
The Implementation of United Nations Security Council Resolution 435 (1978) on the Independence of Namibia: The Impact of Leverage in the Mediation Process

By

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A mini-dissertation submitted in partial fulfilment of the requirements for the
degree MASTER OF DIPLOMATIC STUDIES

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July 2014

Abstract

Once mediation has started, the issue of leverage (sticks and carrots) as a specific tool of mediation often comes into play. There appears to be two divergent views on the use of leverage in the mediation process. One school of thought, although not actually propagating leverage, does concede that it might be necessary and useful under certain circumstances. The other disagrees and expresses caution in using leverage in the mediation process. This study will focus on the issue of leverage in the Namibian mediation process, culminating in the independence of Namibia on 21 March 1990. It specifically deals with the following questions: To what extent was leverage used in the mediation process? How did the mediator(s) employ leverage, what leveraging resources were brought to bear on the conflicting parties, and at what point in the process did this leveraging happen? The purpose is to determine whether, in the light of theoretical arguments for and against the use of leverage, one could conclude that, under certain conditions, leverage is both necessary and effective in ensuring a successful outcome to the mediation process.

The research study is structured as follows: Chapter 1 introduces the topic, the purpose and the nature of the study. An in-depth analysis of mediation theories, focusing specifically on the issue of leverage, is provided in Chapter 2, the purpose being to develop a framework for analysis in determining the extent to which leverage was utilised in the Namibian mediation process. An historical background to the conflict in Namibia is presented in Chapter 3 in order to contextualise the focus in the following chapters, dealing specifically with the Namibian mediation process. In Chapter 4, data analyses and findings are summarised, and aspects that might provide lessons for mediation, particularly as far as the use of leverage is concerned, are identified; and where applicable, further avenues for research are suggested. In conclusion, Chapter 5 presents a summary and critical look at all the mediation processes, both multilateral and bilateral, and the challenges that were encountered during these processes, leading up to the signing of Tripartite and Bilateral Agreements in New York on 22 December 1988.

Acknowledgements

To Dr Theo-Ben Gurirab, an ideal diplomat.

I wish to express my gratitude and sincere thanks to the following: Dr Sam Nujoma, The Founding President of Namibia; and all the interviewees who took part in the project.

Taimi and children, for encouragement;

Prof Schoeman, for her role and guidance as supervisor and midwife for this mini-dissertation.

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LIST OF ACRONYMS

AG	ADMINISTRATOR-GENERAL
ANC	AFRICAN NATIONAL CONGRESS
AU	AFRICAN UNION
CODESA	CONVENTION FOR A DEMOCRATIC SOUTH AFRICA
DIRCO	DEPARTMENT OF INTERNATIONAL RELATIONS AND CO-OPERATION
DRC	DEMORATIC REPUBLIC OF CONGO
DTA	DEMOCRATIC TURNHALLE ALLIANCE
ECOWAS	ECONOMIC COMMUNITY OF WEST AFRICAN STATES
EPG	EMINENT PERSONS GROUP
FAPLA	FORÇAS ARMADAS POPULARES DE LIBERTAÇÃO DE ANGOLA
FLS	FRONTLINE STATES
FRELIMO	FRENTE DE LIBERTAÇÃO DE MOÇAMBIQUE
GDR	GERMAN DEMOCRATIC REPUBLIC
HNP	HERSTIGTE NASIONALE PARTY
ICJ	INTERNATIONAL COURT OF JUSTICE
JMC	JOINT MONITORING COMMISSION
MK	UMKHONTO WE SIZWE
MPC	MULTI-PARTY CONFERENCE
NAM	NON-ALIGNED MOVEMENT
NDF	NAMIBIAN DEFENCE FORCE
NNF	NAMIBIA NATIONAL FRONT
NP	NATIONAL PARTY
NSMS	NATIONAL SECURITY MANAGEMENT SYSTEM
OAU	ORGANISATION OF AFRICAN UNITY
PLAN	PEOPLE'S LIBERATION ARMY OF NAMIBIA
RENAMO	RESISTÊNCIA NACIONAL MOÇAMBICANA
SADC	SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
SADF	SOUTH AFRICAN DEFENCE FORCE
SSC	STATE SECURITY COUNCIL
SWANU	SOUTH WEST AFRICA NATIONAL UNION
SWAPO	SOUTH WEST AFRICA PEOPLE'S ORGANISATION
SWATF	SOUTH WEST AFRICA TERRITORIAL FORCE
TGNU	TRANSITIONAL GOVERNMENT OF NATIONAL UNITY
UNITA	UNIÃO NACIONAL PARA A INDEPENDÊNCIA TOTAL DE ANGOLA
UK	UNITED KINGDOM
UNAVEM	UNITED NATIONSANGOLA VERIFICATION MISSION

UN **UNITED NATIONS**
UNCN **UNITED NATIONS COUNCIL FOR NAMIBIA**
UNHCR **UNITED NATIONS HIGH COMMISSIONER FOR REFUGESS**
UNSC **UNITED NATIONS SECURITY COUNCIL**
UNTAG **UNITED NATIONS TRANSITIONAL ASSISTANCE GROUP**
USA **UNITED STATES OF AMERICA (US)**
USSR **UNION OF SOVIET SOCIALIST REPUBLICS (SOVIET UNION)**
WCG **WESTERN CONTACT GROUP**
ZANU **ZIMBABWE AFRICAN NATIONAL UNION**

The Implementation of United Nations Security Council Resolution 435 (1978) on the Independence of Namibia: The Impact of Leverage in the Mediation Process

If there are no differences, then you don't need negotiations. You need negotiations because there are differences. Somebody has to give you that assurance that you can change your position without losing the differences between the details and final objective: Theo-Ben Gurirab..

Chapter I: Introduction

1.1 Introduction

The issue of the independence of Namibia is as old as the United Nations (UN) itself. It can indeed be traced back to the establishment of the League of Nations in 1919, when the right to administer the South West Africa mandate was delegated to South Africa to rule the territory on behalf of the British Crown. However, UN General Assembly Resolution 2145 of October 1966 terminated South Africa's mandate over the territory, and in the following year this responsibility was transferred to the UN Council for Namibia (UNCN). Earlier, on 26 August 1966, the South West Africa People's Organisation (SWAPO) launched its armed struggle against colonial occupation and the apartheid system in Namibia. Then, on 12 December 1973, UN General Assembly Resolution 3111 (XXVIII) granted SWAPO observer status at the world body as the 'authentic' representative of the Namibian people; and in 1976, the UN General Assembly recognised SWAPO as the 'sole and authentic representative of the Namibian people'. This followed on the Advisory Opinion of the International Court of Justice (ICJ) in 1971, declaring South Africa's occupation of Namibia as illegal and calling upon it to withdraw from the territory. However, South Africa rejected the ICJ opinion and refused to release Namibia from its control despite insistent demands from the international community.

Despite South Africa's refusal to accept the ICJ opinion, the UN continued its efforts to secure independence for Namibia, and a plan for the independence of the territory was unanimously adopted by way of UN Security Council Resolution 385 of 30 January 1976, demanding free and fair elections in Namibia under the supervision and control of the UN. The permanent, veto-wielding, Western members of the UN Security Council (UNSC) -- France, the United Kingdom (UK), and the United States of America (USA) -- as well as Canada and the Federal Republic of Germany (at the time elected for two-year terms on the Security Council), on the initiative of the US and under the auspices of the UN, established a Western Contact Group (WCG) to mediate between the South African government and SWAPO, with a view to develop a settlement proposal which could lead to the independence of Namibia. Consequently, on 29 September 1978 a comprehensive settlement plan providing for a UN supervised transition to independence for Namibia was adopted by way of UN Security Council Resolution 435 (1978). The 'Settlement Plan' was aimed at balancing the interests of South Africa, the internal political parties in Namibia, SWAPO, and the Front Line States (FLS) in southern Africa. The plan also made provision for the UN to prepare for the conduct of free and fair elections supervised by that body, the repeal of discriminatory legislation, the release of political prisoners, the return of refugees, monitoring of the Namibia-Angola border, oversight over the police, and the confinement to base of South African forces. Parallel to promoting the implementation of Security Council Resolution 435, the WCG developed a set of constitutional principles which would set Namibia on a course to democracy after independence, binding in as many of the then existing political parties as possible and with the support of FLS governments.

But mediation between SWAPO and the South African government, initiated by the WCG through "proximity talks", reached a stalemate in the early 1980s without any clear breakthrough in sight. In 1981, with the Reagan Administration coming to power in the US, extraneous issues were introduced, such as linking progress on the implementation of UNSC Resolution 435 to the withdrawal of Cuban troops from Angola. The US government appointed Chester Crocker to mediate in the Namibian conflict, and he was able to redefine the negotiating agenda by linking the independence of Namibia to the withdrawal of South African troops from Namibia, as well as of Cuban withdrawal from

Angola, thereby involving the governments of Angola, Cuba and South Africa, with the governments of the Soviet Union and the US as facilitators, and the UN, the FLS and Nigeria as observers. SWAPO, as one of the main actors in the conflict in Namibia, was not a party to these negotiations which were confined to 'state entities'. Two sets of agreement were brokered by the US mediator in 1988: first, a Tripartite Agreement between Angola, Cuba and South Africa which paved the way for the implementation of the Settlement Plan on 1 April 1989, followed by general elections in November 1989, then the drafting of a constitution for the territory by a constituent assembly, and the declaration of independence for Namibia on 21 March 1990; and second, a Bilateral Agreement between Angola and Cuba that provided for the staged withdrawal of Cuban troops from Angola, and the establishment of both a Joint Monitoring Commission (JMC) and a United Nations Angola Verification Mission (UNAVEM). Thus, it took South Africa more than 10 years before it acceded to the implementation of Security Council Resolution 435 (1978).

Krasno, Hayes and Daniel (2003:51-52) note that the process towards independence for Namibia was characterised by an extended orchestration of the use of leverage by various actors and groups of actors over several decades in the face of shifting, countervailing forces that sought to obstruct the transfer of power to the Namibian people. The convergence of these leveraging factors culminated in the implementation of Security Council Resolution 435 in 1989, and the deployment of the United Nations Transitional Assistance Group (UNTAG) in Namibia to supervise the independence process.

This study explores whether there was any clear indication during the Namibian mediation process of any form of leverage used by a mediator(s), or other third parties, for the implementation of UN Security Council Resolution 435.

1.2 Literature Overview

Zartman's 'ripeness theory' (1989, 2000 & 2001) provides an important conceptual framework for intervening in and resolving conflict situations. According to him, the concept of a 'ripe moment' centres on the realisation by all parties concerned of a

‘mutually hurting stalemate’ (see Zartman, 2001:8-12). This is associated with an impending, recently avoided, or past catastrophe -- that is, where things suddenly and predictably got worse. The catastrophe is an indication of pain that might increase sharply if prompt action to alter the situation is not taken. He argues that the parties must not only perceive the stalemate to be painful, but must also be strong enough and coherent in their actions to make decisions and deliver on them (Zartman, 2000:9). Again, Zartman and De Soto (2010:7) note that it is the perception of an objective condition, not the condition itself, which makes for a ‘mutually hurting stalemate’. It means that if the parties do not recognise that they are at an impasse, a mutually hurting stalemate has not yet occurred; conversely, if the parties do perceive themselves to be at an impasse, no matter how flimsy the evidence, a mutually hurting stalemate does indeed exist.

Also, the concept of a ‘mutually hurting stalemate’ is based on the notion that when the parties find themselves locked in a conflict in which they cannot achieve victory and the resulting deadlock is painful to both of them, they seek an alternative approach or ‘way out’. This second element of seeking a ‘way out’ is less complex and based on perception, but is necessary for a ‘ripe moment’ to come about. In this case, the parties do not have to identify a specific solution, only a sense that a negotiated settlement is possible and that the other party shares that feeling, as well as a willingness to search for it. However, Zartman and De Soto (2010:10) warn that a ‘way out’ does not necessarily mean that the conflicting parties have identified a mutually acceptable solution to their conflict, but it does mean that both parties have perceived that they are willing to seek a joint solution. Moreover, Zartman (1989) observes that the two sides must have a sense that some mutually acceptable settlement formula is available to them. Clearly, without a sense of a ‘way out’, the push for a resolution associated with a mutually hurting stalemate leaves the parties with nowhere to go. In any situation of finding a way out, the mediator looks for both objective and subjective indicators; again, according to Zartman and De Soto (2010:11), an objective indicator might be an action or statement by one party, while a subjective indicator might be the other side’s perception of that move as an encouragement to talk. And, finally, the third element is the presence of a ‘valid spokesman’ for each side. Zartman argues that strong

leadership recognised as representative of each party, and which can deliver that party's compliance to the agreement, is a necessary precondition for productive negotiations to begin or, indeed, to be brought to an eventual, successful conclusion.

Other scholars, especially Stedman (see 1991:236-238), have made valuable contributions in refining Zartman's 'ripeness framework' by including patrons, military leaders, and internal dynamics as important elements in aspects of conflict resolution. Stedman, Rothchild and Cousens (2002:21) emphasise that the central characteristics of a good peace agreement should ideally address the root causes of the conflict, should be inclusive, and should ensure that those who are represented in peace-making have a solid, popular constituency and are trustworthy. They further observe that a good peace agreement should have a sound implementation plan, a mechanism for implementation, and an implementation schedule, and that there should be unambiguous and seamless continuity from mediation to implementation. For Kuperman (2008) 'ripeness theory' has a prescriptive implication and he recommends that external parties should 'ripen' a conflict so that sincere negotiations may be initiated. He, however, cautions that mistaken efforts at using brinkmanship to ripen conflicts in Rwanda and Kosovo backfired with devastating consequences. In other words, pressure may backfire by failing to coerce and, instead, trigger a counter-escalation. He further cautions that when mediators attempt to ripen a conflict, "such actions are delicate and dangerous" because they may undermine the neutrality and, therefore, effectiveness of the mediating parties.

Crocker, Hampson and Aall (1999:21) argue that timing is all-important if mediated interventions are to be successful, and potential mediators are well-advised, according to the theory of ripeness, to wait until the parties are sufficiently 'exhausted' on the battlefield before pushing for a negotiated political settlement. It may well be that in some circumstances the matter of who conducts the mediation is less important than the issues of timing and ripeness of the conflict. In stressing the importance of timing, ripeness theory has its greatest utility in establishing benchmarks and signposts that may assist mediators in calibrating their strategies to help 'ripen' conflicts. Parties have to be coaxed or cajoled to come to the bargaining table through a combination of 'sticks

and carrots', and skilled mediators typically utilise a variety of ripening agents: coaching, discrediting, leaning on and shifting weight, exploiting changes in military balance, exploiting changes in party leadership, as well as promises of resources or threats of withdrawal. Nathan (1999:3&12) defines mediation as a process of dialogue and negotiation in which a third party helps disputants, with their consent, to manage or resolve a conflict. He argues that through confidence-building measures, the mediator's primary responsibility is to facilitate dialogue and joint problem-solving, and not to pressurise the disputants to reach a settlement.

It is internationally recognised that once a mediation process has started, the issue of leverage (sticks and carrots) often comes into play in order to force the negotiating parties to abandon their positions and agree to a negotiated settlement. Touval and Zartman (1985:13) distinguish between sticks (negative sanctions) and carrots (positive sanctions). They explain that negative sanctions include elements of military (hard), economic (soft), and political (moral or psychological) pressure. These might include threats of military action, whilst economic threats might entail the complete or partial withholding of economic aid, and political threats might refer to the utilisation of diplomatic sanctions against non-cooperative parties. Carrots are used when all parties are satisfied with the balanced outcome of the negotiations process. Zartman (1989&2000) argues that such positive incentives can motivate conflict transformation by offering overwhelming rewards in terms of security or economic benefits, which have the potential of producing more attractive and stable outcomes. For Noll (2011) positive incentives might include development aid or reconstruction funding, conditioned upon the adherence to commitments emanating from ceasefire and peace agreements. He further argues that such carrots might also provide the conflicting parties with evidence of tangible benefits. Moreover, and still in this context, Nye (1990) defines 'power' as the ability to influence the behaviour of others in order to accomplish desired outcomes; and 'soft power' is contrasted with 'hard power', the latter being the use of military and economic might to make others change their positions. Hard power can rest on threats or inducement, otherwise known as 'sticks and carrots', whilst soft power is seen as a country's ability to influence events through persuasion and extraction rather than military or economic coercion.

On leverage as a specific tool for mediation, there appears to be two slightly divergent scholarly views. First, one school of thought, although not propagating it per se, does acknowledge that leverage might be necessary and useful in the mediation process. According to Kleiboer (1996:371), leverage entails both a mediator's ability to become a relevant player in conflict resolution, and the ability to put pressure on one or more of the conflicting parties to accept a proposed settlement. This assumes that a mediator has resources (for example, military, economic and political) at his/her disposal that can be brought to bear on the parties concerned. She argues that leverage is one of the most elusive elements in mediation: it makes for fuzzy conceptualisation and research has produced contradictory results about its importance for successful mediation outcomes. Moreover, she is of the opinion that great powers can be considered the most likely candidates for roles as mediators; they bring a higher degree of authority to the mediation process, since it is much more difficult to alienate great powers than less powerful international actors. She also observes that great powers can offer more diverse carrots or wield more effective sticks, which parties to a conflict believe might help to achieve their objectives or minimise their losses.

A second school of thought is represented by Bercovitch, Anagnoson and Wille (1991:12) and Touval (1992:326) who, in their empirical research, argue that leverage is a necessary precondition for mediation to succeed. They view leverage as indispensable for persuading conflicting parties to make concessions, or ensuring adherence to agreements. Svensson (2007:230) is of the opinion that in international mediation two types of mediation are effective: the 'pure mediator' and the 'power mediator', both of whom are preferred as peace-brokers in conflict resolution, with the two types complementing each other. He asserts that a pure mediator is one who tries to gain the confidence of, build social ties among, and enhance communication between all the conflicting parties. A power mediator is one who applies economic, military and political resources to pull or push the conflicting parties towards a resolution, and thus exercises leverage over them in order to make them comply. He further argues that power mediators outperform pure mediators in terms of increasing the likelihood of agreement, but he recommends the utilisation of both types of mediation simultaneously (Svensson, 2007:232). Crocker (1992:451) also argues in favour of leverage, saying

that in order to have successful mediation it must be backed by relevant forms of power and influence. He notes that American leverage on the implementation of UN Security Council Resolution 435 (1978) resulted from both the underlying diplomatic and military situation, as well as the ability to redefine the negotiations agenda, thus making it acceptable to all the parties concerned. Wolvaardt and his co-authors (2010:273) agree with Crocker, noting that in early December 1983, at a meeting in Rome, the latter told South African Foreign Minister R.F. (Pik) Botha that a significant military gesture for a specific period of time would help Washington to prise a reciprocal response out of Luanda. The following day, the South African Defence Force (SADF) launched 'Operation Askari' deep inside Angola: a classical example of how military pressure was used to create a platform for real negotiations to start.

But some authors disagree and express caution in the use of leverage in the mediation process. Nathan (1999:3&12) emphasises confidence-building measures in order to facilitate dialogue and joint problem-solving, and cautions the mediator not to pressurise the disputants to reach a settlement. He notes that power mediation disregards the psycho-political dynamics of conflict, underestimates the role that resolve play in the make-up of groups involved in armed (particularly, internal) conflict, and fails to consider the fact that pressure used by third parties may merely increase the emotional and cognitive structures in which fear, mistrust and frustration play central roles. Kleiboer (1994:371), though to some extent in support of power mediation, also disagrees with the use of leverage, saying that the mediator(s) might run several risks when employing it too often. Likewise, in a Report on 'Enhancing Mediation and its Support Activities' (UNSC,2009:9), former UN Secretary-General Kofi Annan, though not supporting it, expressed caution in utilising 'leverage' in mediation, saying it should be exercised wisely and effectively—furthermore, that the mediator has to understand the interests of the conflicting parties and provide incentives that address their aspirations and concerns.

For Svensson (2007:233) mediators without particular interests and resources are more suited to conduct mediation. One example he provides is Sant' Egidio, a Catholic lay community organisation that helped to mediate the 1992 Peace Agreement in

Mozambique. He argues that the organisation neither had any interest in the conflict itself, nor any ability to pressurise the combatants towards agreeing to peace. In the same vein, Slim (1992:207) observes that “instead of power and coercion” small states resort to persuasion. Touval and Zartman (1985:13) emphasise that when ‘sticks’ are used too strenuously, it may cause a party to withdraw its acceptance of a mediator or even result in a refusal to co-operate with any further mediation efforts, whilst Kelman (1958:51&60) cautions that a mediated settlement that arises as a consequence of the (extreme) use of leverage may not last very long. It should be noted, therefore, that even those who support the use of leverage (Kleiboer, Annan, and Kelman) caution against it, and believe that if and when utilised it has to be done with circumspection.

In the Namibian case, several scholars and practitioners, as well as political role-players, have produced accounts, discussions and analyses of the Namibian mediation process, but had not paid particular attention to the use of leverage per se. Crocker (see 1992:456-481) in *High Noon in Southern Africa: Making Peace in a Rough Neighbourhood* argues that in order to be effective, mediation must be backed by relevant forms of power. American leverage resulted both from the underlying diplomatic and military stalemate, and from US decisions on how to exploit this situation. The US Administration needed the support of allies and patrons to persuade the conflicting parties to commit to resolving the conflict in Namibia and Angola. He asserts that leverage was indeed brought to bear on South Africa to end its colonial occupation and apartheid system in Namibia. Wolvaardt, Wheeler and Scholtz (2010:274) note that growing opposition to South Africa on issues of its policies of racial discrimination and its illegal occupation of Namibia, left diplomatic agents in very difficult and embarrassing positions in their conduct of diplomacy. They (2010:274) quote Neil van Heerden, then Director-General in the South African Department of Foreign Affairs (DFA), that diplomats were called upon to defend government positions which were increasingly at variance with the spirit of the times. As a result they were socially ostracised within the diplomatic community and contacts often had to be maintained at the level of personal relationships.

Vergau (2002:237-238) argues that the Trilateral Agreement between Angola, Cuba and South Africa, ultimately reached in New York on 22 December 1988, was the result of increased external pressure, as well as the internal legitimacy crisis of the apartheid regime. This opinion is in sharp contrast to the view of Crocker (1992) that he “patiently mediated an agreement” after years of mutually hurting stalemate, during which productive negotiations had eluded the conflicting parties. But for Zartman (1989:172) the problem with the Western initiative in Namibia was that it originally contained ‘neither carrot nor stick’. With no sanctions (against either side) for failure to agree, it was not possible to take control of any set deadline out of the hands of the South African regime. He notes that when the Reagan Administration assumed office, it self-assigned a challenge to solve the Namibian problem so that it could get on with the business of improving inter-state relations in the southern African sub-region. Thus, the Administration used some carrots: introducing the 1982 Constitutional Principles and a more complicated electoral system, immediately placing its relations with South Africa on a better footing, linking the withdrawal of South African troops from Namibia to a withdrawal of Cuban troops from Angola and, finally, working towards regional disengagements in order to create a climate of mutual trust. Zartman (1989:172-173; 2001:11) further argues that the eventual outcome was dictated by ‘stick’ rather than ‘carrot’, referring to the military balance of power on the battlefield in favour of Cuban and allied troops against the SADF inside Angola in 1987-88.

Former Namibian President Sam Nujoma (2001:266), in his autobiography *Where Others Wavered*, relates his experience as leader of SWAPO in negotiating through ‘proximity talks’ with such a diverse group as the WCG, the FLS, officials from the UN, the Non-Aligned Movement (NAM), the Organisation of African Unity (OAU), and some representatives of the minority South African government. He recounted the pressure applied (leverage used) by the FLS and Nigeria for SWAPO to reach a compromise on Walvis Bay -- to be treated as a separate issue from UN Security Council Resolution 435 (1978) -- and on the 1982 Constitutional Principles that would require any future SWAPO government to accommodate all civil servants from the previous dispensation. Similarly, Papenfus (2010:581), in *Pik Botha and His Times*, relates the experience Botha had as Minister of Foreign Affairs in the South African government. It recounts

the 'pressure' to which the South African regime in Pretoria had been subjected by the US, the UN, the OAU, the FLS and the WCG, amid an array of sanctions, boycotts and internal party-political strife. Expressing his sentiments on 22 December 1988 in New York, Botha emphasised that the achievement of the Tripartite Agreement was, in itself, symbolic of the desire of the parties involved in the negotiations to eschew violence and conflict as a means to secure political solutions through dialogue.

Gleijeses, in *From Cassinga to New York: The Struggle for Independence of Namibia* (see 2009:32-35), argues that the battle of Cuito Cuanavale, though marginalised by Western mainstream academia, persuaded the South African regime to agree to the implementation of a settlement plan based on UN Security Council Resolution 435 (1978). However, Berridge (1991) emphasises the role of the UN, in partnership with the US as mediator, in the implementation of UNSC Resolution 435. He observes that the Security Council determined that the UN would play an important administrative and policing role in the transition of the territory to independence. Chan and Jabri (1993:91) posits in *Mediating in Southern Africa* that the role of US mediation was substantially one of damage control (limitation) in the wake of failure of the earlier 'constructive engagement' and 'linkage' policies crafted by Chester Crocker in the early 1980s. The South African Department of Foreign Affairs (DFA, 1989) also documented the historical background to the negotiations under the WCG, the adoption of UNSC Resolution 435 (1978), and the conduct of free and fair elections in Namibia under UN control and supervision in a publication entitled *Namibian Independence and the Cuban Troops Withdrawal*. Moreover, Melber and Saunders (2007) discuss the relationship between conflict mediation and the decolonisation of Namibia and the lessons learned in the process. They, in agreeing with Nathan, demonstrate why confidence-building measures are crucial to the mediation process, how mediating agencies utilise different sources of pressure, and how important it was that all parties to the Namibian conflict took 'ownership' of the process. However, the literature does not deal in any detail with the use of leverage in the Namibian mediation process.

1.3 Research Problem

The UN Security Council adopted Resolution 435 at its 2087th meeting on 29 September 1978, making provision for the holding of free and fair elections in Namibia under the supervision and control of UNTAG. For more than 10 years South Africa refused to accede to the implementation of UNSC Resolution 435 (1978). However, in late 1988 South Africa eventually agreed to the implementation of the 'Settlement Plan' for Namibia as from April 1, 1989.

This study focuses on the issue of leverage in the Namibian mediation process. More specifically, it deals with the following questions: To what extent was leverage used in the mediation process? How did the mediator(s) use leverage --what leveraging resources were brought to bear on the conflicting parties, to which of the parties were these applied, and at what point in the process did this leverage occur? The purpose of the study is to determine whether, in the light of theoretical arguments for and against the use of leverage, one can conclude that under certain conditions leverage is both necessary and effective in ensuring successful mediation. The study attempts to provide answers to these questions and draw lessons to be learnt for future mediation efforts.

1.4 Methodology and Research Design

The study is based on qualitative research on the Namibian case, aimed at analysing the utility of leverage in the mediation process. It makes use of a combination of literature study and information gathered by means of unstructured interviews (the questionnaire is attached as Annexure I). The literature study is based on both primary and secondary sources. Primary sources includes information in the public domain relevant and related to the Namibian mediation process from the UN, the OAU, SWAPO, South Africa, the FLS and other governments that were involved, the recollections of those directly or indirectly involved in the mediation process and, where relevant, newspaper articles. Secondary sources deal with the scholarship on mediation and the use of leverage, and analyses of the Namibian conflict and mediation processes.

Members in the SWAPO leadership were interviewed, especially those who were directly or indirectly involved in the mediation process: they include Theo-Ben Gurirab, who was SWAPO Permanent Representative at the UN in New York, former SWAPO Secretary for International Relations, first Minister of Foreign Affairs of Namibia, and currently Speaker of the National Assembly; and Nahas Angula, former Minister of Education, Prime Minister, and now Minister of Defence. Then there are scholars and practitioners, amongst them Professor Peter Katjavivi, former Vice-Chancellor of the University of Namibia, Ambassador of Namibia to Germany and, later, to Belgium and the European Union, Director-General of the National Planning Commission, and now a Member of Parliament; Professor Henning Melber, former Executive Director of the Dag Hammarskjöld Foundation; Ambassador Tuliameni Kalomoh, former UN Secretary-General Kofi Annan's Special Representative for Liberia (in 1997), UN Assistant Secretary-General for 5 years, and now a Special Advisor in the Namibian Ministry of Foreign Affairs; General Charles Namoloh, former People's Liberation Army of Namibia (PLAN) Chief of Staff, Namibian Ambassador to Angola, High Commissioner to India, Minister of Defence, and now Minister of Regional and Local Government, Housing and Rural Development; as well as other politicians and personalities who provided valuable information to enrich this study. Added to the list of interviewees were retired Lieutenant-General Martin Shalli, former PLAN Chief of Operations, High Commissioner of Namibia to Zambia, and former Chief of the Namibian Defence Force (NDF); Brigadier-General Ben Kadhila, former Chief of Staff of the 8th Battalion of PLAN, and now NDF Acting Chief of Joint Operations; George Shinyala, former Deputy SWAPO Chief Representative in Francistown, Botswana, and now a Deputy Director in the National Assembly; and two colleagues, former *Umkhonto we Sizwe* (MK) veterans. Also, an attempt was made to interview some senior officials from the Cuban government: Ricardo Alarcón, former President of the National Assembly of People's Power of Cuba; and Hedelberto Lopez-Blanch, a Cuban journalist, who provided valuable information from a Cuban perspective. Attempts to secure interviews with representatives of the former South African government, especially those who formed part of the negotiation teams, in order to gain a balanced perspective, were unsuccessful. Equally, an attempt was made to get the opinion of Professor Chester

Crocker, who was kind enough to respond to the researcher's questions by referring the researcher to contact his book, *High Noon: Making Peace in a Rough Neighbourhood* (1992). Similarly, an appointment and interview with former Namibian President Sam Nujoma was secured, providing in-depth information on some very important matters. Efforts were made to interview Alexandre 'Kito' Rodrigues, Ambassador of Angola to Namibia, who was a member of the Angolan negotiation team, but without any success.

Besides members of SWAPO's political leadership, there are individuals in the military leadership and former SWAPO combatants who were involved in military encounters on the battlefield with soldiers of the SADF, who were able to provide useful insights for this research project. They had valuable information to contribute and were always ready to share such information. As expected, some interviewees, especially from the military leadership, preferred anonymity because of the sensitivity of information they could provide. However, SWAPO leaders did not have qualms about being cited or quoted in this study. The interviews were conducted in Namibia in the period November 2012 to May 2013. And, as an individual who participated in the struggle himself, the present author made use of his own experiences and recollections during this process.

The literature sources mentioned here are not exhaustive or exclusive. Many other sources were added as the actual research progressed. Also, the individuals mentioned as interviewees are not an exclusive listing. The study was kept flexible in order to include data from referrals -- that is, individuals who knew others who could also provide valuable research data.

1.5 Structure of Research

This initial chapter (Chapter 1) introduces the topic, the purpose and nature of the study. An in-depth analysis of mediation theories, focusing specifically on the issue of leverage, is presented in Chapter 2, the purpose of which is to develop a framework for analysing the extent to which leverage was used in the Namibian mediation process. A historical background to the conflict in Namibia is provided in Chapter 3 in order to contextualise the focus in subsequent chapters dealing specifically with the Namibian mediation process. Chapter 4 presents an analysis of the use of leverage during the

mediation process; it presents further analyses and findings of the evidence collected from primary and secondary sources on the use of leverage in the Namibian mediation process, utilising the framework developed in Chapter 2. The findings of the study are summarised and aspects that might provide lessons for mediation, particularly with a view to the use of leverage, are identified -- and, where applicable, further avenues for research are suggested. Chapter 5 presents the conclusions drawn from this research project.

Chapter 2: Conceptual Framework

2.1 Introduction

One of the key tasks underpinning diplomacy at the international level is its contribution towards the peaceful settlement of disputes between states and other actors, in accordance with the UN Charter, Article 2 (3). This requires member states to settle their international disputes by peaceful means in such a manner that international peace, security and justice are not endangered; and Chapter VI, Article 33 (1) requires member states to seek peaceful solutions, through negotiation, enquiry, mediation, conciliation, judicial settlement, and arbitration of any dispute to which they might be party in order to maintain international peace.

This chapter provides an in-depth analysis of mediation theories, focusing specifically on the issue of leverage, with the purpose of developing a framework for analysing the extent to which leverage was used in the Namibian mediation process.

2.2 Mediation

Maundi, Zartman, Khadiagala and Kwaku (see 2006:5-7) argue that parties to disputes may resort to regional agencies or arrangements, or other peaceful means, which the protagonists may choose. Central to this approach of 'preventive diplomacy' is the assumption that protagonists will not make effective use of those techniques of their own volition, and that the assistance of a third party is needed if the threatened conflict is to be prevented through diplomatic means. In addition to these techniques, there are confidence-building measures that can produce good results if the conflicting parties are prepared to accept them. Thus, since the early 1980s regional and sub-regional organisations such as the African Union (AU), Economic Community for West African States (ECOWAS) and the Southern African Development Community (SADC) have increasingly been approached to take up such mediation roles.

Maundi and his co-authors (2006:13) observe that 'conflict' refers to a situation in which parties try to pursue objectives that are essentially incompatible. Therefore, although conflicts are intrinsically non-violent, they may become violent; but violence is not an

inherent characteristic, only a potentiality. The authors note that conflict can be either internal (domestic) or inter-state (international); they are typically motivated by political, economic, social, cultural/perceptual and structural factors, and they can mutate from a state of normal politics into violence. Moreover, they observe that internal conflict can be either centralist or regionalist. Centralist conflicts are disputes over control of the central authority. In such cases, insurgencies fight in order either to replace the government or to be included, and governments fight back to resist being replaced or sharing power with the insurgents. Regionalist conflicts, on the other hand, centres around self-determination through secession or by way of regional autonomy. Nevertheless, the authors argue that both centralist and regionalist conflicts involve high stakes. Left on their own, the conflicting parties strive mainly for zero-sum outcomes, usually attainable only at a very high cost. For example, they observe that both parties in a centralist conflict want to rule the state exclusively; and both parties in a regionalist conflict want to rule a part of the country exclusively. It is within this zero-sum context that intermediaries are needed to intervene in the conflict through mediation. The objective of the intervention is not to assist either party to gain outright victory over its adversary, but to break the impasse and bring the parties to a level where they would be able to settle for a 'win-win' outcome. In the present author's view, according to the given classification developed by Maundi and his co-authors, the decolonisation of Namibia falls within the category of a centralist conflict. Namibia was colonised by South Africa, and the people of Namibia under the leadership of SWAPO made immense sacrifices through the liberation struggle to end not only the yoke of colonialism but the practice of apartheid, until independence was finally achieved on 21 March 1990.

Zartman and Touval (2008:437) posit that mediation is a specific form of intermediary role within the broader process of negotiation (diplomacy). They also assert that mediation is as old as history itself, with the earliest recorded occurrence dating back to some 3500 years ago. Bercovitch (2002) notes that mediation came to the fore since the founding of the modern state system in 1648, and he argues that this practice will remain crucial to diplomacy in the present post-Cold War and post-9/11 eras. As a third-party intervention in a conflict, mediation is neither based on the direct use of force nor aimed at assisting one of the participants to claim victory, but to get the conflicting

parties to mutually agree to a settlement based on a win-win formula. Again, Bercovitch (1997:13) provides an inclusive definition of international mediation as a process of conflict management related to, but distinct from, negotiations between the parties, 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. For Nathan (1999:3&12) mediation is a process of dialogue and negotiations in which a third party helps disputants, naturally with their consent, to manage or resolve their conflict.

Crocker, Hampson and Aall (see 1999:20-24) observe that analysing mediation raises some basic questions about what third parties can do in a conflict, under what circumstances, and to what effect. The debate over these issues can be classified into two major paradigms: the structuralist, and the socio-psychological. These paradigms require alternative assessment about appropriate bargaining strategies and entry points, as well as about comparative advantage, co-ordination, and the leadership qualities of different kinds of mediators. The structuralist paradigm of mediation is based on a belief that through the use of persuasion, incentives and disincentives (that is, a costing process), the parties to a conflict can be led towards and through a negotiated settlement. This approach is anchored in a 'rational choice'-view of the world, and treats the causes of conflict as objective (as opposed to subjective) issues that can be receptive to negotiation. It is premised on the familiar notions of 'ripeness' and 'mutually hurting stalemate', as advanced in the works of Zartman (1989, 2000&2001) and Haass (1990). The second approach is socio-psychological which, besides trying to change perceptions and attitudes, also attempts to establish communication channels between different groups in society, initiate discussions of framework solutions to problems of mutual concern, identify steps towards breaking impasses, develop norms, and creates an understanding of the kinds of decision-making processes that can lead parties out of conflict.

As defined by Haass (1990), ripeness is a necessary 'prerequisite' in order to make progress at the diplomatic level; indeed, it is a particular condition that is conducive to a

negotiated solution, or even to achieve any progress whatsoever. Other prerequisites may revolve around the distinguishing characteristics of the parties to a dispute, as well as considerations about relationships between or among the parties. Zartman (1989) suggests that the prime 'condition' is when neither side to a conflict feels it can win, and the parties perceive the costs and prospects of continuing war to be more burdensome than that of settlement. Thus, the prospects for a negotiated settlement to a dispute are far greater when war weariness has set in among the parties, and the conflict has reached 'a plateau' (a flat and unpromising terrain without relief) or 'mutually hurting stalemate' in which unilateral solutions are no longer regarded as credible or achievable. But Zartman and De Soto (2010:6-7) observe that 'ripeness' is not self-implementing; it is only a necessary but insufficient condition for initiating negotiations or mediation, and so it presents an opportunity for a mediator(s). Ripeness is, therefore, based on two key conditions: pain, and the opportunity to escape from pain. This state of affairs can occur either naturally as a result of external events; or it can be induced through the active intervention of the conflicting parties themselves, or by that of third parties. Yet, the authors maintain that the existence of ripeness guarantees no results by and of itself; but then, also, that the absence of ripeness is not a valid reason for inaction. Prospective mediators, or the parties themselves, can develop a policy of ripening, cultivating both objective and subjective elements of ripeness if these characteristics do not appear on their own. If the ripening process proves to be unproductive, the fall-back position for a prospective mediator is positioning, making sure the parties realise that it is present and available whenever they are ready to listen.

Zartman and De Soto (2010:7) further argue that there are two challenges posed by the notion of ripening: how to recognise ripeness, and what to do about it. They recommend that finding a 'ripe moment' requires the conduct of research and intelligence-gathering in order to identify objective and subjective indicators of ripeness. To establish whether ripeness indeed exists, prospective mediators should regularly study objective facts, as well as subjective expressions of pain, impasse and an inability to bear the costs of further escalation, related to the objective evidence of stalemate, casualties and material costs, along with expressions of a sense that there is a 'way out'. Moreover,

Zartman (2000) argues that ripeness is a subjective perception that results from objective indicators, plus the factor of persuasion. These, then, are the two elements that require attention in the ripening process. Conversely, however, Zartman (1989) cautions that there are a number of problems with too much emphasis on the need for ripeness. One is that increased pain may lead to increased resistance rather than reducing resistance. He postulates that 'cultural' differences may explain this variation: some parties to a conflict may be 'true believers' who treat increased pain as justification for intensified struggle. He says that cases of such resistance come particularly from the Middle East, such as when the US in the Iran hostage crisis of 1979 acted under the logic of a hurting stalemate, exerting increased pressure in the hope that Iranian leaders would perceive a stalemate and agree to negotiate. Iran, however, saw the US strategy as indicating the opposite of the contrition Iran sought as a basis for negotiation. In such cases, Zartman (1989) argues, pressure may backfire by failing to coerce, instead triggering a counter-escalation. For example, in 1994 the French government withdrew troops that were protecting the Hutu regime in Rwanda. Also, key international donors conditioned their development aid on the regime's willingness to share power with the Tutsi rebels and with domestic opposition parties, which were mainly Hutu but resented the regime's concentration of power and so had allied with the rebels. Genocide was the result and about one million Tutsis were killed. The same applies to Kosovo where minority Albanians were exterminated. Zartman (1989) points out that negotiation with true believers take longer to come to fruition, because ripe moments are harder to find.

Crocker, Hampson and Aall (1999:21) argue that timing is all-important if mediated interventions are to be successful, and potential mediators are well-advised to wait until the conflicting parties are sufficiently 'exhausted' on the battlefield before pushing for a negotiated settlement. The authors observe that in stressing the importance of timing, ripeness has its greatest utility in establishing benchmarks and signposts that assist mediators in calibrating their strategies to help 'ripen' the conflict. They note that parties have to be coaxed or cajoled to come to the bargaining table through a combination of sticks and carrots, and skilled mediators use a variety of ripening agents: coaching, discrediting, leaning and shifting weight, exploiting changes in the military balance or in

party leadership, as well as promises of resources or threats of withdrawing/withholding these. Moreover, the authors argue that mediation requires the use of various side-payments and/or penalties, as well as sanctions, in order to get the parties to the dispute to change their cost-benefit calculations about the utility of a negotiated settlement. Thus, what is required in some situations is what Touval (1982) calls 'mediators with muscle'. He contends that impartiality and objectivity are less important in achieving influence than considerations of 'power potential'.

2.3 Leverage

Kleiboer (1996) notes that the most prevalent way of explaining the role of leverage in international mediation is offered by a neo-realist perspective on international relations. In this research tradition, she argues, international politics is characterised as essentially conflictual, with state interests clashing as a result of competition for scarce resources such as security, territory, status, and access to raw materials. Rubin and Bercovitch (2002:134-135) argue that in the neo-realist view, the crucial resource for a mediator in settling a conflict/dispute is 'leverage' in order to pressurise the parties to make 'concessions', and to ensure that the disputants adhere to the agreements they have entered into. But the authors observe that the leverage employed by great powers does not necessarily guarantee that they will be successful mediators. From a neo-realist perspective, two important constraints may prevent major powers from using their leverage effectively. Bercovitch (2002:5) writes that these constraints have to be viewed against the neo-realist portrayal of the international system as characterised by inter-state rivalry and competition for hegemony amongst the great powers.

The first constraint refers to the position of a mediator vis-à-vis other great powers in the international system. The second constraint refers to trade-offs that may occur in the relationship between the mediator and conflicting parties. In the Namibian case, the recognition of the Angolan government by the US Administration culminated in the establishment of diplomatic relations between the two countries and withdrawal of US support to the *União Nacional para a Independência Total de Angola* (UNITA). Rubin and Bercovitch (2002:136) and Touval (1992:268) also argue that the first two models (that is, the position of a mediator, and trade-offs that may occur between the mediator

and conflicting parties), as presented by the neo-realist perspective, portray conventional wisdom (a 'top-down' approach) about the leverage that a mediator may exert in that they focus primarily on the political influence and the vast material capabilities of the mediator to reward or coerce conflicting parties to accept a proposed solution -- often one which is to the mediator's own liking. The second trend in international mediation is the humanist approach (bottom-up). Kleiboer (1996) writes that from a 'bottom-up' perspective, the humanist approach sees a conflict as resulting from frustration, suppression, and the denial of basic human needs that includes, amongst others, identity, security and effective participation in the social, economic and political system. She notes that a conflict, in humanist terms, is an opportunity to transform the political arena in such a way as to increase the needs-satisfaction of all social groups, not just ruling elites.

As stated in Chapter 1, once a mediation process has commenced, the issue of leverage (sticks and carrots) often comes into play, whereby a mediator forces the conflicting parties to abandon their positions and agree to a negotiated settlement. According to Zartman (1989) the use of carrots might suggest that all parties are satisfied with the balanced outcome of a negotiation process. In such a case, positive incentives may induce conflict transformation by offering overwhelming rewards in terms of security or economic benefits that has the potential to produce even more rewards, leading to more attractive and stable outcomes. Conversely, Touval and Zartman (1985:13) explain that negative sanctions (sticks) include elements of military (hard), economic (soft), and political (moral or psychological) pressure. In this context, a mediator can assist by creating opportunities which offer a side-payment, thereby "increase[ing] the size of the stakes, attracting the parties to share in a pot that otherwise would have been too small" (see Zartman, 1989 & 2000). For example, Zartman notes that former US Secretary of State Henry Kissinger successfully employed this technique in forging the second Israeli-Egyptian disengagement exercise in the Sinai Peninsula in 1975, while the Carter Administration repeated this technique several years later in order to seal the 1978 Camp David Peace Agreements between the same contending parties by pledging to both billions of US dollars in annual aid that continues to this day.

Again, according to Zartman (2008:167-168), a mediator has six sources of leverage at his disposal. First, 'persuasion' is the ability to portray an alternative future as more favourable than continuing conflict. For example, former US Secretary of State Kissinger, whose country was not devoid of resources or the willingness to use them, spent many hours during 1975 with Egyptian, Syrian and Israeli audiences painting verbal pictures of a future with and without a peace agreement. President Jimmy Carter's mediation at Camp David in September 1978, and in Cairo and Jerusalem in March 1979, bears the same characteristics of the power and limitation of persuasion. Zartman argues that persuasion from a trusted third party, or from voices within the conflicting parties, is needed to change perceptions.

Second, 'extraction' is the ability to produce an attractive solution from any of the conflicting parties. In fact, mediation is usually rather unwelcome until it can extract a proposal from one conflicting party that is also viewed favourably by the other party. This kind of leverage is the most problematic, yet it forms the basis of all mediation efforts. According to Deng and Zartman (2008), US Assistant Secretary of State for African Affairs Chester Crocker and his team shuttled back and forth between Angola and South Africa from 1981 to 1987 in search of attractive proposals to convey to each side, but extraction was not possible until 1988 when 'conditions on the ground' (stalemate) made the situation intolerable for both sides.

Third, 'termination' is the ability to withdraw from mediation and leave the conflicting parties to their own devices and continuing conflict. Again, the impact of withdrawal is entirely in the hands of the disputing parties; they may be happy to see the mediator leave, but if a mutually hurting stalemate is prevailing they will be sensitive to the threat of withdrawal. In such a case, Deng and Zartman (2008) cite Kissinger's threat of withdrawal from mediating the Golan Heights disengagement in 1974, repeated while mediating the second Sinai Peninsula disengagement in 1975. Another example comes from the 1995 Bosnia Peace Conference at Dayton, Ohio, when US Secretary of State Warren Christopher announced that, although the conference had technically failed, the parties had decided to resolve their differences and an agreement had finally been reached.

Fourth, 'limitation' is the ability to block any other avenues for mediation, or any other alternative to mediation in general. In this case, the mediator must be able to convince the conflicting parties that its mediation is 'the only game in town', as Crocker used to say about his mediation efforts in the Angolan-South African conflict in the late 1980s, and to make sure the conflicting parties do not see renewed war as a better alternative than mediation, as the Eritreans and Ethiopians did in the midst of mediation efforts in 1999.

Fifth, 'deprivation' is the ability to withhold resources from one side, or shift them to the other party. In this case, the mediator uses his leverage in the conflict and the proposed solution as his fulcrum (pressure prop), thus making manipulation his primary mode of mediation. Such activity may take the form of verbal condemnation, or it may be more tangible when official visits are cancelled, food aid is withheld, or arms shipments are terminated. The point here is to worsen the position of conflicting parties who reject mediation efforts, and to keep them searching for solutions.

Finally, 'gratification' is the ability to add resources to the successful outcome to mediation. In every case, the effectiveness of the mediator's leverage lies with the conflicting parties themselves, a characteristic that makes leverage in mediation difficult to achieve. The mediator might 'shift weight' in order to prevent one party from losing the conflict, because the other party's victory would produce a less stable and, hence, undesirable solution. Arms shipments to Israel and Morocco, down-payments on improved relations with South Africa, and abstentions on UN Security Council and General Assembly votes are examples of such US shifts in weight during various mediation processes. Another classical example was the Soviet Union's threat to shift weight away from India in the UN Security Council debate on the Indo-Pakistani War in 1965.

Touval and Zartman (2005:438) assert that of all the sources of leverage discussed above, the most important one is clearly persuasion – the ability of the mediator to re-orient the perceptions of the conflicting parties. This ability depends on many 'referents' or pointers that are skilfully employed to make conciliation more attractive and continuing conflict less so. Such referents may include matters of domestic welfare and

political fortunes, risks and liabilities (costs), prospects of continuing conflict or moving away from confrontation, reputations at play, the solidity of support from allies, international opinion, and the verdict of history. Another basic element in leverage is need – the need of the conflicting parties for a solution that they cannot achieve by themselves, for additional support in regional or international relations, and for a larger package of pay-offs that makes a conciliatory outcome more attractive. Zartman (2008) further argues that the stronger the need for the parties in conflict to settle, the more leverage will be available to the mediator. But the weaker this need is to settle, the more the mediator must work to create a perception of greater need, sometimes using external leverage in the form of sanctions or incentives. For these reasons, non-state organisations can be more effective in conflicts where the parties already feel a strong need to settle. Conversely, states are better equipped to mediate in cases which first require the intensification of the need for conflicting parties to settle.

For Deng and Zartman (1991:313) mediators have two other sources of leverage: the ability to formulate an outcome that is attractive to both sides, or to deliver to one of the conflicting parties the other disputant's agreement to an outcome that is attractive to that party. They argue that sources of leverage correspond to three levels of mediation: mediators can act as communicators (simply carrying messages), as formulators (presenting new ideas), or as manipulators (changing conditions) depending on the depth of their involvement in the management and resolution processes. As a manipulator, the mediator may increase the size of the stakes, attracting the conflicting parties to share in a pot (of incentives) that otherwise would have been too small. In the Namibian case, Vergau (2010:3) argues that the UN Security Council had acted as both formulator and communicator by unanimously adopting the following wording in operative Paragraph 7 of Security Council Resolution 385 of 30 January 1976:

... [It] declares that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity.

This led to the presentation in April 1978 of UNSC Resolution 435 for settling the Namibian problem. The proposal, known as the 'UN Settlement Plan', was worked out

after lengthy consultations with South Africa, the FLS (Angola, Botswana, Mozambique, Tanzania, Zambia, and Zimbabwe), SWAPO, UN officials, and the WCG. UNSC Resolution 435 called for the holding of elections in Namibia under UN supervision and control, the cessation of all hostile acts by all parties, restrictions on the activities of South African and Namibian military, paramilitary and police forces, and their confinement to bases.

2.4 An Analytical Framework

Melber and Saunders (2007:75) emphasise that the transition of Namibia towards independence was deeply affected by superpower rivalry in the context of the Cold War. Decolonisation was blocked until the late 1980s, when UNSC Resolution 435 (1978) was finally implemented more than a decade after its adoption. Green (1995) states that for two decades between the mid-1960s and the late 1980s one can speak of “war without victory, and negotiations without resolution”. Melber and Saunders (2007:76) also point out that UN positions and policies on Namibia were represented in different ways, be it through support for SWAPO expressed in General Assembly resolutions, the role assumed by the UNCN, or positions taken in Security Council resolutions.

As stated earlier, Deng and Zartman (1991:313) argue that a mediator has two sources of leverage: the ability to formulate an outcome that is attractive to both sides, and to deliver to one of the conflicting parties the other disputant’s agreement to an outcome that is attractive to that party. Iji (2011:635) suggests that the task of a formulator involves assisting parties to find a formula for a possible solution to a conflict. To perform this task effectively, the formulator must be innovative and capable of presenting ideas that can move the conflicting parties towards a mutually acceptable solution. In this case, the WCG was able to formulate resolutions which were presented to the UN Security Council for adoption. This included, but was not limited to, UNSC Resolutions 385, 432, 435 and 629, which were binding on all conflicting parties. And, as a mediator, Crocker was able to deliver to the conflicting parties the policy position of the US Administration linking the independence of Namibia to the withdrawal of Cuban troops from Angola.

Deng and Zartman (1991:314) further argue that sources of leverage correspond to three levels of mediation: communication, formulation, and manipulation. In this context it would seem that the mediator had, to some extent, applied the sources of leverage at various levels of mediation. When Crocker took over the mediation role, for example, he formulated a linkage between the independence of Namibia and the US foreign policy doctrine of 'constructive engagement', calling for the total withdrawal of Cuban troops from Angola in order to bring peace to the south-western region of Africa. The withdrawal of Cuban forces was, however, extended to the simultaneous withdrawal of South African troops from Angola and, eventually, Namibia. This message was clearly communicated to the conflicting parties, especially Angola, Cuba, SWAPO and its other allies.

Touval and Zartman (2005:438-439) point out that another basic element in leverage is 'need' – the need of the conflicting parties for a solution that they cannot achieve by themselves. They suggest that the perception of that need can be enhanced by the mediator, but it cannot be created out of nothing. Also, parties can be made aware of a need that they did not recognise before, particularly when the chances of satisfying such a need seemed out of reach. In the Namibian conflict situation, the provision of a Cuban troop withdrawal from Angola put forward by Crocker on behalf of the US Administration, which met with South Africa's need for a countervailing reward, led to the withdrawal of South African forces and its administration from Namibia, yet this need was not formulated during the mid-1970s rounds of WCG mediation.

Crocker, as a mediator, acted as a formulator in the Namibian mediation process by annexing UNSC Resolution 435 to the Tripartite Agreement and many Protocols agreed between Angola, Cuba, and South Africa. In the Tripartite Agreement, for example, Paragraph 5 resolves that the parties shall refrain from the threat or use of force, refuse that their territories be used by any state or organisation for any act of war, and guarantees the inviolability of state borders in south-western Africa; and Paragraph 6 affirms that the parties shall respect the principle of non-interference in the internal affairs of states in the south-western region of Africa. Crocker was also able to manipulate the Geneva Protocol of 5 August 1988, Paragraph 5, which states that

Angola and Cuba shall use their good offices, that once the total withdrawal of South African forces from Angola is completed, SWAPO forces will be deployed to the north of the 16th parallel, contrary to the provision contained in UNSC Resolution 435, Paragraph 8(a), which calls for the cessation of all hostile acts by all parties and the restriction of South African and SWAPO forces to bases inside Namibia.

Iji (2011:635) observes that the principal strategies pursued by the WCG during its mediation role were: mediating collectively, mediating within the framework of the UN, enhancing limited leverage, and using carrots and sticks. He (2011:636) points out that collective/joint/multilateral mediation did not resolve the conflict in Namibia; it, however, enhanced the credibility and acceptability of the mediating efforts. As a result of its collective stance, the Contact Group was accepted as a credible mediator by South Africa, SWAPO, the FLS, and the international community. Iji (2011:637) also argues that collective mediation enabled the WCG to exert more leverage and influence, directly and indirectly, in dealing with the parties to the conflict. For example, it imposed economic sanctions, and brought pressure to bear on South Africa to engage in negotiations under UNSC Resolution 435 in order to achieve an internationally acceptable settlement to the Namibian issue. Multilateral mediation was also beneficial in that it proved to perform the role of a better formulator.

Iji (2011:636) further points out that another WCG strategy was to mediate within the UN framework, something that was put in place as early as 1977. As a formulator, it co-authored UNSC Resolution 385 of January 1976, providing for the conduct of free and fair elections in Namibia under UN supervision and control, demanding the withdrawal of South African troops from Namibia and restriction to base of SWAPO combatants, and allowing for a limited presence of South African troops inside Namibia. Furthermore, the WCG added to UNSC Resolution 435 the presence of UNTAG during the implementation process, leading up to the formation of a constituent assembly responsible for drafting a constitution for an independent Namibia. In the preceding chapters, Stedman, Iji and Crocker have placed much emphasis on the crucial role of patrons in the mediation process. With regard to the usage of leverage through carrots and sticks, Iji (2011:640) mentions that the WCG had available the leverage of the FLS

in dealing with SWAPO. Crocker (1992) also alludes to this scenario that the FLS were able to 'deliver' SWAPO, and then the contact group demonstrated equally that it could 'deliver' Pretoria to the negotiating table.

One can also argue that during the UN mediation role, the organisation manipulated UNSC Resolution 432 (1978) by inserting operative words in Paragraphs 1&2. It declared that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay and (offshore islands) within its territory; and it then decided to lend its full support to the initiation of steps necessary to ensure the early reintegration of Walvis Bay into Namibia. Also, UNSC Resolution 632 (1989), Paragraph 2, reaffirmed its intention to implement UNSC Resolution 435 in its original and definitive form in order to ensure that the Namibian people participate freely and without intimidation in an electoral process under the aegis of the UN.

Hampson (2005) argues that the Carter Administration in the US essentially pursued a multilateral approach to mediation that was focused on the WCG, functioning under the auspices of UNSC Resolution 435. The contact group's mediation efforts were conducted through so-called 'proximity talks' between SWAPO and the South African government which lasted from 1977 to 1981 without any clear breakthrough. However, when the Reagan Administration came to power in 1981, it appointed Chester Crocker as mediator. Crocker, as a manipulator, unilaterally changed the conditions of mediation from multilateral mediation to a bilateral approach, still operating under the framework of UNSC Resolution 435 but with some modifications. For example, as stated in Chapter 1, the US Administration introduced extraneous issues such as linking progress towards implementation of UNSC Resolution 435 to the total withdrawal of Cuban troops from Angola. This sea-change in foreign policy by the Reagan Administration led to the withdrawal from the WCG of members such as Canada and France, and the eventual collapse of the contact group. Consequently, the US took charge of the Namibian mediation process and brokered a Tripartite Agreement between Angola, Cuba and South Africa that paved the way for the implementation of UNSC Resolution 435 on 1 April 1989. Cuban forces were finally withdrawn from Angola, as well as South African troops from southern Angola and Namibia, paving the way for the holding of the UN

supervised elections and the independence of Namibia, thereby achieving the foreign policy objective of the US Administration in south-western Africa.

It would seem that the collective/multilateral mediation approach of the WCG, though desirable, had its own strengths and weaknesses. The take-over of the mediation process by the US Administration clearly pointed to the inherent limitation of collective mediation, the impossibility of building a consensus due to serious positional or policy disagreements working to undermine the very strengths arising from their collective mediation efforts. Their strengths were the credibility they derived either from being members of the UN Security Council, or their economic association with the South African regime. Their weaknesses, however, refer to the lack of building consensus in the mediation process on some very pertinent policy issues, the ad-hoc nature of their *modus operandi*, and the lack of leadership to drive the mediation process forward. This enabled the US Administration to fill the void by taking over and providing leadership in the mediation process in order to influence the outcome of negotiations.

Given the detailed discussion of the concept of 'leverage' in the previous section, the analysis of the mediation process in Namibia in Chapter 4 focuses on the various sources of leverage available to mediators, as well as to the three different levels of mediation. In analysing the primary documentation and scholarship pertaining to the Namibian mediation process, and in the information gleaned from the interviews conducted, the research project examines the types of leverage used at different times or phases in this process. Throughout the analysis, it will be pointed out to what extent the type of leverage used corresponded with the various levels of mediation.

In the following chapter (Chapter 3), an historical overview of the root causes of the conflict in Namibia that led to its evolution and escalation is presented in order to provide the context for the analysis of the mediation process in Chapter 4.

Chapter 3: Historical Overview

3.1 Introduction

Namibia was colonised by two different foreign powers during the nineteenth and twentieth centuries. Tsokodayi (2011:27) notes that from 1884 until the First World War, it was a Germany colony during which time the territory experienced extermination and genocide perpetrated by troops of Imperial Germany against the indigenous peoples, who were driven into the Kalahari Desert where many starved to death. After the war, South Africa took control of the territory and imposed apartheid; and through this system the Namibian people were subjected to colonial exploitation of both human and natural resources.

3.2 German Rule

Tsokodayi (2011:28) mentions that South West Africa (Namibia) was recognised as a German colony at the 1884 Berlin Conference, where the ‘scramble for Africa’ found expression in the formalised partition of the continent. But European exploration and expansion already began in the fifteenth century and generally led to the establishment of three different kinds of colonialism: first, ‘administrative colonialism’, where the major objectives of the colonists were to exploit resources and repatriate the profits back home to which they could safely retire in later years; second, ‘settler colonialism’, where the ‘natives’ in the Americas, Australia and New Zealand were overpowered militarily and numerically and supplanted by incoming settlers; and third, a more ‘temperate’ form of ‘settler colonialism’, where African settlers (Algeria, Kenya, South Africa, Namibia, and Zimbabwe are examples) differed from their American and Australasian counterparts in that these European settlers ‘failed to defeat’ the natives. Continued resistance in the African colonies, Tsokodayi (2011:30) observes, resulted in a process of decolonisation which was characterised by bitter armed struggle, as well as tough negotiations over the return of land that was seized during the colonial era, and payment of ‘compensation’ to the indigenous peoples for loss of land.

Thus, in addition to other factors, such as the strategic and geo-political position of southern Africa and its mineral resources, settler colonialism impeded progress towards independence for colonial territories. The intent of settler colonialism in South West Africa (Namibia) was clearly enunciated by the then ruling German elite; for example, Nujoma (2001) notes that the head of the German Settlement Commission, Paul Rohrbach, explained the aim of German colonisation of the territory in these terms:

The decision to colonise in South West Africa means nothing else than that the native tribes must withdraw from the lands on which they have pastured their cattle and so let the white man pasture his cattle on those self-same lands. If the moral rights of this standpoint are questioned, the answer is that for people of the cultural standard of the South West African native, the loss of their natural barbarism and the development of a class of workers in the service of, and dependent on, whites is above all a law of survival of the fittest.

Cited in *To Be Born a Nation: The Struggle for Namibia* (SWAPO,1981:17), the German General in charge of the campaign to crush the resistance of the indigenous peoples, Lotha von Trotha (first against the Hereros on 2 October 1904, and then against the Namas on 25 April 1905), issued the ‘infamous’ *Vernichtungsbefehl* (extermination order) in these words:

I, the Great General of the [Imperial] German forces declare that the Herero people will have to leave the country. Otherwise I shall force them to do so by means of guns. Within the German boundaries, every Herero, whether found armed or unarmed, with or without cattle, will be shot. I shall not accept any more women or children. I shall drive them back to their people – otherwise I shall order shots to be fired at them.

Consequently, the author of this SWAPO document (1981:18) notes that, based on this ‘extermination order’, the Imperial German forces (*Schutztruppen*) killed over 80 000 Hereros while others retreated into the neighbouring countries of South Africa and Botswana. During the 1890s, the Nama people under Chief Hendrik Witbooi launched a popular uprising against German occupation. Several thousand of them were killed and others were forced to flee across the Orange River (which formed the border between German South West Africa and the British Cape Colony at the time) into the Northern

Cape region of South Africa. Thus, over time the indigenous peoples lost not only their lives (in numerous cases), but also their traditional homelands and control over their natural resources. In addition to their land, they lost their freedom, their personal dignity, and their self-determination as they were turned into refugees, and those who remained inside the territory were turned into a captive workforce of menial labourers.

To Be Born a Nation: The Struggle for Namibia (SWAPO, 1981:19) states that most of the South West African (Namibian) landmass comprises semi-arid rangeland, with low rates of rainfall and infertile soils, making it unsuitable for large-scale, intensive agricultural production. Most Herero and Nama survivors were pushed into these parts of the Namibian hinterland. Their removal from fertile land by the Imperial German forces created a situation of land scarcity that over the years became a source of social tension and, indirectly, had the potential for violent political conflict. Therefore, the liberation struggle waged by Namibians since the occupation of successive colonial administrations was premised upon not only ending colonialism as a system of foreign domination, but also pledging the creation of a conducive environment enabling the disenfranchised peoples of Namibia to engage in processes of national development that are socially just. This environment was largely sketched in terms of prioritising measures to redress the inequalities created by Namibia's colonial past, such as the skewed ownership of commercial land. Thus, the peoples of South West Africa (Namibia) were tossed from the hot pot of German colonialism into the frying pan of South African racial rule after the First World War.

3.3 The South African Mandate

Tsokodayi (2011:31-32) notes that South Africa entered the First World War on the side of the 'allied powers' (Britain, France, Russia and, later, the USA) against the 'central powers' of Germany, Austria-Hungary, and Italy. The South African army defeated the German forces in Namibia in 1915 and occupied the territory in 1917, bringing Namibia under South African rule. In December 1920, Namibia became a mandated territory under the 1919 Treaty of Versailles that ended the First World War and established the League of Nations. Under the mandate system, the territories that had been colonies of

the defeated powers, as well as those formerly under the control of the Ottoman Empire, were henceforth administered by the victorious powers under the auspices of the League of Nations. The mandate agreement gave South Africa full powers of administration and legislation, and it required that it would promote the material and moral well-being and social progress of the peoples of the territory. But contrary to the terms of the mandate, South Africa continued with the implementation of its colonial policies and the exploitation of the territory's natural resources.

When the League of Nations was dissolved in 1946, the newly formed United Nations inherited its supervisory authority over the mandated territory of Namibia. However, the UN recognised settler colonialism as a critical impediment to self-determination and independence. In Resolution A/Res/2074 (XX) adopted on 17 December 1965, the UN General Assembly condemned the policy of the government of South Africa to circumvent the political and economic rights of the indigenous peoples of the territory by initiating a large-scale settlement of foreign immigrants (mainly South Africans). Then in 1966, the UN unanimously decided to terminate South Africa's mandate and to take over the administration of the territory, responsibility of which was given to the UNCN in 1967. South Africa continued to refuse requests to place the territory under UN trusteeship, instead opting to administer Namibia almost as a fifth province of the republic. Naturally, the UN rejected the position taken by the South African government.

3.4 The Apartheid System

South West Africa (Namibia) was a colony since 1884, and was made a 'mandate' by the League of Nations in 1919 when the right to administer it was delegated to South Africa exercising it on behalf of the United Kingdom Nujoma (2001:6). But after the First World War, under its mandate South Africa (like Imperial Germany) continued to transfer more and more valuable land to South African settlers. The local black, indigenous peoples were driven into 'native reserves', where resources were scarce and subsistence farming proved to be extremely difficult. This strategy of what was essentially a displacement of blacks was meant to create a supply of cheap (contract) labour for settlers on commercial farms and in the mining industry. Moreover, Nujoma

(2001:7) notes that during the 1920s, the South African government basically continued with the land-allocation schemes that were initiated by the former German colonial authorities.

But Nujoma also observes that this allocation of land was a much more extensive scheme, an 'outright give-away' to white settlers. In addition, settlers were supported with non-recoverable cash loans, supplies, boreholes (for water), cattle, and seeds in order to boost the agricultural sector. Again, after the Second World War, Nujoma (2001:7) writes that returning white soldiers were rewarded with even more free land, stretching from Lüderitz on the Namibian coast to Tsumeb in the northern hinterland. By the mid-1950s, all usable farmland in Namibia was largely in the hands of minority white settlers. During the 1960s, apartheid in Namibia was intensified with the creation of 'buffer zones' between established white occupied areas ('police zones') and so-called 'homelands' inhabited by blacks.

Krasno, Hayes and Daniel (2003:28) note that in Windhoek, the capital city of Namibia, the native population was moved out of the 'old location' into an outlying 'township' called Katutura, whilst 'coloureds' (people of mixed race) were moved into a separate area located between Katutura and central Windhoek. Each of these 'townships' was separated by a wide expanse of highways so that it would be easy to patrol any movement from one area to the other. In Katutura, different tribal groups were also separated, and even addresses on the small houses were marked by a number that was preceded by a letter designating the first letter of the particular ethnic group – for example, O for Ovambo, D for Damara, H for Herero, N for Nama, T for Tswana, and G for 'gemengde/mixed race'. Separate schools were established for each group, as well as separate councils --and in order to keep everyone under control, this 'divide-and-rule' policy was reinforced by a system of 'competitive' allocation of funds to councils and council leaders. In the city itself, apartheid was also reinforced so that even public toilets were marked --'whites only', and 'non-whites'. This system was accompanied by systemic repression and impunity for white law enforcement agencies. A curfew from sunset to sunrise was strictly enforced according to which all non-whites had to return to

their townships at night. A specific time was not set so that enforcement was arbitrary, essentially left to the interpretation of the police.

3.5 Internal uprising

Krasno, Hayes and Daniel (2003:29) observe that because of the impact of the repressive colonial and apartheid policies to which Namibians were subjected, further amplified by outside influences (especially Namibians who worked on the gold mines in South Africa), and the continuing support of foreign missionaries and other personalities, two leading political movements were formed in the early 1960s: the South West Africa People's Organisation (SWAPO), and the South West Africa National Union (SWANU). From the beginning their main demand was independence for Namibia and the termination of South African rule. Both parties pursued two-track strategies of mobilisation and petition, domestically, and requests for international intervention, externally. Initially, both movements were recognised by the OAU but, in the early 1970s, recognition was withdrawn from SWANU after the movements differed in their strategies on how to achieve independence for the territory. Earlier, SWAPO launched an armed struggle on 26 August 1966, complemented by external diplomatic and political mobilisation, whilst SWANU preferred to concentrate on political mobilisation only.

Nujoma (2001:13) writes that, indeed, SWAPO undertook most of the campaigning for self-determination and independence, and had gained international recognition and support from the international community, beyond the assistance it received from OAU member states. Moreover, SWAPO was recognised as the 'sole and authentic representative' of the Namibian people by the adoption of UN General Assembly Resolution 3111 (XXVIII) of 1973. Thus, with the assistance of independent African countries, SWAPO and SWANU leaders were able to mobilise and rally worldwide support for their movements. The OAU, newly formed in the early 1960s, was keenly aware of the need to support independence movements in African territories still subjected to colonial rule. Within a year of its founding in 1963, the organisation established a 'Co-ordinating Committee for Liberation Movements in Africa',

headquartered in Dar es Salaam, Tanganyika (Tanzania), with the aim of working towards the complete decolonisation of the African continent and mobilising support for African liberation movements throughout the world. The 'African Liberation Committee' was also responsible for the training of freedom fighters from Angola, South West Africa (Namibia), South Africa, Mozambique, Guinea-Bissau, and Rhodesia (Zimbabwe).

Nujoma (2001:15) argues that SWAPO launched the armed struggle to end apartheid and colonialism in Namibia within a context in which the structures that the South African minority government put in place to operate the apartheid system profitably had become the means towards its own undermining, and led to the rise of liberation movements. Moreover, 'land theft' had turned over more than half of all usable land to white ranchers and farmers, crowding most Namibians into reserves which became stagnant pools of increasing underdevelopment and growing, abject poverty.

3.6 The Conflict in Namibia

As stated in Chapter 1, the advisory opinion of the International Court of Justice (ICJ) in 1971 declared South Africa's occupation of Namibia to be illegal, and called upon it to withdraw from the territory. South Africa rejected the Court's opinion and refused to release Namibia from its control, despite persistent calls from the international community. A 'UN Plan' for the independence of Namibia was unanimously adopted in terms of UNSC Resolution 385 of 30 January 1976, demanding free and fair elections in Namibia under the supervision and control of the world body. The permanent, veto-wielding, Western members of the UN Security Council -- France, the UK, and the USA -- as well as Canada and the Federal Republic of Germany (at the time elected for two-year terms on the Security Council), on the initiative of the US and under the auspices of the UN, established a Western Contact Group (WCG) to mediate between the South African government and SWAPO, with a view to develop a settlement proposal which could lead to the independence of Namibia.

Consequently, on 29 September 1978, the UN Security Council adopted the text of a WCG settlement proposal as Resolution 435, a comprehensive 'Settlement Plan' aimed at balancing the interests of South Africa, the internal political parties in Namibia,

SWAPO, and the FLS. The plan made provision for the UN to prepare for the conduct of free and fair elections supervised by that body, the repeal of discriminatory legislation, the release of political prisoners, the return of refugees, monitoring of the Namibia-Angola border, oversight over the police, and the confinement to base of South African forces. Vergau (2010) points out that South Africa decided not to turn down the Western proposal because it assumed that SWAPO would find it impossible to accept the compromises, hence would be blamed for obstruction, and the Soviet Union had not objected to the Western plan assuming that SWAPO would not accept a compromise offered by the 'imperialist camp'. After SWAPO announced its approval of the Settlement Plan, South Africa could not withdraw its assent and the Soviet Union could not object to the plan. Parallel to promoting the implementation of UNSC Resolution 435, the contact group developed a set of Constitutional Principles which would set Namibia on a course to democracy after independence, binding in as many of the then existing political parties as possible and with the support of FLS governments.

But, mediation between SWAPO and the South African government, initiated by the WCG through 'proximity talks', could achieve no breakthrough and reached a stalemate in the early 1980s. Proximity talks entailed a situation where all relevant parties worked in tandem, but not necessarily talked directly to each other. In April 1981, taking into account the failed efforts to implement UNSC Resolution 435 over the previous three years, and the pressure of domestic considerations relating to its conservative constituency, the Reagan Administration introduced extraneous issues such as linking progress towards Namibian independence and the implementation of UNSC Resolution 435 to the withdrawal of Cuban troops from Angola. According to Iji (2011:634), some members of the WCG (specifically, Canada and France) did not support the Cuban linkage; they perceived it to be a 'US foreign policy objective' rather than a 'multiparty mediation effort'. He notes that the division in the WCG deepened, especially between the USA and the other four members of the contact group, and became irreversible, even to the extent that France left the WCG in December 1983 in opposition to the linkage approach (Iji, 2011:634).

Hampson (2005:54) states that when conservative governments took power in the UK (in 1979 under Margaret Thatcher) and in the US (in 1981 under Ronald Reagan), the role of the WCG started to diminish and lost the ability to co-ordinate and mediate as a cohesive team. By 1982, the contact group was almost obsolete and it paved the way for US mediation orchestrated by Chester Crocker. Hampson (2005:56) further observes that the linkage between the war in Angola and the conflict in Namibia was formally established by the South African government in terms of the conditions it set for the Namibian peace process in 1981. SWAPO, which had been waging guerrilla warfare for the independence of Namibia since August 1966, established military bases in southern Angola and enjoyed the political support of the FLS and the OAU, as well as the UN. Ultimately, UNSC Resolution 435 became the basis for the peaceful progress of Namibia towards independence. Hampson (2005:55) also notes that a bewildering array of state and non-state actors was involved, at one time or another, in the Namibian conflict and in the resultant peace negotiations. In addition to the USA, there were South Africa, the UK, the Soviet Union, Cuba, the FLS, Nigeria, and other OAU member states. Leading non-state actors included several anti-government guerrilla groups, such as SWAPO, the African National Congress (ANC), and others. UN involvement took the form of successive resolutions of the Security Council and the General Assembly, and direct mediation efforts by the UN Secretary-General and the WCG (acting under the auspices of the UN).

However, almost 11 years passed without a breakthrough, Hampson (2005:55) notes, from the time the US first attempted in earnest to negotiate a resolution to the conflict in Namibia. As stated in Chapter 1, under the Carter Administration, the US essentially pursued a multilateral approach to mediation that was focused on the WCG. Under the Reagan Administration, the policy shifted to a bilateral negotiating strategy between the US and South Africa as part of the new Administration's foreign policy doctrine of 'constructive engagement'. Hampson (2005:56) argues that the premise of this doctrine was that the US would offer a 'carrot' to South Africa by recognising its security interests and by securing the withdrawal of Cuban troops from Angola. Underlying this approach was the recognition by the US government that an improved climate for regional security could only be established if South African and Cuban troops in Angola were

both treated as part of the security conundrum in the southern African region. Pretoria flag-posted this extraneous demand and indicated that it would not enter into the implementation of an agreement on Namibia's independence unless Cuban forces were withdrawn from Angola. With the increasingly direct role played by the US in southern African security issues, the WCG began to fade from the political scene.

3.7 Internal Elections

McHenry (1990:15-16) points out that the South African government pursued three-track approaches in resolving the conflict in Namibia. After agreeing to UNSC Resolution 435, the South African government in early September 1978 decided to proceed unilaterally with plans for Constituent Assembly elections, pursuant to the Turnhalle process, without any international involvement. These elections were held in December 1978, but the Security Council declared them null and void. In November 1983, the South African government made another attempt to convene a constitutional convention of internal political parties and ethnic organisations in Namibia under the auspices of a Multi-Party Conference (MPC). But on both occasions SWAPO refused to participate.

The MPC proposed the establishment of an 'interim government' to be known as the Transitional Government of National Unity (TGNU). South African President P.W. Botha then issued Proclamation R101 in 1987, pursuant to which the Administrator-General (AG) of South West Africa/Namibia ceded administrative responsibility for internal affairs to the transitional government as proposed by the MPC. In theory, under the transitional government, the AG would act on the advice of a cabinet, with legislative authority again vested in a national assembly. But in practice, both the AG and the South African President retained veto power over legislation, while South Africa also retained direct control over foreign affairs and defence. The MPC allocated 62 seats for distribution amongst internal political parties: the Democratic Turnhalle Alliance (DTA) got 22 seats and eight seats each were granted to the SWAPO-Democrats of Andreas Shipanga, the Labour Party, the National Party of South West Africa, the Rehoboth Free Democratic Party, and SWANU. The interim government appointed a constitutional council to draft a

new constitution, but the council never reached agreement and neither the TGNU nor Pretoria proceeded with internal plans for independence. The aim behind this strategy was to enhance the DTA's and TGNU's chances against SWAPO and strengthen their credibility inside Namibia. Disagreement also surfaced between the AG and the council of ministers over Proclamation AG8, legislation aimed at dividing the territory into different ethnic 'homelands' under a 'second-tier administration'. As a consequence, this process suffered an unceremonious collapse, forcing the South African government to abandon it.

The second track, according to Geldenhuys (1984:212) was for South Africa to participate in UN-sponsored attempts to find an internationally acceptable solution to the conflict over Namibia's political future. South Africa soon realised that the Turnhalle Conference (the Multi-Party Conference) would not find international acceptance as a solution to the Namibian issue. South Africa also realised that without a settlement, the war in Namibia would continue and escalate, causing an unacceptable drain on the country's resources.

The third track was to try and contain SWAPO militarily (leverage), weaken it, or destroy it as an effective fighting force, thereby also damaging the movement politically. In this context, attempts were made to restrict SWAPO's activities, both its political mobilisation and its military campaign, to the former 'Ovamboland' area. In other areas, such as 'Okavango' and 'Caprivi', the South African regime used a military strategy 'to win the hearts and minds' of the people in those regions.

3.8 Regional Conflict

Agreeing with Hampson, Berridge (1991:78) notes that the self-imposed US mediation in the Namibian issue was aimed at taking credit for removing Cuban troops from Angola and, generally, to underline America's indispensability to the settlement of regional conflicts. Hampson (2005:60) writes that in February 1984 the Angolan government negotiated with the South African government a bilateral agreement called the 'Lusaka Peace Accord'. This accord defined a "no-go zone for SWAPO and Cuban forces in a large area of [the] Cunene Province", along with 'detailed arrangements' for

a phased withdrawal of South African forces from Angola. The accord further created a Joint Monitoring Commission (JMC), made up of Angolan and South African officers, to monitor the border areas and SWAPO's infiltration routes into Namibia. South Africa and Angola also agreed to the establishment of a US liaison office to physically monitor events inside Namibia. The Lusaka Peace Accord was subsequently followed by the 1984 'Nkomati Accords' between Mozambique and South Africa, premised on the expulsion of ANC guerrillas from Mozambique in exchange for an end to South African military aid to Renamo (the *Resistência Nacional Moçambicana*). In fact, the Lusaka and Nkomati accords formed part of a co-ordinated South African strategy to force bilateral dealings with the FLS and, in so doing, weaken their solidarity with SWAPO and the ANC.

In July 1985, the Reagan Administration succeeded in persuading the US Congress to repeal the Clark Amendment prohibiting American assistance to the UNITA rebel group in Angola. With the repeal of the Clark Amendment, the US immediately gave US\$15mn in so-called 'humanitarian assistance' to UNITA. This assistance continued during 1986 as the US supplied UNITA with modest amounts of lethal and non-lethal equipment. But discouraged by South Africa's lack of progress in domestic political reform, the US Congress passed the 'Comprehensive Anti-Apartheid Act' on 2 October 1986, despite President Reagan's veto. This was followed by the decision of the Commonwealth to implement the 1985 Nassau sanctions package after failure of the mission of the Eminent Persons Group (EPG) to South Africa. On 19 May 1986, South Africa carried out attacks against Botswana, Zambia and Zimbabwe at the very moment the Commonwealth EPG was poised to present its findings on developing a dialogue on non-racial democratic change. Then, in November 1987, the situation on the military front began to change. South African forces went into Angola in support of UNITA rebel forces which were in some danger of being defeated in a massive Angolan offensive. A joint operation consisting of SADF and UNITA troops engaged in the siege of Cuito Cuanavale, an Angolan town situated some 300 kilometres north of the Namibian border. They fought against Cuban allied forces, including FAPLA (*Forças Armadas Populares de Libertação de Angola*) and SWAPO, for almost four months and remained

deployed in the area until August 1988 when they finally withdrew after the situation on the battlefield changed in favour of the Cuban allied forces.

Rothchild and Hartzell (1991:42) note that critical negotiations to end the stalemate and bring about a regional settlement continued over an eight-month period, from pre-negotiation talks in London in May 1988 to the signing of two accords on Namibia's independence and the withdrawal of Cuban troops from Angola. This process proceeded through a number of rounds in accordance with the principles of third-party mediation. Hampson (2005:65) states that on 3 and 4 May 1988 regional peace talks resumed between Angola, South Africa, Cuba, and the US in London. There were further rounds of talks in Cairo, New York, Geneva, and Brazzaville. Six rounds of negotiations in Brazzaville eventually led to the signing of the 'Brazzaville Protocol' of December 1988.

Pursuant to this, on 22 December 1988, high-level representatives of Angola, Cuba and South Africa met in New York and formally signed two agreements, a 'Tripartite Agreement' and a 'Bilateral Agreement', establishing the basis for a peaceful transition in Namibia, the cessation of hostilities between South Africa and Angola, and a timetable for withdrawal of Cuban troops from Angola. The Tripartite Agreement called for the implementation of UNSC Resolution 435, which required South Africa to reduce its forces in Namibia from approximately 100000 to 1500 troops within twelve weeks of the implementation of the agreement, and to confine these troops to two bases at Grootfontein and Oshivelo; whilst the Bilateral Agreement, signed by Angola and Cuba, set out a withdrawal timetable for the 50000 Cuban troops to begin with a 3000-troop reduction on 1 April 1989. All Cuban troops would be required, as per this agreement, to be redeployed north of the 16th parallel (200 miles north of the Angola-Namibia border) by August 1989. Twenty-five thousand troops would be withdrawn from Angola, and the remainder moved north of the 13th parallel (350 miles north of the border) by November 1989. According to the agreement, total Cuban withdrawal from Angola would have to be completed by 1 July 1991. Further provisions of UNSC Resolution 435 and the agreements signed in December 1988 included full independence for Namibia by April 1990, to be preceded by the election of a Constituent Assembly on 1 November 1989

that would be tasked with the drafting a Constitution, and the formation of a government by the party winning elections for a National Assembly.

In addition, in December 1988 the UN Security Council unanimously voted to send a mission to Angola to verify the redeployment northwards and the eventual total withdrawal of Cuban forces from that country in terms of the Tripartite Agreement reached earlier. The mandate of the United Nations Angola Verification Mission (UNAVEM) ran from January 1989 to January 1991. Hampson (2005) observes that the Namibian peace settlement was linked to a series of reports written, agreements reached, and discussions conducted in the period 1976 to 1989, which defined both the principles underpinning the settlement and its manner of implementation. These discussions, which continued during the implementation phase of the settlement process, covered the repeal of various discriminatory legislative measures in accordance with UNSC Resolution 435, as well as negotiations on the following: UNTAG's composition and role, the status of the various police forces in the territory, electoral legislation and guidelines, and final adjustments to legislation for a Constituent Assembly and the new Constitution. It therefore took the South African government, the UN, and all other parties involved more than a decade to find a 'ripe moment' for the implementation of UNSC Resolution 435 to secure independence for Namibia.

Chapter 4 details, discusses and analyses data collected through unstructured interviews with respondents (practitioners and scholars) who were involved in the mediation process and the actual use of leverage in mediating the Namibian conflict.

Chapter 4: Analysis of the Use of Leverage in the Mediation Process

4.1 Introduction

This chapter presents analyses of the findings collected from a sample of 13 respondents on the use of leverage in the mediation process, utilising the framework developed in Chapter 2. It also presents data collected from available secondary sources. It must be emphasised here that there was no access to vital declassified materials from the archives of the South African Department of International Relations and Co-operation (DIRCO), due to travel and other related expenses. For the same reason, documents from Russia, the USA, Angola and Cuba could not be accessed.

However, the absence of these materials was partially covered by interviewing some senior officials from Cuba and Namibia in order to verify certain facts and opinions expressed in newspapers articles, journals and other literature. Two former MK veterans, whom the present author has known for many years, have also made valuable contributions based on their recollections. The chapter contains structured questions as a guide for interviews with participants in order to verify these factual details. Prof Chester Crocker, Prof Piero Gleijeses, Dr Sam Nujoma, Hans-Joachim Vergau and many others published valuable material on the implementation of UNSC Resolution 435 (1978) that was extremely useful. However, literature that was found to be biased or to be mere propaganda was avoided. Naturally, those that were of good academic and professional quality assisted in reaching credible conclusions.

As stated in Chapter 1, Kleiboer (1996:371) defines leverage as entailing both a mediator's ability to become a relevant player in conflict resolution, and the ability to put pressure on one or more of the conflicting parties to accept a proposed settlement. Stedman (1991:236) observes that the perception of a 'mutually hurting stalemate' can be manifested at the patron level if the patron holds a monopoly on assistance to its client, and is in a position to persuade the client of the credibility of its threat to terminate such assistance. In this context, what follows present an analysis of whether leverage was used by mediator(s) or patrons in the conflict situation in the Namibian mediation process.

4.2. To What Extent was Leverage used in the Namibian Mediation Process?

As discussed earlier in Chapter 2, Deng and Zartman (1991:313) suggest that mediators have two sources of leverage: the ability to formulate an outcome that is attractive to both sides, or to deliver to one of the conflicting parties the other disputant's agreement to an outcome that is attractive to that party. They further point out that sources of leverage correspond to three levels of mediation. Mediators may act as communicators, simply carrying messages and helping the parties to understand the messages conveyed. As negotiations get underway, mediators may also act as formulators. In this context, parties turn to the mediators to provide a formula for negotiations; that is, a 'common understanding' of the problem and its solution, or a shared notion of justice governing an outcome. Finally, mediators may manipulate the parties by using leverage in order to bring them to agreement.

In the context of Namibia, the conflict was a decolonisation issue between the indigenous peoples of Namibia and its powerful neighbour, South Africa. Iji (2011:634) notes that South Africa and SWAPO were on diametrically opposed trajectories as far as the future of Namibia was concerned. South Africa's first-track strategy was to create an independent Namibia of its own making by installing a government in Windhoek that would be friendly towards, and dependent upon, Pretoria, extending its apartheid policies and maintaining dominant political, economic and cultural influence in the territory. To this end, the South African government launched a concerted effort in September 1975 to impose an internal settlement, based on 11 different ethnic groupings, through what became known as the Turnhalle Constitutional Conference. To lead that process, the DTA was created to facilitate and implement the plan. However, SWAPO refused to participate in this orchestrated South African manoeuvre.

Iji (2011:635) points out that, on the other hand, SWAPO's strategy was to achieve Namibia's independence from South Africa through national liberation. That strategy was based on three pillars: political mobilisation, diplomacy, and military campaigns. It was for this reason that from 1966 onwards SWAPO shifted its strategy to wage guerrilla warfare against South Africa's occupation forces through its military arm,

PLAN, using the territories of Angola and Zambia. One can also argue that in tandem with its military campaign, SWAPO increased international pressure to garner widespread support for its objective of decolonisation. It succeeded in obtaining recognition from the UN, NAM, and the OAU as ‘the sole representative’ of the people of Namibia. This strategy assisted SWAPO in enhancing the international visibility and legitimacy of its struggle for Namibian independence. With the invaluable diplomatic and material support SWAPO received from the FLS, it was clear that these countries had an important role to play in the process leading up to Namibian independence. Iji (2011:636) suggests that it was in this context that the WCG intervened in April 1977 to mediate in the Namibian conflict, its aim being to persuade both South Africa and SWAPO to abandon their respective first-track strategies and agree on a second-track course to a negotiated, internationally acceptable settlement.

In an interview with Prof Henning Melber on 6 October 2012, he makes the statement that leverage was used at different times and in varying degrees by different actors (the WCG, the FLS, and the UN) on both conflicting parties (SWAPO and South Africa). This view was confirmed by Dr Theo-Ben Gurirab in an interview on 10 April 2013 in Windhoek. Gurirab was, at the time when negotiations took place, SWAPO’s Permanent Representative at the UN in New York. He categorically states that the FLS and Nigeria delivered a reluctant SWAPO to the negotiating table using leverage on the organisation by persuading it to agree to the independence of Namibia without Walvis Bay. In his opinion, the FLS served as a mediator between SWAPO and the WCG; or, to put it differently, that the Contact Group had available leverage on the FLS as patron of SWAPO in dealing with the organisation. Crocker (1992) writes that like “mirror images” the FLS was able to ‘deliver’ SWAPO and then, equally, the WCG demonstrated that it could ‘deliver’ South Africa to the negotiating table. He states that the contact group had the means to exert pressure on South Africa, but lacked any effective leverage on SWAPO. Thus, the use of FLS leverage on SWAPO was essential to the WCG’s endeavours.

Also, in an interview with Dr Sam Nujoma on 9 April 2013, he confirmed that President Julius Nyerere of Tanzania, who was the FLS spokesman at the time, convened a

meeting of the FLS and Nigeria with him and other senior officials of SWAPO in Dar es Salaam in November 1981 to discuss various issues, including the electoral system to be used in Namibia once the implementation of UNSC Resolution 435 commenced. As one of the sources of leverage, Nyerere persuaded SWAPO to make a concession and agree to the WCG proposed electoral system. According to Nujoma and Gurirab, three proposals were deliberated upon: the British Westminster system, the German ‘double-vote’ system, and proportional representation. In the absence of clearly delineated constituencies, the German ‘double-vote’ and Westminster systems were both rejected and a system of proportional representation was agreed upon.

Nujoma and Gurirab also note that another attempt at leverage was made by the FLS in order to persuade SWAPO to agree to the so-called 1982 Constitutional Principles. Both mention that SWAPO rejected this, as these were aimed at prescribing to the incoming government the protection of the privileged position and interests of colonial settlers with regard to land – that land would only be acquired on the basis of the ‘willing-seller, willing-buyer’ principle and compensation. Their view was that the principles were basic and well-formulated, but contained nothing new as they were already enshrined in the Universal Declaration of Human Rights; therefore, the adoption of these principles had to be left to the elected representatives of a constituent assembly. They further point out that after elections in 1989, the Constitutional Principles were agreed upon by all the parties represented in the Constituent Assembly, and were duly incorporated in the new Namibian Constitution. In the present author’s view, leverage was brought to bear on SWAPO in the constitutional drafting process to agree to the protection of the land rights of colonial settlers; hence, the issue of land has still not been resolved and it might well trigger future conflict.

In an interview with Prof Peter Katjavivi on 12 April 2013, he recalls that leverage was used by the UN for SWAPO to renounce its claim to be the “sole and authentic representative of the Namibian people”, as it would ‘no longer be necessary’ once the transitional process began. This was confirmed in the interviews with both Nujoma and Gurirab. Vergau (2010:88) notes that the issue of the ‘impartiality’ of the UN was extensively debated in 1987, and in this context South African Foreign Minister Pik

Botha already wrote a letter to the UN Secretary-General on 12 May 1980 (S/13935) calling on the world body to abandon its favouritism towards SWAPO, recognising it as the “sole and authentic representative of the Namibian people”.

Nujoma and Gurirab further suggest that leverage was used on South Africa when on 12 December 1973 the UN General Assembly passed Resolution 3111 (XXVIII), granting SWAPO observer status at the world body as the “authentic representative of the Namibian people”. This followed in the wake of the Advisory Opinion of the ICJ in 1971, declaring South Africa’s occupation of Namibia illegal and calling on the country to withdraw from the territory. They also observe that for South Africa to have agreed to the UN mediatory role, prescribing that the implementation of UNSC Resolution 435 (1978) was the only formula for achieving self-determination for the territory, could be viewed as leverage as, technically, Pretoria accepted the transitional process that granted independence to Namibia under the supervision and control of UNTAG.

In addition, Nujoma, Katjavivi and Gurirab indicate that UN mediation as a manipulator persuaded the South African government to abolish the idea of an ‘internal settlement’ in Namibia, in terms of which a ‘National Assembly’ and a ‘Council of Ministers’ would have been established. Gurirab mentions that the then US Ambassador to the UN, Andrew Young, and his deputy, Donald McHenry, were personally responsible for persuading the South African government to make a rather ‘fateful’ concession: that is, to agree that Namibia should move towards independence in terms of UNSC Resolution 435. Nujoma, Gurirab and Katjavivi further suggest that the demobilisation of the apartheid security apparatus, specifically the South West Africa Territorial Force (SWATF) and *Koevoet*, was achieved as a result of persuasion by the UN and other mediators.

4.3 How did the Mediator(s) Use Leverage?

As stated earlier, Iji (2011:635) notes that the set of principal strategies pursued by the WCG were collective/joint/multilateral mediation, mediating within the framework of the UN, and enhancing limited leverage by employing carrots and sticks. The contact group’s joint mediation did not resolve the conflict; it, however, enhanced the credibility

and acceptability of mediating efforts. As a result of its collective stance, the WCG was accepted as a credible mediator by South Africa, SWAPO, the FLS, and the international community. But Iji (2011:637) also points out that there were some disadvantages attached to collective/multilateral mediation. This primarily involved the issue of co-ordination. He states that although the WCG as a team had shared similar views, it was still difficult to reach consensus, especially on the occasion of changes of government resulting in policy shifts in some of the participating states. These policy shifts, inevitably, put a strain on the contact group's ability to effectively and timeously respond to the dynamics of the mediation process (Iji, 2011:641).

Nujoma, Gurirab and Melber note that the mediator(s) utilised diplomatic exchanges or resolutions of the UN General Assembly and UN Security Council, multilateral and bilateral negotiations, the threat of sanctions (especially on South Africa), pressure by patrons, as well as private meetings between diplomats and representatives of the conflicting parties (and, most likely, also less formal meetings) to extract agreement on the Settlement Plan. On sanctions against SWAPO, Gurirab, Ambassador Tuliameni Kalomoh and Katjavivi observe that when the need for impartiality was finally acceded to, the UN withdrew its financial support to SWAPO and the operations of its office at the world body was affected. With regard to South Africa, they recall that it just so happened that the toughest sanctions (those contained in bills sponsored by US Democratic Party Representative Ron Dellums of California, which were adopted by the House of Representatives in August 1988, and a bill authored by US Democratic Party Senator Alan Cranston of California, which was adopted by the Senate Foreign Relations Committee in September 1988) were highly effective. Gurirab and Katjavivi also note that additional sanctions that were imposed on South Africa were restrictions on the importation of South African gold, diamonds, and other mineral products into the US.

Melber, Gurirab and Kalomoh point out that the WCG had a mandate from the UN, conferring on it legitimacy for negotiations. Clearly, member countries of the Contact Group could exert economic and political pressure on South Africa, but less so on SWAPO. They certainly did not like the apartheid system or what South Africa was

doing, but maintained diplomatic exchanges between their capitals and Pretoria. The FLS, the OAU Liberation Committee (particularly, Olusegun Obasanjo, President of Nigeria at the time), Cuba, the Soviet Union and its allies (specifically, the German Democratic Republic, GDR), and NAM were all partners of SWAPO and, when needed, could exert pressure and wield influence. For example, Melber and Saunders (2007:80-81) mention that in April 1977 the WCG tabled a proposal for a solution to the Namibian issue to the Chairman of the Security Council, which South Africa agreed to expecting that SWAPO would not consent. In its efforts to make it impossible for SWAPO to accept this proposal for a negotiated settlement, South Africa attacked the Cassinga SWAPO refugee settlement in Angola on Ascension Day (4 May) 1978, killing mostly women and children. The authors also note that after the Cassinga attack, strenuous efforts were made to convince the FLS to persuade SWAPO to agree to return to the negotiating table under the framework of the UN Settlement Plan, and under intense pressure the liberation movement was persuaded in late July 1978 to announce its agreement to the proposed Settlement Plan submitted by the WCG (Melber and Saunders, 2007:81).

Ungar and Vale (1985:234-235) note that the US policy of 'constructive engagement' was one of the carrots offered to South Africa in order to encourage political reform of the apartheid system by means of a quiet dialogue with the leaders of the South African government. However, after having offered many carrots over a four-year period, all to incentivise Pretoria to institute meaningful reform, no convincing results were achieved. Consequently, by shifting position and weight the Reagan Administration was obliged to accede to the punitive sanctions adopted by the House of Representatives in August 1988, bypassing the South African government to give support to anti-apartheid groups in South Africa, and demonstrating to the South African government that even its 'virtual saviour' could turn against it.

On 15 August 1985, the then South African President P.W. Botha delivered his now infamous 'Rubicon Speech', televised live to an audience of more than 200 million people across the world. Instead of the President announcing, as expected, the eradication of all forms of discrimination and the creation of equal opportunities for all

South Africans, he resolved to entrench the apartheid machinery. Indeed, the Rubicon was not crossed! As a result of the let-down of the 'Rubicon Speech', South Africa's international isolation continued and intensified apace. France, for example, recalled its ambassador and suspended all new investment. The American Chase Manhattan Bank decided that the risks of doing business with South Africa had become too high, and resolved to call in all maturing loans and to terminate all loan facilities. Indeed, South Africa was facing inevitable bankruptcy. Ungar and Vale (1985:234-235) note that on 24 August 1985 President Reagan signed an executive order banning the export of computers to official South African agencies that could enforce apartheid, prohibiting most transfers of nuclear technology, preventing loans to the South African government unless it instituted political reform, ending the importation of South African Kruger Rand gold coins into the US, and limiting export assistance to American companies operating in South Africa that did not adhere to fair employment practices. For its part, in October 1985 the Commonwealth adopted a package of sanctions at a meeting in Nassau, Bahamas, bringing even more pressure to bear on the South Africa government.

Gurirab, Katjavivi and Kalomoh point out that intensified sanctions were among several forms of leverage that were used against the South African regime and, in their opinion, these were extremely effective. Sanctions imposed were of an economic, diplomatic and cultural nature, as well as a sports embargo. They observe that the failure to replace obsolete French Mirage fighter planes, as part of a comprehensive arms embargo, weakened the South African air force and led to the loss of the air superiority it previously enjoyed in southern Angola and northern Namibia. They also note that sanctions had stopped Rössing's customers, amongst them British and Japanese utility companies, from renewing their contracts for the supply of uranium. On the use of threats, SWAPO had constantly maintained its position that in the face of intransigence by the South African regime, it could not do otherwise than intensify the armed struggle until Namibian independence was achieved.

In an interview with Dr Sue Onslow in Pretoria on 15 July 2008 (shared with the present author via the internet), former South African Foreign Minister Pik Botha acknowledged that South Africa was totally isolated in the international community; it had to face the

condemnation of the UN and hundreds of anti-apartheid organisations all over the world. Botha noted that in 1981 the French government prohibited the supply of fuel rods for the Koeberg nuclear power station; and, during the time of the Carter Administration, legislation was passed prohibiting the re-export or shipment of low-enriched uranium to South Africa. Botha further acknowledged that it was a very serious development, which could delay the completion of the Koeberg nuclear facility for years to come. He conceded that it was a huge blow to the South African government, given the billions of rands involved in Koeberg's design and construction, which might prove to have been a waste of taxpayers' money.

4.4 Which of the Parties and at What Point in the process?

Stedman (1991:236) observed earlier that the perception of a 'mutually hurting stalemate' can be manifested at the patron level if that patron holds a monopoly on assistance to its client, and is in a position to persuade the client of the credibility of its threat to withdraw. In this context, the initial agreement by South Africa to abide by the terms of the Western initiative on Namibia seems to have come about as a result of the threat of economic and other forms of sanctions. Also, in the case of SWAPO, seemingly it was persuaded by its partners and allies (the FLS) to accept negotiations. According to Nujoma and Gurirab, the FLS were targeted through the South African regime's direct military aggression, as well as economic and political destabilisation, in order to dissuade them from supporting SWAPO and the ANC. This aggression entailed great sacrifices for the affected countries, and caused untold loss of life and economic stagnation, besides threatening the everyday security of their citizens. As the impact of that destabilisation continued to escalate, the FLS exerted pressure/leverage on SWAPO to make some concessions on the settlement plan for Namibian independence.

Iji (2011:642) emphasises that the effectiveness of other forms of leverage depends upon how much leverage there is in place. In this case, the FLS possessed enormous leverage over SWAPO, providing it with substantial political, military and economic support. For example, politically SWAPO's struggle for Namibian independence was bolstered by the FLS's strong commitment to the liberation of the entire southern Africa.

Militarily, the FLS allowed SWAPO's armed wing, PLAN, to maintain bases in their territories from which to undertake guerrilla attacks on South African troops stationed in Namibia. Economically, the FLS provided significant amounts of financial assistance to SWAPO through the OAU Liberation Committee. Therefore, the extent to which the disputant value the support or resources offered by a third party is one of the important indicators of how much leverage that third party (patron) may have with the particular disputant. With regard to South Africa, Iji (2011:643) points out that the WCG employed the collective leverage that derived from the extensive relations between Contact Group countries and Pretoria. He, however, cautions that the strategy of employing leverage by third parties can only work if they (the third parties) are actually interested in applying that leverage. In the Namibian case, as stated earlier, the FLS had suffered great economic losses, even sabotage, due to the prolongation of armed conflict in south-western Africa. Thus, the FLS were keenly interested in seeing the Namibian conflict come to an end, and they were motivated to utilising their leverage in collaboration with the WCG in mediating the conflict.

Nujoma and Gurirab also concede that pressure mounted on SWAPO when Zambian President Kenneth Kaunda met with South African Prime Minister John Vorster in August 1975 and August 1976. After those meetings, SWAPO was told by the Zambian government to suspend its military operations against the SADF from its territory. As a result, the 'eastern front' in Zambia was closed down in 1979 and combatants were transferred to Angola, while only a few were left to guard SWAPO refugee settlements. Similarly, on 16 February 1984, South Africa and Angola signed a bilateral agreement which came to be known as the 'Lusaka Peace Accord'. The main objective of the accord was to establish a no-man's land in southern Angola that would limit the operations and movement of SWAPO guerrillas across the border into Namibia. A JMC, consisting of Angolans and South Africans, was set up to observe and check on the implementation of the agreement. When SWAPO launched its 'Typhoon' unit to operate in the Okavango region, many soldiers retreated into Botswana after a hot-pursuit operation by the SADF, where they were arrested and detained by the authorities.

Nujoma (2001:266), in his book *Where Others Wavered*, writes that “it was widely held that SWAPO was constantly pressured by the FLS to endorse what [the] WCG and South Africa had planned”. He recalled one incident where he, in a rather acrimonious exchange, had ‘to agree to disagree’ with an FLS head of state, who urged SWAPO to go along with the wishes of the South African regime and the contact group. In recent interviews with Nujoma, Gurirab and Nahas Angula, they confirm that the WCG pressed SWAPO hard to withdraw from the armed struggle in favour of negotiations. However, they confirm that no carrots were offered, in a situation where Namibia continued to be occupied by South Africa. So, in return, SWAPO threatened to escalate the armed struggle until victory was achieved; for them, SWAPO was ‘fighting while negotiating, and negotiating while fighting’. As stated in Chapter 1, SWAPO as a main player in the conflict was not directly involved in the mediation/negotiations. In fact, SWAPO was completely side-lined as negotiations and ultimate agreements were officially confined to state entities: the Angolan, Cuban and South African governments, at that time the parties considered relevant to a regionally oriented solution to the Namibian conflict. This, in the present author’s opinion, was contrary to the framework provided by Zartman that all parties to a conflict must be involved in the mediated negotiations process. Nujoma, Gurirab, Kalomoh and Nahas Angula further note that the exclusion of Walvis Bay from the settlement plan was amongst the pressures SWAPO had to contend with, not only from the WCG but also from the FLS; and they reveal that to demonstrate its frustration, SWAPO sometimes staged walkouts from meetings with the FLS (when leverage was excessively applied). Nevertheless, it was the responsibility of the FLS not only to talk to and deliver SWAPO to the negotiating table, but also to persuade the organisation to sit down and negotiate, and apply its mind to the discussions. They also point out that it was the responsibility of the FLS and the WCG, respectively, to persuade the party in its sphere of influence to find ways and means of reaching a negotiated settlement.

In addition, Nujoma, Gurirab, Kalomoh and Nahas Angula state that the UN, the FLS and the WCG pressurised SWAPO to agree to the appointment of a South African Administrator-General to take charge of the electoral process during the transitional period in Namibia. They acknowledge that leverage was brought to bear on SWAPO

with the signing of the Mount Etjo Accord on 1 April 1989 by Angola, Cuba and South Africa, providing for an immediate ceasefire under which SWAPO combatants in Namibia would be given “free passage” to redeploy behind the 16th parallel (inside Angola) through designated crossing points controlled by UNTAG. With regard to South Africa, they note that under the mediation of Chester Crocker, South Africa was pressurised to accept the linkage of a Cuban troop withdrawal from Angola with the independence of Namibia. This ‘linkage’ was an American foreign policy objective in order to prevent the radicalisation towards communism in the southern African sub-region, an issue that South Africa constantly raised.

Now, on a more personal note, from 1977 to 1986 I participated in the war of liberation in Namibia as a platoon commander. Our area of operation included the region from Oshakati up to the Ruacana Falls in north-western Namibia. During the period from 1982 to 1985, promotion came in the form of appointment as Political Commissar of 8th Battalion. Most skirmishes were with 32 Buffalo Battalion of the SADF inside Angola, while 8th Battalion’s main task was to safeguard the supply route for SWAPO combatants operating inside Namibia. As Political Commissar, apart from being involved in armed confrontation, I was tasked with the political mobilisation of our combatants. I was then transferred to Botswana early in 1987 to head the SWAPO Office in Francistown. This posed a real personal challenge as I now had to immerse myself in diplomacy and live, what was for me, an abnormal life not having to engage in combat operations.

Having joined the world of diplomacy in 1987, I paid courtesy calls to various diplomatic missions based in Gaborone in order to introduce myself and brief them on the socio-economic and political situation in Namibia. That was at the height of military engagements between the SADF and Cuban and allied forces inside Angola, the introduction of political and economic reforms in the Soviet Union, and the establishment of political parties and movements inside Namibia to participate in elections under UN supervision. So-called ‘moderate parties’, under the umbrella of the Namibia National Front (NNF) headed by Advocate Vekuii Rukoro, were aligning themselves to participate in the November 1989 general elections.

My first personal experience of pressure being applied on SWAPO came on 23 February 1989 at an embassy meeting with Ambassador Victor G. Krivda of the Soviet Union and Ambassador Zhang Dezheng of the People's Republic of China. Krivda, in analysing the developments both in the Soviet Union and in Namibia, tried to make a case that SWAPO should join the NNF in participating in the forthcoming elections. The Ambassador suggested that there were no huge ideological differences that could prevent SWAPO from joining the NNF and, therefore, the option should be considered. The reason he advanced was that if the 'moderate parties' of the NNF joined forces, SWAPO might not get the two-thirds majority required to draft a constitution on its own terms. In an interview on 17 April 2013, these viewpoints were corroborated by George Shinyala, who worked as Deputy SWAPO Chief Representative in Francistown from 1987 to 1990. However, SWAPO dismissed the idea outright and refused to participate in any political platform established by the NNF. In February 1989, Shinyala confirmed that NNF leaders were contacting several foreign missions accredited to Botswana, amongst others, that of the USA, the Soviet Union, China, Sweden, Norway, Germany, Libya, senior officials from the Botswana Ministry of Foreign Affairs, and several UN organisations based in Gaborone, seeking financial assistance. According to Shinyala, many representatives from these embassies and institutions not only occupied front-row seats at a meeting held on 3 February 1989 at one of the leading hotels in Gaborone, but also offered financial support to the new political front.

These developments can also be interpreted in the context of the situation in the Soviet Union, where there were already signs pointing towards the eventual disintegration of the Union of Soviet Socialist Republics (USSR), besides the fact that the appetite for the support of liberation movements were already on the wane. With the introduction of *glasnost* and *perestroika* by Mikhail Gorbachev in 1986, it was clear that the Soviet Union was conducting a cost-benefit analysis of maintaining the status quo under prevailing circumstances. And, from Ambassador Krivda's perspective, if things got even worse, SWAPO would be left out in the cold. However, I maintained that it was not the right moment for SWAPO to abandon the liberation struggle and join an internal settlement under the tutelage of the South African government. Consequently, I

informed Ambassador Krivda and members of the diplomatic corps that SWAPO would intensify its armed struggle until victory was achieved.

Also, High Commissioners representing India, Nigeria and Zimbabwe, and the Resident Representative of the UNCN, Nickolas Kalinda, as well as the UN High Commissioner for Refugees (UNHCR), were all pressurising SWAPO to make concessions in the negotiations on Namibian independence. They also advised SWAPO to introduce a policy of 'national reconciliation' in view of the Namibianisation by the colonial regime of the civil war inside the territory. This came, partly, in the wake of the 1988-89 'spy drama', which received huge media coverage in Western countries and was portrayed as evidence of human rights violations by SWAPO, tarnishing the image of the liberation movement. A perception was created that the South African regime infiltrated the rank and file of SWAPO in exile and internally in order to collect information on the activities and strategies of the organisation. This situation created a great deal of mistrust amongst members of the organisation, whereby units that were responsible for countering 'enemy infiltration' arrested suspected agents and collaborators from within SWAPO camps and combat units. Suspects were kept away from settlements and combat units in Lubango in southern Angola until the commencement of the implementation of UNSC Resolution 435. Thus, the so-called 'Lubango dungeons' came to be known as the place where SWAPO combatants were detained for allegedly spying for the South African regime.

In her book *Pik Botha and His Times*, Papenfus (2011:553) notes that from 1985 onwards, escalating domestic unrest was demanding the increased attention of the South African government. Clearly, South Africa and the US were coming in for growing criticism, both at home and abroad. She Papenfus (2011:564) recounts that Pik Botha met Chester Crocker in Geneva, Switzerland on 14 March 1988, where the US official persuaded South Africa to come to the negotiating table; and, in a letter from then US Secretary of State George Schulz delivered by Crocker to Botha, the US government warned the South African government that South Africa should seize an historic opportunity to embrace the Namibian settlement plan, as failure would exact too high a price. On Cuba, Papenfus (2011:574) pointed out that Fidel Castro wanted a South

African commitment to a UNSC Resolution 435-based settlement, as well as a complete withdrawal of the SADF from Angola, in order to stop the South African 'campaign of psychological intimidation'. Meanwhile, Cuba enlarged its armed forces in Angola and was heavily engaged in skirmishes with the SADF. In Namibia, in 1987, a bomb blast at a local bank in Oshakati killed and injured many people, while school boycotts, strikes in the mining sector, and talk of mutiny in the SWATF were the order of the day.

Papenfus (2011:575) further chronicles that back home in South Africa, on 23 September 1987 Chief George Matanzima's Transkei homeland government was toppled, and on 31 December of that same year another coup took place in which General Bantu Holomisa dethroned Stella Sigcau, then Prime Minister of Transkei. In addition, the homeland defence forces of Bophuthatswana staged a bloodless coup in the early hours of 10 February 1988 and arrested President Lucas Mangope and his entire cabinet. Papenfus (2011:565) also confirmed that tension was building up along the South African-Mozambican border after an ANC attack on a farmhouse near Messina in Limpopo, that right-wing elements (the so-called *verkrampstes*) were exploiting white fears of being overrun by communists, and that there were occasional tensions in the South African regime between diplomats and the military.

4.5 Was Leverage Useful and Successful?

Melber states that leverage was useful to some extent and on certain occasions, but not always so. However, according to Gurirab, Kalomoh and Katjavivi, leverage is a useful tool in any mediation process, but they caution that it has to be employed with circumspection. Gurirab observes that:

...if there are no differences, then you don't need negotiations. You need negotiations because there are differences. Somebody has to give you that assurance that you can change your position without losing the differences between the details and final objective.

They (Gurirab, Kalomoh and Katjavivi) continue that, after the initial successes to get UNSC Resolution 435 (1978) accepted in principle, many obstacles prevented its

implementation for more than a decade. This, in their opinion, was because ‘ripeness’ was hard to find. Leverage was either ineffective or not even applied, with the general change in geo-political terms, especially the election of Margaret Thatcher in the UK in 1979 and of Ronald Reagan in the US in 1981, being the major culprit in protecting South African interests and, in particular, those of the West. They emphasise that with the military engagements at Cuito Cuanavale, Donguena, Tchipa, Ruacana and Calueque towards the end of the 1980s, the conflicting parties exhausted themselves on the battlefield and there was no way out. They believe that that ripened the moment for mediation, and mediator(s) were able to apply leverage to persuade the parties to find a solution to the conflict. As a result, the Tripartite Agreement was signed between Angola, Cuba and South Africa in New York on 22 December 1988.

4.6 What Compelled South Africa to Agree to the Implementation of UN Security Council Resolution 435?

Melber and Saunders (2007:76) note that the failure of South Africa to implement UNSC Resolution 435 for a decade was in part the result of an evasive approach by the South African regime and the West that sought to protect South African and Western interests, instead of confronting the continued illegal occupation of Namibia in breach of international law. Also, US policy, especially under the Reagan Administration, represented South African interests in a way that encouraged South Africa’s non-compliance with the overall expectations created by the WCG on behalf of the UN. This resulted in a considerable delay in the implementation of a process agreed upon in principle.

In Gurirab, Kalomoh, Katjavivi and Melber’s view, among several other factors, South Africa’s agreement to implement UNSC Resolution 435 was informed by the reform policies introduced by President Mikhail Gorbachev in the Soviet Union, the general geo-strategic shift in world politics with the imminent collapse of the USSR, and the rise of popular movements in the countries of the East European communist bloc. The withdrawal of Soviet troops from Afghanistan and Cuban forces from Angola seemed to

have been a deal in return for the withdrawal of South African troops from occupied Namibia.

Nujoma, Gurirab, Kalomoh, Katjavivi and Melber argue that the battle of Cuito Cuanavale was the most important event to cause a shift in the balance of power, in combination with mounting internal pressures both in Namibia and South Africa through popular protest but, not least, through the war resistance movement which was gaining increased momentum. Thus, pressures by the West towards a peace agreement were met by favourable conditions, given the weaker position of the South African government also in terms of domestic approval of its policies. Nujoma, Gurirab and Kalomoh further contend that there was no doubt whatsoever that victory had been won over the apartheid military machine in Angola as a result of the battle of Cuito Cuanavale and other armed engagements. These events, according to them, constitute historic turning points in the struggle for liberation. Since 1977, the SADF had invaded and made numerous incursions into Angola in hot-pursuit of SWAPO guerrillas. But because of the successful outcome of the battle of Cuito Cuanavale, the SADF military were forced to make a complete withdrawal, the independence of Namibia was soon to be agreed upon, and the prospect for South African freedom was also in sight. They recall that before the battle of Cuito Cuanavale and other military engagements in 1987, the South African regime was implacably opposed to any of these outcomes.

Interviews were conducted in April and May 2013 in Windhoek with former Prime Minister, and currently Minister of Defence, Nahas Angula (12 April); Brigadier-General Ben Kadhila, who was the 8th Battalion's Chief of Staff and now Acting Chief of Staff Joint Operations in the Ministry of Defence (12 April); retired General Martin Shalli, former Chief of Operations of PLAN (17 April); and General Charles Namoloh, former PLAN Chief of Staff, Minister of Defence from 2005 to 2012, and currently Minister of Regional and Local Government, Housing and Rural Development (9 May). In their view, the prelude to the battle of Cuito Cuanavale commenced in July 1987 when Angolan government forces (FAPLA) attempted to advance on UNITA's stronghold at Mavinga, the strategic key to the rebel movement's headquarters at Jamba near the Caprivi Strip. According to them, it was believed that a direct attack on UNITA's military

base in the south-eastern corner of Angola would greatly disrupt its supply lines. At the time, SWAPO also had some troops deployed in the north-eastern parts of Angola, near Menongue. When the battle was joined, FAPLA gained the upper hand, inflicting heavy casualties on UNITA forces. Then, in October 1987, FAPLA's advancing 47th Brigade ran into a well-prepared ambush of combined SADF, 32 Buffalo Battalion and UNITA forces at the Lomba River, less than 50km south-east of Cuito Cuanavale. FAPLA suffered heavy casualties as a result of ground and air strikes, but survivors from that battle managed to retreat to Cuito Cuanavale. There was no immediate hot-pursuit of retreating FAPLA forces towards Cuito Cuanavale, as the combined SADF-UNITA forces were probably too cautious and, consequently, they had missed a golden opportunity to capture Cuito Cuanavale. After some reorganisation and regrouping, it became clear that the SADF and its allied forces wanted to occupy the town, and the media portrayed a picture that it was imminent that Cuito Cuanavale would fall to SADF-UNITA forces.

In this context, for over five months Angula, Namoloh, Shalli and Kadhila continue, SADF and its allied forces relentlessly pounded Cuito Cuanavale with massive 155mm G-5 and G-6 self-propelled artillery guns, and staged attack after attack by the 61st Mechanised Battalion (from Walvis Bay, Namibia), UNITA, 32 Buffalo Battalion and, later, the 4th South African Infantry Battalion, the Presidential Regiment, the SWATF, and *Koevoet*. FAPLA, SWAPO and ANC forces held out and were later reinforced by some 1500 Cuban troops that arrived from Cuba in December 1987 with sophisticated war materials and equipment. The Cuban reinforcements were more experienced in terms of air and ground attacks, and Cuban forces inflicted heavy casualties on the SADF allied forces near the Tumpo Triangle, using modern MiG-21 and MiG-23 fighter aircraft. By March 1988, the last major attack on Cuito Cuanavale was “brought to a grinding and definitive halt”, in the words of former 32 Buffalo Battalion Commander, Col Jan Breytenbach (2002). He admitted that many UNITA soldiers perished in fighting on the final day of the battle.

In addition, Angula, Namoloh, Shalli and Kadhila argue that the decisive military developments of April 1988 in the south-western corner of Angola became obscured in

the wake of the battle for Cuito Cuanavale. According to them, the Cuban allied military build-up consisted of combat units of the 40th Cuban Brigade, led by Brigadier-General Enrique Acevedo, and the 19th FAPLA Brigade under Lieutenant-General Joachim Chiloia. Those units were supported by four PLAN Reconnaissance Battalions (Tiger, under Brigadier-General Kadhila, Rhino, Zebra, and Lion) equipped with sophisticated weaponry. Other units included two Cuban regiments of Quadrant and Volga mobile anti-aircraft missiles, a battery of BM-21s, and a powerful radar system capable of monitoring all South African aircraft movements beyond its air bases at Grootfontein and Ondangwa in Namibia, bringing the total number of Cuban allied forces to more than 25 000 troops.

Other important developments the interviewees mention were the rapid construction of air strips by the Cubans at Cahama and Xangongo situated almost 60km north of the Angola-Namibian border, where high-performance MiG-21s and MiG-23s were permanently stationed. These air strips brought the strategic Ruacana and Calueque hydro-electrical dam on the Cunene River within striking range. In addition, they point out that Cuban and allied forces fought decisive battles at Tchipa on 27 June 1988, as well as at Donguena, Ruacana and Calueque. At Donguena, SADF Sergeant Johan Papenfus was captured, while many South African soldiers were killed in action and war materials captured. Also, in June 1988, a squadron of MiG-23s target-bombed the Ruacana and Calueque dam installations, cutting water supply to the northern parts of Namibia and SADF military bases. According to them, more than 13 SADF soldiers were killed in this Cuban air attack. According to Touval and Zartman (2005:13), this can be described as psychological pressure brought to bear on the South African regime to withdraw without losing face.

Furthermore, Angula, Namoloh, Shalli and Kadhila note that the 'stated objective' of the combat readiness of Cuban and allied troops units were two-fold: first, to secure the border between Angola and Namibia in order to facilitate the safe penetration of combat units of PLAN fighters into northern Namibia; and second, to occupy South African military and air force bases in northern Namibia and declare 'a liberated zone'. In the view of the present author, like the SADF and allied forces near the Lomba River,

Cuban and allied forces also failed to seize the initiative to move in and occupy northern Namibia and declare it 'a liberated zone'. That move could have given SWAPO the upper-hand in becoming a crucial player in the negotiation process. However, Namoloh, Shalli and Kadhila acknowledge that they exercised restraint, as all concerned parties (including the US and the Soviet Union) prevailed upon them, looking to find a way out of the impasse at the negotiating table.

In interviews on 26 June 2012 in Windhoek with Ricardo Alarcón, at the time President of the Cuban National Assembly of People's Power, and on 16 October 2012 with Hedelberto Lopez-Blanch, a Cuban journalist, both agree with Namoloh, Shalli and Kadhila, and to some extent with Nujoma, that the battle at Cuito Cuanavale can be described as a defensive victory for the Cuban and allied forces, whereas the military build-up of the same forces in the south-west corner of Angola can be depicted as an offensive campaign towards the Angolan-Namibian border in order to engage the enemy head-on. In their opinion, the South African government was devastated by this development, and it also seemed that the SADF did not have sound intelligence/information on the intention of those forces: whether they would stop at the border, or cross into Namibia and occupy the northern part of the territory. But, clearly, those battles spelled the end of foreign aggression.

Alarcón and Lopez-Blanch are of the opinion that the withdrawal of the SADF from Angola was a face-saving measure at the negotiating table. Cuban and allied forces had won something special: the end of colonialism and apartheid in Namibia, and an end to South African and foreign military aggression against Angola. They note that technically and in military terms, '... it is always more easy "to climb" the mountain, than "to descent" from it in a chaotic manner. To retreat honourably and prevent a counter-attack by Cuban and allied forces, South Africa agreed to come to the negotiating table in order to pave the way for the safe passage and total withdrawal of its forces, not only from Angola, but also from Namibia. Alarcón, Lopez-Blanch, Namoloh, Shalli and Kadhila argue that this development had changed the course of Namibian history, in particular, and the history of the southern African sub-region, in general.

Shubin (2008:112) confirms that the debacle of South Africa and UNITA at Cuito Cuanavale and the advance of Cuban and allied forces towards the Namibian border, created favourable conditions for the completion of talks on an Angolan-Namibian settlement deal which were acceptable for Luanda and Havana and for the signing in December 1988 of the New York Agreements. In his book, *The Hot “Cold War”: The USSR in Southern Africa*, Shubin (2008:112) quotes Anatoly Adamishin, who is of the opinion that South Africa would not have left Angola of its own free will had it not faced a serious dilemma: to wage a full-scale war against the Cubans, to declare total mobilisation, to risk the spilling of a lot of blood (mainly of whites), or to settle for a compromise. Adamishin further states that Cuban military pressure brought about equilibrium on the battlefield owing to the Soviet Union’s support (including, crucially, huge supplies of modern weaponry) which, in the present author’s opinion, was a trend-setter for the talks that had to follow.

On the importance of the Cuito Cuanavale battle which is flavoured in every possible way by different sides to the conflict, Dr Sue Onslow interviewed Pik Botha, former South African Foreign Minister in Pretoria on 15 July 2008. Botha’s view was that there was no battle at Cuito Cuanavale. FAPLA/Cuban forces, supported by Russian military advisers and modern Russian weaponry endeavoured to cross the Lomba River twice but suffered the heaviest losses ever in their military campaigns. Botha stated that South Africa had no intention of capturing Cuito Cuanavale, but rather of preventing FAPLA/Cuban forces from regrouping and launching another assault on UNITA’s headquarters and base at Jamba.

However, this assertion is dismissed as untrue by Namoloh, Shalli, Alarcón, Lopez-Blanch and Kadhila. They note that in war there are always casualties, soldiers losing their lives, while loss of and damage to weaponry was inevitable: these are all the consequences of war. If the SADF did not harbour ill-intent: why would South Africa commit forces and weaponry to a decisive battle for a small town like Cuito Cuanavale if it had no intention to capture it? Could it be that the SADF was using blacks and mercenaries in this unjust war and, therefore, did not care much for the loss of life of its soldiers and destruction of weaponry? Or did South Africa come to realise the cost in

human life, particularly the lives of young white conscripts whose deaths would have negative political repercussions back home? They mention that there was a rumour of mutiny by conscripted troops of the SWATF, as they were allegedly placed as human shields in front of white troops to bear the brunt of fighting.

According to Alarcón, Namoloh, Lopez-Blanch and Gurirab, the efforts of the Cuban and allied forces in bringing the Cuito Cuanavale battle to a 'grinding halt' and, then, decisively seizing the initiative to stage an offensive in the south-western corner of Angola was similar to the great turning-point in the Second World War, when Nazi forces were halted at Stalingrad at the end of 1942 and, subsequently, driven back to Berlin. In their opinion, Cuban MiG-23s had demonstrated their air superiority over the aged Mirage jet fighters of the South African Air Force. As a result, command of the skies placed the network of SADF bases in northern Namibia in mortal danger. Shalli, Kadhila and Alarcón note that MiG-23s controlled the airspace and 'terrorised' the Namibian skies without any threat of retaliation. One MiG-21 was even crash-landed near Mount Etjo in the central-northern region of Namibia about 700km from the Angolan-Namibian border.

According to Gurirab, Alarcón, Namoloh, Shalli and Kadhila, the battles of Cuito Cuanavale, Tchipa, Donguena and Calueque impressed on the South African government that Cuban and allied forces could stand their ground. It also came to the realisation that negotiation was the only viable option for finding a settlement to the conflict in south-western Africa, not war. According to Cuban President Fidel Castro the military situation in May 1988 compelled South Africa to accept a solution that would prevent the liberation of Namibia from being achieved through warfare. Angel Dalmau-Fernandez served as a senior diplomat at the Cuban Embassy in Luanda during the early 1980s. He was Cuban Ambassador to Namibia and South Africa from 1990 to 1994, and again from 1994 to 1998. During a lecture, *Cuba and Africa 1975-1990* at the University of Namibia on 27 October 2011, Dalmau-Fernandez argued that it was not evidently US skills and wisdom (as Crocker claims) that made possible the end of that protracted war and secured Namibia's independence. He points out that when Angolan, Cuban and South African officers, and US officials, met in Cape Verde on 22 July 1988

to negotiate a ceasefire, Pretoria had no choice but to accept a Cuban proposal. This proposal included the withdrawal of all SADF troops from Angolan territory by 1 September 1988, independence for Namibia through UNSC Resolution 435 in early 1990, and the return of Cuban troops to their country by the summer of 1991. Shubin (2008:112) points out that Adamishin, who participated in peace negotiations on behalf of the USSR, is in agreement with this view.

Fidel Castro was of the opinion that the South African government had to set aside its usual arrogance and sit down at the negotiating table. Diplomacy had to be given a chance, producing the Tripartite Agreement between Angola, Cuba and South Africa, and the Bilateral Agreement between Cuba and Angola for the withdrawal of Cuban troops from Angola, followed by the independence of Namibia on 21 March 1990. In a newspaper article by Joseph Treaster in *The New York Times* of 28 July 1988, Castro stated unequivocally that the battle of Cuito Cuanavale contributed to a political solution for the conflict situation in south-western Africa.

In an interview with Mark Perry of Conflict Forum in Washington, DC on 25 July 2007, Chester Crocker admitted that in 1988 the Cubans escalated the war against the SADF -- they raised the ante, the skies belonged to them. Though he was initially opposed to Cuban participation in negotiations, given the seriousness of the military situation on the ground he had no choice but to recommend to the Reagan Administration to accept Cuba's presence at the negotiating table. With Cuban involvement, negotiations took a serious turn and the time for procrastination and 'playing games' was over. In his book, *High Noon in Southern Africa: Making Peace in a Rough Neighbourhood* (1992), Crocker admits that when the Cuban delegates entered the conference room, the intensity and tone of talks were about to change for good. The parties had exhausted themselves on the battlefield and the time was 'ripe' for a mediator to apply leverage on them to resolve the conflict. In the Perry interview, Crocker observed that every conflict situation needs a valid negotiating partner who can deliver. In the Namibian case, the Cubans emerged as a valid spokesman who could negotiate with the South African regime. He continued that the South Africans and Cubans needed each other; they were each other's lifeline for exit from a war that was too costly for both sides. In

contrast, towards the end, the Angolans were almost observers and bystanders as negotiations progressed.

Two of the present author's colleagues, former MK veterans, agreed with most of the viewpoints of the respondents, presented above. They observe that as recently as 2004, they travelled to Cuito Cuanavale to pay homage to the MK and SWAPO combatants, as well as Cuban and FAPLA soldiers, who fell during the battle of Cuito Cuanavale. They visited the Tumpo Triangle where a final decisive battle took place, where they found the human remains (skeletons in SADF and UNITA uniforms) still trapped in the bank of the Cuito River and a huge amount of abandoned war material. According to the MK veterans, when this information was presented to former SADF military commanders they flatly denied this. But, in Papenfus' book, *Pik Botha and His Times* (2011:570), Botha acknowledges that it was an "unquestionable truth", referring to the battle that was fought at the Tumpo Triangle. And, quite ominously, then President of the ANC Oliver Tambo, in a live interview with the Zimbabwe Broadcasting Corporation Television network in April 1987, declared that the ANC would increase its underground activities in South Africa and it was ready to make South Africa ungovernable through mass political mobilisation and violence. In the view of the present author, the above events set the pace that contributed to a situation where the South African government eventually had to agree to the implementation of the UNSC Resolution 435.

4.7 Challenges Faced by the Mediator(s) in the Mediation Process

Iji (2011:641) points out that the WCG as a multilateral mediator had to face many challenges, one of which was the issue of co-ordination. Though they shared similar views, it was difficult to reach consensus on many pertinent issues, especially when there were a change in government resulting in policy shifts in some participating countries. Vergau (2007) notes that a crucial challenge the WCG faced as a collective mediator was leadership to drive the process forward. The contact group held a series of intensive ad-hoc meetings and hosted many rounds of negotiations during the process. But there was no chairperson to conduct the meetings, and the task of making

public statements was undertaken on a rotating basis. Also, one of the most notable challenges to WCG multilateral mediation that turned out to be quite divisive was when the contact group failed to reach agreement on the difficult issue of 'linkage' of the withdrawal of Cuban troops from Angola to the independence of Namibia, which Crocker and other American policy-makers in the Reagan Administration explicitly put at the top of the negotiations agenda in 1981. The division deepened between the US and the other four members of the WCG and became irreversible, to the extent that France left the contact group in December 1983, later followed by Canada. Another challenge was that the WCG began to lose the ability to co-ordinate and mediate as a cohesive team, effectively becoming obsolete in 1982. The US Administration then took over the mediation process until the settlement of the conflict towards the end of the 1980s.

According to Melber, Gurirab, Katjavivi and Kalomoh, the challenge mediator(s) faced before the adoption of UNSC Resolution 435 was the Cassinga massacre of 4 May 1978, which was an attempt to make it impossible for SWAPO to accept the peace plan. In their opinion, it was mainly through the efforts of the FLS and other allies of SWAPO that the movement was forced to play along. In any case, the pre-implementation conference in Geneva stood no chance to make any progress as a result of the election outcome paving the way for Zimbabwean independence under a Zimbabwe African National Union (ZANU) government, combined with conservative governments being elected in the UK (Thatcher) and the US (Reagan). In their view, linkage was a result of that constellation of events, blocking any further steps for most of the 1980s. They also note that other serious challenges were the events following 1 April 1989, when fighting between the SWATF, *Koevoet* and PLAN combatants continued for almost 10 days in northern Namibia, putting the implementation process in danger. It was alleged that heavily armed PLAN combatants infiltrated northern Namibia to hand themselves over to UNTAG forces and to be confined to designated military bases, in accordance with UNSC Resolutions 385 (1976) and 435 (1978). Hostilities between PLAN and South African forces erupted and lasted for nine days. In the end, only the concerted efforts of all parties involved in the mediation process, with the participation of SWAPO, seem to have rescued the implementation of UNSC Resolution 435 (1978).

On the eve of 31 March 1989, Pik Botha wanted to derail the peace process by discrediting SWAPO as the spoiler in the implementation of UNSC Resolution 435. He informed UN Special Representative Martti Ahtisaari of a SWAPO incursion on that weekend, too late for the UN to take remedial action before the 1 April 1989 deadline. Ahtisaari was faced with 'the awesome sight' of Botha and Margaret Thatcher bearing down on him to demand approval of the SADF action. As a result, Ahtisaari had no option but to sanction South African forces to take appropriate action against the incursion. Subsequently, the defence ministers of the FLS met in Lusaka on 12 May 1989, calling on the UN Special Representative, who approved the SADF's action against SWAPO guerrillas, 'to put his house in order'. SWAPO, for its part, denied any wrongdoing and declared that it had acted in accordance with the provisions of UNSC Resolution 435.

Another challenge was the slaying of a prominent SWAPO member, Advocate Anton Lubowski, who was assassinated on the eve of the arrival in Namibia of Sam Nujoma, President of SWAPO, to participate in the election registration process after spending 30 years in exile. Apparently, the South African government's tactic was to make the security situation in Namibia even more volatile, thereby instilling fear in returnees, especially in the returning SWAPO leadership. Despite this threat, Nujoma insisted on returning home and arrived in Windhoek in September 1989 to register for the November 1989 general elections. Most of the SWAPO leadership who were about to arrive in Namibia would have changed their minds if it was not for FLS efforts to persuade them to return to Namibia.

The implementation of UNSC Resolution 435 (1978) fits neatly into Zartman's 'ripeness theory' (1989, 2000 & 2001). The conflict in Namibia was eventually resolved through the mediation efforts of the WCG and later by Chester Crocker, representing the US Administration, but it took more than 10 years for a ripe moment to present itself. Crocker observes in the interview with Perry (2007) that there were lots of foreplay, a lot of polemics, a lot of testing and muscle-flexing, besides the use of a combination of sticks and carrots (leverage).

Finally a resolution to the Namibian conflict was found, formalised by the signing of a Tripartite Agreement between Angola, Cuba and South Africa, as well as a separate Bilateral Agreement between Cuba and Angola, on 22 December 1988 in New York. These agreements provided for the withdrawal of Cuban forces from Angola and South African troops from both Angola and Namibia, and the implementation of UNSC Resolution 435 for the independence of Namibia. In the end, elections were held under the supervision and control of the UN, SWAPO winning an outright majority to form a government, but less than the two-thirds majority required to draft a constitution on its own terms. This was, indeed, a win-win solution for Namibia and the entire African continent.

4.8 Findings

As explained above, leverage was brought to bear on the parties by means of diplomatic exchanges, resolutions of the UN General Assembly and the UN Security Council, multilateral and bilateral negotiations, threats, armed confrontation on the battlefield (in fact, all-out war), and economic and military sanctions. In the research findings, the role of patrons (in SWAPO's case, the FLS and Nigeria; and in South Africa's case, the WCG) was also acknowledged as a source of leverage.

With regard to South Africa, leverage manifested itself in two forms, through internal and external dynamics. Clearly, the internal dynamics worked against South Africa in Namibia. But, internally within South Africa, the South African government also realised that sanctions imposed by the Western powers made a real impact and had serious economic implications. The ruling National Party (NP) was split into two factions: the *verligte* or liberal faction under Pik Botha, and the *verkrampste* or conservative faction under President P.W. Botha. The liberal faction was of the opinion that if there was no change, South Africa would be compelled by the simple force of events to change, events over which it would have no control. The *verkrampste* faction believed in a conspiracy of closely related forces, particularly SWAPO, and that those forces represented the advance and progression of communism. The conservatives, therefore, believed in a strategy to be pursued against the 'total onslaught' of these communist

forces, a strategy which should be employed at all costs. They clung to the 'hearts and minds' theory of counter-revolutionary warfare, which included a combination of political and security dimensions. To them, as a terrorist organisation, SWAPO had to be eliminated or totally weakened in order to prevent it from hoisting the communist flag in Windhoek.

Sometime during 2008 or 2009, Namoloh had an informal meeting in Windhoek with General Jannie Geldenhuys, SADF Chief of Defence at the time, who confirmed that he repeatedly told President P.W. Botha and Minister of Defence, Magnus Malan (and, probably, the entire South African cabinet), that the situation on the ground was not conducive to the continuation of the war and suggested a way out through negotiation. He admitted to Namoloh that such a concern was transmitted to the mediator, Chester Crocker, in both Cairo and Brazzaville, namely that a negotiated settlement was the only viable option, not war. According to Geldenhuys, the President and Minister of Defence were in favour of a military solution, whilst Pik Botha and his colleagues were in favour of a negotiated settlement. However, this assertion could not be corroborated with General Geldenhuys personally.

Another form of leverage was external by way of political, economic and diplomatic pressure exerted by the international community through the UN. Western countries, who had heavily invested in the economic, security and geo-political sectors within South African society, put a huge amount of pressure on the South African government to agree to a settlement. In order to protect their own interests and that of South Africa, they realised that they should control change, lest the forces they perceived to be radical took over. However, it was in the present author's view, a convergence of factors that served as leverage on the South African government to change its approach and, eventually, the leadership within the National Party. As a result, F.W. de Klerk succeeded P.W. Botha as President and meaningful change came about: he downgraded the State Security Council (SSC) and the National Security Management System (NSMS), which were in the ascendancy during the years of the Botha presidency. Other tangible change was the granting of independence to Namibia, the release of Nelson Mandela and other political prisoners, and the commencement of

negotiations with the ANC under the umbrella of the Convention for a Democratic South Africa (CODESA). David Breier, political correspondent of *The Sunday Times* (24 September 1989), claim that P.W. Botha was removed by votes of no-confidence in the NP Federal Council, the NP Parliamentary Caucus, and the Cabinet. As Crocker, Hampson and Aall (1999:21) point out, a skilful mediator has to utilise a variety of sources of leverage by exploiting changes in military balance or changes in party leadership. The foregoing scenarios, therefore, created opportunities for the mediator(s) to use leverage in the mediation process.

One can also speculate that there was an informal understanding between the South African regime, mediator(s) and some patrons (the Western powers) that the Namibian decolonisation process would be considered as a laboratory test for negotiated and controlled change, preparing the ground for a similar transition at home in South Africa towards a post-apartheid society under majority rule, but with a large degree of continuity in economic power and control over the country's resources. This carrot might have served as a real form of leverage. It might be speculated further that there was a kind of assurance from mediator(s) or patrons that if things went horribly wrong under a SWAPO government in Namibia, South Africa would be free to intervene militarily.

Most of the respondents express the opinion that if it was not for Cuba who raised the ante on the battlefield, a resolution of the conflict in south-western Africa would have been doomed to failure, resulting in the installation of a UNITA government in Luanda, the expulsion of national liberation movements from Angola, and the continuation of colonialism and the apartheid systems in Namibia and South Africa, respectively. They further maintain that the battles of Cuito Cuanavale, Donguena, Tchipa, Ruacana and Calueque were trend-setters that jolted the apartheid security forces, leading to an agreed and negotiated settlement. With Cuban air superiority through the deployment of MiG-23s, the South African regime agreed to withdraw not only from Angola but also from Namibia, paving the way for the implementation of UNSC Resolution 435 (1978) that brought about the independence of Namibia on 21 March 1990.

4.9 Conclusion

It was, therefore, a convergence or combination of internal and external pressures that served as change-setters: the South African economy was on the brink of collapse, the morale of SADF troops on the battlefield was very low (as they had never encountered a combination of air and ground bombardment since 1977), South Africa could not run and sustain a costly war indefinitely, casualties were escalating, the discontent of parents on the home front (criticising the government for letting their children die on foreign soil), and the loss of equipment suffered during armed confrontations (amongst others at Cuito Cuanavale, Tchipa, Calueque and Ruacana) --all these factors enabled the mediator(s) and patrons to bring leverage to bear on the South African regime to accept political change. Similarly, with the collapse of communism in the Soviet Union it was clear that leverage could be applied on South Africa by the mediator(s), namely that the fear of 'communism' was no longer relevant -- hence, change could now be accepted.

Leverage on SWAPO was exerted by the FLS and Nigeria, specifically by Agostinho Neto of Angola, Julius Nyerere of Tanzania and Olusegun Obasanjo of Nigeria, for the movement to accept the independence of Namibia without Walvis Bay. The FLS assured SWAPO, however, that they would ensure that the terms of UNSC Resolution 432, declaring Walvis Bay and the offshore islands as integral parts of Namibia, would be honoured, and that these would be reintegrated into Namibian territory after independence. Another form of leverage SWAPO had to contend with was the political and economic crises within the Soviet Union and the whole East European communist bloc. As stated above, leverage can be either 'soft' or 'hard' and can be manifested through patrons, if those patrons hold a monopoly on assistance to its clients. In this context, the political and economic weakening of the Soviet Union served as leverage on SWAPO as it was losing the support of a patron, support it had enjoyed for several decades. But it must be stated that despite the fact that the Soviet Union was increasingly weakened, it still had a decisive card to play in the form of the supply of

MiG-21s and MiG-23s to the Cuban forces. Cuba had to count on the Soviet Union for not only these but the supply of other sophisticated military hardware.

With regard to whether leverage was a necessary tool in the mediation process, all respondents and the present author agree that it was, indeed, a necessary and useful tool. They point out that mediator(s) had to persuade, do some arm-twisting, issue assurances, make threats, consult patrons, and use the good offices of friends and influential leaders in society in order to move the conflicting parties towards a compromising mode and to find a lasting solution to the conflict. But most of them also express the opinion that leverage should be used with circumspection, the reason being that if one of the conflicting parties happened to be a fanatic believer and it had, for example, access to a nuclear device or weapons of mass destruction, if pressed hard enough it might be forced to act irrationally.

Chapter 5: Conclusion

This chapter compares the processes of negotiation and mediation --through intense international efforts by both the WCG, under the UN framework, and the US Administration -- to resolve the conflict in the south-western region of Africa. It also examines the successful conflict management process that culminated in the conclusion and signing by Angola, Cuba and South Africa of two important documents: a Tripartite Agreement signed on 22 December 1988, which paved the way for the implementation of the Namibian Settlement Plan on 1 April 1989, followed by a general election in November 1989, the drafting of a constitution by the elected Constituent Assembly, and the declaration of Namibian independence in early 1990. The second, a Bilateral Agreement between Angola and Cuba provided for the staged withdrawal of Cuban troops from Angola by the end of 1991, the establishment of a JMC, and UNAVEM.

Three important concepts developed by Zartman were examined: the concept of a 'hurting stalemate', the notion of a 'ripe moment' for finding a solution, and the idea of a 'valid spokesman' (mediator) for guiding the conflicting parties to a settlement. The case study of the implementation of UNSC Resolution 435 was applied to these concepts in order to explore the following questions: The extent to which leverage was used in the Namibian mediation process? How the mediator(s) applied leverage? What resources were brought to bear on the parties to the conflict? Which of the parties and at what point in the process? And, did leverage prove to be a useful and successful tool? Several other issues were also discussed: the advantages and disadvantages of multilateral mediation, the limitations and constraints inherent in trying to build consensus, the extent to which incentives for state intervention change regularly, the role of mediators in facilitating the peace process, and the ability of mediators to exert leverage by effectively formulating, communicating and manipulating the proffered incentives.

The study clearly shows that the WCG, as a multilateral mediator, was better equipped to play the role of a formulator, its credibility being enhanced as its mediating role was accepted by South Africa, SWAPO, the FLS, and the international community. On the

other hand, the bilateral mediator (the US Administration), although also accepted by the conflicting parties, was perceived in certain quarters to be biased towards South Africa. The study also points to the fact that multilateral mediation (such as by the WCG) relied more on an ad-hoc *modus operandi*; that constraints or limitations were experienced in building consensus due to contrasting national interests; that, nevertheless, some leverage and influence, either directly or indirectly, were exerted on the conflicting parties at different times in the process; but, crucially, that there was a lack of leadership to drive the mediation process to a successful conclusion. In contrast, the leverage exerted by patrons (the FLS, and the US Administration) on the conflicting parties (SWAPO, and South Africa) have facilitated the successful mediation process towards Namibian independence.

One could conclude that since 1946, South Africa found itself subjected to international pressure on two fronts: its domestic racial segregation policies (apartheid), and the status of South West Africa/Namibia. Despite numerous attempts to curry favour especially with Western countries, the South African government had done nothing to deal with the situation. The status quo remained firmly entrenched amid various UN resolutions declaring the occupation by South Africa of Namibia illegal, and urging the South African government to reform its apartheid policies and grant independence to Namibia. The 'winds of change' initiated by Ghana's independence in 1957 resulted in the decolonisation of most African countries by the late 1970s. The establishment of the OAU helped to shift the policy debate at both international and regional levels, and the right to self-determination became the common foreign-policy objective of all African countries. Hence, the Namibian problem became an issue of global concern.

It can also be concluded that since the inception of the League of Nations in 1919, followed by the United Nations in 1946 and then the OAU in 1963, all these organisations continued to apply diplomatic pressure for the complete decolonisation of the African continent. Consequently, the international community ratcheted-up its campaign for economic, political and diplomatic sanctions, and the total isolation of the South African regime. The costs of war in Angola continued to escalate during the 1970s and 1980s, whilst maintaining the administrative structure in Namibia and the

subsidisation of its economy placed an increasing burden on the South African budget. Sanctions, as spelled out in Chapter 7 of the UN Charter, were amongst the many pressures that were brought to bear on the South African regime in order to nudge it towards a negotiated settlement on Namibia. Moreover, the UN arms embargo started to bite when it prevented the regime from replacing obsolete French Mirage fighter planes, thus causing the SADF to relinquish air superiority to the Cubans.

Sanctions stopped Rössing's customers, among them British and Japanese utility companies, from renewing their uranium-purchasing contracts, and it stalled the development of the Koeberg nuclear-power station in South Africa. International financial institutions refused to continue making loans to the South African regime, especially after the infamous 'Rubicon Speech' of 15 August 1985. According to Herbstein and Evenson (1989:176) foreign debt escalated, totalling some US\$22bn by the end of the 1980s. Sanctions were also extended to include refusal of landing rights to South African civilian aircraft, as well as an embargo on all military and defence equipment. The toughest sanctions were those contained in bills sponsored in the US Congress by Democratic Party Representative Dellums and Senator Cranston. Amid international isolation and sanctions, it was clear that the South African regime had to contend with an exceedingly hostile internal and external environment in which numerous pressures were at work that would eventually persuade or coerce the regime into mending its ways both at home and abroad.

On the issue of internal pressure, it seemed that the South African government was largely concerned about possible adverse white reaction to its agreeing on a Namibian settlement in terms of UNSC Resolution 435. In this case, *verkramptes* and the *Herstigte Nasionale Party* (HNP) under Dr Albert Hertzog, closely linked to the right-wing *Broederbond* in South Africa and Namibia, campaigned against liberal policies that were perceived to be selling out whites to blacks. Having been based in Botswana to monitor the situation in South Africa, the present author noticed that the ruling NP had split into two camps: white liberals who were of the opinion that reforms did not go far enough in response to a very precarious situation, and conservatives who felt that the government was going too far in acceding to the wishes of the other camp. Against this

background, there was serious disagreement between the conservatives (hawks) led by President P.W. Botha, and the liberals led by Foreign Minister Pik Botha, amid suspicions that the negotiating team on Namibia, led by Pik Botha, was not properly briefing the government in order to enable it to take informed decisions.

One could also conclude that the conduct of war in Angola and the continuation of armed conflict in Namibia provided the pretext for Soviet and Cuban involvement in Angola until there was an assurance that Namibia would get independence. Also, the conduct of war in Namibia was a heavy burden on the South African regime. The emergence of conscientious objectors amongst the Afrikaner youth in South Africa and German youth in Namibia, refusing to fight an 'unjust war' against black fellow countrymen was, in the present author's opinion, a heavy blow to the South African regime. In Namibia, males among the black youth refused to join the SWATF, *Koevoet* and other operational units, while some young white Namibians avoided conscription by joining SWAPO in exile. Thousands of young men left the country, either before conscription or after completing their national service.

One has to conclude that 1988 marked a breakthrough in US mediation, persuading all the conflicting parties involved in the negotiations to find a political solution. Chester Crocker demonstrated his resilience in search for an internationally acceptable solution to the Namibian independence issue. But, he may have complicated his task by the introduction of 'linkage', which made a peace settlement just more difficult. However, once the military stalemate on the ground was recognised, linkage became a means for face-saving and for addressing the differences of the conflicting parties.

A skilful mediator utilise different sources of leverage by exploiting a change in military balance on the ground, or a change in party leadership. This scenario unfolded when the conflicting parties exhausted themselves on the battlefield, with the military campaign ending in stalemate at Cuito Cuanavale, Donguena, Tchipa, Ruacana and Calueque, and a change in NP leadership came when P.W. Botha was replaced by F.W. de Klerk. The SADF allegedly lost these battles and the war, and was forced to negotiate and agree to the withdrawal of its troops from Angola and Namibia. The conclusion can be drawn here that these battles served as enablers for the positive

outcome of negotiations. Since 1987, the military situation worsened considerably as the size and intensity of armed engagements significantly raised the stakes for both conflicting parties, and the war became very costly in terms of loss of life and equipment. During 11 years of arduous mediation, many opportunities presented themselves for the withdrawal of Cuban and South African troops from Angola and Namibia. But now the 'ripeness of the moment' presented itself. The superior combat readiness of Cuban and allied forces on the south-western border of Angola, if only temporary, was reluctantly recognised by the mediator, the US Administration. So much more, then, a scenario of 'winner-takes-all' had to be avoided, and a 'win-win' solution found in accordance with the principles of mediation.

Thus, the mediator brought leverage to bear on the conflicting parties to find a political solution rather than rely on a military victory; and, as a result, no party would suffer the humiliation of having to surrender to the other. The outcome of the negotiations was the signing of the Tripartite Agreement between Angola, Cuba and South Africa that paved the way for the withdrawal of South African troops from Angola and Namibia, the staged withdrawal of Cuban troops from Angola, and the granting of independence to Namibia in accordance with UNSC Resolution 435 (1978). One can also conclude that the conflicting parties seem to listen to the counsel of, and take advice from, patrons rather than those offered by mediators. Confidence-building measures, therefore, apply equally to the conflicting parties than to individuals and patrons, whose influential good offices are absolutely necessary for enabling mediators to exert leverage in the negotiations process.

In the research project, it emerged that SWAPO as a main player in the conflict was not included in the negotiation for the independence of Namibia until the events of 1 April 1989 broke out. A lesson that could be learned from such (deliberate) oversight is that any future workable settlement to succeed or sustain should involve all major parties to the conflict to prevent any possible spoilers during and after the mediation process. A lesson can also further learned that for a mediator to select parties to negotiate with, whilst leaving out so-called extremists parties may trigger some acts exclusion leading

to violence. The inclusive process may therefore, diminish any possible appetite of spoilers to undermine efforts of peace process.

It was, however, a momentous achievement that the Angolan government and UNITA signed a Comprehensive Peace Accord in Lisbon, Portugal, in 1991. Also, President Joaquim Chissano of Mozambique and his *Frente de Libertação de Moçambique* (FRELIMO) government made concerted attempts to bring Renamo to the negotiating table in 1991, and negotiations between the ANC and the South African government started in earnest to bring about democracy and equal opportunity for all. Thus, peace, stability and reconciliation were suddenly within grasp in the southern African region, paving the way towards and promising dividends for economic reconstruction and sustainable development. Consequently, the vocabulary changed from conflict resolution to regional socio-political, economic and cultural integration through the SADC. The region is now poised to become a formidable force not only in achieving positive economic growth, but shared values, by pursuing common objectives at regional and international levels. In responding to its international obligations, the region is actively participating in peace-keeping missions globally. In the case of Namibia, it has contributed troops to peace-keeping missions in Angola, the Democratic Republic of Congo (DRC), Cambodia, East Timor, Sierra Leone, Liberia, the Sudan, Somalia and many other places around the world.

With regard to the use of leverage, it becomes apparent that one cannot be involved in a mediation process without using some form of leverage. The present author would recommend, therefore, that mediator/s be careful not to be so forceful in their use of leverage that it would upset parties to the conflict. Harsh action would undermine the sought-after perception of neutrality and, ultimately, the effectiveness of the mediator. However, in the event of applying leverage, it must be used with circumspection, the reason being that if it is exerted too aggressively, it might backfire by triggering a counter-escalation. The tragedy in Rwanda is a case in point. Rwanda paid a very high price in the Arusha Agreements for the exclusion of the extremist faction: *Coalition pour la Defense de la Republique*, which became the main perpetrator of the subsequent genocide.

Throughout the whole range of interviews it was quite evident that all the respondents offered honest opinions based on their own experiences during the mediation and negotiations processes. It also became clear that leverage was a useful and necessary tool in the Namibian mediation process as all parties to the conflict pursued different objectives and had their own agendas. These objectives had to be reconciled; hence, mediator(s) had to utilise persuasion and manipulation as sources of leverage. Indeed, interviewees confirmed that in the Namibian mediation process, leverage was used by different mediator(s) and patrons at different times. The multifarious roles played in the mediation process by the good offices of patrons, eminent persons, and the great powers are acknowledged and appreciated as sources of leverage.

In reading through the literature that deals with the implementation of UNSC Resolution 435 (1978), it was evident that the issues surrounding the battle of Cuito Cuanavale as an enabler of serious negotiations always had the ability to raise different emotions when it came to interpretation of the facts. There are so many different and contradictory versions that separating fact from fiction, finding the truth from a myriad of sources, is a very challenging exercise indeed. Even within academia, people are divided on this; different authors relate different narratives, and each side claim victory. Perhaps it is fair to say that every party to the conflict has its own interpretation of what really happened.

In view of the different accounts above, the present author recommends that researchers undertake the necessary in-depth study, given the importance of what happened at Cuito Cuanavale, naturally in collaboration with the belligerents at the time, in order to tease out the facts of what really happened. It would also be an ideal opportunity to hear the views of the personalities who were directly or indirectly involved in the negotiations process in order to arrive at an objective conclusion. In this way further lessons could be learned with a view to the use of military means as a source of leverage.

Bibliography

- Bercovitch, J. 2002. Assessing the Contingency Model of Third-Party Intervention in Successful Cases of Pre-negotiation. *Journal of Peace Research*, Vol. 3: 311 – 329.
- Bercovitch, J. 1997. “Mediation in International Conflict. In William I. Zartman and J. Lewis Rasmussen, Eds, 125 – 153. *Peacemaking in International Conflict*. Washington D.C: United State Institution of Peace Press.
- Bercovitch, J., J.T. Anagnoson, and D. Wille. 1991. “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”. *Journal of Peace Research* Vol. 28, No. 1: 7-17.
- Berridge, G.R. 1991. *The Return to the UN: UN Diplomacy in Regional Conflicts*. New York: St. Martin’s Press.
- Breytenbach, J. 2002. *The Buffalo Soldiers*. Galago Publishing House, South Africa.
- Chan, S., and V. Jabri. 1993. *Mediation in Southern Africa*. London: Macmillan.
- Crocker, C. 1992. *High Noon in Southern Africa: Making Peace in a Rough Neighbourhood*. W.W. Norton & Company, New York. Printed in the United States of America.
- Crocker, C., F.O Hampson, and P. Aall. 1999. *Herding Cats: Multiparty Mediation in a Complex World*. Washington, DC: United States Institute of Peace Press.
- Dalmau-Fernandez, A. “Cuba and Africa, 1975-1990”. Lecture at the University of Namibia, Windhoek, 27 October 2011.
- Deng, F., and I.W. Zartman. 2008. *Conflict Management and African Politics*, eds. Routledge, 70 Madison Ave, New York, NY 1006.
- Deng, F., and I.W. Zartman. 1991. *Conflict Resolution in Africa*, eds. Brooking Institution.
- DFA (Department of Foreign Affairs). 1989. *Namibian Independence and the Cuban Troops Withdrawal*. Pretoria: Department of Foreign Affairs.
- Geldenhuys, D.J. 1984. *The Diplomacy of Isolation: South African Foreign Policy-Making*. Macmillan South Africa (Publishers) (Pty) Ltd. Braamfontein, Johannesburg. Published for the South African Institute of International Affairs (SAIIA).

- Gleijeses, P. 2009. *From Cassinga to New York: The Struggle for Independence of Namibia*. In Sue Onslow, Eds, *Cold War in Southern Africa: White Power, Black Liberation*, London Routledge, 2009: 201 – 224.
- Green, R.H. 1995. “Namibia: From Blood and Iron to Reconciliation”. In *Conflict in Africa*, edited by O. Furley, Chapter 10, London and New York: I.B. Tauris.
- Haass, R. 1990. *Conflicts Unending: The United States and Regional Disputes*. New Haven, CT: Yale University Press.
- Hampson, O.F. 2005. *Nurturing Peace: Why Peace Settlements Succeed or Fail*. Washington, DC: United States Institute for Peace.
- Herbstein, D., and J. Evenson. 1989. *The Devils are Among Us: The War for Namibia*. London: Zed Books.
- Iji, T. 2011. “Contact Group Diplomacy: The Strategies of the Western Contact Group in Mediating the Namibian Conflict”. *Journal of Diplomacy and Statecraft Vol.22*: 634-650.
- Kelman, H.C. 1958. “Compliance, Identification, and Internationalisation: Three Processes of Attitude Change”. *Journal of Conflict Resolution Vol. 2*: 51-60.
- Kleiboer, M. 1994. “Ripeness of Conflict: A Fruitful Notion”. *Journal of Peace Research* 31 (1), February: 109-116.
- Kleiboer, M.1996. “Understanding Success and Failure of International Mediation”. *Journal of Conflict Resolution* 40 (2), June: 360-389.
- Krasno, J.,B.C. Hayes, and C.F.D. Daniel, ed. 2003. *Leveraging for Success in UN Peace Operations*. “Leveraging Namibian Independence: A UN Success”. Greenwood Publishing Group, USA.
- Kuperman, A.J. 2008. *Ripeness, Bargaining and Mediation*, edited by T. Lyons, and G. Khadiagala, in *Conflict Management and African Politics*. New York: Routledge.
- Maundi, O.M., I.W. Zartman, G. Khadiagala, and N. Kwaku. 2006. *Getting In: Mediator’s Entry into the Settlement of African Conflicts*. Washington, DC: United States Institute of Peace Press.
- Melber, H. and C. Saunders. 2007. “Conflict Mediation in Decolonisation: Namibia’s Transition to Independence”. *Afrika Spectrum* 42 (1):73-94.
- McHenry, D. 1990. *Nation-Building: The United Nations and Namibia*. Washington, DC: National Democratic Institute for International Affairs.

Nathan, L. 1999. "When Push comes to Shove: The Failure of International Mediation in African Civil Wars". *Track Two* 8 (2), November, 1999: 1 – 23.

Noll, E.D. 2011. *Elusive Peace: How Modern Diplomatic Strategies Could Better Resolve World Conflict*. New York: Prometheus Books.

Nujoma, S. 2001. *Where Others Wavered: The Autobiography of Sam Nujoma*. London: Panaf Books.

Nye, J.S. 1990. *"Bound to Lead": The Changing Nature of American Power*. New York: Basic Books.

Onslow, S. 2008. "Interview with former South African Foreign Minister R.F.(Pik) Botha". Pretoria, 15 July.

Papenfus, T. 2010. *Pik Botha and His Times*. Pretoria: Litera Publications.

Perry, M. 2007. "Disarmament and Demilitarisation in South West Africa: Interview with Professor Chester A. Crocker on 25 July". Washington, DC: Conflict Forum.

Rothchild, D., and C. Hartzell. 1991. "Great and Medium-Power Mediations: Angola" (Resolving Regional Conflicts: International Perspectives). *Annals of the American Academy of Political and Social Science Vol. 518: No. 1: 39-57*.

Rubin, Z.J., and J. Bercovitch. 2002. Putting Mediation in Context. "Studies in International Mediation: Essays in Honour of Jeffrey Z. Rubin", Palgrave, New York.

Rubin, J., and J. Bercovitch, ed. 2002. *Study in International Mediation: Great Power Mediation: Using Leverage to Make Peace*. London: Palgrave Macmillan.

Shubin, V. 2008. *The Hot "Cold War": The USSR in Southern Africa*. Durban: University of KwaZulu-Natal Press.

Slim, R.M. 1992. "Small-State Mediation in International Relations: The Algerian Mediation of the Iranian Hostage Crisis". In *Mediation in International Relations: Multiple Approaches to Conflict Management*, edited by J. Bercovitch, and J.Z. Rubin, 206 - 231 New York: St. Martin's Press.

Speech by Fidel Castro Ruz at the Ceremony Commemorating the 30th Anniversary of the Cuban Military Mission in Angola, and the 49th Anniversary of the Cuban Revolutionary Armed Forces on 2 December 2005. Access at <http://www.cuba.cu/gobier no/discursos/2005/ing/f021205i.html>.

Stedman, S.J. 1991. *Peace-Making in Civil War: International Mediation in Zimbabwe, 1974-1980*. London: Lynne Rienner Publishers.

Stedman, S.J., D. Rothchild, and D. Cousens, eds. 2002. *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder, CO and London: Lynne Rienner Publishers.

Sunday Times (Johannesburg). 1989. "F.W. Demotes Securocrats" (news article by David Breier, political correspondent).

Svensson, I. 2007. *Mediation with Muscles or Minds?: Exploring Power Mediators and Pure Mediators in Civil Wars*. Uppsala: Department of Peace and Conflict Research, Uppsala University.

SWAPO (Department of Information and Mobilisation). 1981. *To Be Born a Nation: The Struggle for Namibia*. London: Zed Press.

Treaster, J. 1988. "Castro Faults Soviet Tactics in War in Angola" (special feature in *The New York Times*, 28 July).

Touval, S. 1992. The Superpowers as Mediators. In *Mediation in International Relations: Multiple approaches to conflict Management*, edited by J. Bercivitch and J.Z. Rubin: 232 – 247. New York: St. Martin's.

Touval, S. 1982. *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948 – 1979*. Princeton, NJ: Princeton University Press.

Touval, S., and I.W. Zartman. 2005. "International Mediation in the Post-Cold War Era". In *Turbulent Peace: The Challenges of Managing International Conflicts*, edited by C. Crocker, F.O. Hampson, and P. Aall: 698 – 701. Washington, DC: United States Institute of Peace Press.

Touval, S., and I.W. Zartman, ed. 1985. *International Mediation in Theory and Practice*. Boulder, Co: Westview Press.

Tsokodayi, C.J. 2011. *Namibia's Independence Struggle: The Role of the United Nations*. Bloomington, Indiana, USA: Xlibris Corporation.

Ungar, S.J., and P. Vale. 1985. "South Africa: Why Constructive Engagement Failed". *Foreign Affairs* 64 (2), Winter: 234-258.

UNSC (United Nations Security Council). 1978. "United Nations Security Council Resolution 435 (1978)", 29 September. New York: United Nations.

UNSC (United Nations Security Council). 2009. "Report by Kofi Annan, Secretary-General of the United Nations: Enhancing Mediation and its Support Activities, UNSC.S/2009/189". New York: United Nations, 8 April, 2009.

- Vergau, H.J. 2010. *Negotiating the Freedom of Namibia: Diplomatic Achievement of the Western Contact Group*. Basle: Basler Africa Bibliographien.
- Vergau, H.J. 2006. *Verhandeln um die Freiheit Namibias. Das Dilomatische Werk der Westlichen Kontaktgruppe*. Baden-Baden: Nomos.
- Vergau, H.J. 2002. "Namibia-Kontaktgruppe: KalaysatorInteressenausgleichs". *VereinteNationen* Vol.50 No.2: 148 - 150, March/April 2002.
- Wolvaardt, P., T. Wheeler, and W.Scholtz, eds. 2010. *From Verwoerd to Mandela: South African Diplomats Remember* (Volume 1, "The Wild Honey of Africa"), Publishing Consultant: Crink, South Africa.
- Zartman, I. W. 1989. *Ripe for Resolution: Conflict and Intervention in Africa*. New York: Council on Foreign Relations, and Oxford University Press.
- Zartman, I.W. 2008. International Negotiation. Bias, Pre-negotiation and Leverage in Mediation. Homage to Saadia Touval. *Journal of Theory and Practice*. Vol. 13. No. 3, London: Routledge.
- Zartman, I.W. 2001. "The Timing of Peace Initiative". *The Global Review of Ethno-Politics* Vol. 1: 8 – 18, September, 2001.
- Zartman, I. W. 2000. "Ripeness: The Hurting Stalemate and Beyond". In *International Conflict Resolution after the Cold War*, edited by P.C. Stern, and D. Druckman, Chapter 6: 225 = 251. Washington, DC: National Academy of Science.
- Zartman, I.W., and A. De Soto. 2010. *Timing Mediation Initiatives*. Washington, DC: United States Institute of Peace Press.
- Zartman, I.W., and S. Touval. 2008. "Ripeness": The importance of Timing in negotiation and Conflict resolution. 20 December 2008. Washington National Academy.
- Zartman, I.W., and S. Touval. 1996. "International Mediation in the Post-Cold War Era". In *Managing Global Chaos: Sources of Responses to International Conflict*, edited by C. Crocker, F.O. Hampson, and P. Aall: 455-461. Washington, DC: United States Institute of Peace Press.

Annexure I

Interview Questions:

To what extent was leverage used in the Namibian mediation process?

- 1. How did the mediator/s use leverage?**
- 2. What resources were brought to bear on the parties?**
- 3. Which of the parties and at what point in the process?**
- 4. Was leverage useful and successful?**
- 5. In your view, what compelled South Africa to agree to the implementation of UNSC Resolution 435?**
- 6. What is your recollection during that process, especially regarding the challenges faced by the mediator/s?**

Annexure 2

Interview Programme

- 1. Ricardo Alarcon**
President of the National
Assembly of People's Venue:
Power of Cuba

Date: 26 June 2012
Time: 13h53
Venue: Cuban Ambassador's Residence, Windhoek
- 2. Prof Henning Melber**

Date: 6 October 2012
Venue: via e-mail
- 3. Hedelberto Lopez-Blanch**

Date: 16 October 2012
Time: 1730 - 1830
Venue: Safari Hotel, Windhoek
- 4. HE Dr Sam Nujoma**
Founding President of SWAPO

Date: 9 April 2013
Time: 11h00
Venue: former President's Office
- 5. Dr Theo-Ben Gurirab**
Hon. Speaker of the National
Assembly

Date: 10 April 2013
Time: 11h00
Venue: Speaker's Boardroom
- 6. Hon. Nahas Angula**
Minister of Defence

Date: 12 April 2013
Time: 08h30
Venue: Minister's Boardroom
- 7. Brig-Gen. Ben Kadhila**
Acting Chief of Staff
Joint Operations

Date: 12 April 2013
Time: 09h30
Venue: Ministry of Defence
- 8. Prof Peter Katjavivi**
SWAPO Chief Whip
National Assembly

Date: 12 April 2013
Time: 11h00
Venue: National Assembly
- 9. Amb. Tuliameni Kalomoh**
Special Advisor

Date: 16 April 2013
Time: 15h00
Venue: Ministry of Foreign Affairs

- | | |
|---|--|
| 10. Lt-Gen. Martin Shalli (rtd)
Businessman | Date: 17 April 2013
Time: 08h30
Venue: MultiChoice Complex, Windhoek |
| 11. George Shinyala
Deputy Director, National
Assembly | Date: 17 April 2013
Time: 15h00
Venue: Amb. Hellao's Office
Ministry of Foreign Affairs |
| 12. Hon. Charles Namoloh (MP)
Minister of Regional and Local
Government, Housing and Rural
Development | Date: 9 May 2013
Time: 09h30
Venue: Minister's Residence |
| 13. Two MK Veterans | Via the telephone and e-mail on 17 April 2013 |