented that it was 'incomprehensible that citizens of South West Africa should still be subject to the draconian provisions of a South African Act of Parliament which was repealed in South Africa 15 years ago, and which is moreover in conflict with our Bill of Rights'. He expressed dismay that the National Assembly had not to date used what powers it possessed to repeal or amend laws which conflicted with fundamental rights of the individual, and implied that the courts might use their own powers to do so. The Cabinet later lost an appeal against the court's decision to release the six men.

In a controversial decision President Botha on March 22, 1988, stopped the trial of four members of the SADF and of two members of the South West Africa Territory Force (SWATF) who were to have stood trial in Windhoek charged with the murder of a SWAPO veteran, Mr Immanuel Shifidi at a SWAPO rally on Nov. 30, 1986 [see page 35108 A]

The inquest into the death of Mr Shifidi, a former inmate of the prison on Robben Island, had revealed an Army conspiracy to disrupt an authorized SWAPO rally held at Katutura township outside Windhoek. The inquest had heard that 54 members of the SADF 101 battalion (composed of black *Namibian* volunteers) based at Ondangua had been transported to Windhoek on the day before the rally; wearing civilian clothes and carrying assorted weapons they infiltrated the rally and attacked SWAPO supporters. Mr Shifidi had

died from stab wounds. The rally was later broken up by police. A police inquiry following the inquest concluded that the six men subsequently charged had conspired to disrupt the rally using violent means. The soldiers were named as Col. Johannes H. Vorster and Cmdt. Antonie Botes of the SWATF headquarters in Windhoek; Col. Willem H. Welgemoed, commanding officer of 101 battalion; and Lt. Nicolaas Prinsloo, Cpl. Eusebius Kashimbi and Pte. Steven Festus, all of 101 battalion.

The trial was halted under the terms of Section 103 of the Defence Act, under which members of the security forces were exempt from criminal or civilian court action if they had acted in good faith in the suppression of 'terrorism'. President Botha's decision, which was criticized by politicians, journalists and lawyers, came only days after he had refused to grant clemency to the so-called 'Sharpeville Six' (who faced the death penalty in South Africa for their part in the death of a Sharpeville town councillor in 1984—see 36068 A), on the grounds that such action would be an interference in the judicial process. In one of the highest death tolls in a single incident in the 22-year conflict, 27 people were killed on Feb. 19, 1988, in a bomb explosion at a bank in Oshakati, in northern Namibia, where the main South African military base. Police attributed responsibility to PLAN, but SWAPO, in a statement issued from Lusaka, the capital of Zambia, and on several subsequent occasions, denied responsibility, claiming that the incident was the work of the security forces and was designed to discredit SWAPO.

The bomb, consisting of 25 kg of plastic explosive, went off as the bank was crowded with employees of the Ovamboland administration who were depositing wages received on that day.

On Feb. 20 and 21 the SADF carried out retaliatory bombing raids on SWAPO guerrilla camps in Lubango, some 300 km inside Angola, and at Ongiva, near to the Namibian border. The targets of the Lubango raids were an alleged SWAPO training camp and 'holding centre', while Ongiva was attacked because, according to Gen. Jannie Geldenhuys, the Chief of the SADF, SWAPO had recently launched attacks on Namibian civilians from that town [for recent military activity in southern Angola, see 36076 A].

In early March the secretary to the Ovamboland legislative assembly, Mr Oswald Shivute, testified at the trial in Cape Town (South Africa) of South African conscientious objector Dr Ivan Toms [ibid.] that he had seen two white men leaving a parcel at the bank minutes before the explosion.

The Namibian Press Agency (NAMPA), which had been launched in November 1987 by SWAPO, reported on Jan. 14, 1988, that PLAN had killed 'at least' 981 South African troops and had wounded 'hundreds' of others during its campaigns in 1987. PLAN forces had destroyed seven South African aircraft in the course of the year, and had carried out 675 sabotage actions, 58 attacks on military bases, and 30 'fire-raids' on military installations. The guerrilla army claimed in a communique that its actions had provoked low morale among South African troops in Namibia, and had contributed to mutinies which had been reported in 101 and 202 battalions of the SWATF stationed in Angola and Namibia [see 36076 A]. During the latter part of 1987 PLAN claimed numerous attacks on South African military bases and convoys and on the economic and transport infrastructure. Additionally they claimed among other things (i) to have captured five members of the *Koevoet* (crowbar) paramilitary police unit; (ii) to have bombed in mid-July a petrol station at Oranjemund, the centre of the De Beers diamond mining coastal operations situated over 1,200 km from Angola; (iii) to have twice in November bombed the Walvis Bay enclave (annexed by South Africa in 1977—see page 28791), the location of the South African Rooikop air base and naval headquarters; and (iv) to have destroyed 14 military vehicles and killed 100 South African soldiers on Oct. 3 in an attack on a convoy of 70 vehicles en route for the Angolan border. This last encounter, occurring 57 km north-east of Ondangua, was described as PLAN's greatest success to date in the guerrilla war.

Western press reports generally agreed, however, that the joint efforts of the SADF and the SWATF had had a high success rate in tracking and killing guerrillas in northern Namibia. (The SWATF, numbering 22,000, was commanded by Maj.- Gen. Willie Meyer [see page 35108 A], a South African, who reported to Gen. Geldenhuys, the Chief of the SADF; the main combat units of the SWATF were the 101 and 202 battalions, whose role was principally to patrol northern Namibia in pursuit of PLAN guerrillas, assisted by two battalions of 'bushmen' renowned for their tracking abilities. As of July 1988, there were an estimated 50,000 South African troops operating in or from Namibia. For assessment of total number of South African troops operating in southern Angola from bases in Namibia and Angola as of early 1988—see 36076 A.) In addition, PLAN's fighting forces had reportedly been heavily committed in fighting in southern Angola, alongside Cuban and Angolan troops, against the combined opposition of the SADF and UNITA [ibid.] for details of fighting in 1987–88, and for South African claim in November 1987 to have killed more than 150 PLAN guerrillas for the loss of 12 of its own troops in a 'pre-emptive' raid on a base in Angola].

In a reversal of previous policy, SWAPO announced in early 1988 that it henceforth considered any facility or installation 'that serves or is in any way associated with the occupation forces and administration' as a legitimate target 'for anti-colonial attacks'. Moreover, SWAPO's president, Mr Sam Nujoma, in a New Year message described as 'sheer propaganda and wishful thinking' South Africa's claims that the movement's military capabilities had been progressively weakened.

Apparently in confirmation of the policy change, a bomb exploded in late January 1988 at a supermarket situated in the South African Suiderhof garrison in Windhoek and thus frequently used by South African military personnel and their families. There were no casualties. The timing of the bomb was thought to be significant, occurring shortly before a meeting in Windhoek between the Minister-President of Bavaria (West Germany), Herr Franz Josef Strauss, who visited Namibia during a tour of southern Africa, and the South African Foreign Minister, Mr Roelof 'Pik' Botha.

As of mid-March 1988, PLAN claimed to have killed 'more than 159' South African troops and to have shot down two military aircraft in the first quarter of 1988, and noted that the South African military, in attempting to further 'Namibianize' the conflict, was conscripting increasing numbers of Namibians into the SWATF.

Pupils in schools in northern Namibia began a boycott of classes in March 1988 in protest at the proximity of certain schools to some bases, claiming that the presence of the bases put pupils' lives at risk.

The schools boycott was also in part a protest against mistreatment by *Koevet* of civilians in townships and rural areas, alleged by independent sources in northern Namibia to be widespread, and against intimidation of children by the security forces. There had been a number of unsubstantiated reports of the abduction of children by soldiers disguised as SWAPO guerrillas, and in April 1987 there had been a spate of arson attacks on schools in Ovambo which local people also attributed to the security forces.

The boycott began at a secondary school at Ponghofi in Ovamboland when students demanded the removal of a nearby *Koevoet* base, and by June had spread to schools in Walvis Bay, Tsumeb and Swakopmund and was affecting the majority of black schools in Katutura township. By early June there were reports that between 25,000–50,000 pupils were involved in the boycott; however, according to a spokesman for the Department of National Education (which controlled black schools), only some 6,700 pupils out of a total of 40,000 registered were boycotting classes as of mid-June 1988.

Mr Andrew Matjila, one of the three DTA representatives in the Cabinet, on June 9 blamed the spread of the boycott on action by the so-called /Ai//Gams organization—a coalition of political and religious groups opposed to the South African military presence in Namibia and supportive of SWAPO, which had been brought together in May 1986 under the auspices of the Council of Churches in Namibia.

The National Union of Namibian Workers (NUNW), a confederation of the country's largest unions, called for a workers' stay-away in support of the striking pupils on June 20–21, to which some 50,000 workers reportedly responded.

The largest strike in Namibian mining history began on July 27, 1987, when a total of more than 4,000 black mineworkers struck at three copper, lead and zinc mines belonging to the Tsumeb Corporation Ltd (TCL), situated at Tsumeb in the north, and at the Otjihase mine near Windhoek.

The miners' demands were reportedly (i) wage increases (originally of 120 per cent, later modified to between 34 and 65 per cent); (ii) an end to the system of contract labour; and (iii) a condemnation by the company of South Africa's bush war against SWAPO (the majority of Namibian miners being Ovambos). The response of the parent company, Gold Fields of South Africa, was to dismiss the strikers, who were subsequently evicted from their accommodation in mining hostels. Gold Fields claimed that the strike was illegal, and their action in dismissing and evicting the miners was upheld in court. Some 3,000 dismissed TCL workers on Aug. 25 lost an appeal against this decision.

Western press reports noted an increase in militancy in the Namibian labour movement in the course of 1987, following greater organization in the major industries. By mid-1988 four large unions had affiliated to the NUNW, namely the MUN, the Namibian Food and Allied Workers' Union, the Metal and Allied Namibia Workers' Union, and the Namibia Public Workers' Union (formed in December 1987). The NUNW itself had close links with SWAPO.

The UN Council for Namibia in July 1987 instituted legal proceedings against the government of the Netherlands and against two uranium-processing companies, under the terms of its Decree No. 1 of 1974, in an attempt to prevent the enrichment in the Netherlands of uranium from the Rossing mine in Namibia. The Council for Namibia had been established in May 1967 to administer Namibia on behalf of the international body pending independence [see 22069 A for this and also for South Africa's refusal to recognize the Council]. UN Decree No. 1 of 1974, which had attempted to protect Namibia's natural

resources by making it illegal to extract or develop mineral and other resources from the territory as long as it remained occupied by South Africa, had had little effect on mining operations. The Dutch government was the only Western government to recognize the Council's Decree as legally binding, and the court action, the first example of a UN body attempting to prosecute one of its member states in that state's domestic courts, was seen as a test case for the Council.

The Council issued writs at a court in The Hague against the Dutch state, the state-owned Ultra-Centrifuge Nederland UV (UCN) and its associate, Urenco Nederland (comprising U.N. British Nuclear Fuels, and a private West German company, URANIT), to try to prevent Urenco Nederland's uranium enrichment plant from 'carrying out orders on the basis of purchases of Namibian uranium'.

On May 3, 1988, the respondents formally denied that they had acted unlawfully, the Dutch government claiming in its defence that it could not identify the source of uranium enriched by Urenco-Nederland on behalf of clients in Europe and the USA. Additionally the Dutch government argued that Decree No. 1 did not empower the Council to take action against governments, but only against companies. Open court hearings were expected to begin in the course of 1989.

In late October 1987 a report by a committee of the transitional government exonerated the diamond-mining company Consolidated Diamond Mines (CDM—a wholly-owned subsidiary of De Beers) of accusations made against it in a report published in March 1986 by the Thirion commission [see page 35109]. Among other things, the Thirion commission, set up in 1982, had accused CDM of over-mining and of transfer pricing.

The government report found that CDM's activities fell outside the scope of the Thirion commission's brief, which was to investigate corruption in government administration. It also rejected proposals put forward by Thirion regarding more efficient taxation of mining companies.

A White Paper outlining the transitional government's mining policy was published on Oct. 30.

The document, considered by commentators as being generally conciliatory towards the mining companies, stated the government's intention as being to 'encourage and foster a healthy mining industry with the private sector', and announced the establishment of a Department of Mines to co-ordinate the exploitation, mining and processing of minerals. *The Namibian* of Nov. 11, 1987, reported that the participation of the state in the development of the territory's mineral resources was to be ensured by the establishment of a National Unit Trust, in which the state would be entitled to buy a maximum of 15 per cent of the stocks in mining companies.

The UN security Council debated the Namibian independence issue for the second time in 1987 on Oct. 28–30 [see page 35108 for veto of April 1987 resolution by UK and USA].

After three days of debate members approved (by 14 votes to none, with the USA abstaining) Resolution 601 (1987) authorizing the UN Secretary-General to arrange a ceasefire between South Africa and SWAPO, and to take steps towards the positioning of the UN Transition Assistance Group (UNTAG) in Namibia, as provided for in Resolution 435. The resolution welcomed SWAPO's expressed readiness to observe a ceasefire agreement in order to pave the way for the implementation of the independence plan. The US abstention was justified at the time on the grounds that it was currently 'unrealistic and inappropriate' to ask the Secretary-General to proceed with the implementation before an agreed political settlement had been reached by all parties.—(BBC Summary of World Broadcasts-Facts and Reports, Amsterdam International Newsbriefing on Namibia-Independent-Guardian-Financial Times-Times- -New YorkTimes-Africa Research Bulletin-Africa Economic-Digest Africa Confidential)
(Previous report 35106 A)