

**MINI THESIS IN PARTIAL COMPLETION OF A MASTER'S
DEGREE IN DIPLOMATIC STUDIES**

**MEDIATION FOR SUSTAINABLE PEACE: THE
TRILATERAL AGREEMENT OF 1988 BETWEEN THE
REPUBLIC OF SOUTH AFRICA, THE PEOPLE'S
REPUBLIC OF ANGOLA AND THE REPUBLIC OF CUBA
FOR NAMIBIAN INDEPENDENCE**

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Abstract

Namibian independence was the result of more than a decade of mediation. It began with a multiparty mediation effort in 1978 that resulted in a peace agreement between South Africa and SWAPO, yet there was no cessation of hostilities and no implementation of the signed agreement. This was followed by a series of mediation efforts that culminated in a major effort in 1988 which resulted in another agreement, signed by different parties (South Africa, Cuba and Angola). This Trilateral Agreement resulted in the cessation of the hostilities, the implementation of the first agreement (1978) and of the second agreement signed in 1988, which finally led to Namibia's independence.

This study considered the theory on the factors contributing to mediation success and applied it to the 1988 mediation in order to identify the factors that positively contributed to the successful mediation outcome and sustainable peace in Namibia.

This study found that not all the factors identified in the theory impacted on the mediation outcome, and that these factors are not a blueprint when engaging in mediation. The study found that the Namibian case study supports the theory in certain aspects. In instances when the mediator initiates the mediation process at the appropriate time, when the conflict is ripe for resolution, the chances of successful mediation are improved. Furthermore, the study found that mediator skill and strategy improve the chances of mediation success. Prospects for sustainable peace are further enhanced when the mediation outcome is supported by a comprehensive agreement and a detailed implementation plan.

This study identified the need for further study on the role of sponsors during mediation and their continued support after the signing of the agreement.

Key Words

Mediation: a process whereby a third party assist conflicting parties to negotiate a solution to the conflict

Mediation success: long-term success resulting from conflict resolution that addresses the root causes of the conflict

Namibia: previously known as South West Africa and the buffer zone used by South Africa to protect itself from what it considered the communist onslaught

Trilateral Agreement: the agreement signed in 1988 by Republic of South Africa, the People's Republic of Angola and the Republic of Cuba that resulted in Namibia's independence

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ACRONYMS

ANC	African National Congress
DMZ	demilitarised zone
DTA	Democratic Turnhalle Alliance
FAPLA	Forças Armadas Populares de Libertação de Angola (People's Armed Forces for Liberation of Angola)
FLS	Frontline States
ICJ	International Criminal court of Justice
LRA	Lord's Resistance Army
MPLA	Movimento Popular de Libertação de Angola (Popular Movement for the Liberation of Angola)
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisations
NRA	National Resistance Army
OAU	Organisation of African Unity
PLAN	People's Liberation Army of Namibia
Res	Resolution
SADC	Southern African Development Community
SADF	South African Defence Force
SG	Secretary General
SWA	South-West Africa
SWAPO	South-West Africa People's Organisation

WCG	Western Contact Group
UN	United Nations
UNGA	United Nations General Assembly
UNITA	União Nacional para a Independência Total de Angola (National Union for the Total Independence of Angola)
UK	United Kingdom
UNSC	United Nations Security Council
UNTAG	United Nations Assistance Group
US	United States of America
USSR	Union of Soviet Socialist Republics
ZAPU	Zimbabwe African People's Union

Chapter 1 INTRODUCTION

1.1. Introduction

Conflict that takes place within and across states is increasingly a major threat to stability, development and peace, at national and international levels. This is particularly true of Africa, as Nhema (2004: 11) explains: “Africa is mired in a range of intra- to inter-state conflicts”. Africa’s history and current state show evidence of various conflicts, ranging from small intra-state conflicts to larger and protracted interstate ones lasting many years. Mediation attempts at conflict resolution in Africa have similarly spanned these years of conflict. In some cases the mediation resulted in a peace agreement, which, once implemented, put the country involved on the road to peace-building and durable peace, as in Mozambique and Namibia (Rothchild:1995:49).

The General Peace Agreement signed in Rome in 1992 (Rothchild:1995:49) brought the 16 years of war in Mozambique to an end. A factor that contributed to a relatively stable position in Mozambique after the signing of the peace agreement was the involvement of the rebels in the negotiations and mediation, which resulted in a comprehensive peace agreement. Other factors included the involvement of other parties assisting to consolidate the peace and the political and financial backing received from the United Nations (UN).

In other instances the peace agreement, for various reasons, did not result in peace-building and durable peace. One of many such cases is that of Uganda. Uganda has a long history of civil conflict, especially in the 1970s and 1980s. This conflict appeared to have stabilised in 1986 with the takeover by the National Resistance Army (NRA). However, with the Lord’s Resistance Army (LRA) being formed in 1989, this “stable” situation was destabilised and there has been constant conflict between the LRA and the NRA since then. In 1998 the LRA proposed a negotiated settlement; the NRA made a similar statement later in the same year and offered the leader of the LRA amnesty in 1999. In spite of these positive moves, the peace process is still very uncertain and moving very slowly, and various proposals have been made to move the peace talks along to create a stable Uganda. In 2004 the government and the LRA held the first face-to-face

peace talks; in 2006, the government and the LRA signed a truce to end the conflict, with subsequent peace talks being delayed by frequent walkouts or no-shows. An example is the failure of the LRA to turn up to sign a peace agreement in 2008, and yet in 2009 asking for a cease-fire.

In some instances protracted mediation results in a peace agreement but no peace. The agreement signed in Darfur in 2006, after mediation, did not result in durable peace in the region. Nathan (2006:15) identifies some of the factors that may have contributed: they include some of the parties not being ready to negotiate as not all the parties experienced a mutually hurting stalemate, and were therefore absent during the negotiations. When a party is not involved in the negotiations or signing the agreement, it will not be interested in implementing the terms of the agreement. Further aggravating the situation was that the sponsors of the mediation worked on a particular timetable and failed to consider the internal conditions, which did not neatly correspond to their own timetable for reaching an agreement.

Another example of a country subjected to a long and protracted conflict and mediation is that of Namibia. The Namibian situation can be traced back to before the First World War when Namibia was a German colony, subsequently becoming a Mandate Territory under the rule of South Africa. South Africa administered Namibia as a Mandate Territory until 1946 when the then newly established UN aimed to place all mandated territories under trusteeship of the UN (Heunis:1986). South Africa tabled a proposal before the United Nations General Assembly (UNGA) in 1946 to have the territory of South West Africa incorporated as the fifth province of South Africa. The proposal was rejected by the UNGA; instead it invited South Africa to propose a trusteeship agreement for the Namibian territory under the UN (Heunis: 1986). South Africa refused and continued to administer the territory under the original mandate. With South Africa's refusal of this request, a long-drawn-out tug-of-war between the UN and South Africa ensued. During the independence era in Africa, the emphasis of the Namibian issue shifted focus from that of trusteeship under the UN to that of granting Namibia independence.

The process of bringing about Namibian independence on terms acceptable to all parties concerned took more than a decade of negotiations (Hampson:1996:85).

It started with the establishment of the Western Contact Group (WCG) in 1977 in response to South Africa's unilateral decision to seek an internal solution through the Turnhalle process, which was in contradiction of UN Resolution 385 of 1976. The multiparty mediation through the WCG had some successes; it brought South Africa, the South-West Africa People's Organisation (SWAPO), the Frontline States (FLS), Nigeria and, at times, other internal Namibian parties to the negotiation table, although not at the same time. In March 1978 the WCG threatened South Africa with sanctions if there was no cooperation; South Africa did then cooperate, which led the WCG tabling a peace plan for Namibia that was captured in Resolution 435 (1978) (Jabri: 1990:65).

The implementation of Resolution 435 stalled mainly because of South Africa's reluctance to cooperate, and the inability of the UN to force implementation. Instead South Africa increased its military campaign in South-West Africa. In addition, South Africa introduced an internal settlement by holding elections in 1978 (Jabri: 1990), contrary to the recommendations stipulated in Resolution 435.

During this time various other international factors came into play; of note was the US presidential election in 1980 resulting in the Reagan administration, which introduced the linking of Namibian independence with South African troop withdrawal, in conjunction with Cuban troop withdrawal from Angola shortly thereafter. This proposal of "linkage" by the US created some problems within the WCG and effectively brought to an end the mediation efforts and function of the WCG. The implementation of Resolution 435 stalled until 1988, when the US brought South Africa, Cuba and Angola to the negotiating table. This resulted in the Trilateral Agreement, signed in 1988 after a period of intense mediation. The agreement was signed by the Republic of South Africa, the People's Republic of Angola and the Republic of Cuba; it made provision for Namibian independence through the implementation of Resolution 435 (1978) as well as the withdrawal of Cuban troops from Angola.

The Trilateral Agreement was the result of intense mediation efforts, with various meetings with different milestones, which in turn supported a phased approach to the implementation of the Trilateral Agreement (Hampson: 1996:62).

The year 2015 marks 25 years of independence and 27 years since the signing of the Trilateral Agreement and implementation of Resolution 435. The 1977–1978 multiparty mediation resulted in an agreement, but without any implementation. The 1988 mediation, however, resulted in an agreement with implementation of both the 1978 agreement and the 1988 agreement.

The mediation efforts and the resultant peace agreement which was implemented make Namibia one of the few success stories of mediation for durable peace. In the light of the above, the question is asked: how and to what extent does mediation contribute to a durable settlement between conflicting parties? What aspects of mediation contribute to lasting peace? Could it be attributed to the fact that the conflict was “ripe” for mediation, or to the skills of the mediator, or to the mediation process itself, or possibly to the agreement and support for the implementation thereof? Or was it a combination of all these factors that made lasting peace in Namibia possible? What is there to be learned from the Namibian mediation that can be applied to future mediation efforts – or was it the interplay of all these factors within a very particular moment in world history? How does the Namibian mediation strengthen or weaken the theory on factors for mediation success as proposed by various scholars such as Kleiboer (1996:361) and Bercovitch (2007:291)?

Conflicts can be and have been brought to an end. It is therefore worth trying to identify aspects of an effective conflict resolution approach and the conditions under which attempts to end conflict are likely to succeed. Authors such as Bercovitch and Lee (2001:2) agree that mediation is one of the significant methods, the best practical method of managing and resolving conflict that presents a relatively low-cost alternative between the choices of doing nothing and large-scale military intervention. In principle it preserves and protects the independence and freedom of choice of the parties in the conflict. Furthermore, it plays the role of facilitating the dialogue between the conflicting parties, especially in a situation where they are unable to resolve the conflict by themselves.

In addition it can be said that mediation can lead to a reduction in hostilities. It generally allows people, organisations and nations to confront their differences peacefully and at times even constructively. There is a general understanding and

agreement that mediation is a legitimate form of international peace-making. It should therefore continue to be researched in order to improve its success, thus leading to a reduction in conflicts (Kleiboer: 1996:360; Bercovitch & Lee: 2001:1).

Mediation can bring about formal agreements between conflicting parties to manage and resolve conflicts. It is also considered a way to facilitate more constructive and cooperative behaviour between parties and to reduce confrontational behaviour and possibly transform the relationship (Bercovitch & Lee: 2001:2).

1.2. Literature Overview

Research has shown that mediation theory is still relatively young and there are many conflicting views. An attempt to bring together the research on mediation in a framework to logically order and narrow the discourse has resulted in scholars analysing success factors in the mediation process. They broadly focus on four aspects of mediation that provide a framework for mediation outcomes and mediation success (Kleiboer: 1996:361; Hampson: 1996:9; Bercovitch: 2007:291). The four aspects are: (i) parties to the conflict; (ii) the mediator; (iii) the mediation process; and (iv) the context of mediation. These four categories focus the analysis on the interplay and impact of these factors on mediation success, both individually and collectively. This allows for a broad analysis, yet one that is specific enough to evaluate a case study against.

This section provides an overview of the literature on mediation success, as well as a broad overview of the Namibian mediation process.

There seems to be a general lack of an agreed-upon definition of mediation among scholars, as can be seen in the work of authors such as 4.3 (2010), Maundi et al (2006:5) and Bercovitch (2007:289).

Berridge (2010: 235) defines mediation as a special kind of negotiation designed to promote the settlement of a conflict. Maundi et al (2006:5) describe mediation as playing a role of facilitating dialogue between the conflicting parties, particularly in a situation where they are unable, by themselves, to conduct the negotiations. A more comprehensive definition is proposed by Bercovitch (2011: 69), who defines mediation as

“a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organisation, a group, or a state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law”.

Despite the variations in the definition of mediation, authors such as Kleiboer (1996), Hampson (1996) and Bercovitch (2007:291) concur on four aspects: parties to the conflict; the mediator; the mediation process and the context of mediation that should be included in the definition. It can therefore be summited that the departure point for studying mediation success should be how these four aspects influence it.

Parties to the conflict

Scholars such as Kleiboer (1996) and Bercovitch (2011) posit that certain aspects relating to the parties may affect mediation and therefore the outcome. The work of Kleiboer (1996), Hauss (2001) and Bercovitch (2011) reveals that where there are smaller power differences between the parties, the playing field is more level and parties have the same chance to lose or gain. In such instances the mediation increases the chances of a successful outcome. Mediation is most effective in disputes involving parties with equal power.

The scholarly work of Herrberg (2012), Kleiboer (1996), Ramsbotham (2011) and Bercovitch (2011) emphasises that parties in the conflict must accept or seek mediation for it to have a chance of success. This is supported and illustrated by Nathan (2006) using the failed Darfur mediation, where not all the parties were ready for the process. On the other hand, the Namibian case shows that SWAPO, one of the two main parties in the Namibian conflict, was not party to the 1988 mediation nor was it party to the signing of the 1988 Trilateral Agreement.

The mediator

The literature explores certain aspects relating to the mediator and in some instances the impact he or she has on mediation. Scholars such as Pfetsch (2007) and Bloomfield (1998) propose that the mediator participates in negotiations as a third party not directly involved in the conflict. The literature reveals opposing

views with regard to the partiality of the mediator; Hauss (2001) proposes that mediators should be impartial and not have any vested interest, while Pfetsch (2007), Jabri (1990) and Berridge (2010) show that mediators do have interests and these interests might be distinct from those of the conflicting parties. The work of Zartman, et al (1997) supports the view that mediators have interests and substantiates it by referring to the involvement of the superpowers in the mediation in Namibia and Angola.

Authors such as Kleiboer (1996) focus more on the characteristics of the mediators, and further propose that mediators should be perceived as reasonable, acceptable, knowledgeable and able to secure the trust and cooperation of the parties.

Crocker et al (1999) identify the importance of managing multiparty mediation as critical in mediation efforts, coordinating the use of comparative advantages, maximising leverage, avoiding crossed wires and conflicting agendas and maintaining focus and coherence. Other factors relating to the mediator and how he or she impacts on the success of the mediation are also considered in multiparty mediation, such as the timing of mediation efforts and the leverage of the mediator.

The work of Touval (1992) suggests that mediation may also be used by a country to extend its influence. Touval substantiates this premise when he compares the involvement of the Union of Soviet Socialist Republics (USSR) with that of the US in mediation, and the possible reasons for their involvement. In some instances mediation is used as a foreign policy instrument and in other cases the superpower may use such intervention to extend its influence. This can be seen in the role of the two superpowers in the Namibian mediation. This is further supported when one considers the work of Pfetsch (2007), who posits that conflicts within the spheres of interest of the superpowers were contained by them.

Oakley (1995) focuses on the role of the mediator and expands on the involvement and the role of the US in the peace-making in Namibia and Angola. Hampson (1996) on the other hand hones in on the diplomatic and mediation skills of the US mediator, in addition to the aspect of ripeness of the conflict and the regional situation and how it may have impacted on the mediation outcome.

Mediation process

The mediation process is mainly influenced by the strategies employed by the mediator, the environment within which the mediation takes place, the timing of the mediation and the nature of the mediation (such as multiparty mediation).

The work of Bercovitch & Lee (2001) focuses on how the different strategies employed by the mediator impact on the possible success of the mediation process and mediation outcome. Through an analysis of various mediation attempts in international conflicts, Bercovitch and Lee (2001) conclude that directive mediator strategies are more effective than non-directive strategies. The concept of the scale of active involvement of mediators is further unpacked by Zartman and Touval (2007), who explain mediator strategies: communication-facilitation strategy, formulation strategy and then the most active involvement reflected in the manipulation strategy (Bercovitch: 1992).

The mediation process is further influenced by the timing of mediation. Authors such as Stedman (1991), Zartman (2001) and Zartman and Touval (2007) suggest that the chances of mediation success increase if the intervention takes place when the conflict is ripe for resolution. Stedman (1991) expands on this by explaining that not all the parties have to experience a mutually hurting stalemate. He also broadens the concept of “ripeness” to include both “ripe for mediation” and parties perceiving the conflict to be “ripe” for a victory for them.

Closely related to the concept of ripeness is the concept of mediator entry, as explained by Maundi et al (2006). His work unpacks the complexities of mediation entry. He explains how the prospective mediator gains access to the conflict despite the many problematic issues related to mediation entry, such as resistance to external intervention and the assumption that intervention in internal conflicts violates a country’s sovereignty. Maundi et al (2006) furthermore suggest a phased approach to mediation. They identify three phases and say that each of these phases on its own, but also as part of the mediation, has an impact on mediation success. The three phases identified are the preparatory phase, followed by the mediation phase and finally the post-settlement phase.

The work of Crocker et al (1999) unpacks how the mediation process may be impacted by the nature of the mediation through multiparty mediation. The authors unpack both the advantages and disadvantages of multiparty mediation and its impact on the mediation outcome.

The context

In his work, Ramsbotham (2011: 175) submits that conflicts are embedded in a social, regional and international context, which is often critical to their continuation. Changes in the context may sometimes have more dramatic effects than changes within parties or in their relationship. Local conflicts that are fuelled by global forces may not be resolvable at the local level without changing the structures or policies that have produced them. The involvement of Cuba in the Angolan war, and the impact it had on the Namibian conflict, illustrates this. The changes within the region and in the international arena contributed to the mediation outcome in the Namibian case.

The literature overview above shows that authors such as Kleiboer (1996); Berridge (2010); Zartman (2007) and Bercovitch (2011) identified a causative relationship between mediation success and the aspects of parties in the conflict, the mediator, the mediation and the context.

Once one identifies the aspects of mediation that impact the mediation outcome, it becomes necessary to define mediation success in order to determine how these aspects contribute to it. Defining mediation success appears to be difficult, as various interpretations exist. Success may be interpreted as the resolution of the conflict, and also as whether the stated objectives of the mediation have been met. Authors such as Hampson (1996), Kleiboer (1996; 1998), Bercovitch (2011) and Hoffman (2009) agree that it is not an easy task; elucidating this difficulty, Kleiboer (1996; 1998) shows how some researchers may avoid defining mediation success, while others create their own criteria for mediation success and others still equate mediation success with mediation effectiveness. All three approaches are problematic in their own way. If mediation success is not defined, it is difficult to make comparative studies; this makes it difficult to build a body of knowledge on mediation.

Literature on Namibian mediation

Turning to literature on the struggle for Namibian independence, it is interesting to note that little has been published on the mediation process itself as it relates to the Trilateral Agreement of 1988; rather, the focus is on other aspects of the conflict, such as the role of the WCG and the international situation at the time.

A study on the struggle for Namibian independence cannot stand outside the interaction between South Africa and the UN. Heunis (1986) explores it particularly from a legal point of view, mainly focusing on how the UN interacted and exerted pressure on South Africa with regard to the issue of Namibia, the sanctions it proposed against South Africa, and allowing SWAPO as the only legal representative of Namibia. The work further explains the relationship between the work of the WCG and the UN and how the proposals of the WCG resulted in the adoption of Resolution 435, which was the blueprint for the Namibian independence plan. The UN was a major factor in the successful implementation of the settlement agreement, particularly through the United Nations Assistance Group (UNTAG) and other associated UN agencies (Hampson: 1996).

A publication by Herbstein and Evenson (1989) relates the involvement of South Africa in Namibia and the impact it had on the Namibian peace process. It further frames the prejudice of the West in favour of South Africa to the detriment of Namibia, resulting in the long-drawn-out conflict in Namibia, illegal occupation by South Africa and the lack of will and commitment for the implementation of Resolution 435. It makes reference in passing to the absence of SWAPO from the signing of the Trilateral Agreement, which might have contributed to the tragedy of 1 April 1989¹, but makes no reference to the implications for mediation when one of the parties is not present at the negotiating table.

Johnstone (1989) outlines the Namibian peace process with particular reference to the Independence Plan for Namibia, Resolution 435 (1978), and analyses the events that stalled the implementation of the Resolution. The article highlights the possible reasons that brought South Africa to the negotiation table and it unpacks

¹1 April 1989, the day for the official cease-fire, saw more than 2 000 armed SWAPO fighters crossing the borders into Namibia, resulting in an offensive attack by the SADF. More than 300 SWAPO fighters and 30 SADF personnel died (Crocker 1996: 77).

the agreement, but reflects very little on the mediation process itself. The author concludes that after considering the Namibian peace process, the resolution of the conflict seems to be the result of changing global events and the shift in the balance of power. This view is not widely supported in the literature; Hampson (1996) in particular, who recognises the role of the shifting global situation, does not consider it a major factor for the mediation's success but rather a factor contributing to the willingness of parties to negotiate.

Jabri (1990) writes extensively on the mediation intervention of the WCG from 1977 until December 1983 and analyses the role, contribution and success of the WCG as mediator and lessons learnt for third-party mediation. He emphasises the different strengths contributed by different members of the coalition and the influence and credibility of the mediators with the various parties in the conflict; in addition, he shows how the mediators could extract concessions from the parties. Kahn (1991) edited a compilation of papers on the engagement of superpowers in Angola and Namibia, with specific emphasis on the factors that influenced the role of the USSR. The publication considers how the changes in the global environment contributed to the engagement of the US and the USSR as mediators. It shows how the interdependent relationships and possible sponsorship of the US and USSR in the light of the changing international circumstances brought Cuba, Angola and South Africa to the negotiation table.

Apart from the involvement of the two superpowers, many other international organisations also exerted pressure from various angles as explained by Saxena (1991). Saxena (1991) makes reference to the UN, the Western Powers, the Non-Aligned Movement (NAM), the Organisation of African Unity (OAU), the Commonwealth, various non-government organisations (NGOs) and India, which all supported the Namibian call for peace and independence. Saxena (1991) relates the events leading to the signing of the Trilateral Agreement and the parties involved; however, he does not identify the lessons for mediation success from the intervention. What is, however, apparent is that the Namibian conflict was framed in a broader regional and international context which attracted the interest of many other parties that exerted influence on South Africa in various ways.

The work of Crocker (1992) is an account of the mediation by the US. He emphasises the role of the US as mediator with reference to how other factors contributed to mediation success, including the regional context, the involvement of parties, the use of leverage and the strategy followed by the mediator.

Madden (1994:255) reflects on the lessons for success with specific focus on the peacekeeping that transpired immediately after the implementation of Resolution 435 in 1989 and the lessons for the UN in terms of the role of UNTAG. The proposed reasons for success are the extensive support, both financial and in human resources, as well as the large civilian component of UNTAG and the peace-keeping force that was deployed.

Rothchild (1995) proposes that the international negotiations on Angola and Namibia resulted in a settlement among states and not a settlement between internal parties. His work identifies what he perceives to be the contributing factors for the moment for the conflict resolution to be ripe, and includes the balance of military power in Angola and the changing global situation. His work outlines the intense mediation efforts of both the US and the USSR behind the scenes. It shows how the agreement was a comprehensive one that linked the Cuban troop withdrawal from Angola with the withdrawal of South Africa from Namibia, and how the agreement contributed to the implementation of Resolution 435 that resulted in Namibia's independence.

Oakley (1995) focuses on the role of the mediator, the US and certain aspects of the agreement – the smaller agreements that were used as milestones in the build-up to the final agreement and how these contributed to the successful outcome of the mediation. Some of the key aspects are the persistence of the US mediator, his ability to understand and adjust to changes in the local, regional and international political environments, and the sustained, top-level commitment of political will and material support.

Hampson (1996) analyses the reasons for sustainable peace with reference to Namibia compared to other case studies. He approaches mediation success from the angle of the strength of the peace agreement and the assistance given by third parties during implementation.

Melber and Saunders (2007) consider the relationship between conflict mediation and decolonisation with reference to Namibia as a case study. They deal particularly with the effects and results of the negotiated settlement as initiated by the WCG and the different strategies applied in the negotiation process.

The literature suggests that the prevalence of some factors may enhance the chances of mediation success and as a result contribute to lasting peace. It is, however, not clear how the combination of factors contributed to successful mediation in Namibia.

1.3. Research Question

While recognising that disputes and conflicts may differ, there are general aspects of mediation applicable to all, and extracting the lessons from mediation efforts may inform future efforts and in turn improve the chances of success. The study of the combination of various factors present in instances where there has been mediation success can contribute to the body of knowledge on mediation and strengthen guidance for future mediation efforts.

This study analyses the mediation process in Namibia, focusing particularly on the 1988 mediation and the Trilateral Agreement signed in December 1988, and to a lesser extent compares it with the 1978 mediation. The study is framed by the four aspects for mediation success: (i) the parties to the conflict; (ii) the mediator; (iii) the mediation process and (iv) the context of mediation, as identified by Kleiboer (1996) and Bercovitch (2011), and considers the Namibian mediation in terms of these aspects. Furthermore, the study determines how the combination of these factors contributed to the mediation success and puts this information forward to enhance the current body of knowledge on mediation success factors.

The study aims to answer the following *why* and *what* questions:

Why did the 1988 mediation succeed, especially in the face of the failure of the 1978 attempt?

What lessons can be learned from this process?

In order to answer the questions, the study focuses specifically on the following:

- Mediation theory and characteristics of mediation success from scholarly articles and
- An examination of the mediation process in Namibia to assess what combination of factors contributed to the mediation's success, and to a lesser extent to compare it to the 1978 mediation

1.4. Research Methodology

The research methodology applied is qualitative, considering scholarly articles and research on the theory of mediation to determine criteria for mediation success.

The research on the theory on mediation success forms the analytical framework for the study. The second aspect of the research utilises a case study approach, with specific reference to the mediation culminating in the Trilateral Agreement of 1988 and the subsequent independence of Namibia. The use of a case study provides an opportunity to test certain theoretical propositions, which may contribute to the adjustment of some of these propositions. It may further generate additional propositions that may enhance our understanding of mediation and grow the body of knowledge on mediation theory.

Data collection considers primary sources such as the Trilateral Agreement; statements issued by the respective parties and official communiqués issued by the relevant institutions. It is supported by consulting the writings of individuals who were party to the mediation, such as Assistant Secretary of State Chester Crocker, the US mediator, and Minister of Foreign Affairs Pik Botha, the South African representative during the mediation and negotiations.

The secondary sources constitute mainly the scholarly works available on mediation success and publications related directly and indirectly to the Namibian mediation.

This study considers mainly the 1988 mediation resulting in the Trilateral Agreement signed on 22 December 1988 by the People's Republic of Angola, the

Republic of Cuba and the Republic of South Africa, which gave effect to the implementation of Resolution 435 and to a lesser extent the 1978 mediation.

The study is structured in the following way:

Chapter 1 broadly introduces the study, sets out the methodology and provides an overview of the literature on mediation and in particular scholarship dealing with the Namibian mediation.

Chapter 2 presents the analytical framework based on the relevant theory of mediation success, identifying the most important characteristics of mediation success.

Chapter 3 provides a historical background and an overview of the Namibia case in order to contextualise the study.

Chapter 4 applies the analytical framework to the Namibian mediation process, using the success criteria identified in the theoretical study presented in chapter 2.

Chapter 5 provides a summary of the most important findings, and some further understanding of the requirements for successful mediation which might be of value in analysing mediation processes. It also identifies further avenues for research.

Chapter 2 A FRAMEWORK FOR ANALYSIS AND MEASUREMENT OF MEDIATION SUCCESS

2.1 Introduction

In order to provide a detailed exploration of and explanation for the mediation success that was achieved in Namibia, this chapter defines mediation and, based on a discussion of the various measurements and indices of “success”, develops a framework based on four variables identified in the theoretical literature on the topic. This framework is used in the analysis of the mediation process in chapter 4. The framework is also used in order to draw some conclusions about the failure of earlier mediation attempts discussed in chapter 3.

2.2. What is mediation?

Definitions proposed by authors such as Kleiboer (1996:360), Bercovitch (2011:66), Maundi et al (2006:6), Zartman and Touval (2007:437) and Giessman and Will (2011), amongst others, are not necessarily the same and do not reflect the same depth and scope. There are however some commonalities that are addressed by most of them. What they all agree on is that mediation includes at its bare minimum: parties that are involved in the conflict; an issue or issues around which the conflict revolves; and a third party involved in a process that attempts to bring the parties together to try to resolve the conflict. The assumption is therefore that these aspects will impact the mediation outcome. The nature of the issues, the relationship between the parties, who the mediator is and what skills he or she possesses will influence the possibility of success or failure of the mediation. This study uses these aspects as a point of departure and examines the extent to which these aspects improve the possibility of mediation success.

In order to determine how these factors impact on the mediation outcome and in particular mediation success, it is appropriate to define what is meant by mediation success.

2.3. Defining mediation success

Authors such as Hampson (1996:9), Kleiboer (1996:360; 1998), Bercovitch (2007:297; 2011) and Hoffman (2009:8) agree that it is not an easy task to define mediation success. Illustrating this difficulty, Kleiboer (1996:361; 1998) expounds on the three ways that researchers attempt to deal with the issue. In some instances researchers avoid defining mediation success, while others create their own criteria for mediation success and still others equate mediation success with mediation effectiveness. All three approaches are problematic in their own way. If mediation success is not defined, it renders comparative studies difficult as it limits building the body of knowledge on mediation.

One possible way is to identify the end goal, such as specifying upfront whether the mediation is for conflict resolution or conflict management, and in this way make it easier to determine if mediation was successful or not. This approach may not necessarily solve the problem, as conflict resolution and conflict management are two distinct concepts. According to Bercovitch (2011:252) and Ramsbotham (2011:31), conflict resolution implies that the root causes of the conflict have been addressed and therefore there is no longer any need to resort to any military action. Conflict management, on the other hand, is where there is an attempt to control and regulate hostilities between the parties and reduce conflict levels, but not eliminate the conflict in its totality (Pfetsch: 2007:227; Ramsbotham: 2011:31; Bercovitch: 2011:250).

Another approach is proposed by Hampson (1996:9), where the definition of success should be linked to the different phases of the peace process so that the milestones to be successfully concluded can be identified. The phases to be incorporated in the definition of “success” should include first and foremost the laying down of arms and the cessation of violence, as this will open the door to dialogue between the parties in conflict. Thereafter other aspects such as parties adhering to the terms of the agreement, building state institutions and restoring civil order should be included. This is supported by Hauss (2001: 219), who makes the case that international conflict resolution should go further than the end or cessation of the fighting. Signed peace agreements are not sufficient, as was shown by the Darfur Peace Agreement and the 1978 agreement for Namibian independence signed by SWAPO and South Africa.

Bercovitch (2011:221) proposes a more balanced approach by suggesting two broad criteria for defining mediation success: firstly, the subjective criteria – the parties’ or mediators’ perception that the goals of mediation have been achieved – and secondly, objective criteria for assessing the impact and consequences of mediation. He further proposes that the objective criteria can be demonstrated empirically and this may be a relatively straightforward task, with the understanding that success may vary from context to context and case to case. For some, success would be measured by the cessation of violence and for others it might be the signing of a peace agreement. However, both cases still provide an opportunity to return to the fighting.

Hoffman (2009:11) adds a time dimension to the discussion by differentiating between defining short-term success versus long-term success. He posits that linking mediation success with the immediate outcomes of mediation is problematic as it runs the risk of measuring what he calls “illusory” success. Signing a peace agreement gives the illusion of success but does not mean the end of the conflict, as shown in the case of Rwanda where the agreement collapsed and genocide followed. Success should be seen in terms of conflict resolution where the root causes of conflict are resolved, versus success in terms of conflict management that is focused on the cessation of hostilities (Hoffman: 2009:12). Chounet-Cambas (2011:17), on the other hand, proposes that conflict resolution and conflict management should not be seen as two opposites but as two complementary outcomes. It is clear that mediation success refers to both the short-term cessation of violence and the resulting long-term effects of the outcome.

Having considered the current limitations and different interpretations of mediation success, for the purposes of this paper, “mediation success” is considered as long-term success resulting from conflict resolution that addresses the root causes of the conflict and contributes to the transition to a more democratic, stable government. In effect, mediation success should be measured against the cessation of violence and hostilities, reduction in fatalities as a result of the fighting and the achievement of an enduring political settlement.

2.4 Factors impacting on mediation success

Having defined mediation success for the purposes of this paper, the rest of the chapter considers the following factors and how they impact on the success of the mediation.

2.4.1. Contending parties and their relationship

According to Kleiboer (1996:361) and Bercovitch (2011:39), the following factors influence the mediation outcome: the identity of the parties; the nature of the parties; whether the conflict is between states or within states; and the organisations and individuals involved and their relationship.

The following discussion considers how the following factors impact on the mediation outcome: the political system; the balance of power between the parties; historical relations; who the parties are; their cohesiveness; and their motivation to engage in mediation.

Political system

The type of political system impacts on the mediation outcome. According to Kleiboer (1996: 366), democracies are more amenable to mediation and therefore if the conflict is within a democratic environment the chances for a successful outcome are higher than in an autocratic regime. This is supported by Pfetsch (2007: 228) who indicates that since 1945, democracies have fought no wars among themselves, and that democracies have fewer internal conflicts than authoritarian regimes. He further postulates that conflicts tend to escalate into violent conflicts when different political systems are parties to the conflict. Bercovitch (2011:40) is not in full agreement: according to him the political system, whether it is a monarchy, a one-party state, a military regime or a multi-party democracy, does not greatly affect the outcome of the mediation.

Balance of power between parties

There are divergent views on the extent to which the balance of power affects the mediation outcome. Firstly, there is the view that where there is a greater power disparity, mediation may be seen as a stumbling block and that the party with greater power will be less inclined to mediate or will not see the need to mediate (Kleiboer

1996: 368). On the other hand, where there are smaller power differences between the parties, the playing field is more level and both parties stand to lose or gain more or less equally. In such instances, the effectiveness of mediation increases the chances of a successful outcome, according to Hauss (2001), Bercovitch (2011:41) and Kleiboer (1996:368). In summation, mediation is most effective in disputes involving parties with equal power, for example the Good Friday Agreement in Northern Ireland (Hauss: 2001).

Historical relations

The historical context of a dispute has a strong influence on the management of the conflict and its outcome. In instances where there were previous conflicts between the parties, the success of the mediation decreases. Zartman (1989:13) and Bercovitch (2011:41) indicate that a bitter past complicates the resolution of the conflict. This view is supported by Kleiboer (1996: 367), who posits that where the past relationship was friendly (cordial) the chance of mediation success increases.

Identification

Mediation has a better chance of delivering an outcome if the parties to the conflict are known (Kleiboer: 1996: 365; Pfetsch:2007;152) and participate in the mediation. Mason (2008:10) makes the case that inclusivity is also important, and that it enhances the legitimacy of the process and increases the chance of a sustainable outcome. Caution should be exercised that the drive for inclusivity does not become a problem, resulting in so many parties around the table that no consensus can be reached. Inclusivity is not limited to the number of parties represented, but includes the decision-making power of the representatives as well as their constituencies.

Cohesiveness

Where there is more than one constituency and the members of the constituencies do not have a united front, negotiations will be difficult. A high level of cohesiveness is important for mediation success (Kleiboer: 1996: 365). According to Ramsbotham (2011:186), mediation success requires parties to have a valid spokesperson, and it also helps if the parties have a vision of an acceptable compromise. Chances of mediation success are further strengthened when the representative of a party has sufficient authority to speak for its members and is able to commit to a course of action

that will be adhered to by the party (Susskind and Babitt: 1992:33; Pfetsch: 2007:189; Mason: 2008:12).

Motivation to mediate

A primary characteristic of mediation is that it is a voluntary process, requiring the consent of the parties to the conflict (Herrberg: 2012; Bercovitch:2007:289; Kleiboer: 1996:367). The parties in the conflict must accept mediation or seek mediation (Ramsbotham: 2011:181). Where only one party requests mediation, the chances of mediation success are slim (Bercovitch: 2011:47) unless the other party can be convinced by a sponsor or interested stakeholders. Cuba's willingness to participate in the mediation in 1988 can be attributed to some of the above factors, as discussed in chapter 4.

The motives for accepting mediation may not always be to end the violence and may cover a wide array of incentives, such as parties wanting to use mediation as a face-saving device; protecting domestic and international reputations; using it as a public expression of a commitment to enter into peace talks; or to improve relations with the mediator and adversaries (Bercovitch: 1992:9).

In other instances, mediation might be a more tactical consideration, where parties agree to mediation in order to play for time, to regroup or re-strategise. This was evident in the Namibian situation, where South Africa and SWAPO followed dual strategies as discussed in chapter 4.

Parties may also accept mediation where there is an expectation that the mediator will help to produce a more favourable settlement to the conflict and that he or she may protect a party's interest (Maundi et al: 2006:23; Kleiboer: 1996:367). In addition, there is the expectation that the mediator will help reduce some of the risks entailed in concession-making, protecting the party's image and reputation (Kleiboer: 1996: 367). There is the anticipation that mediator involvement may imply a guarantee of a negotiated settlement, thus reducing the risk of violation by the adversary. In addition it is assumed that the involvement of a mediator provides an external party who can monitor, verify and guarantee any eventual agreement.

Another reason for parties accepting mediation is that the mediator may help reduce the risk of escalating conflict and bring parties closer to a settlement. There is also an

expectation that the mediator will influence the other party. In other instances, the parties may want to have someone to blame if the mediation efforts fail, according to Bercovitch (2007:300).

Critical to any possible mediation and a successful outcome is that the parties must be willing to enter into mediation and their primary motive must be willingness to consider a negotiated agreement (Ramsbotham: 2011:178; Mason: 2008:5). The parties in the conflict must fear the consequences of continued fighting more than the possible consequences of the negotiated agreement (Stedman: 1991:25). It is crucial that the parties realise that no amount of unilateral action will give them what they want (Susskind and Babitt: 1992:31), and that the alternatives to the agreement involve unacceptable economic or political costs.

2.4.2. The Mediator

The mediator is central to the mediation; he or she participates in negotiations as a third party and is not directly involved in the conflict (Pfetsch: 2007: 141; Bloomfield: 1998: 104). The mediator has scope to make procedural proposals and influence the process, but has limited influence over the substance (UN: 2012:14). Mediators may assist in the construction of an agreement, but the agreement must be one that the parties have agreed to (Berridge: 2010:236) if there is to be commitment to implementing it. According to Hauss (2001: 46) and Bloomfield (1998: 105), apart from the South African example, very few disputes are settled without a third party.

For the purposes of this study, “mediator” and “third party” will be used interchangeably.

Mediators enter into a conflict to help those involved to achieve a better outcome than they would otherwise do. The presence of the external mediator may impact the mediation outcome but is not always a sufficient condition for success; Kleiboer (1996:368) suggests that many other factors play a contributing and distracting role during the mediation.

The aspects discussed are: the impact of the mediator; the impartiality of the mediator; the nature of the mediator; and the mediator’s leverage on the mediation’s success.

Impartiality

There are divergent views on the influence of partiality/impartiality on the outcome of the mediation. Authors such as Kleiboer (1996:369) and Bercovitch (2011:44) argue that mediators cannot be impartial, and a mediator will be accepted and thereby increase his or her chances of success because of his or her ability to influence, protect or extend the interests of each party in the conflict. Third parties have interests and will accept the invitation to mediate to advance these interests; however where the interests of the mediator are different from those of the conflicting parties it may negatively impact the mediation outcome (Pfetsch: 2007:146; Jabri: 1990:166; Berridge: 2010:246). A divergent view is supported by Hauss (2001: 43), who states that in instances where third parties have no vested interest in the outcome of the conflict, the chances for effective mediation increase (Hauss: 2001: 43). This view is further qualified by Pfetsch (2007:145), who indicates that it goes beyond third parties not having an interest; where third parties have a balanced relationship with both parties, the impact on mediation success is greater.

Kleiboer (1996:369) explains the two views of impartiality versus partiality. One view considers impartiality to be a positive factor. It indicates that where the mediator is impartial the parties will have more confidence in him or her. This increases the chances of the mediator being accepted, which in turn will improve the possibility of mediation success. Yet, at the same time, she indicates that in some instances partiality is preferable, as it implies a relationship with one party. In such an instance there is an expectation that the mediator may exert influence on the party to concede or assent to mediation. Kleiboer goes further to link the relationship of the mediator and the parties and how it impacts on mediator success. She explains that where a previous relationship between the mediator and either one or both parties in the dispute existed, this will positively impact the possibility of success, especially where a future relationship is important to both.

Other aspects of partiality relate to the self-interest of the mediator. In instances where a state acts as a mediator, it may be to serve some self-interest such as increasing resources, influence and/or power. However it is important to note that powerful states bring legitimacy to the mediation process.

Some authors such as Hauss (2001:46) propose that the mediator should be neutral; in other words he or she should not have any interest in the conflict or favour any one particular party, as this will bring subjectivity to the mediation and the mediator might not be considered credible. Pfetsch (2007:146) makes a differentiation between being impartial and being neutral, and suggests that mediators should be impartial but not neutral. This is illustrated by the case of Rwanda; the international community remained neutral when a timely intervention could have significantly reduced the mass killings. There are times when it is impossible or inappropriate for third parties to be neutral (Hauss: 2001: 222).

In the work of the authors considered above, there is a difference between impartiality and neutrality; however as a factor influencing mediation success these are not as important as mediator skill (Bercovitch: 2011:45; Nathan: 2012:3) and the ability of the mediator to deliver the expected outcome (Maundi et al: 2006:25).

The nature of the mediator

The identity of the mediator may impact on the acceptability of the mediator and therefore his or her success. The identity is closely linked to the status of the mediator. "Status" may refer to that of the mediator but also to that of the organisation he or she represents (Kleiboer: 1996:372). Personal status refers to personal reputation, track record and special expertise. In addition, the mediator's status is linked to the organisation he or she represents, his or her place in the organisation and whether he or she can make commitments on behalf of the organisation.

The higher the status of the mediator and of the organisation he or she represents, the greater the chance of success (Kleiboer: 1996:373). In addition, the mediator's rank must be similar to that of the party representatives. A higher rank may cause intimidation and a lower rank may mean that the mediator is not taken seriously.

When the mediator is influential the chances of a settlement are enhanced. Yet it is difficult to find a third party that is both influential and impartial (Hauss: 2001: 48). Individuals who act in their private capacity, not as a representative, can exercise greater flexibility and the mediation outcome is very closely linked to the individual's ability and skill.

Over the years mediators have increased in number and variety and range from individuals (non-government representatives), states, institutions and organisations. Berridge (2010: 238) differentiates between “track one” and “track two” mediators. Track one are usually the important states; they may act singularly or as a collective or through an international organisation such as the UN, OAU/AU, Southern African Development Community (SADC) and other regional formations. States belonging to regional or international organisations will mediate under the authority of the charter obligations of international organisations they represent. Where regional organisations are involved in mediation, their interests are represented and there is also a strong commitment to remain for the duration of the mediation, which improves the chances of success.

Non-governmental mediators with a reputation of peace-making can often be a more effective channel for communication due to their moral authority. The integrity of non-government mediators is perceived to be higher than that of governmental actors, which translates into persuasive power (Jeang 2000: 185). The mediator may be an individual, a state or an institution; yet in the end it is still the individual that is involved in the mediation, therefore the skill of the mediator is very important. Mediators must be perceived as reasonable, acceptable, knowledgeable and able to secure the trust and cooperation of the parties (Kleiboer: 1996:380). Having said that, not all mediators are alike; G. Mitchell, the mediator for the Good Friday Agreement in Northern Ireland, was appropriate in his role as conciliator, where R. Holbrook, the mediator for the Dayton Agreement in Bosnia, would have been ill-suited for Northern Ireland.

Nathan (2012:3) proposes that greater attention should be paid to the appointment of mediators. He proposes the following criteria for competent mediators: they must have skills in peace-making; credibility with parties in the conflict; proficiency in at least one of the languages spoken by the parties; be available for full-time deployment and have certain personal attributes. A skilled mediator must be able to respond to the changing nature of the conflict, the situation outside the mediation and the mediation context. A lack of mediation skill on the part of the mediator can derail the mediation and therefore skill is a crucial element of mediation success. The importance of mediator skill and competence is further illustrated when all of the seven deadly sins of mediation, as identified by Brahimi and Ahmed (2008:2), relate to the mediator: ignorance, arrogance, partiality, impotence, haste, inflexibility and false promises.

When states are represented by a powerful, skilled individual and there are resources backing the individual, the chances of mediation success improve significantly.

Leverage

Leverage is the ability of the mediator to pressure parties by using positive sanctions (carrots) and negative sanctions (sticks). The control and possession of resources is a major determinant of a mediator's ability to achieve a favourable outcome (Bercovitch: 2011:45). These resources form the basis of influence and leverage. So, for instance, mediators used the threat of massive NATO air strikes and lifting the arms embargo against the Bosnian government to help "convince" the Milosevic regime to participate in the mediation that led to the Dayton Agreement in 1995 (Haus: 2001).

There are divergent views on the role and influence of leverage on mediation success. One school of thought is that leverage is important for mediation success and that third parties should possess bargaining power (Pfetsch: 2007: 231; Bercovitch: 2011:45; Watkins and Rosegrant: 2001:xix). Kleiboer (1996: 371) explains how other scholars support the notion that a mediator's lack of political power actually improves the chances of mediation success.

Mediators can improve mediation success if they have resources and are willing to use them. Jabri (1990:121) shows how the WCG had the resources but were not willing to use negative sanctions during the multiparty mediation in Namibia in 1978. According to Jeang (2000: 185), powerful mediators can change behaviour by employing threats and putting pressure on parties that are reluctant to accept compromise solutions or to cooperate in building conditions for peace negotiations. Having resources or access to resources will assist mediators to exert some pressure, move parties from rigid positions, and enforce credible sanctions to force cooperation or block unilateral solutions (Zartman: 1989:241; Watkins and Rosegrant: 2001:xix). Svensson (2007: 246) cautions that a power mediator with resources is the "least effective for getting belligerents to achieve political or territorial power-sharing". He makes the case for a combination of both a power mediator and a pure mediator for mediation to be successful.

The chances of a successful mediation outcome are improved in instances where mediators have the ability and opportunity to engage more actively in the mediation

and the flexibility to offer, withhold or make compromises (Bercovitch:2011:48; Rubin: 1992:254; Zartman and Touval: 2007:446; Watkins and Rosegrant: 2001:xix).

According to Bercovitch (2011:45), leverage and legitimacy enhance the mediator's ability to facilitate a successful outcome. The presence of a powerful and legitimate mediator persuades the parties to back down from fixed positions and make concessions. Mediators from large governments with more resources at their disposal will be more likely to be successful than other actors, as the mediator's influence potential is linked to the value attached to the mediator's resources by the parties (Jabri: 1990:121).

However, there is the risk that if parties accept proposals and make concessions in response to the mediator exercising his or her leverage, the outcome or agreement might not be a voluntary one. In such cases there is the risk that the parties might not be committed to the agreement and that it might not last once the mediator's leverage (carrots or sticks) is withdrawn (Svensson: 2007:182). This is the risk when leverage becomes central to the negotiations: it overshadows the mediation and the mediation is stalled without it, or alternatively, the mediated outcome may not last (Kleiboer: 1996:372).

2.4.3. The Dispute

The nature of the issues that the dispute is about will impact the willingness of the parties to mediate and therefore the outcome of the mediation. Conflicts can centre on different types of issue, some of which are more amenable to mediation than others (Kleiboer: 1996:364). The issues largely determine the outcome of the dispute. Chances of successful mediation are affected by the importance each adversary attaches to the issues in the dispute. The chances of mediation success decrease when instances of vital interest are involved, such as issues of sovereignty (Bercovitch: 2011:43).

Conflicts are more difficult to solve when there are many differing economic, social, ethnic, religious, cultural and political variables (Pfetsch: 2007: 229). On the other hand Kleiboer (1996:364) shows that issues around ideologies, resources and ethnicity have a higher success rate than security and sovereignty issues. How issues are defined and perceived influences the possibility of success. Conflicts with more

than one disputed issue have a higher frequency of violent escalation than single-issue conflicts. Domestic conflicts are more difficult to solve than international conflicts (Pfetsch: 2007:189). Bercovitch (2011:43) identifies the intensity of a conflict as an indication of how amenable it will be to mediation.

2.4.4. The Mediation Process

When the mediation process builds confidence in the neutrality and fairness of procedures, as well as in the acceptability of the outcome, it improves the chances of success (Zartman: 1989:279). The following aspects of the mediation process are considered in terms of the impact they have on mediation success: the mediation environment; the timing of mediation; the approach in terms of whether it is a single mediation or a multiparty mediation; and the mediation strategies.

Environment

The chances of successful mediation increase if the mediation takes place in a neutral environment. A neutral environment gives the mediator procedural control over the process, allows each party free and equal access to information and resources, allows free-flowing communication and places both parties outside their environment. Either both parties are outside their comfort zones or both are in the same comfort zone. An inappropriate site can be highly influential in the success or failure of the mediation (Bercovitch: 2011:47), as it impacts on the parties' perceptions and influences their behaviour.

Timing of mediation

The timing of the initiation of mediation has an impact on mediation success. There are two views on timing: one is that it refers to real time, where Kleiboer (1996:362) points out that mediation that occurs between 12 and 36 months of a conflict has a better chance of a successful outcome as the parties are not entrenched in their positions. The other, as proposed by Bercovitch (2011:30), is built on Zartman's (2001:8) theory of conflict ripeness.

The assumption is that conflict is ripe for resolution if certain events have taken place which affect the perceptions and attitudes of the parties. Parties who may previously have been under the impression that they had the military strength may find

themselves in a position where that military strength is tested, as it was in the case of South Africa (see chapter 4). A conflict is ripe for resolution when the parties to the conflict have an opportunity to test their relative strengths and other avenues have already been tried and there is no clear outcome (Bercovitch: 2011:30).

For mediation to be effective it must take place at the right moment: when there is a hurting stalemate; a moment when the conflict is ripe for mediation; when the efforts of both parties are blocked and power relations are changing and the underdog is gaining power (Maundi et al: 2006:23; Zartman: 2001:9;). Zartman (2001:10) views ripeness in terms of changes in the intensity of the conflict. In his view, ripeness is when parties are locked in a mutually hurting stalemate marked by a recent or impending catastrophe and when unilateral solutions are blocked and joint solutions become conceivable. It is the time when parties realise they are unlikely to get what they want through unilateral action and that the alternatives to the agreement involve unacceptable economic or political costs (Susskind and Babbitt: 1992:32). The perceptions of the parties change; they consider a negotiated settlement as a viable option and they are willing to accept mediation. It is at this stage that parties in civil wars seek agreements, not out of a desire for reconciliation and peace, but because military and political conditions compel them to stop fighting (Stedman: 1991:237). Mediators should, at this time, initiate entry and gain access to the conflict (Maundi et al: 2006:179) as parties are more willing and ready to accept mediation during this phase of stalemate (Bercovith:1992) and it improves the chances of mediation success.

Potential mediators sometimes have to cultivate the perception of ripeness, or it can be cultivated by a third party using political, economic or military means (Zartman and Touval: 2007:445; Maundi et al: 2006:23).

Appropriate timing of mediation improves the chances of success, although not everyone agrees that the situation of conflict ripeness is necessarily the deciding factor for mediation entry (Kleiboer: 1996:363).

Multiparty mediation

In some instances, mediators may join forces and attempt multiparty mediation. Although it may increase the resources, if efforts are uncoordinated this may weaken

the mediation efforts. The diversity of actors able to make unique contributions at various stages may be an asset, but it has the inherent risk of mediators working at cross-purposes and competing with each other. Mediators must speak with one voice, be able to make credible threats and promises and work in concert with one lead actor (UNSC: 2009: 189).

When great powers act in coalition, they should in principle be able to exert greater leverage on condition that they have similar goals and are willing to work together (Crocker: 1999:40; Jabri: 1993:65) Different members bring different strengths, influences and credibility and would be in varied positions to extract concessions from the parties (Jabri: 1993: 65; Zartman: 1989:199).

When multiparty mediation interventions are pursued consistently and coherently over time in order to move the parties to an agreement, this improves the chances of success (Crocker 1999: 40). This is supported by Jabri (1990: 29), who considers that multiparty mediation may bring greater resources and influence to the mediation. Yet on the other hand multiparty mediation is more susceptible to problems inherent in a team mediation; such problems will be absent when an individual mediates.

Mediator strategies

Mediator behaviour, skill, roles and strategies are the most important variables affecting mediation success (Bercovitch: 2011:48; Kleiboer: 1996; Bercovitch: 1992:10).

For mediators to be effective, they must be prepared and must have a strategy; that is, they must have preferred outcomes, whether they are interested in achieving a compromise or not, whether they will make suggestions for a settlement or not, and then find ways of linking incentives and tactics to those outcomes (Stedman 1996; Bercovitch and Lee 2001:3; Bercovitch: 2011:48). Once involved in a conflict, mediators may use a wide variety of behaviours to achieve their objectives (Bercovitch: 1992:14) and may change their strategies during the mediation in response to the dynamic nature of conflict and mediation (Jabri: 1990:96; Watkins and Rosegrant: 2001:xx; UN: 2012:4).

Mediator strategies may range from low level of involvement (low intervention) to active involvement (high intervention) (Bercovitch: 2011:48) as explained by Zartman

and Touval (2007:446). Strategies may be the communication-facilitation strategy, the formulation strategy and the manipulation strategy. Bercovitch (2011:48) finds this approach of identifying the strategies particularly useful, as it includes all dimensions of mediator behaviour and can be examined empirically.

Where mediators employ communication-facilitation strategies to bring the parties together, this is considered as low mediator intervention. They may facilitate negotiations, open up channels of communication, assist the parties to consider alternatives, and always opt for peaceful, negotiated solutions (Lake and Rotchild: 1998:346; Bercovitch: 2011:48). The mediator mainly facilitates the negotiation and works on bringing the parties together.

Medium mediator intervention on the other hand is when mediators are more actively involved with the procedures, the environment, the meetings, the agendas and the distribution of information of resources and information (Bercovitch: 2011:48). In addition, the mediator will propose a draft agreement that can be used as a base document for parties to work from and make refinements to reflect a mutually beneficial outcome.

Then there are instances when the mediators are actively involved in the mediation which reflect high mediator intervention. This is when mediators actively search for a solution and act as a full partner to the negotiations. They may employ threats and promises (incentives and disincentives) in order to drive negotiations forward; and (depending on the power and resources supporting the mediator) may provide tangible guarantees (Lake and Rotchild: 1998: 346; Bercovitch: 2011:48). The mediator takes a lead role and controls the process and the proposed framework.

The mediator will be influenced by the context of the dispute, the nature of the parties and the changing environment. The mediator will adjust the strategies to the conflict/mediation situation (Bercovitch: 2011:48).

It is important to create momentum and this can be done in various ways, e.g. erecting barriers to make backsliding costly, creating an attractive vision of a desirable future and proposing a framework for face-saving compromise (Watkins and Rosegrant: 2001:xx).

2.4.5. Context

The global geopolitical framework and regional neighbourhood form the context in which peace processes take place – that is, what other conflicts are taking place at the same time and also how the neighbourhood relates to the conflict (Mason: 2008:14) and may have an influence on the mediation outcome (Kleiboer: 1996:364). In instances where international and regional opinions favour the settlement, this may favourably impact on parties seeking mediation and improve the chances of mediation success (Susskind and Babitt: 1992:34). In other instances, it may hinder the settlement and impact negatively (Kleiboer: 1996:364).

According to Ramsbotham (2011:174), conflicts are embedded in a social, regional and international context which is often essential to their continuation. Changes in the context may sometimes have more dramatic effects than changes within parties or in their relationship. Local conflicts that are fuelled by global forces may not be resolvable at the local level without changing the structures or policies that have produced them. Changes may have an effect and contribute to mediation success, but not are dependent on the mediation. Conflicts within the spheres of interest of the superpowers can be contained by them (Pfetsch: 2007:149).

Ramsbotham (2011:177) points out that the end of the Cold War was a significant factor in transforming the context of many conflicts and contributed to the ending of a significant number. A possible factor was the reduction in capacity or willingness of external powers to support fighting factions, and the reduction in armed support for rebels as discussed in chapter 4. The actions of other states can either help to reinforce a mediated solution or detract from it.

2.5. Conclusion

The literature overview enabled the development of an analytical framework based on four variables of mediation that may increase the chances of a successful outcome. These factors are not predictive in the sense that if they are present a successful mediation outcome will result, but rather that their presence improves the chances of success.

The literature shows that certain aspects relating to the parties may improve the chances of a successful mediation outcome. It shows that chances for mediation

success may increase where there is a more equal power distribution between parties; where the political system is democratic; where the parties are known; where there are cordial relations between parties; and where there is a willingness to mediate.

Aspects with regard to the mediator include: the mediator must be accepted; the mediator must be skilful and have a strategy, and be able to adapt the strategy to the changing environment; and the mediator must have some level of leverage. The literature further shows that the conflict must be ripe for resolution and there must be general consensus at regional and international level to support the process.

Although the peace agreement has not been discussed as a factor impacting on mediation success, it is the outcome of the mediation and can be used as a criterion to determine whether the mediation can be considered a success. This is in terms of the viability of the agreement, the extent to which it addresses the root causes, whether it is accepted by the population and if it can withstand the stresses and constraints of implementation.

In the next chapter a brief historical overview of Namibia is given to place the roots of the conflict in context and illustrate how the situation evolved. The analytical framework discussed in chapter 2 is then applied to the Namibian case study in chapter 4.

Chapter 3 NAMIBIA – A HISTORICAL OVERVIEW

3.1. Introduction

This chapter provides a historical background and an overview of the South-West Africa/Namibia situation in order to contextualise the study. It shows that the Namibian issue was one of self-determination on one hand and a negotiating tool of global roleplayers to solve a regional security issue on the other. The Namibian situation can be traced back to the time of German occupation, whereafter it developed into a legal battle between the UN and South Africa. This evolved into a struggle for self-determination by a liberation movement, SWAPO, and finally became a bargaining tool in a regional security dilemma with international role players.

South-West Africa was a German colony from 1884 until 1915. The territory excluded Walvis Bay, which was under the control of the Cape Government as a result of its annexation by the British Government in 1878 (Pitswane: 1992: 109). During the German occupation, the colonial policy pursued by Germany was characterised by two distinct efforts: firstly a campaign to suppress the indigenous population groups and their development, and secondly a land policy that deprived the inhabitants of their traditional land. The German occupation came to an end when the German troops surrendered in July 1915 after South Africa's military campaign against Germany on behalf of the British Government (Du Pisani: 1985: 47).

3.2. The Mandate period 1925–1945

After the First World War, a C mandate² was established for South-West Africa and the “full power of administration and legislation” was transferred to South Africa. An ambiguity in the Mandate Agreement and Article 22 of the Covenant of the League of Nations on the location of sovereignty in respect of the mandated territories allowed South Africa to claim sovereignty over South-West Africa (Du Pisani 1985:89). This permitted South Africa to apply its domestic laws to South-West Africa and in so doing lay the foundations of apartheid in South-West Africa (Thornberry: 2004: 7), which

² C mandates were to be administered under the laws of the mandatory power as an integral part of the territory (Du Pisani: 1985: 51).

gave rise to many contentious issues later, including the exclusion of Walvis Bay from the League of Nations mandate.

As a mandatory power, South Africa agreed to submit annual reports on its administration of South-West Africa to the League's Permanent Mandates Commission. South Africa continued, as the Germans had done, to promote the development of the white inhabitants. Very few resources were spent on black health and education and the black population was displaced to favour white land ownership (Thornberry: 2004:8). South Africa, furthermore, perpetuated the policy of segregation and continued with the policy of providing reserves for the indigenous people and restricting the black urban population to the outskirts of towns. The focus of development on the white population only, the system of native reserves, racial discrimination and denying the local population access to political opportunities continued over the years (Pitsoane: 1992: 109). Discontent with these practices increased over the years; they also became areas of concern for the international community and were later part of the agenda for mediation.

Political development in South-West Africa was mainly characterised by white party politics, which were premised on language issues, nationality and the issue of incorporation into South Africa. The debate on incorporation influenced and strengthened the link between political parties in South-West Africa and those in South Africa to such an extent that it became a debate in the political dialogue of South Africa. This, however, did not deliver tangible results, as one of the recommendations of the Van Zyl Commission of 1936 (which favoured the incorporation of South-West Africa into South Africa) was not accepted by the South African government.

Apart from the interaction between South Africa and the Mandate Commission with regard to the issue of sovereignty, and the fact that incorporation of South-West Africa into South Africa would be unacceptable, the Commission did not really compel South Africa to administer South-West Africa according to Article xxii of the League Covenant "... in the interest of the indigenous population." (Thornberry: 2004:9).

3.3. The United Nations and the legal battle for Namibia 1946–1970

After the end of the Second World War the League of Nations was replaced by the UN. The newly formed UN instituted a Trusteeship System and requested South Africa and other mandatory powers to submit trustee agreements for the approval of the General Assembly and to place all mandates under the trustee system (Thornberry: 2004: 10).

When the draft trustee agreements were submitted for eight other mandated territories to the UNGA in 1946, South Africa submitted a memorandum on behalf of the people of South Africa. The memorandum requested that South-West Africa be incorporated into the Union of South Africa. As a result of international and domestic opposition, the General Assembly rejected the request. Despite the rejection South Africa refused to enter into the trustee agreement, but continued to submit annual reports to the UN (Du Pisani: 1985: 108).

This standoff lasted until 1948 when the National Party came to power. South Africa embarked on a new approach and informed the UN that it would discontinue submitting the annual reports to the UN (Du Pisani 1985:119). At the same time the minority white South-West Africa political parties formally requested South Africa to incorporate South-West Africa, with the result that South-West Africa received representation in the Lower House and the Senate in the South African Parliament. During this period South Africa continued to pursue its segregation policies and the advancement of the white minority in South-West Africa. In 1954 the National Party of South Africa declared that the mandate over South-West Africa had lapsed and that South-West Africa and South Africa had united as one political unit.

A legal battle between the UN and South Africa ensued. The UN position was that as successor to the League, it retained supervising powers over South-West Africa and that South Africa was accountable to the UN for the administration of South-West Africa. South Africa on the other hand maintained that on the dissolution of the League of Nations, South Africa had acquired full control over South-West Africa.

The legal battle resulted in various legal opinions of the International Court of Justice (ICJ):

- The 1950 opinion stipulated that South Africa was not legally obliged to place South-West Africa under the Trusteeship Council of the UN (Du Pisani: 1985: 131) and that the South Africa mandate over South-West Africa had not lapsed with the dissolution of the League of Nations. In addition the UN could not convert the mandate into a full-fledged UN trust territory.
- The 1956 advisory opinion upheld the right of the Committee on South-West Africa to receive oral petitions from people who had information about the administration of that country (Du Pisani 1985: 133). This broadened the scope of consultation on South-West Africa and gave its black leaders an international platform and an opportunity to be heard.
- In response to Ethiopia and Liberia bringing the South-West Africa case to the ICJ, South Africa questioned the relevance and standing of these two countries to bring the issue to court. In 1962 the Court overruled South Africa's objection.
- Four years later the ICJ overturned the earlier decision and in 1966 ruled that Ethiopia and Liberia did not have any legal standing in bringing the South-West Africa matter to the court. This opinion strengthened South Africa's resolve on this matter, as this technically constituted a reversal of the 1962 opinion (Thornberry: 2004: 11).
- In 1966 the ICJ resolved it had no legal right to judge on the case.
- In 1969 the UN Security Council (UNSC) requested South Africa to terminate the administration of South-West Africa and to withdraw from the territory. Upon South Africa's refusal to heed the request, the UNSC passed a resolution declaring South Africa's occupation illegal.

The nature of the dispute between South Africa and the UN was more than a legal battle; it became a moral issue in the context of the centrality of human rights in the UN Charter and was as the result of South Africa's treatment of the indigenous population (Du Pisani: 1985: 108). Parallel to the legal battle, the UN remained occupied with the matter of Namibia through the establishment and workings of various committees, which included:

- the Permanent Committee on South-West Africa that was established in 1953 when the Ad Hoc Committee could not reach agreement with South Africa on the 1950 Advisory Opinion. The Permanent Committee on South-West Africa existed from 1954 to 1961 and submitted eight annual reports to the General Assembly;
- the Good Offices Committee that was established in 1957 to negotiate with South Africa on the status of South-West Africa and to get agreement on the supervisory procedures and institutions for South-West Africa;
- the UN Special Committee for South-West Africa that was established in 1962 and dissolved in December of the same year, after a report which was issued was perceived to have discredited and embarrassed the Special Committee (Du Pisani 1985:139) The South-West Africa issue was thereafter transferred to the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.
- A UN Council for South-West Africa was established in 1967 to administer the country in response to Resolution 2145 of 1966, which revoked South Africa's mandate and labelled South Africa's presence as illegal occupation. In addition, the UN Council tried to enter South-West Africa to take over the administration but had to return without accomplishing the task.
- In response to South Africa's refusal to allow the UN Council to land in South-West Africa, in 1968 the UNGA condemned South Africa's refusal and also renamed South-West Africa as Namibia through Resolution 2372.

In addition to the engagements at the ICJ and the establishment of various UN committees, the UNSC adopted a resolution, in 1970, requesting states to take punitive action against South Africa in order to force her to withdraw from Namibia.

Decolonisation and the increasing number of African states becoming independent resulted in more pressure on South Africa. These independent states used various conferences as platforms to issue declarations against South Africa's occupation of Namibia. This further limited South Africa's diplomatic options in Africa.

The increasing international pressure on South Africa had other consequences, such as the establishment and growth of various political movements in Namibia. This

provided an opportunity for the Namibian population to articulate black interests more effectively. The most significant of these was the establishment of SWAPO by migrant workers in 1960, to unite all Namibians for the struggle for independence. In 1962 SWAPO decided that political and military actions could be complementary in the pursuit of political objectives, and in 1966 started its guerrilla war in Ovamboland (Hampson: 1996: 55). Apart from its military actions, SWAPO functioned like an external opposition and also petitioned its case at both at UN and the OAU.

These external factors limited South Africa's foreign policy options and contributed to South Africa's international isolation. On the domestic front South Africa accelerated the implementation of the segregation policies in South-West Africa in line with South Africa's domestic policies, driven by the National Party of South-West Africa that was in favour of incorporation. In 1962, Prime Minister Verwoerd appointed the Odendaal Commission of Enquiry to investigate the social, economic and political conditions in South-West Africa. The report, issued in 1964, recommended the expansion of ethnic fragmentation. The report generated a negative international response and resulted in renewed international opposition to South Africa's policies in Namibia. Domestic response to the report manifested itself through political opposition and growth of the political parties in Namibia.

3.4. The struggle for Namibian independence escalates 1970–1977

This period is characterised by significant developments on the domestic front, both in Namibia and South Africa, both political and military. The struggle took on regional dimensions and involved the neighbouring states. During this period South Africa shifted focus from the integration of Namibia into South Africa to pursuing an internal solution towards a Namibia in South Africa's image, based on segregation (Zartman 1989: 175).

Developments on the domestic front

Within Namibia the domestic landscape started to change, with a more active effort from the Namibian people and their struggle for independence. The strike in 1971 by the migrant Ovambo workers in Windhoek is an example. The strike, apart from the fact that it was primarily aimed at addressing the dissatisfaction of workers on the issue of contract workers, became a political instrument, as well as providing the blacks with

a new weapon in the struggle for independence (Du Pisani: 1985:214). In the same year South African security forces clashed with SWAPO's guerrilla component in the Caprivi. This technically extended the area through which the SWAPO guerrilla fighters could infiltrate Namibia.

South Africa continued to escalate its effort for an internal solution and established a multiracial advisory council from various ethnic, regional and other groups in Namibia. This was an attempt by South Africa to control the domestic political landscape, to establish a credible alternative to SWAPO and to continue with self-determination based on ethnic territories (Du Pisani: 1985:225). The result was the Turnhalle Constitutional Conference, which opened in Windhoek with all 11 population groups represented and concluded by proposing 1978 as a prospective date for Namibian independence (Zartman: 1989: 175).

The South African solution differed from the international expected solution which was for self-determination and independence for Namibia on the basis of territorial integrity. Whereas South Africa was committed to self-determination in line with South Africa's homeland policies and independence for different ethnic groups on the basis of separate independent ethnic sub-systems (Du Pisani 1985: 218).

After 1973, the churches in Namibia became increasingly more involved in opposing the oppressive policies of the ruling government, thereby broadening the population base involved in the struggle for Namibian independence. The government, in its effort to suppress any opposition, responded by denying visas and work permits to many white church workers and expelling others such as Anglican Bishop Colin Winter and Bishop Richard Wood (Thornberry: 2004: 15). The oppression took on a violent nature when the offices and printing works of the Ovambo Kavango Evangelical Lutheran Church were destroyed in 1973. At the same time, South Africa proceeded with self-determination on the basis of the ethnic groups of Ovambo and Kavango, followed by the Eastern Caprivi. These were declared self-governing areas within Namibia.

The SWAPO military offensive was mainly a guerrilla war fought in the early years, when the only way to infiltrate Namibia was through the Caprivi Strip. The military campaign escalated in the 1970s when, after Angolan independence in 1976, the northern border became accessible for military activities carried out by the People's Liberation Army of Namibia (PLAN), the military wing of SWAPO. SWAPO

subsequently established bases in southern Angola and enjoyed the political support of the FLS³ and the OAU (Hampson: 1996:55).

Regional Developments

Angola, Mozambique and Zimbabwe were engaged in a long struggle for decolonisation and received support from communist states, which further contributed to what South Africa perceived as the threat of a communist onslaught.

The collapse of Portuguese colonialism in Angola in 1974 introduced new dimensions to the Namibian situation. One of these was the intervention of the superpowers in Angola's civil war, which manifested itself through increased military aid to Angola. The Soviet Union and Cuba provided support to the MPLA while the US and South Africa provided support to UNITA (Hampson: 1996: 88). The victory for the MPLA for the independence of Angola in 1975 enabled SWAPO to enter Namibia through an extended northern border with Angola. Furthermore, the victory of the MPLA was the result of an armed struggle, which may have been interpreted as a positive sign that success was possible through a military struggle. The increased number of role players in the war in Angola brought Soviet, Cuban and South African forces to the region. The result was a regional war in which Angola became a battlefield where the Namibian military struggle and the Angolan civil war were fought (Crocker: 1992: 57).

International developments

When the ICJ ruled in 1971 that the mandate for South-West Africa had been lawfully terminated, SWAPO used this opinion to legitimise the guerrilla war (Du Pisani: 1985: 195). The UN remained actively occupied with the matter of Namibia, to the extent that the UN Secretary General (UNSG) visited South Africa and Namibia in 1972 to negotiate with South Africa. It was also a fact-finding mission with the Namibian population, of which the outcome was mixed, as some sections of the population indicated a preference for a unitary independent state and others preferred the ethnic territories.

The UN continued to make provision for different platforms at which Namibian decolonisation and independence could be discussed and negotiated. The UN

³ Frontline states include Botswana, Zambia, Tanzania, Angola and Mozambique.

engagement was reflected in various UN positions and resolutions, of which the following were key:

- The ICJ ruled in 1970 that the mandate for Namibia had been lawfully terminated and South Africa was illegally occupying Namibia. This resolution was adopted by the UNSC, but the ICJ ruling was dismissed by South Africa and the majority of whites in the territory.
- In 1971 the ICJ gave an advisory opinion that South Africa should withdraw from South-West Africa and that UN member states should recognise the invalidity of South Africa's actions concerning Namibia.
- In 1972 SWAPO was granted observer status at the General Assembly Trusteeship Committee. South Africa withdrew from this Committee in protest.
- South Africa was further isolated on the international stage when forbidden to participate in the proceedings of the 1974 General Assembly, with its membership being suspended.
- In 1976 the UNGA recognised SWAPO as the “sole and authentic representative of the Namibian people”.
- In 1976 the UNSC adopted Resolution 385, which set out general criteria for an internationally acceptable process towards Namibia independence. The main focus of the resolution was elections supervised by the UN for Namibia as one political entity, unlike the ethnic-based elections that South Africa favoured and promoted.

South Africa refused to withdraw from Namibia and instead accelerated the implementation of segregation policies and carried through with the implementation of the Odendaal Commission report and the Turnhalle Constitutional Conference. This could be interpreted as South Africa being ready to recognise Namibia's right to self-determination, but on its own terms.

This turn of events changed the Namibian issue from that of a legal battle between South Africa and the UN over the existence of a mandate or the Trusteeship, into a struggle for decolonisation and full independence of Namibia. During this time SWAPO continued to use international platforms to pursue and solicit support and continued with its military struggle. South Africa, on the other hand, continued with its own internal solution.

Despite increasing international pressures, there was still the perception that South Africa continued to be “protected” by certain Western countries; this was illustrated when, in 1975, the Africa Group in the UN proposed an arms embargo against South Africa and it was blocked by the US, the UK and France.

3.5 The WCG multiparty mediation 1977–1979

The first debates of the UNSC in 1977, as introduced by the African States, centred on the Namibian issue, with increased attacks and accusations against the Western Powers for their slowness to act against South Africa in order to protect its commercial interests. In the face of these continuing attacks, and the perception that the continued armed conflict in Namibia gave the Soviet Union an opportunity to engage and extend its influence in Southern Africa, the Western Powers initiated pre-emptive mediation in 1977. The mediation efforts were initiated by five members of the UNSC, three permanent members and two non-permanent members. They formed the WCG, which consisted of the UK, France, the US, Canada and West Germany. The WCG set out to work on a proposal for Namibian independence under the terms approved by the UN.

South Africa agreed to enter negotiations after a demarche, consisting of threats of sanctions in the UNSC should South Africa not agree to an internationally acceptable agreement, was conveyed to South Africa in 1977 (Melber and Saunders: 2007: 79). The initial mediation efforts focused on confidence-building and involved some work with the African countries, which proved invaluable at a time when SWAPO was not keen on participating in or accepting the proposals. The African countries, which were consulted during the process, convinced SWAPO to accept the proposals. During the mediation the WCG treated all stakeholders as equals; they kept them informed of proposals and counter-proposals. After protracted negotiations with South Africa, the FLS and SWAPO, the WCG secured support for a proposal and in 1978 they presented the proposal to the UNSC (Thornberry: 2004: 20). The UNSC accepted the proposal and passed Resolution 431, requesting a formal implementation plan (Saxena: 1991: 143). Both South Africa and SWAPO raised objections to Resolution 431. However after clarification the UNSC adopted Resolution 435 (1978), which became the implementation plan for Namibian independence (although it was only

implemented almost 12 years later). The possible delay in implementation from South Africa might be due to the absence of a hurting stalemate as discussed in chapter 4.

During this mediation SWAPO was treated as one of the parties, although South Africa and SWAPO did not negotiate face-to-face around the same table (Chakaodza: 1990: 51). SWAPO did not want to be involved in direct negotiations with South Africa, which it considered an illegitimate occupying power (Melber and Saunders: 2007: 80). In 1988, SWAPO was excluded from the negotiations in their entirety.

The WCG proposal included that a UN Special Representative must oversee the elections and work with the Administrator General; that all political prisoners must be released; a ceasefire must be implemented; and all forces must be restricted to base. The proposal was accepted by South Africa because it expected SWAPO to reject the proposal, as it excluded the issue of Walvis Bay and did not make provision for a complete South African troop withdrawal from Namibia (Saxena: 1991: 144). South Africa continued with its dual strategies, whilst at the negotiation table it pursued a military strategy against SWAPO (Hampson: 1996: 57). South Africa launched a raid on SWAPO bases in southern Angola in May 1978 in an effort to make it difficult for SWAPO to accept the proposal for a negotiated settlement, and also to weaken SWAPO militarily (Melber and Saunders: 2007: 81). Initially SWAPO rejected the WCG proposal because of certain of its aspects and in response to an attack on Kassinga in May 1978. However, SWAPO agreed to discuss the proposal with the WCG representatives at the insistence of the FLS. Concerted efforts were then made to ensure that SWAPO continued with the negotiations; one effort was the UNSC Resolution 432 of 1978, where firm commitment was made to an early reintegration of Walvis Bay into Namibia (Melber and Saunders: 2007: 81). This resolution and the efforts by the FLS persuaded SWAPO to continue negotiations with the WCG. Resolution 432 on the issue of Walvis Bay was perceived by South Africa as a breach of trust. The negotiations between South Africa and the WCG were seriously hampered as a result and South Africa withheld final approval of the WCG's proposal.

South Africa continued with its dual strategy. It remained engaged in the negotiations to give itself sufficient time to put in place a government in Namibia that would be "friendly" towards South Africa, and as a credible alternative to SWAPO, which could win the proposed UN elections (Hartmann: 2009: 36). The internal strategy included

the passing of the South-West Africa Constitution Amendment Act no 95 of 1977, and the introduction of a series of actions taken by South Africa to place Namibia on the road of controlled change. Yet at the same time South Africa continued with the ethnic fragmentation policy. As part of the internal solution South Africa pursued, in 1978 the Administrator General announced its plan to register voters to continue with South Africa's internal supervised elections and grant independence to Namibia (Melber and Saunders: 2007: 82). These elections were outside the UN plan for Namibia, but in December 1978 Namibia held the elections although only South Africa recognised the outcome.

Apart from participation in the negotiations and the internal strategy, South Africa also pursued a military campaign against SWAPO and continued with military attacks on SWAPO bases in Angola. SWAPO also continued with military attacks (Melber and Saunders: 2007: 83). Both parties took hard-line positions and pursued dual strategies and intensified military action.

The WCG mediation resulted in an agreement; however there was not sufficient pressure on the parties to enforce implementation. South Africa kept on backtracking and stalling on the implementation of Resolution 435 (Herbstein and Evenson: 1989: 153). The WCG tolerated South Africa's stalling tactics because of their various economic interests in South Africa and, by extension, in order to protect their interests in Namibia.

According to Crocker (1992: 87) South Africa provided many reasons for its reluctance to implement Resolution 435 (1978). There was the perception of losing the mineral-rich, strategic buffer zone should it withdraw from Namibia and with it the loss of Namibian bases for projecting military power into neighbouring states. South Africa claimed UN partiality towards SWAPO and therefore its reluctance to implement Resolution 435, which was just one of the many reasons put forward by South Africa for the delay in implementation (Crocker: 1992: 39). In the absence of a credible, strong alternate political party, South Africa feared that SWAPO would coerce its way into power. In addition, there was the fear of a possible exodus of whites from Namibia into South Africa, with the possible charges of "sell-out at home" in South Africa.

South Africa's reluctance to implement Resolution 435 can be ascribed to the absence of a hurting stalemate, which refers to the willingness to mediate because there is no

other way out. It can be said that South Africa was at the negotiating table to buy time for the internal solution it was implementing for Namibia, to save face and because it was coerced by the Western Powers with the threat of sanctions (Melber and Saunders: 2007: 89). In addition, as much as the leverage exercised by the WCG brought South Africa to the table, there was not a concerted effort by the WCG to exercise their leverage to bring South Africa to implement Resolution 435. Considering the interpretation of mediation success proposed in chapter 2 (conflict resolution that addresses the root causes of the conflict and contributes to the transition to a more democratic, stable government), the 1978 mediation cannot be considered successful although it resulted in an agreement. In short, an agreement does not necessarily mean a resolution.

The year 1979 was characterised by continued mediation efforts by the WCG, including a proposal on the establishment of the demilitarised zone (DMZ) (Melber and Saunders: 2007: 84). This period was characterised by the continued military engagements of both South Africa and SWAPO. South Africa launched increased military strikes and SWAPO continued with its guerrilla warfare. Parallel to the military engagements, South Africa continued with its internal track to provide domestic political parties more legitimacy by refusing to participate in the Geneva Conference in November 1979 unless the internal Namibian parties were invited (Melber and Saunders: 2007: 84). It also passed a Bill on the Abolition of Racial Discrimination and continued with preparations for Namibian independence. On the international front the UN General Assembly voted for South Africa's credentials to be rejected, thereby denying her the opportunity to participate in the Assembly. At the same time the UNSC passed resolutions condemning South African attacks in Angola.

3.6. US mediation and dual strategies by SWAPO and South Africa 1980–1987

During 1980, international events momentarily shifted focus from the Namibian issue and provided South Africa with some room to manoeuvre and continue with its internal track. US attention was more focused on the presidential elections. The UK, on the other hand, was occupied with the Zimbabwean issue. The coming to power of the Zimbabwe Africa People's Union (ZAPU) in 1980 made the South African government nervous and more fearful of SWAPO, of independence and elections in Namibia (Crocker: 1992: 37). The victory of President Mugabe in Zimbabwe created a new ally for SWAPO and it had a direct impact on South Africa's behaviour. South Africa feared that SWAPO would win elections in Namibia and stalled the negotiations in order to give the Democratic Turnhalle Alliance (DTA) more time to gain political acceptance and to continue with its internal solutions. In addition South Africa increased military attacks on SWAPO to weaken the party.

Mediation continued

The US policy towards Africa changed when the Reagan administration came to power in 1981, with the result that the US took a more active approach to the conflict in the Southern Africa region, labelled as "constructive engagement" (Jabri: 1993:154; Crocker: 1992:65). Constructive engagement was considered a regional policy towards Southern Africa and it therefore included interrelated goals in order to bring about regional stability. The Cuban troop withdrawal from Angola was now linked to Namibian independence, thereby expanding the regional peace agenda (Crocker: 1992:65). The US mounted a restructured peace initiative, and systematically engaged all stakeholders and parties separately: the WCG, the South Africans and the African States. The US mediator focused attention on the FLS to bring SWAPO to the negotiating table, and the WCG to bring South Africa to the table (Crocker: 1992:86). Although this renewed mediation was under the aegis of the WCG, it was the US that determined the strategy and the agenda in pursuit of addressing issues of concern with South Africa and SWAPO.

At the same time South Africa was committed to strengthening the legitimacy of the internal political parties, and therefore insisted that they participate in an all-party conference on Namibia. At the Geneva Conference in 1981 South Africa refused to agree to the implementation of Resolution 435 unless the UN illustrated its impartiality

towards SWAPO. The internal parties also tabled a list of demands pertaining to the alleged UN partiality towards SWAPO. Soon thereafter the Geneva Conference was aborted (Du Pisani: 1985: 455).

The mediation efforts of 1982 focused on the mechanisms of transition; there were some agreements on issues of the composition and deployment of UNTAG, the monitoring of SWAPO bases (a previous outstanding issue) and the transition period until UN supervised elections (Hartmann: 2009: 39). There was still disagreement on UN impartiality and the ceasefire between South Africa and SWAPO. South Africa added the condition of the Cuban troop withdrawal from Angola; by doing this South Africa elevated to centre stage the reason for wanting to keep Namibia as a buffer zone against the “communist” onslaught (Du Pisani: 1985:481). Angola’s response was that the Cuban troop withdrawal should not be linked to Namibian independence. In June 1982 the US proposed that the Cuban troop withdrawal should run parallel to Namibian independence and South African troop withdrawal. This was an attempt by the mediator to address the concerns of the parties and the regional security issues.

The mediation in 1983 was more focused on Cuban troop withdrawal because most of the issues on the Namibian settlement had been ironed out. The interactions with Angola were first and foremost focused on confidence-building and showing the US as a credible mediator despite US support for UNITA. The reluctance from Angola stemmed from fears as a result of the presence of the SADF and its military support to UNITA. Angola used this opportunity to table requests for withdrawal of support to UNITA and withdrawal of the SADF from Angola. Angola wanted assurances there would be no support to UNITA. Many delays were experienced due to internal Angolan politics; there was not a reliable spokesperson, and the insecurities within the Angolan government contributed to the spokesperson not being able to agree to or commit the Angolan government to any proposals (Crocker: 1992: 176; Freeman: 1989: 136).

The aspect introduced by the US and South Africa that a South African troop withdrawal should be linked to that of a Cuban withdrawal from Angola was not supported by all members of the WCG. As a result, in December 1983, France suspended participation in the WCG and Canada followed suit shortly thereafter. This brought the existence of the WCG to an end.

The US continued with its shuttle diplomacy and worked towards the cessation of violence to boost Angola's confidence. This was achieved with the Lusaka Accord in 1984 (Crocker: 1992:187).

Domestic developments/initiatives

South Africa continued its attacks on SWAPO bases in Angola, including Operation Protea in August 1981, considered to be one of the biggest South Africa military strikes into Angola. Operation Protea resulted in outrage from the international community with a call that the UNSC draft a resolution condemning the attacks. The subsequent veto from the US on the resolution showed the split among the Western nations. It is estimated that 70 000 to 80 000 SADF troops were deployed in Namibia and Angola in 1981, which resulted in escalating costs for South Africa (Thornberry: 2004:27). South Africa continued with its military attacks and in 1983 launched Operation Askari just before the signing of the Lusaka Accord, which resulted in heavy losses for SWAPO, the Forças Armadas Populares de Libertação de Angola (FAPLA) and Cuba.

Simultaneously, South Africa continued with its efforts to find an internal solution in Namibia by increasing the executive powers of the DTA Council of Ministers.

Changes in the economic climate in Namibia put severe strain on South Africa as it had to increase its funding to Namibia. In addition South Africa was taking further strain because of the escalating military cost of the wars in Namibia and Angola.

South Africa started to take a harder line in the negotiations and continued to build up military power in Angola. In his Rubicon speech in August 1985, President PW Botha refused to give in to the demands of the black population or to propose any reforms. This approach caused the country some serious international damage, many investors left South Africa and in September the country closed its foreign exchange markets. The picture looked bleak for South Africa. There was increased international isolation, a declining domestic economy due to sanctions and a net capital outflow (Ohlson et al: 1994:101). The political pressures increased within South Africa with increased domestic unrest, attacks and counter-attacks against the ANC, and the declaration of a nationwide state of emergency in June 1986.

Regional developments

The mediation effort in 1984 is characterised by the Lusaka Accord signed by Pretoria and Angola, agreeing on a cease-fire and no-go zone identified for both SWAPO and Cuban forces in the Cunene Province (Hampson: 1996:59). In February 1984, South Africa started to disengage from southern Angola. In March 1984 the Joint Monitoring Commission (JMC) between South Africa and Angola was established. The Lusaka agreement took a year to implement, resulting in reduced tensions from 1984 until a major confrontation in mid-1987. In 1984, South Africa and Mozambique signed the Nkomati Accord to stabilise relations between the two countries.

Increasing international pressures on South Africa

External pressures mounted on South Africa during 1985. The US congress agreed to impose economic sanctions against South Africa in addition to the Commonwealth implementing the Nassau sanction package (Hampson: 1996:60). The imposition of economic and financial sanctions by the US, the Commonwealth and other Western states marked a high point in the isolation of South Africa. In March 1986, South Africa announced its readiness to implement Resolution 435 and also instituted some changes on the domestic front, one of which was the repeal of the pass laws.

Changes within the Soviet Union occurred with the coming to power of Gorbachev. There were changes in its regional strategy, with the desire for political solutions to regional problems, a desire to improve relations with the US and support for US mediation efforts in Southern Africa (Adebajo: 2011:107).

3.7 US mediation 1987–1988

Increased military activity

The US isolated South Africa in 1987 by various political and economic measures. At the same time the US tried to weaken the South Africa-UNITA link. Intense military activity followed. The massive offensive launched by the Cubans in 1987 is considered a watershed event. The military power balance started to change with the build-up of about 40 000 Cuban troops and the siege of Cuito Cuanavale in 1988. A military stalemate ensued (Ohlson et al: 1994:103). The Cubans improved their anti-aircraft defence systems and claimed air superiority around May 1988, which further

pressurised the SADF in Angola, South Africa finding itself within striking distance of a “communist force”. All these factors contributed to the “ripe moment” for the US to push for negotiations. There was no decisive battle, yet the Cuban president exploited the situation for propaganda purposes (Hampson: 1996:61; Crocker: 1992:379).

Military action disrupted the negotiations, yet at the same time ripened the conflict and contributed to a mutually hurting stalemate. It also provided an opportunity for Castro to act militarily to open a way for diplomatic engagement similar to that of the US. Castro wanted to withdraw to ease the financial strain of indefinitely supporting a large military force abroad, but he wanted to tie the withdrawal to Namibian independence and to political agreements that would preserve the MPLA position and stop US and South African support for UNITA. This would give Cuba a political victory rather than a military defeat.

The wars in Angola and Mozambique reached peak intensity by 1988. War-weariness was pervasive (Minter: 1994) and the cost of the war was rising for all parties. Angolan forces, with Soviet Union and Cuban support, over-extended themselves, the increased Cuban troops forced the SADF to retreat and this rekindled South Africa’s desire for a political settlement rather than continuing the costly war in Angola. Other factors contributed: the international sanctions against South Africa were beginning to have negative effects and the political resistance in Namibia was escalating (Thornberry: 2004:27; Hampson: 1996:63).

Mediation efforts

The US conducted bilateral negotiations with Angola over the Cuban withdrawal and with South Africa on withdrawal from Angola and Namibia. The negotiations initially focused on Angola, with the US excluding SWAPO on the basis that it was not a state actor but recognising it as a fully-fledged liberation movement, which was also the argument for the exclusion of UNITA from the mediation. At the same time South Africa continued its refusal to negotiate with SWAPO.

The domestic situation in the US made it increasingly difficult for the mediator to engage the parties in good faith. The US policy turned against South Africa, taking a harder stand in 1987 and isolating South Africa further. Internal US support for the policy of “constructive engagement” started to wane. The US mediator continued with

his efforts and worked through the OAU to meet the Angolan interior Minister. He also continued to meet a number of African governments in his effort to make UNITA more acceptable to them.

On an international level, the Soviet Union and the US agreed in 1988 on the need for the settlement of regional conflicts, with the Soviet Union starting its withdrawal from Afghanistan.

The US intervened at this time, when all the parties started to feel the pressure of the conflict with no possibility of a clear victory for any one party (Hampson:1996:64). The mediator restarted the talks, including direct talks with Cuba in January 1988. The senior South African delegation to Washington in March 1988 agreed to respond to the January proposal of a four-year Cuban withdrawal. In May 1988 the Soviet Union showed interest in joining the talks to end the costly involvement and to gain some credit for the solution. The peace talks resumed between Angola, South Africa, Cuba and the US in London in May 1988 (Crocker 1992:377).

The Tripartite Agreement was signed by Angola, Cuba and South Africa on 22 December 1988 and brought the conflict to an end, gave independence to Namibia and ended South Africa's occupation of Namibia.

3.8 Conclusion

The history of Namibia shows a country burdened under colonial rule for almost a century. The country was used by South Africa to test out its apartheid policies and furthermore to serve as a buffer zone in its efforts to protect South Africa from what it considered to be an onslaught of communism, as well as to further its own regional strategy. history further shows that after 30 years of trying to incorporate Namibia into South Africa, South Africa reviewed its policies and decided to grant Namibia independence, to mirror its own segregation policies and also create a nation dependent on and sympathetic to South Africa.

The conflict was pursued most actively outside the region, mainly on international platforms where South Africa was perceived to be in a weaker position than SWAPO. The military aspect of the conflict was mainly pursued in Angola, which technically broadened the Namibian situation into a regional conflict with international sponsors.

The UN, as successor to the League of Nations and the ICJ, launched various initiatives that resulted in an agreement, Resolution 435, which finally became the implementation plan. The delayed implementation can be ascribed to many factors: one was a lack of enforcement from the UN and the unwillingness of the Western Powers to pressurise South Africa.

South Africa delayed the implementation for almost a decade by various stalling efforts, but these strategies did not yield the intended result. The military campaign in Angola was not sufficient to suppress SWAPO and could not stop the guerrilla war. The internal solution to establish a credible alternative to SWAPO did not work either. In addition, South Africa maintained control of Namibia and used the territory for her own regional strategy and to serve as a buffer zone against communism. She used the same line to play on the fears of the West, particularly the US. The situation started to change for South Africa when it began to feel pressure both on the domestic front and externally. It was finally ready to implement Resolution 435, although not without some guarantees of Cuban troop withdrawal.

The WCG mediation in 1978 resulted in an agreement, Resolution 435, yet no implementation. This suggests that the mediation was not successful. Possible reasons for this failure may be: the root causes of the conflict as perceived by South Africa and SWAPO were not addressed; the conflict was not yet ripe; and there was not a mutually hurting stalemate.

The next chapter considers the 1988 mediation in detail and identify which of the factors identified in chapter 2 factors contributed to a successful mediation outcome.

Chapter 4 ANALYSIS AND EVALUATION OF MEDIATION SUCCESS IN THE NAMIBIAN CASE

4.1. Introduction

The Trilateral Agreement signed in 1988 was the result of a rigorous effort from the US mediator, which may be considered the culmination of a series of efforts that spanned almost ten years. The role of the US as lead mediator can be traced back to early 1981 when the US, as a continuation of the efforts of the WCG, continued with the mediation even after the WCG officially ceased working as a collective. The US remained engaged in mediation efforts for the whole of the 1980s. These came to a conclusion in 1988, when a concerted effort resulted in the signing of the Trilateral Agreement in December 1988. This then raises the question of what made this particular mediation effort, and not the earlier efforts, work.

The 1988 mediation resulted in a long-lasting political settlement. This chapter considers the mediation factors identified in chapter 2 and analyses to what extent these factors contributed to the mediation success of 1988. To a lesser extent, these are also compared with the 1978 mediation.

4.2. Analysis of the factors impacting on mediation success

Mediation success is not dependent on only one factor, but on the interaction of both the contextual factors (mediator, parties, conflict) and the process of mediation (Greig and Diehl: 2012:117).

4.2.1. Parties

Balance of Power

As pointed out in chapter 2, the literature suggests that mediation is more successful in instances where the power balance is more even (Kleiboer: 1996:368). An analysis of the 1988 Namibian mediation supports this aspect of the theory. If one considers the parties of the 1978 mediation versus those of the 1988 mediation, one sees that

in the 1988 mediation there was a more equal distribution of power between the parties, which may have contributed to the success of the mediation.

The mediation efforts by the WCG in 1978 were between two parties: South Africa, the illegal occupying power, and SWAPO the liberation movement. The power disparity between the parties was enormous. South Africa was considered the economic and military power in the region and was resistant to any changes in Namibia that might not be in its own favour. SWAPO on the other hand was a political movement formed in the early 1960s with the main aim of working for Namibia's independence by terminating South African rule, as explained in chapter 3. However, SWAPO was weaker than South Africa on the military front, and as such was more amenable to mediation, which could have contributed to its coming to power through an internationally brokered agreement (Ohlson et al: 1994:93).

Although the 1978 mediation led to an agreement, it was not considered successful. This unsuccessful mediation may not be attributed solely to the unequal distribution of power, but it did play a role. During the 1978 mediations the power disparity was so great that South Africa did not feel pressurised to implement the agreement, and instead continued with its dual strategies and stalling tactics as discussed in chapter 3. However with the 1988 mediation the situation had changed. Firstly, the nature of the parties involved in the conflict changed. Following the linking of Cuban withdrawal to the implementation of Resolution 435, more parties became involved in the conflict (Hartmann: 2009: 35). The mediation now expanded to include Cuba, Angola and South Africa. These states brought different power dynamics to the conflict.

South Africa was the occupying power in Namibia but also the provider of military support to UNITA in Angola. The second party was Angola and the MPLA government, which were giving protection to SWAPO and also allowing SWAPO to initiate its guerrilla warfare from its bases in Angola. The third party was Cuba, which was providing military support to the MPLA government, but was also perceived by the US as a proxy for the Soviet Union (Hartmann: 2009: 35). The mediation was now between three sovereign states.

Angola's involvement can be traced back to its independence in 1975. As discussed in chapter 3, Angolan independence provided access for SWAPO, which meant South Africa was fighting SWAPO in Angola. Cuba became involved when it supported the

MPLA government against UNITA. South Africa became involved in the Angola crisis in 1975, in part to protect the hydro-electricity project near the Namibian border in Angola, and in part to support UNITA and to prevent a left-wing victory in Angola (Chakaodza: 1990: 79). The MPLA considered UNITA, supported by the SADF, as a threat (Herbstein and Evenson: 1989:156). In 1984 Angola agreed in principle to the reciprocity of withdrawals in order to get South Africa to withdraw and halt its support for UNITA (Adebajo: 2011:108).

Cuba provided military support to MPLA and remained in Angola to counteract the South African support for UNITA (Herbstein and Evenson: 1989:157). Cuba increased its military presence in 1987–1988, and in so doing induced a mutually hurting stalemate and was allocated a place at the negotiating table (Adebajo:2011:108) The increased Cuban troops matched South Africa's military power and as a result neither party was able to gain the upper hand at Cuito Cuanavale, (see 3.7) in 1988 (Hartmann: 2009: 37). Cuba, with support from the Soviet Union, brought in heavy artillery and more advanced weaponry; it had air superiority over South Africa and engaged in a deliberate southward movement of forces towards the Namibian border. This display of force posed a serious threat to the South African troops and managed to push the South African forces back into Namibia (Gleijeses: 2009). Considering the military power of Cuba and the battle of Cuito Cuanavale, it can be concluded that there was a more equal balance of power between the parties and this contributed to the mediation outcome in 1988.

Willingness to mediate

As discussed in chapter 2, parties must be willing to accept mediation and must be willing to accept the negotiated settlement (Ramsbotham: 2011:181). The parties must fear the consequences of continued fighting more than a negotiated agreement (Stedman: 1991:25). In 1988, there was a willingness on the part of all three parties to go to mediation and to accept the negotiated outcome. This supports the theory discussed in chapter 2.

What contributed to the willingness of each party to mediation? Concerning South Africa, there were various factors at play in 1988 and previous years. Firstly, South Africa's various efforts to establish an internal government that could be a credible opposition to SWAPO failed (Hartmann: 2009: 27). Secondly, when the US introduced

the proposal linking Cuban troop withdrawal to the implementation of Resolution 435, it addressed South Africa's security concerns and removed the need for a buffer zone to protect itself from a communist onslaught (Crocker: 1992: 216). Another factor that turned the tide for South Africa was the realisation that the accumulated cost of staying in Namibia was greater than the benefits accruing to South Africa (Freeman: 1989: 133). The situation induced a willingness to mediate and a willingness to accept the negotiated outcome.

The situation in 1978, as discussed in chapter 3, was slightly different for South Africa. The circumstances were more favourable, resulting in South Africa not feeling compelled to accept the mediated outcome. It appears that South Africa probably entered the negotiations during this time for various reasons, such as working on its international reputation, instead of finding a resolution to the crisis. At the same time the mediations gave South Africa some time and opportunity to create internal conditions in Namibia that might have resulted in an outcome that was more favourable to South Africa (Johnstone: 1989: 251). Crocker (1992: 41) suggests that the narrowly defined proposal that defined the Namibian settlement appeared unattractive to South Africa. South Africa had too much to lose at this time, including the buffer zone, a possible exodus of the white population of South-West Africa into South Africa and the diminished projection of military power into neighbouring states. From the analysis of the situation it can be inferred that South Africa was not acting in good faith when entering the mediation and was not willing to accept the outcome. During this time the linkage proposal was not on the table and neither Angola nor Cuba was a prospective party in the negotiations.

Considering the situation Angola was faced with in 1988, it appears that the willingness to mediate was induced by various factors such as the possible withdrawal of South Africa troops and the anticipated removal of external support for UNITA (Green: 1995: 213). In addition, the increasing costs of the civil war coupled with falling oil prices and the increasing debt owed to its allies placed Angola under severe financial strain (Freeman: 1989: 133). Angola stood to gain from a negotiated settlement and was eager for peace (Johnstone: 1989: 255).

The third party to the mediation, Cuba, was ready to withdraw and therefore willing to mediate. However, Cuba wanted to withdraw with honour (Crocker: 1999: 223); she

wanted to illustrate that her presence in Angola had made some difference, and could achieve this by contributing to Namibian independence and the withdrawal of South African troops from Angola (Freeman: 1989: 133). Additional factors contributing to Cuba's willingness to mediate were the escalating costs of keeping a military component abroad in the wake of the possible withdrawal of Soviet Union support, and Angola's inability to pay the war bill to Cuba in the light of falling oil prices (Saunders: 2009). At the same time Cuba was forcing a place at the negotiating table and wanted to use this opportunity to improve relations with the US (Crocker:1992), using mediation as a foreign policy instrument. Cuba was willing to mediate and to accept the negotiated outcome as she stood to gain from a negotiated settlement.

Considering the factors driving each party to the mediation table, it is evident, as discussed above, that during the 1988 mediation there was a willingness to mediate on the part of all three parties (South Africa, Cuba and Angola). For all three parties there was the prospect of an improvement in their current situation. There was a willingness to consider and implement the negotiated settlement that may have contributed to the mediation success. This supports the theory discussed in chapter 2.

The other factors identified in chapter 2 that may impact mediation success are the political system; the historical relations; identification of all the parties; and the cohesiveness of the parties. A short analysis of each as it relates to the situation in 1988 reveals that, firstly, the political system of the three parties did not have a significant bearing on the mediation. Despite their different political systems the three parties were willing to enter mediation and focus on a negotiated settlement. There was a willingness to focus on what they could agree on and not on their different political systems. Secondly, it does not appear as if the historical relations of the parties had an impact on the mediation outcome.

The fact that there was distrust and antagonism between Angola, backed by Cuba, and South Africa (Adebajo: 2011: 108) did not prevent the mediation in 1988. The distrust may have contributed to the drawn-out negotiations and final agreement on the timetable for both the South African and Cuban troop withdrawals from Namibia, but not to the substantive outcome of the mediation.

With reference to the identification and inclusion of all parties, the absence of SWAPO from the 1988 mediation poses an interesting question: How does one mediate the future of a party in the absence of that party? This may be explained and understood in the context of the substantive nature of the mediation in 1988. At this time the mediation agenda included the regional military conflict, which clearly involved South Africa, Cuba and Angola. This regional military conflict was a culmination of certain events over a period of time. As discussed in chapter 3, during the 1980s the military conflict escalated in southern Angola, turning the conflict between South Africa and SWAPO over Namibia into a conventional war between Cuba and Angola against South Africa and the Angolan rebel movement UNITA (Hartmann: 2009: 36). Upon reflection, this meant that SWAPO, as one of the main parties to the conflict over Namibia, was excluded from the mediation in 1988, which was confined to states with a regional agenda. For SWAPO to be invited would have meant that the rebel movement UNITA would have had to be included at the table, and as much as this was a regional issue it was not about Angola. Therefore both non-state actors were left out of the negotiations.

The last aspect relating to the parties is their cohesiveness and whether there is a valid spokesperson at the negotiating table who has the legitimacy to speak for the party. Once again the lack of cohesiveness among the parties during the 1988 mediation may have slowed down the negotiations, but it did not detract from or contribute to the mediation's success. The literature suggests, as discussed in chapter 2, that if the parties to the conflict are involved in the negotiations with a valid spokesperson, the legitimacy of the process increases and the sustainability of the outcome is enhanced. In the case of Cuba, although the representatives were closely monitored by the Cuban President, Fidel Castro, the delegation had clear instructions and a clear strategy: they knew what the leader wanted (Freeman: 1989: 136) and acted accordingly. Angola, on the other hand, although in a coalition with Cuba, did not have the same urgency to settle for a Cuban withdrawal. The Angolan president had to work with a divided government and had difficulty in getting agreement (Freeman: 1989: 136). However, the leader of the Angolan delegation had the support of the president and represented his decisions at the negotiating table (Freeman: 1989: 136)

The South Africa delegation did not have full support from home, not so much because of the delegation's composition but more because of Angola and Cuba's distrust of the South African government and their commitment to the negotiations. Added to this difficulty was the divided government in South Africa (Freeman: 1989: 136). The South African delegation had to work constantly with the parties around the table and constantly communicate with head office to get their commitment to the negotiations and keep them committed.

Considering the parties and their representatives at the negotiating table, it is clear that the strong commitment from the leaders was the overriding factor. The delegations had the support of the political leaders and could therefore focus on the negotiation, while the political leader could focus on the constituency at home.

4.2.2. The Mediator

The theoretical explanation in chapter 2 pointed out that the presence of a mediator may impact on success but is not necessarily a sufficient factor to guarantee success by itself. It further outlined that the impact of the mediator on the success of the mediation is influenced by this individual's impartiality and nature and the leverage that he or she possesses.

Impartiality

In chapter 2 it was pointed out that scholars such as Kleiboer (1996:369), Berridge (2010:250) and Hauss (2001) differ on the impact of the partiality of the mediator on mediation success. There is the view that where the mediators have a clear interest in the conflict they may be more effective and may convince parties to participate in the mediation (Bercovitch: 2011:45). Mediators with an interest may give the appearance, and thereby the assurance, that they will be part of the implementation process.

In chapter 2, mediator partiality was discussed in the context of mediators having interests, a relationship with one or both the parties and the ability to influence, protect and extend the interests of the parties. Impartiality implies that the parties will have confidence in the mediator and the chances of success are thereby increased.

Considering the partiality of the mediators in 1978, the WCG, and the mediator in 1988, the US: it cannot be shown conclusively how the partiality of the mediator impacted on

the success of the mediation. Of significance during the 1978 mediation is that the partiality of the WCG towards South Africa played a role in getting South Africa to the negotiating table (Melber and Saunders: 2007: 79). However, that same partiality weakened the UN in its implementation, as these members did not always support the UN resolutions.

When the 1988 mediation is analysed it is evident that the mediator had interests, a relationship with one party, South Africa, and the ability to influence, protect and extend the interest of the parties. Firstly, the US had very definite interests in the resolution of the conflict in Southern Africa, or as Crocker (1999: 217) points out, the US was interested in seeking a region free of Soviet–Cuban presence. Its interest was to reduce the influence of the Soviet Union in the region (Hampson: 1996: 59). The Soviet Union was providing military support to Cuba and Angola; as a result the US was interested in having the Cubans withdrawn from Angola. In addition the US wanted the implementation of Resolution 435 and thereby Namibian independence. These interests kept the US mediator committed to the process, and it can therefore be said that mediator interest provided motivation and had a positive impact on the mediation outcome.

The mediator had a relationship with UNITA and South Africa. The US support for UNITA negatively impacted on relations with Angola and slowed the negotiations, as the US was not considered an honest broker (Adebajo: 2011: 108). This in theory should have made the US unacceptable as a mediator; however this was not the case. It did, however, affect the credibility of the proposals that were tabled, and slowed the process to such an extent that Angola refused to take part in any negotiations between 1986 and 1987 (Adebajo: 2011: 108). Considering the historical relations of the US with South Africa, it is evident that there existed a particular partiality towards South Africa to the extent that South Africa dragged its feet with the implementation when there was a possibility that Ronald Reagan might become president of the US in 1991. The US had economic interests in South Africa that needed to be protected and this provided a motivation for the US to see the situation resolved. The relationships with UNITA and South Africa contributed to the partiality of the mediator. However, in this instance it can be deduced that the partiality had a positive influence on the motivation of the mediator and therefore on the mediation process.

The analysis of the role of partiality showed that certain aspects of partiality, such as the mediator interest, positively impacted mediation.

Nature of the mediator

Discussions in chapter 2 pointed out that who the mediator is, what skills and expertise the mediator brings to the table, whom the mediator represents and in what capacity he or she mediates will have an impact on the mediation outcome. According to Kleiboer (1996:372), the higher the status of the mediator, the better the chances of success. This is however not a hard-and-fast rule and depends on other factors as well.

Considering the 1988 mediation, the US as one of the then two superpowers represented some significant status. On its own, the status of the mediator and its impact on the mediation success is not clear; however it is of significance when the status of the mediator is considered in the context of the leverage that he or she possesses, which is discussed in the next section.

The mediator's rank was similar to that of the party representatives of Angola, Cuba and South Africa. This alone might not have influenced the mediation outcome, but it did however contribute to a more manageable mediation process. Furthermore, the deliberate attempt to lower the mediation to the sub-ministerial level greatly contributed to the successful mediation outcome in 1988 (Crocker: 1992:397). This allowed for the technicalities to be sorted out at an operational level and reduced the political manoeuvres that are normally engaged in by the political leadership.

When states act as mediators and are represented by powerful, skilled individuals and have sufficient resources backing them, the chances of mediation success increase. In the 1988 mediation the US, represented by Dr Chester Crocker, had sufficient resources to allow for shuttle diplomacy for the mediator and his team. This meant they could travel to meet the parties concerned, as well as other relevant stakeholders and role-players like the individual states of the FLS, which contributed to the successful mediation outcome. The downside of this shuttle diplomacy was that the parties perceived this as an avenue for the mediator to manipulate parties' views (Crocker: 1992:376).

Although the Namibian mediation (1988) shows no convincing evidence that the nature of the mediator positively impacted the outcome, it does show that the skill of the mediator played a role in bringing the parties to the mediation Crocker (1992:377).

Leverage

As pointed out in chapter 2, scholars such as Pfetsch (2007:191) and Bercovitch (2011:45) propose that leverage has a positive impact on a successful mediation outcome. They suggest that a mediator who has access to resources and the ability to use those resources either for positive reinforcement or negative sanctions impacts on the ability to deliver a positive mediation outcome.

In the 1978 mediation, the mediators, the WCG (individually and collectively), had access to resources. The threat to utilise this leverage was enough to bring South Africa to the table (Melber and Saunders: 2007: 79). However, the reluctance on the part of the WCG to act on the threats contributed to the non-implementation of the agreement. It is not enough to have leverage; it must go hand in hand with the willingness to utilise the leverage.

In 1988, the mediator, the US, had sufficient resources and the status of a superpower, which created leverage associated with its reputation. This diplomatic leverage was the fact that the parties, Angola and Cuba, wanted to have closer bilateral relations with the US. Despite Angola's distrust of the US, it perceived that the US had certain leverage with UNITA and South Africa and this contributed to Angola's willingness to participate in the mediation (Crocker: 1992: 222). According to Adebajo (2011:108) Angola was willing to cooperate with the US if that meant a reduction in support to UNITA.

The US used its influence to cultivate involvement across a range of parties, such as the Frontline States, Cape Verde, Egypt and many others, and in turn used this extended influence to exert pressure on the parties (Crocker: 1992:458).

The US created leverage and developed a mediation strategy that was coherent and comprehensive, was sustained and was tied to the warring parties' key political interests and objectives (Hampson: 1996: 60). The linkage proposal was the carrot provided to South Africa by addressing its security concerns, and the withdrawal of South African troops from Angola was the carrot offered to Angola.

Another aspect of leverage is that there must be synergy between the mediator's efforts and the efforts of the stakeholders or sponsors. It is clear that not only the mediator possessed leverage; the FLS exercised some power over SWAPO, it brought SWAPO to the table in 1978 and kept SWAPO engaged in the matter through the 1980s. Leverage exercised by other sponsors was that of the Soviet Union, who provided economic subsidies to Cuba and exerted some pressure on Cuba and Angola to come to the negotiation table. The convergence of interest of the US and the Soviet Union contributed to the successful mediation outcome (Chakaodza: 1990).

Kleiboer (1996:369) proposes that mediators must be credible and trusted by the parties, yet it is clear that the parties to the 1988 mediation did not trust the US as a mediator; however, this did not prevent the parties from engaging in the mediation. The Angolans wanted the US to cease its support for UNITA and could not consider the US a credible mediator. The South Africans did not trust the US and had some serious anti-US sentiments, according to Crocker (1992:280), which were further aggravated by sanctions imposed on South Africa by the US Congress in 1985 (Hampson: 1996: 60). This in turn created further distrust towards the mediator and negatively impacted on his credibility. This illustrates that there is not one single determining factor that will lead to successful mediation but rather an interplay of various factors as discussed in chapter 2.

The Soviet Union was not keen on the US as a mediator in this process, especially in the early stages (Adebajo: 2011: 107). This only changed when the relationship between the US and the Soviet Union improved. Despite this, Crocker managed to push the process through and delivered a successful mediation outcome.

Considering the 1988 mediation, it is evident that the mediator, his status and skill and to a lesser extent leverage, positively impacted on the mediation outcome.

4.2.3. The dispute

As discussed in chapter 2, the nature of the issues involved influences the willingness of the parties to mediate and also the outcome, as some issues are more amenable to mediation than others, according to Kleiboer (1996:364). Considering that the Namibian conflict started as a conflict over full territorial control and sovereignty and culminated in a regional military conflict between South Africa, Cuba and Angola, it is

clear that Namibian independence was central to the conflict. The theory, as discussed in chapter 2, states that mediation success decreases when issues of sovereignty are at stake. The analysis of the 1988 mediation does not support this aspect of the theory. This may in part be attributed to the nature of the conflict in 1988, which went beyond that of Namibian independence. As much as sovereignty was at stake, it was not in relation to the territory of the three states involved in the conflict.

The issue for mediation in 1988 should be located within the regional context. According to Ohlson et al (1994:102), it started as a fight for independence for Namibia and ended in a military conflict in Angola between South Africa and Cuba. SWAPO never had bases in Namibia; its headquarters were based in Tanzania, then Zambia and eventually in Angola, where the liberation war became intertwined with the civil war in Angola (Hartmann: 2008: 14). With the involvement of various parties (Cuba backed by the Soviet Union and South Africa assisting UNITA) the military conflict in southern Angola turned into a conventional war. For SWAPO and South Africa the conflict now extended beyond the liberation of Namibia; it turned into a broader military conflict between superpowers and their local allies (Hartmann: 2008: 15).

Within this regional context was South Africa with its military presence in Angola. This presence had a twofold purpose. Firstly it was assisting UNITA in its fight against the MPLA and preventing the southward spread of communism. Secondly it was fighting to prevent SWAPO from entering Namibia and thereby reducing the fight in Namibia to the minimum (Johnstone: 1989: 252). The perception is therefore that South Africa's presence in Angola was a proxy Namibian war. With Angolan independence in 1975, Cuba sent troops to help the MPLA stay in power. This brought a Cuban military presence to Angola. The result is that the 1988 issue for mediation was the removal of the two military forces from Angola and by implication the removal of South African forces from Namibia, and the consequent transition period under UN supervision towards Namibian independence.

For two of the parties, South Africa and Cuba, a negotiated settlement did not imply giving up any of their territory as the fighting was on Angolan territory. The issues at stake for Cuba might have been more about reputation (Freeman: 1989: 133) and for South Africa they were security-related. The issue for Angola as the third party was

removing South Africa from Angola and in so doing reducing support for UNITA and stabilising the country and focusing on development (Freeman: 1989: 133).

Different perspectives have been raised on the Namibian issue. Melber and Saunders (2007: 73) explain it as a conflict between a neighbouring colonial power, South Africa, which occupied the territory, and a liberation movement, SWAPO, representing the colonised majority. Each of the parties had their own interpretation of the conflict and what the desired outcome should be. For SWAPO it was self-determination with the people of Namibia choosing their own government. For South Africa it was a host of issues: firstly it considered Namibia as part of South Africa, which influenced its insistence on granting independence on its own terms. In addition, South Africa had security concerns that related to the Cuban presence in Angola.

Regarding how the issues impacted on the mediation outcome, firstly the changing nature of the dispute brought different parties (South Africa, Cuba and Angola) to the negotiation table. Furthermore different stakeholders, the US and the Soviet Union, were involved. Considering all the aspects relating to the dispute, the 1988 mediation supports the assertion made by Pfetsch (2007:145) that international conflicts are more amenable to mediation than domestic conflicts.

4.2.4. Mediation Process

For mediation to succeed it is important that the mediation process demonstrates fairness in the procedure and recognition of the legitimacy and interests of the parties, which in turn will enhance the acceptability of the outcome.

In order to extract lessons for mediation success, the following aspects related to the mediation process and the impact it had on the mediation outcome are discussed: environment, timing of mediation and mediator strategies.

Neutral environment

Literature suggests that the chances for successful mediation increase when the mediation takes place in a neutral environment. According to Pfetsch (2007:190), a neutral environment signals that all parties are considered and treated as equals and no preference is given to any particular party.

In the mediation efforts of 1988, the mediator shuttled between the parties, the patrons and the stakeholders, including UNITA.

If one considers the meeting venues, each party wanted to utilise the choice of venue to signal some other agendas specific to itself. The first face-to-face meeting took place in London in May 1988, which was outside the comfort zone of all three parties. At this meeting the issue of venue became very important and almost stalled the mediation even before it started (Crocker: 1992:392). South Africa was keen on an African venue in order to gain some diplomatic acceptance on the continent, and Cuba solicited invitations from Brazil and Mexico in order to gain diplomatic acceptance in Latin America.

The second venue was Cairo and thereafter New York, Geneva and Congo-Brazzaville. The proposal of New York as a venue was to reduce the proposals and counter proposals for venues influenced by the parties' own agendas (Crocker:1992:395)

Considering the venues for the various engagements during the 1988 mediation, the neutrality of the venues contributed to the parties remaining focused on the substance of the mediation. If one therefore considers the impact on the mediation success, the evidence suggests that it contributed positively to the mediation outcome.

Timing of mediation

In chapter 2 it was discussed that for mediation to be effective it must take place at the right moment, when the conflict is ripe for mediation. Scholars such as Zartman (2001:8) and Maundi et al (2006:9) propose that the probability of mediation success increases if the mediation occurs at a particular ripe moment: the moment when parties experience a mutually hurting stalemate and have a perception of the high and rising costs of non-settlement. According to Zartman (2001:8) the four conditions that must be present for a conflict to be considered ripe are: a hurting stalemate; a looming catastrophe; the parties must have valid representatives; and parties must be under the impression that there is a way out through a negotiated settlement.

For a mutually hurting stalemate to exist, there must be a standoff in the conflict in which neither party is able to move forward or backward, and neither party can achieve its goals through continued fighting. The situation at Cuito Cuanavale presented such

a situation for both Cuba and South Africa. Each party experienced significant costs with no benefit and realised that there was little chance of success through continued fighting. Even if the hurting was not of the same intensity, what was important was that both parties were hurting. Both parties were willing to consider a negotiated outcome. The willingness by all the parties presented the opportune moment for the mediator to step in and provided a platform for negotiation and allowed both parties a possible way out. South Africa and Cuba were willing to enter into mediation and accept the negotiated outcome.

With the WCG mediation in 1978, there was no hurting stalemate. South Africa was still the military power in the region and did not feel severe pressure to mediate and follow through to implement the negotiated agreement (Hampson: 1996: 62). This situation changed in 1987 and 1988, when the combination of political, military, diplomatic and economic events ripened the conflict. Some were deliberate interventions, such as the Cuban increase of military power in order to force South Africa to the negotiation table and to give Cuba a way to withdraw from Angola. Other events were the result of circumstances and earlier decisions, e.g. the economic sanctions by the US against South Africa initiated in 1985, which provided the mediator with an opportunity to enter.

On the military front the situation changed with the deliberate increase of military forces by Cuba, and the perception of South Africa as the military power in the region was severely tested. Cuba wanted to project a stronger military power; Cuban troops increased from 35 000 in 1987 to more than 50 000 in 1988 (Zartman: 1989:227) and engaged in a deliberate southward move towards the Namibian border. This projection of a military offensive backed by such a build-up of troops contributed to the mutually hurting stalemate between Cuba and South Africa and the standoff at Cuito Cuanavale, where the Cuban force was large enough to stall a South African advance yet not powerful enough to overpower South Africa, and both sides suffered losses (Saunders: 2009; Zartman: 1989:226). The military escalation and counter-escalation left the parties locked in a stalemate.

During this time there were also changes on the international political scene. The term of the Reagan administration was nearing its end and with it came some uncertainty about the US strategy towards the region and South Africa in particular, and what the

role of the current mediator was going to be. This provided some incentive to South Africa to enter the mediation. However, Angola wanted to “wait and see” if the new administration would withdraw support from UNITA. South Africa also experienced the increasing pressures of international isolation; there were some significant changes in the international environment, such as the adoption of *glasnost* and *perestroika*, the new thinking in the USSR, and the growing cooperation between the USSR and the West in seeking political solutions to regional conflicts. All of this combined lessened the perceived threat of international communism and impacted South Africa’s willingness to mediate (Ohlson et al: 1994:104).

South Africa also had internal domestic issues to deal with. The pressures for a settlement were mounting, including the pressures of the economic situation; on the domestic front the costs (economic, political and psychological) were escalating. South Africa had to carry these costs to sustain its military support in Angola. When the administrative costs became too much, a negotiated outcome appeared favourable. The military costs had increased without a clear victory for any side: SWAPO was waging a bush war and for South Africa to effectively counteract SWAPO would require a vast outlay in terms of resources. In addition, South Africa was also supporting UNITA in order to keep Angola and Cuba distracted from supporting SWAPO. South Africa experienced an increase in the loss of white soldiers, which led to a reassessment by the domestic audience at home of the relevance of South Africa in Angola. The result was that the business and white communities became increasingly opposed to the war. The escalated cost of the war threatened to bankrupt the apartheid state (Saunders: 2009).

South Africa’s political and economic costs were growing and the Western countries raised the stakes with the threat of cutting off oil supplies. South Africa’s image was becoming increasingly tarnished, in part because of how South Africa was dealing with its domestic issues – the rising unrest as a result of its racial policies. The economic sanctions started to hurt, the Western banks were not willing to roll over South Africa’s outstanding loans (Herbstein and Evenson:1989:176), and South Africa could not justify the heavy military expenditure in Namibia and Angola (Freeman: 1989: 133). In addition the foreign pressure against South Africa was mounting as the international community took more and more measures to isolate the country. South Africa was struggling because of the economic sanctions; declining business confidence and

massive domestic labour unrest made South Africa difficult to govern (Saunders: 2009). It was also clear that the internal solutions in Namibia for a transitional government had failed (Dobell: 1998).

The situation for Cuba was slightly different. Cuba wanted to withdraw from its engagement in Angola, yet this had to happen with Cuban honour intact (Freeman: 1989: 133). According to Crocker (1992:427) there were two reasons for Cuba's willingness to mediate (they actually asked to be part of the mediation). First was disillusionment with the Soviet Union and Angolan strategy in the Angola civil war, and second Cuba had a political agenda and wanted to be seen to have made a difference and contributed to the settlement of this regional issue. Cuba was ready to go home but did not want to leave the region having lost and with no victory to show for the years spent in Angola (Zartman: 1989:228; Freeman: 1989: 133) The military crisis in 1987/88 brought the region to the brink of war (Saunders: 2009) and gave the mediator an entry point.

The war became too costly for South Africa and for Cuba during 1987. At the same time there were talks and speculation that Cuba was ready to withdraw in the light of the changed focus from one of the sponsors, the Soviet Union (Freeman: 1989: 133). The growing economic and military cost was felt on both sides.

The situation for Angola can be attributed firstly to economic pressures. Oil prices collapsed, which reduced Angola's revenue, and they were in arrears in payment to the Soviets and Cubans for their military support in Angola; this had a spill over effect. The years of civil war had caused widespread devastation in Angola and while the civil war was ongoing no economic development could be pursued (Freeman: 1989: 133). The Soviet Union's support and encouragement for Angola to participate in the mediation was influenced by the Soviet Union's desire to re-establish ties with the Western economies. Angola was the battlefield of the two forces; it signalled its willingness to negotiate and brought Cuba on board. The US as mediator started to work on the details of withdrawal to address the fears of the parties involved and find a settlement that would be acceptable to all (Zartman: 1989:229).

The human and economic costs escalated for all the parties; all three were experiencing a hurting stalemate and, realising there was no alternative to a

negotiated settlement, were ready to enter negotiations (Freeman: 1989: 132); the moment was ripe for the mediator to enter.

Zartman (1989:240) is of the opinion that the conflict was ripe for resolution in 1970–1980 because of external developments. This is where Kleiboer (1996:363) argues that ripeness is a problematic and subjective concept and is identified after the events, and not necessarily by the parties in the conflict. In this instance, SWAPO did not experience the hurting stalemate although the external factors could have ripened the conflict. If the Western Powers had exercised the threat of sanctions against South Africa at that time, maybe the long-drawn-out battle that ensued could have been avoided.

In 1978 the mediation took place after 12 years of armed conflict in which both parties tested their respective strengths and weaknesses. The mediation of 1988 came after 21 years of armed conflict. This aligns with the theory that the longer the conflict, the more. This is of course in concert with other factors that played a contributing role, such as war fatigue and the increasing costs of military amenable it is to mediation involvement. The situation confirms the assertion made by Hampson (1996:64) that the conflict was ripe for resolution; the conditions present at the time that attest to this are the presence of a mutually hurting stalemate, the perception that the costs of continuing the conflict exceeded the benefits to be gained from a negotiated settlement, and the continuing presence of the third parties. The timing of the mediation was important and did contribute in this instance to the chances of a successful mediated outcome.

Mediator strategies

As discussed in chapter 2, authors such as Bercovitch (2011:44) and Kleiboer (1996) posit that the mediator's skill and strategy is the most important variable affecting mediation success.

The approach used by the mediator reflects a phased approach, where the mediator attempted to get agreement and conclusion on matters as they were tabled and where issues not ready for agreement were postponed for a later engagement. According to Crocker (1992:378), the first step was to get broad consensus on the withdrawal, thereafter agreement on a joint statement which stipulated the principles for a peace

settlement. This was followed by the announcement of the ceasefire, after which the parties worked on its modalities. It appeared as if the mediator committed the parties at every phase by allowing statements to be issued on what was agreed on. This allowed for issues to be closed as agreement was reached. The process of agreeing on the principles put the timetable in jeopardy, but it was agreed that the principles were much more important than following the timetable. Once the principles were agreed on they were ratified by the governments and were also accepted by SWAPO. Thereafter came the negotiations for the timetable to withdraw. After the acceptance of the provisional agreement, the governments formally signed it (Crocker: 1992:395).

At the beginning of 1988 Angola approached the US requesting that Cuba be part of the meeting. This first meeting in March 1988 between the US, Angola and Cuba was a sure signal that the parties accepted the offer of Cuban troop withdrawal. At this meeting Angola requested the withdrawal of US and South African support for UNITA, but the US considered this a non-starter as it was not part of the agenda (Crocker: 1992:378) and the US made it clear that it was not a party to the negotiations, but the mediator. This first meeting with Angola did not deliver any specific proposals but gave the mediator an opportunity to re-engage South Africa.

Reflecting on the understanding of Pfetsch (2007:155) that the mediator strategy should focus on treating all the parties as equals, making them feel that they have achieved something, the proposed outcome must be a win-win outcome. It appears that the proposed outcome for the 1988 mediation was win-win for all the parties. The mediator worked for a positive sum game and for everybody to gain something instead of a zero sum, according to Freeman (1989: 130). Cuba could withdraw its troops and thereby reduce its costs, having contributed to Namibia's independence. South Africa could ease its financial burden by bringing the SADF home, could gain security from external threats and accept Namibia's independence. Angola managed to reduce South African support for UNITA and the withdrawal of both Cuban and South Africa troops reduced the fighting on Angolan soil. The Soviet Union gained relief from the burden of financing the war in Angola, and tensions in East-West relations were eased.

The mediator's approach was comprehensive and resulted in a mediation strategy that addressed the interests of the parties: the Cuban withdrawal addressed South Africa's security concerns and the South African withdrawal resulted in Namibian

independence and the removal of the SADF from Angola. According to Freeman (1989: 130) the mediator had a solid understanding of the region and knew the interests of the parties, and could therefore identify the commonalities amongst the parties and use them to find common ground for the aspects to agree on from the beginning.

Freeman (1989: 130) identifies two approaches to dealing with an intractable problem. One is to disaggregate the problem and deal with it in more manageable pieces; the other is to find aspects of the problem that can be linked to areas that are easier to deal with and might be open for trade-offs between the parties. In this instance it appears that the mediator opted to utilise both approaches; he disaggregated the problem and attacked it piece by piece and secondly he linked the problem to issues open for trade-offs. An example is when the mediator introduced the linkage of Cuban withdrawal to Namibian independence and in doing so addressed South Africa's security concerns.

The mediator was constantly involved with all the parties and stakeholders. In the beginning he engaged in an indirect shuttle procedure, keeping the stakeholders such as the Soviet Union, the UN and the FLS informed of progress. There are disadvantages to a shuttle procedure; in this instance the Cubans and Angolans had misgivings about it and felt that it gave the mediator an opportunity to manipulate the parties, to interpret and possibly filter their views. They felt it gave the US too much control over the mediation (Crocker: 1992:376). The mediator changed this approach once he had commitment from all parties to engage in the mediation and brought the parties together in May 1988 (Freeman: 1989: 135).

Bercovitch (2011:76) posits that a mediator who applies more active mediation strategies is more effective and has an increased chance of success. The strategies employed by the mediator in 1988 included directive behaviour, and he acted as a formulator in some instances. The mediator formulated proposals and tabled them for consideration: for example at the March 1988 meeting the mediator brought draft proposals to the meeting. The process involved formal exchanges where proposals were tabled by the parties and were discussed and defended; the mediator chaired these meetings (Freeman: 1989: 135).

When one analyses the mediation approach, it is evident that the mediator opted for a step-by-step approach and, according to Saxena (1991), this is what contributed to the successful outcome. In July 1988 the first agreement on the basic principles was reached, in August 1988 concrete undertakings were tabled and in September 1988 the dates for the withdrawal were negotiated. These were only agreed on in October 1988. The December 1988 meeting in Brazzaville included the establishment of a Joint Commission which was to serve as a forum to discuss the implementation issues. It was a mechanism to keep the parties committed during the implementation (Freeman: 1989: 135). This proved to be very significant after the incident on 1 April 1989 when SWAPO troops clashed with the SADF and almost derailed the implementation.

The approach taken by the mediator included plenary sessions in the beginning. However during the eight months of negotiations there were various working groups and less and less time was spent in plenary. The mediator conducted side meetings with individual delegations before, during and after the formal sessions. He further encouraged parties to meet each other. The approach was decentralised and not very structured, and this looseness enabled the mediator and the parties to engage directly with each other and provided a working environment in which to draft proposals that could be tabled to the heads of the delegations (Crocker: 1992:397).

The mediator engaged the parties separately and could coach them on how to influence each other. In some instances he mobilised the other stakeholders, the UN and the Soviet Union, in order to influence the parties (Crocker: 1992:398). The mediator insisted on talking to all parties, even if it was not around the same table at the same time, and he talked to all interested stakeholders of the states in the region.

The mediator took a regional approach and showed an understanding of South Africa's concerns (Ohlson et al: 1994:99). The US introduced the concept of linkage; this was to pursue its own interest and yet at the same time the mediator understood the insecurities of South Africa and what to include in order to address her concerns. When the US tied Namibian independence to Cuban withdrawal it addressed South Africa's security fears and provided an incentive for South Africa to negotiate. The mediator linked the problem to issues that opened the possibilities of a trade-off between the expanded lists of parties, a realistic appraisal of the ultimate interests of the parties. The mediator followed a comprehensive approach, starting with the identification of

common interests among Angola, Cuba and South Africa as well as the FLS, SWAPO and UNITA.

According to Zartman (1989:278), parties will negotiate toward estimated outcomes or search for general formulas that will govern the final agreement. The initial positions and demands should not be seen as policy statements, but as opening demands to determine what the other party's response will be (Zartman:1989:191). This will create the opening bids and will be adjusted as the negotiation evolves. According to Crocker (1992:427), these opening bids should be considered in the context of what they are intended to achieve. Parties may ask for more than they expect to get, to allow them some room to manoeuvre and appear to make concessions during the negotiations. During the 1988 negotiations, the opening position of the Angolans on Cuban withdrawal was a period of 48 months and the South Africans started with seven months. The mediator proposed 18 months, attempting to narrow the differences between the parties. What was finally agreed to was a compromise period of 24–30 months.

The generally accepted understanding is that demands will not be inflated after the general area of agreed goals is established (Zartman: 1989:191). Also, parties can be seen to be bargaining toward estimated outcomes or general formulas governing the final agreement.

In this instance it can be said that the skill of the mediator and his strategies contributed to a positive outcome. The fact that the mediator brought certain expertise, experiences and skills to the negotiations and that he knew the details of the conflict and the mediation process contributed to the successful mediation outcome.

4.2.5. Context

According to Mason (2008:14), the global geopolitical framework and the region provide the context within which mediation takes place and may influence the mediation outcome. Pfetsch (2007:152) proposes that mediation has a better chance of success where the relevant external stakeholders are willing to agree and support the de-escalation.

According to Adebajo (2011:104) it was a confluence of forces (domestic, regional and international) that brought South Africa to the table and led to the Protocol of Brazzaville in December 1988 and the signing of the New York Treaty nine days later.

The situations in South Africa, Namibia and Angola were interlinked and became a regional concern. It was of interest to the FLS and they played an active role, firstly as a sponsor for SWAPO. They provided venues for the meetings and contributed to the conflict resolution. Furthermore, the countries in the region organised with other African countries and sub-regional powers and other Third World countries to put pressure on South Africa (Hampson:1996:65). A regional interest was pursued through the FLS involvement, which was also a fight against apartheid and a fight for decolonisation.

In the international arena there were some changes. The Cold War ended and the relationship between the US and the Soviet Union thawed. Coupled with this was the announcement by the Soviet Union in 1987 that it was willing to withdraw its troops from Afghanistan and to disengage from other conflicts.

Considering the context, one can then conclude that the 1988 mediation was successful because of the interplay of various reasons, some relating to the conflict itself and others to the mediation.

4.3. Conclusion

Reflecting on the mediation efforts of 1988, it is clear that this mediation should not be seen as a stand-alone. It was part of a continuous mediation effort that spanned more than a decade. It has to be seen in the context of the multiparty mediation that resulted in Resolution 435, and cognisance should also be taken of the continuous effort of the US during the 1980s when the mediator continued to work with all the parties. This supports Berridge(2010:247) when he advances that a mediator that remain involved over a long period of time provides him/her with the advantage of becoming familiar with the issues, the parties and places him/her in a position to seize opportunities for interventions when they arise. In addition it should be noted that the 1978 mediation was for Namibian independence; due to the increase of the violent conflict and the additional parties, the 1988 mediation was more focused on the military situation, and

once that was solved on making conditions conducive to the implementation of the 1978 peace agreement for Namibian independence.

There was a mutually hurting stalemate with the military standoff between the South Africa and Cuban forces at Cuito Cuanavale, making the conflict ripe for resolution. This was recognised as such by the mediator and he re-engaged the parties at the ripe moment. The high intensity of the conflict in Angola with the loss of South African lives gave the South African negotiating team an opportunity to enter negotiations and not be perceived at home as selling out. The mediation gave South Africa and Cuba an opportunity to extricate their troops by means of a diplomatic settlement.

During the mediation the parties agreed on a three-stage process: first the ceasefire and confinement to base, the repeal of discriminatory laws, the release of political prisoners and the return of exiles; secondly elections held under the supervision of the UN; and lastly the Constitutional Assembly drafting the Constitution and choosing a date for independence.

The step-by-step approach followed by the mediator contributed to the successful outcome and a series of tripartite agreements were signed. In July 1988 in New York the parties, Angola, Cuba and South Africa, released a document “Principles for a peaceful settlement in South-West Africa” (Dierks: 1999: 175). In August the Geneva Protocol was signed, which stipulated the implementation date for Resolution 435 as 1 November 1988, and agreement was reached on the withdrawal of South African and Cuban troops. In December the Brazzaville Protocol was signed; it established 1 April 1989 as the implementation date and also established the Joint Monitoring Commission. The New York treaty in December 1988 finalised the agreements reached in Geneva.

The success of the mediation can also be attributed to the agreements. The final agreement provided something for each party involved. The Cuban forces would withdraw from Angola over 27 months. UNSC Resolution 435 would be implemented, leading to the process of transition to the independence of Namibia. Angola would not allow the armed wing of the ANC to retain bases in Angola (Saunders: 2009). In the end deals were reached on Cuban and South Africa withdrawals with both sides downgrading their original demands, details on the confinement of remaining forces to

base were worked out and a joint commission to monitor compliance with the agreements was established.

Another factor that contributed to the success of the mediation was the commitment of the stakeholders and sponsors of the parties. The US and the Soviet Union agreed on how to keep the parties at the table (Crocker: 1992:417) and worked closely together in the Joint Monitoring Commission to ensure the agreements were adhered to.

The settlement plan was more than a plan for independence. It guided Namibia to institute a democratic system of government with elections and respect for human rights (Melber and Saunders: 2007:89). SWAPO was not present when the US brokered the agreement, which was signed between Angola, Cuba and South Africa. SWAPO had not been party to the negotiations leading up to it. The configuration of forces that produced the Namibian settlement had less to do with SWAPO than with the dramatic changes in the international environment and the shift in South African policy in the region.

Chapter 5 CONCLUSION

The study aimed to determine which factors contribute to the successful outcome of mediation. It was aimed at contributing to the body of knowledge on mediation, as stated by Greig and Diehl (2012: 173): “Effective mediation depends on knowledge of what works and what does not and this is obtained through research and analysis of mediation process and cases and outcomes”.

The study extracted from the literature factors that may positively contribute to successful mediation outcome. These factors formed the analytical framework against which the 1988 mediation in Namibia was considered, and where possible this was compared with the 1978 mediation to further validate the findings.

In chapter 2, mediation success was identified as “long-term success with conflict resolution addressing the root causes of the conflict and the transitions to a more democratic, stable government”. The chapter further considered how parties to the conflict; the mediator; the dispute; the mediation process; and the context impact on mediation success. The framework of chapter 2 was then applied to the Namibian situation in chapter 4.

The study has shown how the mediation efforts in Namibia resulted in a comprehensive peace agreement and how the implementation was monitored by the UN; and now, 27 years later, Namibia is a stable democracy. This makes Namibia one of the few success stories of mediation for durable peace. This study has attempted to analyse to what extent the mediation efforts contributed to a durable settlement between the conflicting parties. What aspects of the mediation contributed to the lasting peace? Could it be attributed to the fact that the conflict was “ripe” for mediation, or to the skills of the mediator, or to the mediation process itself, or possibly to the agreement and the support for the implementation thereof, or was it a combination of all these factors that made for a lasting peace in Namibia? After considering the Namibian mediation the study concludes by supporting aspects of the theory on factors impacting on mediation success that can be considered in future mediation efforts. It may assist future mediators to analyse some of these aspects and determine how the mediator can use them to structure the mediation.

This study has considered the factors impacting on mediation success, moving from the premise explained in the literature that there is a contributing relationship between mediation success and the aspects of mediation: parties in the conflict; the mediator; the mediation process; and the context.

Factors identified in chapter 2 and analysed in chapter 4 showed how the following factors contributed to a successful outcome.

The parties

The two aspects discussed in chapter 4 that contributed to mediation success are the power balance between parties and the willingness to mediate. The 1988 mediation supports the assertions made in chapter 2. During the 1988 mediation there was a more equal distribution of power between the parties, Cuba and South Africa, than there was in 1978 between SWAPO and South Africa. An equal distribution of power meant that the parties were more willing to consider a negotiated outcome than when one party had significantly more power. The analysis of the 1988 mediation supports the theory where there is a more equal distribution of power amongst the parties and where there is a willingness on their part to mediate, the chances of mediation success improve.

A possible area for future research may be the impact of the willingness of sponsors to allow or get involved in the mediation. The literature does not address what impact the willingness of the sponsors has on the mediation outcome. In the 1988 mediation, the Soviet Union as the sponsor of Cuba and Angola was willing for the parties to mediate and threatened to withdraw support from Cuba (Adebajo 2011: 109).

Another aspect that might be considered for further research is the absence of one party at the mediation. The literature is not clear on what the impact was of the absence of SWAPO at the mediation table. There are different interpretations: one is by Adebajo (2011: 114), who surmises that the infiltration of the SWAPO fighters on 1 April 1989 may be because of the absence of SWAPO from the mediation, or it may be ascribed to the peace plan not addressing the demobilisation of the SWAPO fighters.

The mediator

In the 1988 mediation, the US was represented by Chester Crocker. The study has shown that the commitment of the mediator in the 1988 mediation and the strategies applied during the mediation positively contributed to the success of the mediation outcome. The mediator remained involved with the mediation for almost a decade, he came to know the parties well, and because of his involvement he had a very good understanding of the dynamics of the region and the parties. The fact that the mediation stretched over a period of years and that the same mediator was willing to work on it created the advantage of an in-depth knowledge of the region, the parties and their politics. The mediator knew what would work and what would not and had an understanding of the interests and fears of the parties. He engaged all the parties actively in dialogue and negotiation and made sure each party received something that they could live with. His mediation strategy and approach were focused on addressing the parties' insecurities and fears.

The analysis of the 1988 mediation supports the theory that mediator skill is an important aspect of enhancing mediation and improving mediation success. This study has shown that the partiality of the mediator impacted positively on the mediation process; however there is no clear evidence that it positively impacted on the outcome.

This study has shown that there cannot be a blanket approach in terms of whether partiality positively or negatively impacts mediation. The study has shown that certain aspects of partiality, e.g. interest and existing relationships with the parties, positively impact the mediation process.

The study has shown how the mediator effectively utilised and involved interested parties. This may provide a possible area for further study in terms of how the mediator can utilise interested parties under certain circumstances.

The dispute

The main issue of the 1988 mediation was the military presence of South Africa and Cuba in Angola and the South African presence in Namibia. There were no territorial issues for either Cuba or South Africa, which could have contributed to their willingness to mediate. However the study has not conclusively shown that it positively impacted the success of the mediation.

The mediation process

The study has shown that the mediation process in the main positively impacted on the mediation success. This involves aspects such as the ripeness of the conflict; the mediator strategies; and the neutral environments for the mediation. The Namibian study of the 1988 mediation supports the theory that the chances of mediation being successful increase if the intervention takes place when the conflict is ripe for resolution, and that parties will only be willing to enter mediation when they are ready to do so, as explained by Zartman (2001:8).

The mediator strategies were much more directive; the mediator was actively involved and this positively impacted on the mediation success. The study has shown that the mediator took a phased approach and through that dealt with issues, concluded them and moved on to ones that needed further discussion.

The context

This study has shown that the context of the conflict contributed to the ripeness of the conflict and the willingness of the stakeholders and sponsors to be involved with the mediation.

Conclusion

The analysis of the 1988 Namibian mediation showed that the theory of mediation may be considered a guideline and not a blueprint for mediation. It showed some factors which, when present, may enhance the outcome and other factors which, even when present, may have no impact.

Studying the Namibian situation and the mediation, the following issues become apparent. The mutually hurting stalemate induced by Cuba shows that military force can be a persuasive tool of foreign policy and national security. The only deal that will work is one that is good for all the parties and at least tolerable to those who have the capacity to wreck it; it is important to achieve peace without clear losers. The agreement must address detailed aspects of implementation and not only the cessation of violence. The underlying sources of conflict must be addressed on a sustainable basis. Addressing the root causes of the conflict and not only the symptoms contributes to a lasting peace agreement. Peacekeeping operations can be

successful where there is a clear mandate, and where the parties cooperate and agree. The UN had a clear mandate and the appropriate resources to implement the agreement. Support after the implementation and support for demobilisation and reconstruction proved to be essential for sustained peace.

The study showed the importance of sponsors and how they can contribute to bringing parties to the table and the influence they can exercise, which may positively impact on the mediated outcome. The opposite may also hold true, in that the sponsors may hinder mediation and a negotiated settlement. There may be an opportunity for further research on the role of sponsors that may strengthen mediation theory.

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