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NAMIBIA

A WINGSPREAD CONFERENCE CONVENED BY THE LUTHERAN COUNCIL IN THE U.S.A. and THE JOHNSON FOUNDATION

THE JOHNSON FOUNDATION ENCOURAGES THE EXAMINATION OF A VARIETY OF PROBLEMS FACING THE MIDWEST, THE NATION, AND MANKIND. IN THE BELIEF THAT RESPONSIBLE ANALYSES AND PROPOSALS SHOULD REACH A SUBSTANTIAL AUDIENCE, THE JOHNSON FOUNDATION PUBLISHES VARIOUS PAPERS AND REPORTS. PUBLICATION, OF COURSE, DOES NOT IMPLY APPROVAL BY THE CONFERENCE CONVENERS.

REPORT ON THE
WINGSPREAD CONFERENCE ON

NAMIBIA

CONVENED BY
LUTHERAN COUNCIL IN THE U.S.A.
AND THE JOHNSON FOUNDATION
MAY 1976

STATEMENT OF PURPOSE

The purpose of the Wingspread Conference on Namibia was:

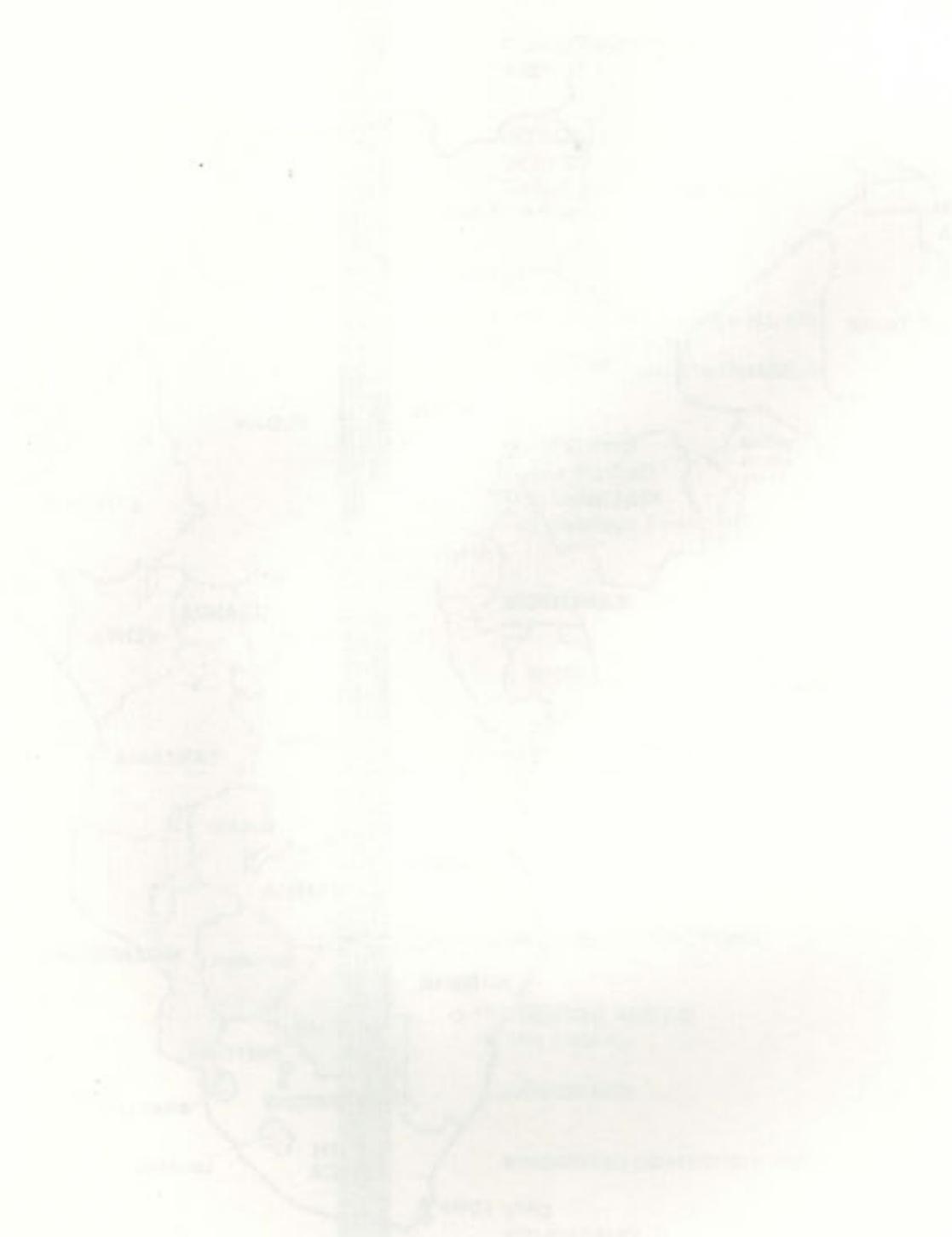
- to inform the American people about the situation in Namibia
- to offer guidance on what to do about Namibia in the interest of justice and peaceful change.

Report prepared by Edward C. May,
Director, Office on World Community,
Lutheran Council in the U.S.A.

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INTRODUCTION TO THE WINGSPREAD REPORT

by Sean MacBride

United Nations Commissioner for Namibia
and 1974 Nobel Peace Prize Laureate

At first sight Namibia may appear to be very far away from Wingspread. However, even a cursory examination of the situation in Namibia makes it obvious that it is one of the most important and urgent issues that faces the United Nations and the international community as a whole. And, of course, any major problem involving the United Nations must be a primary concern to the United States. Accordingly The Johnson Foundation has rendered invaluable services, not only to Namibia and to the United Nations, but also to the United States by convening with the Lutheran Council in the United States the Wingspread Symposium on Namibia.

It was during the hearings of the abortive case on Namibia held by the International Court of Justice some 15 years ago that it became apparent that the Namibia question involved a great deal more than the liberation of its territory and peoples. Of course, the liberation of Namibia from South African rule — and its inherent racial injustices — is of paramount importance as far as the people of Africa are concerned; it is of concern to the international community and to every country that stands for the Universal Declaration of Human Rights. The case of Namibia involves a great deal more. It involves the credibility

and effectiveness of the United Nations itself and of all its Member States.

Namibia is the only piece of territory on this earth which is under the direct jurisdiction of the United Nations. The United Nations has terminated the mandate under which South Africa claimed to hold Namibia. The International Court of Justice has declared the continued occupation of Namibia to be illegal under international law. It also called upon all States to refrain from any dealings with South Africa which could be regarded as lending support to South Africa in regard to its illegal occupation of Namibia, or as implying recognition of South Africa's title to administer Namibia. Some 15 years ago the International Commission of Jurists published a detailed study concerning South Africa's illegal rule of Namibia in which it analyzed, article by article, the extent to which South Africa was violating the provisions of the Universal Declaration of Human Rights. So, in Namibia, we have an area of the world which is not only illegally occupied but in which every human right guaranteed under the Universal Declaration of Human Rights is being daily violated.

One of the major problems which faces this period of world history

arises from the near total breakdown in public and private morality. This breakdown in public morality stems largely from the credibility gap which exists between those truths which we hold to be sacred and their actual application. In search of a leadership in this decadent society the youth of this generation become cynical and have lost confidence in both the democratic institution and in world leadership. Namibia provides the most glaring example of the failure of the international community to give effect to the principles which we ask them to regard as sacred. The International Community has therefore a very special and urgent task to ensure that full effect is given to the decisions of the International Court of Justice and of the United Nations. Unfortunately, in this case — and I fear in some other cases — some of the Western powers have failed in their responsibilities. This has naturally weakened the credibility of the West.

The Wingspread Symposium has faced squarely these issues and I think has made very valuable contributions for their solutions, provided that those in the seat of power pay immediate attention to the comprehensive and constructive analysis made at the Wingspread Symposium.

June 1976

Sean MacBride

FOREWORD

When The Johnson Foundation invited the Lutheran Council in the U.S.A. to co-convene a Conference on Namibia, we accepted enthusiastically. We have been concerned that time is running out for a peaceful resolution to the vexing problem in Namibia which has been created substantially by the government of the Republic of South Africa. The Johnson Foundation has a reputation for addressing timely and important issues. Some may wonder about our interest in southern Africa generally and in Namibia in particular. This interest has been stimulated by several factors.

In the first place, as members of the human family we support efforts to create a just world order, and we regard the principles laid down in the Universal Declaration of Human Rights as essential building blocks in that enterprise. We are dismayed by violations of human rights wherever they occur, and they occur both extensively and intensively in Namibia. The combination of apartheid, bantustanization, contract labor, pass laws and illegal occupation by a foreign power is dehumanizing and brutal. It confronts all ethical people with an evil conspiracy of practices which must be destroyed.

Secondly, as Christians, we are conscious that the oppressors in this situation are also members of Christian churches. They even attempt to base many of their actions on what they believe to be Biblical dogma. While we recognize our own weaknesses and abhor being judgmental, we must denounce the distortion of the

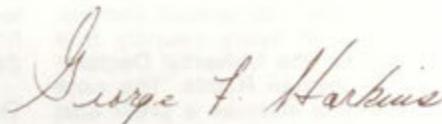
Christian message which sets one race above another and which justifies the exploitation of human beings and the resources of the earth for the luxury of a few. While the blood of martyrs shed by infidels may bring glory to God, violent acts of repression by those who profess to be Christians defame the name of Christ, make a mockery of His mission, and heap scorn and shame upon all his followers who do not repudiate these crimes.

Finally, we have heard a clear call from the leaders of the Christian community in Namibia to support them in their quest for self-determination. We have related this call to certain dimensions of the mission of Christ which He stated in the words of Isaiah, the prophet: "He has sent me to proclaim release to the captives . . . to set at liberty those who are oppressed." While this call has come from Christian leaders of various traditions, members of our own confessional family, Bishop Leonard Auala and President Johannes Lukas de Vries, have directed some of their words specifically to us. Since more than half of the black Namibians are Lutherans, we have felt a special responsibility to answer their call.

It was after Bishop Leonard Auala and Pastor Paulus Gowaseb, through an open letter in June, 1971, challenged Prime Minister Vorster to responsible actions which would work for peace that Lutherans throughout the world have openly and vigorously espoused the Namibian liberation

cause. Lutherans in the United States are no exception. We have supported the legal defense of political prisoners, participated in legal challenges to punitive measures such as flogging, sponsored humanitarian and educational programs for Namibians inside and outside the territory. Within the United States we have joined others in promoting shareholders' resolutions and supporting legislation to bring about economic justice in the international territory. In our churches we have expressed our solidarity with those in Namibia who are oppressed and we have prayed for them and their oppressors. We have publicized the evident injustices in Namibia, the patent illegality of South Africa's rule in that international territory, and the shameful exploitation of its human and natural resources by foreign corporations. Nevertheless, we have not been successful in arousing the people and the government of the United States to use their powers sufficiently in the interest of justice and peace in Namibia. We, therefore, greeted the opportunity to co-convene this conference with The Johnson Foundation as another effort — yes, as a crucial one — to alert another influential group of serious citizens in our free society to the imminent danger of widespread hostility incited by these recurring acts of injustice.

It is our conviction that the conference succeeded in identifying many of the things which need to be done. It is now up to all of us to act.



THE REVEREND GEORGE HARKINS
GENERAL SECRETARY
LUTHERAN COUNCIL IN THE UNITED STATES
OF AMERICA

FOREWORD

A foreword is intended to move readers into the substance of a publication. Hopefully, these few paragraphs will accomplish that goal, for the report which follows deserves from readers the same thoughtful consideration given to the subject by the specialists present for the Wingspread Conference on Namibia (South West Africa).

Acting in its traditional role as convener, and privileged to have invaluable cooperation from the Lutheran Council in the U.S.A., The Johnson Foundation sought:

- to inform the American people about the situation in Namibia
- to offer guidance on what to do about Namibia in the interest of justice and peaceful change.

The Wingspread meeting brought together in their personal capacities individuals who serve the United Nations Council for Namibia, the Committee on International Relations of the United States House of Representatives, and church and other nongovernmental bodies. Conferees included also attorneys, scholars, and Namibian representatives of the South West Africa People's Organization (SWAPO). Present as observers were members of the United States Department of State. Included were the United Nations Commissioner for Namibia, elected by the United Nations General Assembly, Sean MacBride, 1974 Nobel Peace Prize Laureate; and Dr. David W. Preus, President of the American Lutheran Church. With the goal of searching for ways to bring about rapid and peaceful change, the sessions coincided with Secretary of State Henry Kissinger's visit to Africa.

The subject of the conference was selected because of its importance to United States foreign policy, and because public awareness of this volatile situation is scant. Recent developments in neighboring Angola, and a broad sweep of changes affecting southern Africa, make it imperative that official and citizen awareness be increased. In a democratic society knowledge and awareness are essential in developing national policy and in

exercising responsibility as a member of the international community.

Namibia, the name preferred by the African majority of the population, is derived from the desolate Namib Desert along the Atlantic coastline. Bordering on Angola, Zambia, Botswana and the Republic of South Africa, Namibia is a former League of Nations mandate administered by South Africa. Its population approximates 1,000,000. Although outnumbered by black Africans 10 to 1, the white minority governs Namibia under South Africa's apartheid policy.

Guerrilla warfare has begun in Namibia, but there is still time to prevent great loss of life and destruction of resources, as well as the possibility of involvement by the great powers.

In 1966 the United Nations General Assembly decided that South Africa had failed to fulfill its obligations under the mandate, which was therefore terminated. This action determined that the territory would come under the responsibility of the United Nations. In 1971 the International Court of Justice rendered an advisory opinion that the continued presence of South Africa in Namibia is illegal. These actions have thus far been disregarded by South Africa.

The impasse has continued. In 1967 the United Nations General Assembly established a Council for Namibia to assume administration of the territory. The United Nations Secretary General was invited in 1972 to initiate contacts with all concerned parties in order to establish the necessary conditions to enable the people in Namibia to exercise their right to self-determination and independence. In January the Security Council adopted unanimously Security Council Resolution 385 calling on South Africa to accept United Nations provision for free elections in Namibia under United Nations supervision and control. The date of August 31, 1976 was set to review South Africa's compliance. In the event of non-compliance the Resolution called for

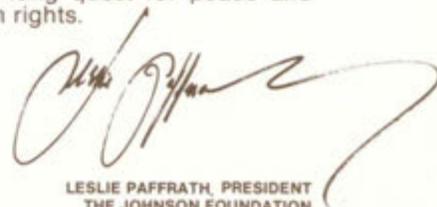
consideration of appropriate measures to be taken under the United Nations Charter.

This is the stage for the drama at present. It involves traditional colonialism, which elsewhere has been eliminated in world society. Also involved is the probability of conflict because of aspirations for independence unless the voice of the international community is heeded. The Wingspread conference proved in the main a reminder of the United States commitment to human rights under self government, and a plea for the United Nations Security Council's proposal which, if wisely administered, can be a vehicle for orderly and humane transition.

The conscience and leadership of the world wide Lutheran Church expressed on the issue of Namibia is an epic action based on commitment. Words cannot commend it as strongly as it deserves. The active model bespeaks the faith.

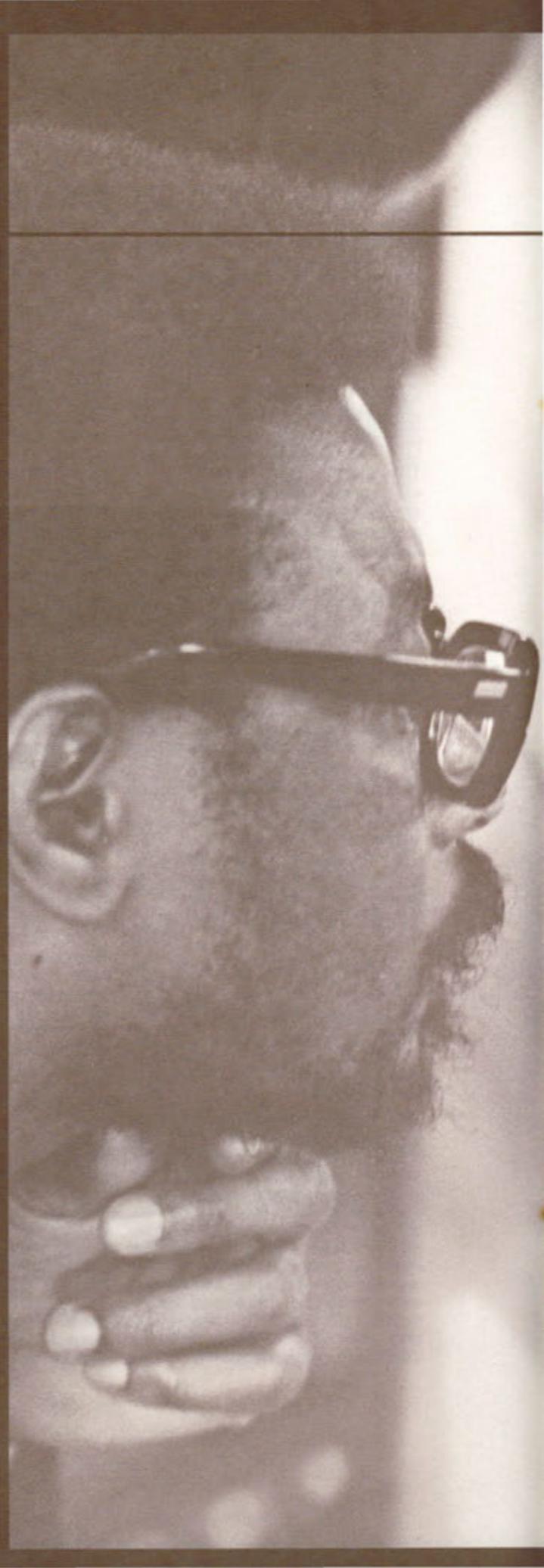
In addition to help provided for the Wingspread conference by respected colleagues of the Lutheran Council in the U.S.A., we are indebted to Dr. Frank Loescher, who served as consultant to The Johnson Foundation. Early in 1976 Dr. Loescher attended the important conference on "Namibia and Human Rights" in Dakar, Senegal. He then visited Johannesburg and Cape Town, moving on to Windhoek in Namibia. The acceleration of change in southern Africa which he observed made it appear urgent that the Wingspread conference on Namibia be held, following logically a 1975 Wingspread Symposium on "South Africa: Policy Alternatives for the United States."

The Johnson Foundation shares with the Lutheran Council in the U.S.A. and many other institutions a faith that the course of reason and equity is aided through discussion based on knowledge; that the results can be meaningful in human affairs. We believe the Wingspread meeting may have a significant place in the long quest for peace and human rights.



LESLIE PAFFRATH, PRESIDENT
THE JOHNSON FOUNDATION

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NAMIBIA

War to us is not an end in itself. We do not want war in Namibia. Because we do not want to kill, nor do we want to be killed. We refuse to accept military aid at this stage from the United States, because we believe the United States has enough leverage to achieve, if it wants to, a peaceful solution in Namibia.

TULINANE EMVULA

Deputy Chief Representative to the United Nations
Southwest Africa People's Organization (SWAPO)

5 May 1976

Tulinane Emvula's wise and direct assertion of SWAPO policy spoken at the Wingspread Conference on Namibia constitutes a challenge to the people of the United States to urgently pursue the kind of actions which will bring freedom and peace to the long suffering majority of Namibia's population.

Namibia is a comparatively new word in Africa's atlas. Until 1968 the world community knew the country by the name of its geographical location, South West Africa. From their previous knowledge of this country and their preparatory reading for the Wingspread Conference, the conferees came to understand that, in the parlance of Black Africa "Namibia" connotes *freedom, independence, unity, self-determination, justice*; and "South West Africa"? That name is freighted with concepts of *colonialism, repression, bondage*, and the governmentally enforced racism known as *apartheid*. The "South West Africa syndrome" exists today. "Namibia" is the goal to be achieved, and, as Mr. Emvula states, it can be done with the least amount of violence through United States efforts.

In order to comprehend the nature of the discussion it is essential to sketch some of the more important dimensions of the current situation as they were presented in the Conference itself or in the preparatory material and other literature noted in the bibliography. That material addressed questions like these.

How does it happen that an *estimated* population of over a million black Africans are ruled by a white minority government in South Africa which confers a position of political and economic primacy on the fewer than 100,000 white residents? Why is it that in a land of abundant natural resources the majority of blacks live in desperate poverty with its attendant malnutrition, ill health and minimal education? How can the world community tolerate a situation in which an international territory is governed by an illegal South African administration whose mandate has been terminated and for which all states, including the United States, have certain international responsibilities?

HISTORICAL SETTING

Less than a century ago Germany annexed the territory after black appeal for protection against the Boers was refused by Britain. The Germans, however, offered the opposite of protection. According to Peter Fraenkel, author of *The Namibians of South West Africa*: "The Germans . . . eventually imposed a rule of iron on the Herero and Nama area (names of two prominent Namibian tribes), which is still known as the 'Police Zone.' It took them 22 years to dispossess the Hereros and Namas of their lands, they killed over three-quarters of the African people and destroyed and confiscated all their hundreds of thousands of fine veld-cattle."

In order to demonstrate that a pattern for repression had been

established already in these early days, Mr. Fraenkel quotes an edict issued by the *Deutsche Kolonialbund*, the settlers' organization:

1. Every coloured person must regard a white person as a superior being.
2. In court the evidence of one white man can only be outweighed by the evidence of seven coloured persons.

History records that brutality and injustice were a way of life under German colonial rule. Without television, radio, or any form of rapid communication, the world community was unaware of what was happening. International attention to Namibia came about as a result of global conflict.

During World War I, South African troops, under British orders, occupied the German colony of South West Africa. There was a flicker of hope that freedom would follow the occupation, but it never burst into flame — neither has it been entirely quenched.

In one of the preparatory papers of the Conference, *United States Policy in Namibia — A Historical Perspective*, by Charles A. James and Rick Sherman, this history is related as follows:

On August 4, 1914, Great Britain declared war on Germany. Three days later, in a cable to the government of the Union of South Africa, the British urged Prime Minister Botha to seize as much of German South West Africa as he could. Botha and his Defense Minister, Smuts, were enthusias-



tic about acquiring South West Africa but met great resistance from parts of the Union — especially from General De Wet, leader of the Orange Free State. Details of that conflict need not concern us here; it is vital to note, however, that Botha and Smuts prevailed, and the Germans surrendered to them on May 8, 1915.

The Peace Treaty signed at Versailles on June 28, 1919, represented the point at which American foreign policy first came to grapple with the intricate problem of Namibia.

Woodrow Wilson had, throughout the war, opposed outright annexation of the territories of the defeated powers. He was strongly opposed in this view by leaders of other victorious powers. The deadlock was broken by creation of the mandate system under the new League of Nations. Article 22 of this League Covenant established that as to colonial territories lost in the war and inhabited by peoples not yet able to stand by themselves, the well-being and development of these peoples should form a sacred trust of civilization. For the performance of the trust, states assuming administration of the territories entered into mandate agreements with the League of Nations. South Africa received Namibia as a class C mandate to administer as an integral portion of its territory, subject to guarantees in the interests of the inhabitants and other League members. Thus, it was primarily through the intercession of an American President that South West Africa was not annexed outright by South Africa and that it is now — after sixty years — a direct responsibility of the international community.

Mr. James and Mr. Sherman summarized the activity of the United States during the mandate period by pointing out that South Africa had "pretty much a free hand . . . to extend its own laws and social dynamics to the territory." Even when the Mandates Commission of the League of Nations succeeded in getting South Africa's verbal compliance to abide by the Commission's decision, South Africa's practice did not conform.

**"Why is it that in a land of abundant natural resources
the majority of blacks live in desperate poverty with its attendant
malnutrition, ill health and minimal education?"**

monitoring mechanism, it was far from effective in protecting the rights of the indigenous population of the territory. . . . U.S. policy during the mandate was one of consistent support for the activities of the Commission. We and other nations, however, were in retrospect, negligent in failing to take a firmer stand on eliminating the ill-defined character of South Africa's role. Perhaps we were naive in assuming the South Africans interpreted phrases from the mandate such as "accepting the sacred trust of civilization" and "insuring safeguards in the interests of the indigenous population" in the same context as ourselves. But our negligence was a sin of omission rather than of any intent to perpetuate an abhorrent system.

NAMIBIA AND THE UNITED NATIONS

With the establishment of the United Nations Organization, the question arose concerning the administration of mandates awarded by the League of Nations. All mandatory powers granted independence to their mandated territories, or entered into trustee agreements to be supervised by the Trusteeship Council of the United Nations. *All, that is, except one.* After an initial effort to gain United Nations approval of its plan to annex the territory, South Africa refused to be held responsible to the United Nations. This triggered a series of actions which in the last 30 years has involved the United Nations General Assembly, countless Special Committees, the International Court of Justice, and the Security Council.

The United States consistently took the position that South Africa was bound to accept United Nations supervision, submit annual reports, forward petitions to the United Nations General Assembly, and promote "to the utmost the material and moral well-being and social progress of the inhabitants of the territory," as required by the Mandate. The International Court of Justice had

concluded in 1950, 1955, and 1956 that South Africa had these obligations. Since South Africa refused to abide by the terms of the Mandate, the United Nations exercised its option to terminate that Mandate on October 26, 1966. At the same time the U.N. itself accepted responsibility for the territory. This is incorporated in the General Assembly's 1966 Resolution 2145 which the United States voted for and continues to support.

The Council for Namibia

The implementation of General Assembly Resolution 2145, however, poses an unmet challenge. In answer to that challenge, the General Assembly created the United Nations Council for Namibia. Arthur Goldberg, at that time the Permanent Representative of the United States to the United Nations, encouraged its establishment. The resolution which created the Council, however, called for it to discharge its responsibilities in the territory. The United States considered this impractical, abstained on the vote, and has not as yet joined the Council. Many have regretted that it has given no evidence of investing creative energy to revise the terms of the resolution so as to make them more practical.

The International Court of Justice

Since the International Court of Justice has also been involved in the Namibia question, its advisory opinions of 1950 and 1971 are highlighted here because of their crucial importance.

The 1950 opinion has been referred to already. Mr. James and Mr. Sherman record the Court's conclusion that:

1. the territory has an international status;
2. South Africa's obligations under the mandate did not cease with termination of the League of Nations. The United Nations General Assembly is legally qualified to exercise supervisory functions, and South Africa is obliged to submit reports to the U.N.;
3. South Africa is not obliged to place South West Africa under the trusteeship system;
4. South Africa cannot unilaterally modify the status of the territory.

This opinion by the International Court of Justice provided the basis of discussion on Namibian issues for over twenty years. Of equal significance was the Advisory Opinion rendered on 21 June 1971. A more complete summary of that action is recorded in *A Trust Betrayed: Namibia* published by the United Nations in 1974, one of the preparatory conference documents. This book records the essential information as follows:

The specific question submitted to the International Court of Justice for an Advisory Opinion was:

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council Resolution 276 (1970) which had declared that presence to be illegal and called upon States to act accordingly." . . .

The Court ruling of 21 June 1971 has become a landmark in the evolution of international law and in the history of Namibia.

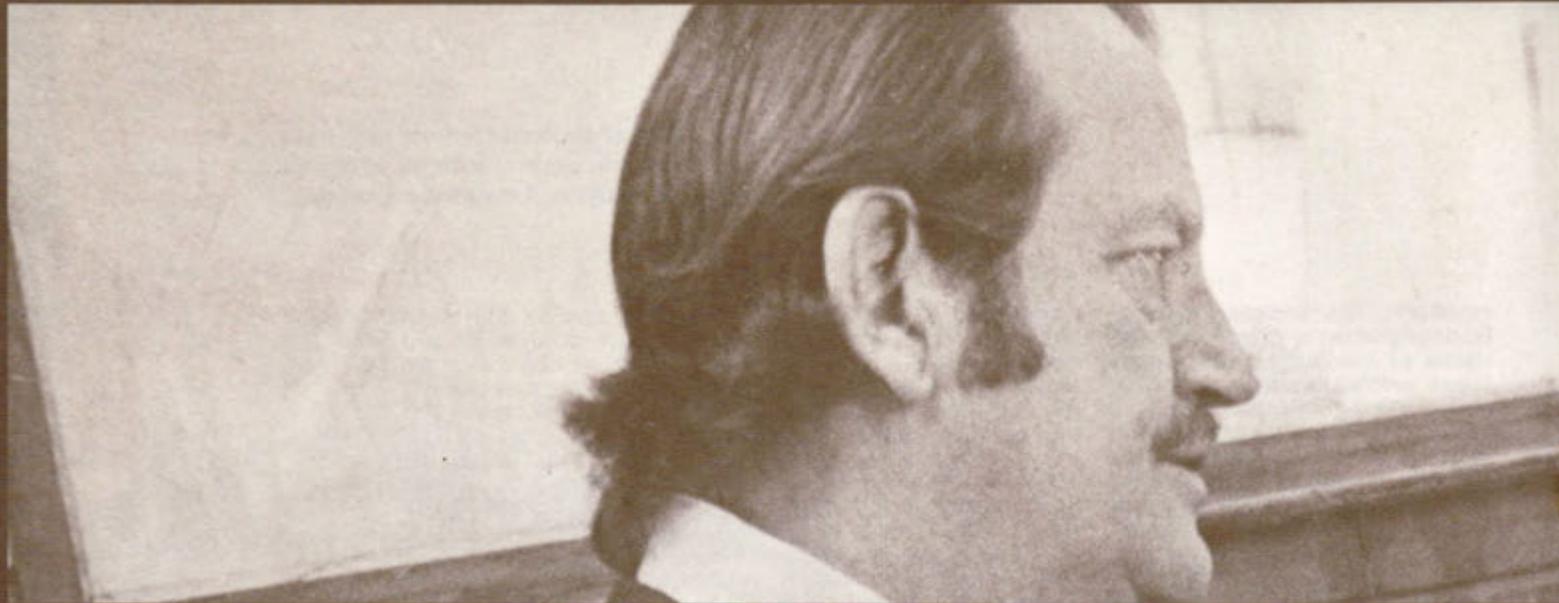
The Court held by 13 votes to 2,

"1. that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;"
by 11 votes to 4,

"2. that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to such presence and administration;

"3. that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia."

It was for the Security Council to act on the advice it had received. When it began in September and October 1971 to discuss the implications of the advice, South Af-



Leslie Paffrath, President, The Johnson Foundation; Sean MacBride, United Nations Commissioner for Namibia

rica announced through its Foreign Minister that it rejected the Court's rulings *in toto*, that his Government would continue to administer the Territory, and that its administration would continue existing practices "with a view to self-determination of all population groups". What that meant was clear enough. The Security Council rejected this position. It adopted, on 20 October 1971, Resolution 301 (1971) which took note with appreciation of the International Court's Advisory Opinion on Namibia and **agreed with its conclusion** cited above. In addition to calling upon States to consider in their dealings with the Government of South Africa the rights of the people of Namibia in accordance with positions laid down by the Court, the Security Council reaffirmed South African obligations vis-a-vis Namibia, and **declared its continued presence in the Territory an internationally wrongful act, for which it remained accountable to the international community**. Further refusal of the South African Government to withdraw from Namibia could, in the view of the Security Council, **create conditions detrimental to the maintenance of peace and security in the region**.

The record of the Security Council resolutions year after year provides documentary testament of the intransigence of South Africa to the international community. The calls and demands contained therein are defied by South Africa. Security Council Resolution 385, unanimously adopted on 30 January 1976, in-

corporates demands of the past as well as several significant additions, among them "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."

Because of the comprehensive nature of this resolution and its relevance at the time of the Wing-spread Conference on Namibia, its full text is reprinted here.

RESOLUTION 385 (1976)

Adopted by the Security Council at its 1885th meeting, on 30 January 1976

The Security Council, having heard the statement by the President of the United Nations Council for Namibia,

Having considered the statement by Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO),

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular, resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968,

264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

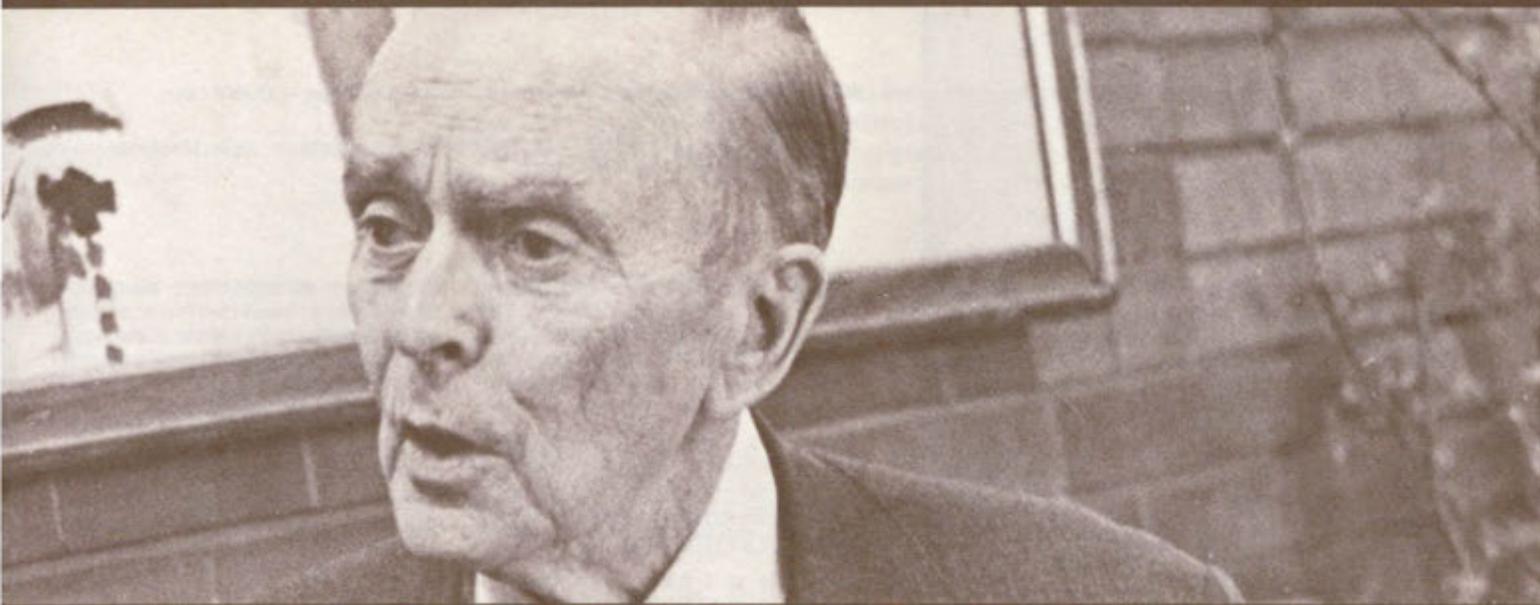
Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

Strongly deploring the militarization of Namibia by the illegal occupation regime of South Africa,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;

2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and



"South Africa is under obligation to withdraw from Namibia immediately."

repressive laws and practices in Namibia;

3. *Condemns* the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;

4. *Demands* that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;

5. *Further condemns* South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;

6. *Further condemns* all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;

7. *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;

8. *Further declares* that in determining the date, timetable and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time to be decided upon by the Security Council for the purposes of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for

the purpose of such elections;

9. *Demands* that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;

10. *Reiterates its demand* that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

11. *Demands* again that South Africa, pending the transfer of powers provided for in the preceding paragraph:

- (a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;
- (b) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;
- (c) Abolish the application in Namibia of all racially discriminatory and politically re-

pressive laws and practices, particularly bantustans and homelands;

- (d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. *Decides* to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

CONFERENCE DISCUSSIONS

After words of welcome from Leslie Paffrath, President of The Johnson Foundation and Frank Loescher, coordinator for the Conference, chairman George Lindsay introduced the participants and program.

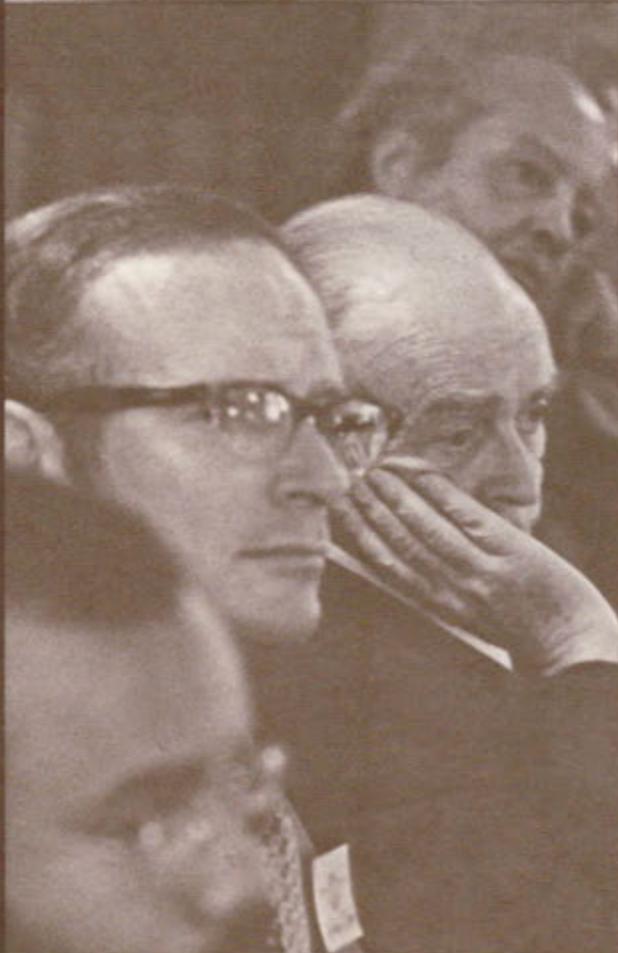
In the first session, four presentations raised most of the substantive issues of the subsequent discussions.

Selecting material from presentations which are rich in substance and coherent in form is a hazardous undertaking, yet a necessary one. In some places, ideas and concepts will be credited to those who voiced them; in others, a variety of observations made by one or another of the conferees in



Hugh Smythe, Professor of Sociology, Brooklyn College — CUNY (top)

William R. Cotter, President, The African-American Institute; Sean MacBride, United Nations Commissioner for Namibia



scattered moments throughout the Conference have been organized under quite arbitrary headings but with the conviction that the Conference record is nevertheless a faithful one.

Charles A. James, Deputy Assistant Secretary of State for African Affairs, who opened the Conference, sensed the urgency of the situation by writing:

Namibia will have its independence — probably sooner rather than later. Whether this is effected through peaceful or violent transition depends greatly on how the U.S. and other nations react to the present situation. Resolution 385 of January 30 of this year gives the South Africans until August to show meaningful compliance. What the Security Council will do should there be no compliance is not clear. It is clear, however, that the world's collective patience is wearing thin on Namibia.

There may well be no more Security Council resolutions to go unheeded by the South Africans. There may be no more Security Council sessions where the nations of the world repeat — with startling unanimity — the litany of condemnation for South Africa's years of flaunting world public opinion.

... We and other countries must do everything possible to help the people of Namibia move on to meaningful self-determination.

The South Africans must be convinced of the wisdom in moving Namibia now towards independence. Compliance with the terms of Resolution 385 and the announcement of a practical and fair timetable for independence could avert the growing possibility of violence as the ultimate solution. U.S. policy must reflect our convictions that the options open to South Africa are very limited. South Africa no longer has the luxury of years before having to make the hard decisions. Our oft-repeated condemnation of South Africa's illegal status in Namibia must now be supplemented with an equally unequivocal warning that meaningful progress can be put off no longer.

The words of Mr. James demanded attention not only on

their own merits, but also because they were being considered exactly one week after Secretary of State Kissinger's major address in Lusaka, Zambia, on United States policy in Southern Africa. In that speech Mr. Kissinger had made a brief reference to the United States position on Namibia and identified causes of encouragement and concern. Mr. James said:

In the first category (encouragement), is South Africa's decision to move Namibia toward independence. This was clearly a reference to South Africa's organizing a Constitutional Conference (sometimes referred to as "The Turnhalle Talks") and the South African Prime Minister's saying that South Africa had "no quarrel" with the points of view of the Organization of African Unity "concerning self-determination, independence and maintenance of the Territorial integrity of the Territory."

In the Secretary's second category, that of causes for concern, are: South Africa has not announced a definite timetable for self-determination. You will recall that the closest they have come was to publicize, without commitment, the decision in the Constitutional Conference's Statement of Interest of September 1, 1975 "to draft a constitution for South West Africa as soon as possible and, if possible, within a period of three years."

The second cause of concern is that neither all the people nor all the political groupings of Namibia have been allowed to participate in the Constitutional Conference.

The third is that South Africa continues to deny the United Nations its proper role in establishing a free and independent Namibia.

The United States Position
Mr. James quoted the Secretary of State in describing the position of the United States: "... We reiterate our call upon the South African Government to permit all the people and groups of Namibia to express their views freely, under U.N. supervision, on the political future and constitutional structure of their country. ..."

Mr. James went on to say that "the call which the Secretary reiterated had of course been

"Namibia will have its independence — probably sooner rather than later. Whether this is effected through peaceful or violent transition depend greatly on how the U.S. and other nations react to the present situation."

made in considerable specificity by us and others in Security Council Resolution 385" and he quoted verbatim paragraphs 6, 7, 8, and 9 of that resolution.

Mr. James also quoted Mr. Kissinger as urging South Africa to announce its timetable for Namibian self-determination. Likewise the Secretary had declared United States preparedness to work with the international community, especially with African leaders, for a rapid Namibian independence, and had promised the United States' willingness to ease its trade and investment restrictions in Namibia and to provide economic and technical assistance to that country, when concrete movement toward self-determination is underway.

Mr. James pointed out that the Lusaka speech was directed primarily toward the situation in Zimbabwe (Rhodesia) and is not to be considered an exhaustive treatment of United States policy toward Namibia. He emphasized that the United States considers Paragraph 10 of the Resolution 385 to be "the operative paragraph" and fully supports it.

Moreover, Mr. James anticipated some of the discussion which would occur in connection with a series of recommendations made by Ms. Goler Butcher, a conference participant, and raised questions to be considered in that context.

He said he looked forward to Conference discussions of the following: whether the Namibian situation constitutes South African aggression, as defined by Article 39 of the U.N. Charter; which options the United States advocates if South African policy in Namibia is a threat to international peace and security; possible United States membership in the Council for Namibia; and United States action in light of the Council for Namibia's Decree I, which is designed to protect Namibian natural resources.

Finally, Mr. James listed a series of what he described as "significant steps in the implementation of United States policy." Among these steps, he included the following:

- Twice in 1976, the United States objected to South Africa's illegal

occupation of Namibia and urged forward movement.

- Since 1963, the United States has maintained a voluntary arms embargo against South Africa.

- Since 1970, United States private investment has been discouraged through denial of Export-Import Bank facilities and denial of protection to post-1966 investors against claims by a future legitimate government in Namibia.

- United States corporations operating in Namibia are urged to conform their employment practices to the Universal Declaration of Human Rights.

- In a recent action, the Department of Commerce denied a waiver of the Marine Mammal Protection Act to permit the importation of seal skins into the United States from Namibia, since negotiations would be with South African authorities who administer Namibia illegally.

- The United States government has expressed concern to South Africa that Namibians are being tried under the Terrorism Act and other repressive laws illegally extended to Namibia. When possible, United States embassy personnel attend trials of Namibians being prosecuted under these laws.

- Support is given to the United Nations Educational and Training Program for Southern Africa, and the United States designated its 1976 contribution for Namibians.

- The United States Government maintains contact with all important Namibian nationalist movements (outside, and when possible, inside of Namibia) such as SWAPO and the NNC (Namibia National Convention).

- Plans are underway for an initiative to implement one of the paragraphs in the *Programme of Action* of the Dakar Conference, namely: "The United Nations Commission on Human Rights should make an investigative body responsible for looking into violations of human rights in Namibia and preparing cases for future legal prosecution."

The Namibian View

Two Namibians were present at Wingspread. Mr. Tulinane Emvula is the Deputy Representative of the South West Africa People's Organization (SWAPO) at the United Nations where this liberation movement has observer

status and is recognized as the only authentic representative of the Namibian people. Mr. Emvula was candid, but courteous, in his presentation.

After expressing the hope that the gains realized from the Conference would be manifold "not in a material sense, but in the noble cause of freedom to humanity," Mr. Emvula charged that the United States as a government "of the people, by the people, for the people" has either failed in its responsibility to inform her people about the Namibia situation or has really been uninterested in it. In this respect, however, he allowed that self-criticism would be more productive than anything he might offer, and proceeded to speak of his country and his people as he knows them.

He deplored the exploitation of the natural wealth of Namibia by foreign firms and uttered the melancholy prediction "that by the time Namibia gains independence, the land will be completely depleted of its mineral resources."

In the liberation struggle, Mr. Emvula emphasized the unity of purpose shared by all Namibians and the leadership given them by his own organization, SWAPO. This is what he said:

It is against the background of sustained suffering that the Namibian people have resolved to resist, and SWAPO of Namibia is spearheading their struggle. All the oppressed people of Namibia have basically rallied behind SWAPO to wage the difficult struggle against so many enemies led by South Africa. They know, the time may be long, but they dare to struggle until final victory.

Regarding the role of the churches, Mr. Emvula quoted the London representative of SWAPO, Peter Katjavivi. Mr. Emvula's statement follows:

The Namibian Black Churches have stood together with the liberation movement, because they too, were not spared oppression. Just to quote what was said of them by our representative in Europe last March, "Their presence in the struggle has been, and is, of great importance to us. Over

the years they have repeatedly stood up for the Namibian people in South African shackles, they have spoken out against the illegal regime in our country without regard for their personal safety, and we admire and salute their fearlessness in the face of their brutal opponent." Today they stand with us in our total opposition against the fraudulent multi-racial constitutional conferences.

Actions Speak Louder Than Words

Mr. Emvula deplored the action of the United States in joining France and the United Kingdom in vetoing a draft resolution presented to the Security Council in June 1975 which would have invoked a mandatory arms embargo against South Africa for its failure to comply with the Security Council's Resolution 360. He said:

We naturally resent in strongest terms the protection of South Africa by the U.S.A. whenever effective steps were to be taken to evict it from Namibia; we hear ambiguous condemnation of South Africa followed by vigorous rescue operations like the triple veto. Actions speak louder than words. Recently, the Secretary of State cynically attacked the leaves — namely Ian Smith — and left in peace the branches and trunk of the tree of evil — South Africa. The May issue of Africa

Magazine aptly puts things this way: "The *de facto* colonial power in Rhodesia and Namibia is South Africa. . . . The source of Smith's power has always been South Africa." Nevertheless, we hope the U.S.A. will move fast towards doing what it says. There exists a yawning credibility gap at the present time.

Voice of Experience.

The second Namibian at the Conference was Reuben Hauwanga, currently a student at Susquehanna University. Mr. Hauwanga had been in the United States less than three months at the time he spoke. Arrested in August 1975, he was never charged with a crime, but held in solitary confinement, tortured and eventually released five months later. He was a public information officer for the regional SWAPO branch in the northern part of Namibia. He is in a science sequence at Susquehanna preparing for a career in medicine. His words of judgment were neither easy to speak nor to hear; they were uttered out of a deep conviction to which he had been reluctantly driven. Here are some of the things he had to say:

The situation in Namibia has long ceased to be described as alarming. It is now critical. You will recall the mass arrests of political figures and SWAPO supporters last year. I can testify to the hard-

ships they have encountered in jail because I was one of them. I know the mental agonies they were subjected to during five months of solitary confinement; I know the physical pain they experienced during torture, when they were suspended from the ceiling and not allowed to sleep for days on end, and when electrical shocks were administered to their bodies with electrodes. These are but a few of the many ways that extreme colonialists, like South Africa, inflict the maximum possible pain to intimidate people and thus curb all resistance to her fascist rule. Indeed, we follow the accounts of our six comrades now under trial with great concern since we know that justice, as it is generally known, is virtually non-existent in South Africa.

The trials of which Mr. Hauwanga spoke ended a week later. On 12 May 1976, two men were given death sentences and two women sentenced to 5 and 7 years in prisons respectively. All were tried under the Terrorism Act, illegally imposed on Namibia by South Africa.

Statements of protest were made by many governments and inter-governmental organizations, as well as by churches, legal societies, and other nongovernmental agencies.

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Rollins E. Lambert, Adviser for African Affairs, Department of Social Development and World Peace, United States Catholic Conference; Howard A. Foard, Vice Chairman, Board of Social Ministry, Lutheran Church-Missouri Synod; Willis Logan, Africa Committee, Division of Overseas Ministries, National Council of Churches; David W. Preus, President, The American Lutheran Church



Mr. William Schaufele, United States Assistant Secretary of State for African Affairs, protested strongly in these words:

We have learned that the trial judge yesterday, having just found four defendants guilty after trial under the Terrorism Act, sentenced two men to death and two women to five and seven years imprisonment. All were members of SWAPO. Our Embassy had an observer present during parts of the trial. We understand from reports we received concerning the offenses charged against the four that Mushimba was charged with supplying various items to a SWAPO member who in turn gave them "to persons whose goal it was to overthrow by force" the administration of SWA. Among the items was a landrover which, according to a South African Army officer who testified for the prosecution, was involved in a guerrilla attack on an army patrol. Shikongo was charged with transporting assassins of OWAMBO Chief Minister Elifas. Shikongo admitted transporting two men but denied he knew they intended to kill Elifas. Miss Nambinga was found guilty of giving R10 (\$11.50), clothing, and collecting R20 for delivery to a SWAPO member who in turn gave it to alleged "terrorists." Miss Nghindondjwa was accused of giving R10 to someone who in

turn gave it to alleged "terrorists." Defense application for leave to appeal conviction and sentencing for all four was denied by Justice Strydom.

On several occasions in the past, the U.S. has strongly protested to the South African Government against the application of the Terrorism Act to Namibia. Again, in this case, we deplore the application of the penalties, procedures and criteria of that Act. Both the United Nations General Assembly and the Security Council have called on South Africa not to apply the Terrorism Act. Major Bar organizations and other substantial elements in South Africa itself have condemned that Act as in derogation of the rule of law. We shall make every effort to underscore to the Government of South Africa the gravity of the present application of that Act to an international territory the responsibility for which we share with all other U.N. members.

At the same time, we shall point out that it would be a serious violation of law and deep mistake to apply to Namibia legislation now pending in the South African Parliament expanding arbitrary powers of the executive in suppression of individual rights and removing them further from the possibility of judicial review.

Mr. Sean MacBride, the United Nations Commissioner for Namibia and an international lawyer, issued a warning to those who prosecuted and judged the defendants. He said:

If the death sentences imposed on Mr. Aaron Mushimba and on Mr. Hendrik Shikongo are carried out, all those directly involved in the executions will be guilty of murder. Those indirectly involved will be guilty of conspiracy to murder.

It is well that those involved should clearly understand that they are involved in a criminal enterprise. The trial itself was staged as a political trial of SWAPO which is recognized both by the Organization of African Unity and the United Nations as the representative of the people of Namibia. The purpose of this illegal trial was to try to establish by innuendoes and by association that those accused had committed certain acts.

The South African Terrorism Act itself is a clear violation of the principles of the Universal Declaration of Human Rights and of the United Nations Convention on Human Rights. This so-called law is truly an act intended to terrorize the people of Namibia and to deter them from asserting their just claim for the liberation of Namibia.

"The situation in Namibia has long ceased to be described as alarming. It is now critical."



"Walvis Bay is the only viable port on the coast of Namibia and will be crucial to the economic development of Namibia."

It is desirable that the international community should react firmly and urgently against this further act of aggression and provocation by South African authorities in Namibia. Last year they were publicly flogging SWAPO sympathizers. Now they propose to execute them.

The Terrorism Act is so contrary to the rule of law that the international legal community has cried out against it, but even harsher and more repressive measures are now in effect in Northern Namibia. Mr. Hauwanga spoke of them saying that "the security police have the power to arrest any person at any time they feel that person is likely to 'subvert the security of the state'". Mr. Hauwanga also lashed out at the Constitutional Conference referred to earlier by Mr. James:

I shall fail in my duty as a Namibian if I do not pause here to say a few words about the so-called constitutional talks underway in Namibia. I get the impression that South Africa's underlying motives for these talks have not been fully comprehended by the outside world — at least the U.S.A. I recall what Dr. Kissinger said in Lusaka on his recent mission to Africa: "We are encouraged by the South African Government's evident decision to move Namibia toward independence. We are convinced that a solution can be found which will embody equal rights for the entire population..."

What Dr. Kissinger has in all probability not realized is the fact that delegates to the constitutional talks do not represent the people. Rather they only represent the aspirations of their godfather. Can Ndjoba of Owambo, Majavero of Kavango and members of the Caprivi delegation claim to represent their people knowing full well that they are handpicked agents? Can Kapuuu claim to represent the Hereros knowing that only a small portion of that people are behind him and the majority is following chief Munjuku II? And the two innocent Bushmen — by whom were they sent? Certainly not by "their people"!

We in Namibia regard this move by Pretoria as mere window dressing — a gesture without sin-

cerity. We know that the aim of our oppressor is to create a puppet state founded on the evil principles of separate development. Thus Pretoria will try to preserve the status quo while simultaneously proclaiming to the outside world that she is leading the Namibian people toward independence. It is, therefore, a source of great comfort to us to see that to a great extent South Africa has failed. We cannot accept separate development as a suitable framework in constructing a constitution for our country. The bantustan policy is based on unsound principles and is designed to permit a minority to continue to enjoy the spoils it has gained through an oppressive system.

In view of all our history is it at all surprising that Namibians have lost confidence in South Africa?

Mr. Hauwanga reminded the Wingspread group that the United States has based its own constitution on principles quite different from those being proposed in Windhoek — on equality, life, liberty, the pursuit of happiness; that governments derive their just powers from the consent of the governed, and that when a government becomes destructive of these ends, it is the right of the people to alter or abolish it and institute a new government. He charged that the United States has not been consistent with these principles in its policies in Southern Africa where, in his eyes at least, "it encouraged obstinacy in the South African and Rhodesian governments, helping thus to move events toward a violent denouement in Southern Africa."

While he welcomed Dr. Kissinger's Lusaka statement, Mr. Hauwanga questioned whether it came too late. He expressed the hope, however, that Dr. Kissinger's "recent trip will convince him that the 'wind of change blowing through the continent' which the British Prime Minister Macmillan detected 16 years ago, has now taken on hurricane proportions."

Finally, Mr. Hauwanga stopped short of issuing any great challenge to the assembled conferees. Instead he simply asked them to help their constituents stop doing negative things. It was

a sobering thought couched in these words: "We do not expect America to join the liberation struggle on our behalf, but we do expect that if she cannot assist us in the struggle, she will at least refrain from giving moral, political and material support to our oppressors."

**Sean MacBride —
A Man of Peace**

The distinguished 1974 Nobel Peace Prize laureate, Sean MacBride, the United Nations Commissioner for Namibia, made one of the four core presentations. He observed that people of the United States will generally respond to appeals against injustice because they are dedicated to principles of liberty, self-determination, human rights, democracy and the rule of law. "Next to the sufferings of the people of Namibia," he said, "one of the matters which concerns me most is that all of these principles are violated in Namibia. Quite apart from Namibia as a political entity or as a matter of foreign policy, these principles are involved and they transcend the political arena. The free world needs help in these crucial days and a credibility gap exists between the principles the United States enunciates and its action — or lack of it — when it comes to their implementation."

Mr. MacBride sought to correct two false impressions which linger in the minds of Africa watchers. The first regards the size of the black population in Namibia. The figures ordinarily range between 650,000 and 850,000, but Mr. MacBride "guesstimates" that it is more in the neighborhood of 1,200,000. He does not charge deliberate falsification of records, but rather refers to the difficulty of acquiring an accurate census when such factors as rural settlements, absence or condition of roads, poll taxes and the like are taken into consideration.

Another is the impression that there has been a relaxation of repressive measures in South Africa generally and in Namibia in particular. This is not so, but rather the opposite is true; an intensification has taken place.

As serious as many of these repressive practices are, Mr. MacBride was more disturbed at this

Frank S. Loescher, Consultant on Africa to The Johnson Foundation;
Gwendolen M. Carter, Professor of Political Science, Indiana University.

Conference with actions being contemplated by the South African government to trim the resources available to Namibians when independence comes. He shared the following news with the Conference:

The most recent example occurred on 23 April 1976, when Mr. B. J. Vorster told the House of Assembly of South Africa, "The idea is milling around very persistently in my mind that, since we transferred the administration of Walvis Bay to South West Africa in 1922, we should give very serious consideration in the recess to whether we should not repeal that Act. I am saying this for the simple reason that there are people in South West Africa, and in the outside world in particular, who adopt the standpoint that Walvis Bay belongs to South West Africa. I do not want there to be any misunderstanding whatsoever about this. Walvis Bay belongs to South Africa. At this moment I am saying no more than that this is simply an idea I have. However, it is an idea to which I shall give very serious thought during the recess." (Emphasis Vorster's)

Mr. MacBride sees another set of complicated issues arising out of this almost casual reference to Walvis Bay made by the Prime Minister of South Africa. He spelled some of them out as follows:

In 1922 the South African Government adopted an Act entitled "South West Africa Affairs Act" in which it was provided that Walvis Bay "shall be administered as if it were part of the mandated territory" (i.e. part of Namibia).

Having in effect incorporated Walvis Bay into the "mandated territory," and having dealt with this area for 54 years as if it was part and parcel of the territory of Namibia, Mr. Vorster's statement seems to indicate that the South African Government now proposes to reverse this position. In effect he indicates that he proposes, after the Parliamentary Recess in South Africa, to introduce legislation to repeal the South West Africa Affairs Act and to claim that Walvis Bay, unlike the rest of Namibia, is part of and belongs to the Republic of South Africa.

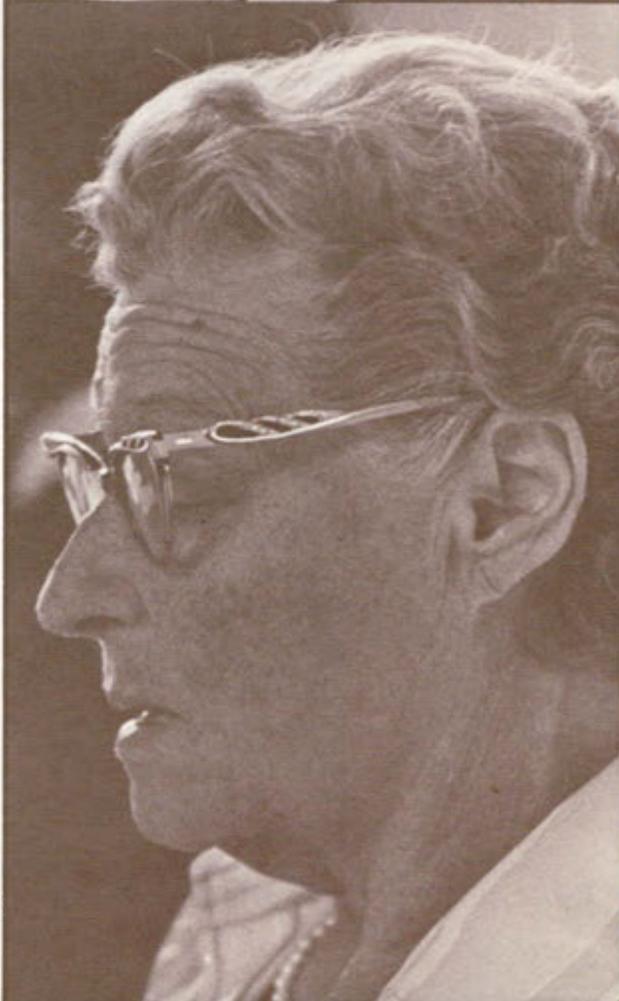
The validity of such an Act repealing the 1922 Act, is questionable. Its effect would be to unilaterally annex Walvis Bay to South Africa and to take it away from the international territory of Namibia which is under the jurisdiction of the United Nations. For 54 years the status of Walvis Bay, both de jure and de facto, was that it formed part of the international territory of Namibia. Under the advisory opinion of the International Court of Justice of 21 June 1971 and of the decisions of the Security Council and the General Assembly, South Africa has no legal title to any portion of Namibia, certainly since 1971. She cannot therefore in 1976 claim to annex a portion of Namibia.

Quite apart from the question of validity of any intended repeal of the South West Africa Affairs Act of 1922, the whole question of "annexation of Walvis Bay" by Great Britain in 1878 and its subsequent annexation to the Colony of the Cape of Good Hope and its final transfer to South Africa, raises a number of important issues which will require a detailed examination. Perhaps this is a question which should ultimately be referred to the International Court of Justice.

Walvis Bay is the only viable port on the coast of Namibia and will be crucial to the economic development of Namibia. Mr. MacBride appealed to lawyers to reflect on this problem and channel their thoughts to his office.

Finally, he spoke about the status of SWAPO as the only authentic representative of the people of Namibia at the present time and emphasized that the word *representative* means exactly what it says, no more, no less. Mr. Emvula insisted that recognition of SWAPO as the representative of Namibians is not tantamount to recognizing it as the future government of Namibia. That is a separate issue. He said, "We ... make a difference between being recognized as the 'Government' (which should be an elected one) of Namibia and being recognized as the only *representative* of the struggling Namibian People."

As a matter of fact, SWAPO has accepted Security Council Reso-





David W. Preus, President, The American Lutheran Church; William Johnston, President, Episcopal Churchmen for South Africa, Lewis M. Hoskins, Professor of History, Earlham College; Frank S. Loescher, Consultant on Africa to The Johnson Foundation; Howard A. Foard, Vice Chairman, Board of Social Ministry, Lutheran Church-Missouri Synod.

lution 385 that the future *government* shall be freely elected by all the people of Namibia under electoral procedures supervised and controlled by the United Nations. "This is an admirable stance on the part of SWAPO," said Mr. MacBride, but then he asked, "How long can it continue? How long can we expect SWAPO to wait? Time is running out. If the United States is interested in preserving democracy in Namibia, it must back up its words with actions."

The formal presentations stimulated a great deal of discussion and raised hard questions, such as:

- Are there more effective ways for the United States legal community to bring its influence to bear on trials in Namibia?
- What are our contingency plans if major violence erupts in Namibia?
- What steps need to be taken to give active, specific and urgent attention to Namibia with a commitment to formulate effective strategies and implement them?
- What avenues are open to us to build constructive relationships with Namibian people and agencies inside and outside the territory?
- How realistic in the eyes of the Namibians is it to expect the United Nations and the United States to produce conditions for peaceful change in Namibia?
- How can the various groups represented at this conference co-ordinate their activities for

maximum effectiveness?

These questions were not addressed individually, but were absorbed into larger and more pervasive issues.

CREDIBILITY FACTORS

By the end of the first session most conferees had distilled from the presentations that far more than the liberation of Namibia was at stake, important and crucial as that is. The familiar phrase "credibility gap," which implies that something must be closed, was no longer useful. In a number of areas the gaps had been expanded to chasms and participants wondered if they could even be bridged. What is at stake in Namibia?

The Credibility of the United Nations

Reference was made to the United Nations by all of the Conference speakers. Many U.N. problems are a complex mixture of rights, ancient traditions and balanced loyalties. Namibia is not like that. Mr. James observed that "nations of the world repeat — with *startling unanimity* — the litany of condemnation for South Africa's years of flaunting *world public opinion*." There is no division of world opinion. Even the Security Council ordinarily passes resolutions with unanimous consent when they pertain to the Namibia issue. There are no "balanced loyalties," such as North/South or Soviet bloc/Free

World. Nor are there ancient traditions or long-standing claims on the part of white settlement in Namibia; they arrived in a major way less than a hundred years ago, and the mandate has been in effect for 60 of those years. Neither are there competing views regarding rights. Apartheid has been *universally* condemned as a "crime against humanity," and apartheid is basic to the social, political, legal and economic structures. The case is clear. The world says it supports Namibia's liberation. South Africa is intransigent in its dealings with the United Nations. If this issue cannot be solved, what hope is there for United Nations action in other more complicated political issues?

Both the Namibians indicated that they once hoped for effective United Nations intervention but that these hopes have faded, and it now appears that military action is the only way to freedom.

The Credibility of Western Democracy

The principles that the Namibian people are fighting for, as Mr. MacBride listed them, are the same for which the United States fought in 1776. The United States still has a self-understanding as a nation that it supports these principles. Other nations expect the United States to uphold them. The Namibians at the conference called for a re-examination of American values and for facing the question of whether the United States still holds to the principles on which it is founded.



**“... nations of the world repeat — with startling unanimity
— the litany of condemnation for South Africa’s years of flaunting
world public opinion.”**

United States foreign policy is devoted to halting the spread of communism around the world, but we are confronted with the hard reality that our actions frequently promote, rather than restrict that spread. Support of the Portuguese colonial power against the liberation movements in Africa, non-compliance with economic sanctions against Rhodesia, identification with South Africa’s position in Angola — all were mentioned, and all of these signal to the African people not so much anti-communism as anti-liberation. They are regarded as actions which support colonialism, apartheid, and minority rule. Communist actions, on the other hand, ostensibly support those values which paradoxically democracy — and African liberation movements — hold dear.

Add to this mix the folly of South Africa in identifying every word and action which supports human rights in South Africa as “communist,” and it follows that Black Africa views communism as a just advocate of its cause.

The Credibility of Free Enterprise

The discussion, as well as a Congressional Memo,⁹ revealed that for years black Africans have been told that Western investment and technology will elevate their standard of living, improve their economy and generally support their well-being. What they experience, however, is their land being drained of its mineral resources while taxes are paid to the illegal occupying power which in turn uses them essen-

tially to build roads, provide protection for and otherwise service the mines and industry, but not to provide better schools, medical services and the like for the welfare of the people. The Namibians witness accommodation to and exploitation of laws which are of benefit only to the foreign-owned companies (pass laws and the labor contract system, for example). They work hard and long hours in mines and on farms for wages which are still below poverty level. They see their families destroyed because under labor contracts husbands and wives are forced to live apart for months at a time. They chafe under the necessity to verify their identity and prove the legality of their whereabouts by passbooks which are more and more processed by foreign-made computers. It is no wonder that foreign-owned corporations fear nationalization of industry and expropriation of property when liberation governments come into power. Their record of achievement for the common good is generally so dismal as to provide no basis for confidence in the system they espouse.

⁹Memorandum on the Operation of U.S. Investment in Namibia Appendix 6, U.S. House of Representatives, Committee on Foreign Affairs, Subcommittee on Africa, U.S. Business Involvement in Southern Africa (1974) Part 2

The Credibility of the Christian Church

Namibia is one of the nations in the world where virtually the

whole population is Christian. Within the country, the black churches have advocated unity of the races, and have worked together peacefully across denominational lines. The Reverend Richard Niebanck, Chairman of the panel of churchmen at Wingspread, emphasized that in addition to the variety of human rights principles which the church holds in common with all people who stand for a just social order, it has an overriding theological rationale for its opposition to South Africa’s systems of apartheid and separate development. These systems divide the Christian community (or as it is described in New Testament terms, the Body of Christ) and are therefore destructive of and inimical to the Church which struggles to overcome its own divisions. It therefore resists any added burden of fragmentation being imposed from without.

Some Christians have responded to calls for solidarity and support from fellow Christians inside Namibia. William Johnston pointed out, however, that a number of practices within the Christian community undermine the integrity of its witness. Among them, he listed the spectacle of institutional concerns replacing human values in the list of priorities of many churches, of doctrinal minutiae in the Western Churches commanding disproportionate attention to concern for the suffering of fellow human beings, and of Christian lay leaders in corporate management remaining insensitive to the suffering caused by their policies and practices.



Tulinane Emvula, Deputy Chief Representative from SWAPO to the United Nations, South West Africa People's Organization; Reuben Hauwanga, South West Africa People's Organization.

Richard J. Neibanck, Secretary for Social Concerns, Lutheran Church in America; Edward C. May, Director, Office on World Community, Lutheran Council in the U.S.A.

While everyone at the conference may not agree with the intensity of these views, no exception was taken to their components as they were expressed by various participants from time to time during their days together. Most of the conferees were painfully aware of the failure of the United Nations, the United States, American corporations in Namibia, and most of the churches to respond effectively to the Namibian plight. But there was no paralysis of guilt — rather a determination to address the issues with renewed creativity and vigor.

Throughout the discussion there was little disagreement as to what is unjust, objectionable, and deplorable in the present Namibian situation. There were recurring references to these conditions, among others:

- South Africa's presence in Namibia is illegal and South Africa is under obligation to withdraw.
- Bantustans (no matter what acceptance is claimed by the Republic for this system of enforced tribal separation) fragment the Namibian people against their will and breed mistrust and disunity.
- Apartheid, while unjust anywhere, is illegally imposed on Namibians and should be abolished.
- The labor contract system is exploitative, destructive of family life and human personality.

- Repressive laws, especially the Terrorism Act, endanger human life and destroy peaceful political process.

- The Constitutional Conference currently in progress has no validity in the international community for its delegates do not adequately represent the Namibian people.

- Natural wealth of Namibia is being drained without just compensation to the people of Namibia.

LOOKING AHEAD

With such an array of adverse conditions prevailing, it seemed prudent to identify essential and feasible activities to overcome them.

Ms. Goler Butcher acted as leader of a discussion in which the Conference set out to identify, as far as possible, the most vulnerable and pivotal strongholds of injustice and to focus on them.

Personnel from the State Department had made it clear that they were present to help set forth the facts, to listen and to learn rather than to take a direct part with the other conferees in offering suggestions, many of which would call for new emphasis or departures in United States Government policy.

The conferees' discussions showed that they were virtually unanimous in their condemnation of:

- South Africa's continued presence
- The "Homelands" policy
- Apartheid in Namibia
- Namibia's inhuman labor system
- Repression (Terrorism Act, police torture, etc.)
- Turnhalle Conference
- Draining of economic resources

The key issue, as most of the conferees saw it, is the early withdrawal of South Africa from Namibia to enable the people of Namibia to determine their own future by free elections under the supervision and control of the United Nations. Resolution 385 of the Security Council is designed to accomplish these ends. The conferees were agreed that the United States government, which voted for Security Council resolution 385, must adhere to these key provisions without compromise.

The conferees also perceived a risk to guard against: that out of Turnhalle would come a constitution and a *de facto* "government" without free and United Nations supervised and controlled elections. Elizabeth Landis insisted that the United States should recognize no government unless it meets these conditions



"The key issue . . . is the early withdrawal of South Africa from Namibia to enable the people of Namibia to determine their own future by free elections under the supervision and control of the United Nations."

laid down in Security Council resolution 385.

To this end, there was general agreement that these unilateral United States actions were called for:

- A Statement that the United States is ready to support a Security Council determination of threat to the peace accompanied by a decision to apply an arms embargo.
- A State Department finding in favor of the validity of Decree No. 1 of the Council for Namibia. (Decree No. 1 requires United Nations licensing of exploitation and export of natural resources, enforceable by seizure by the United Nations for the benefit of Namibia of exports brought out without license.)
- Announcement of United States readiness to join the Council for Namibia.

Barbara Rogers reminded the conferees that early and concentrated effort will be required to enlist the support of the American people for these positions. She observed that the South African government is spending millions of dollars each year for propaganda in spite of its troubled economy in order to convince Americans that the South African point of view should prevail. It is imperative, therefore, that nongovernmental organizations as well as individuals give priority to

these matters for justice and peace.

Finally, a majority, with reservations expressed by some, indicated agreement with a substantial number of recommendations for United States Government action, including denial of tax credits for firms doing business in Namibia, denial of diplomatic protection to companies investing in Namibia against the present illegal occupant as well as the future lawful government, combined with a warning of no help in event of attack or takeover, a Presidential honor roll for the firms disengaging from Namibia, a series of Presidential requests and/or requirements designed to discourage investment and doing business in Namibia (e.g., reporting), a series of Presidential orders to United States government agencies designed to prevent or discourage American commercial or financial involvement of any kind in Namibia.

Special concern was expressed at South Africa's growth in nuclear energy capacities. The conferees also urged support for the Namibia Institute and the Declaration and Program of Action of Dakar.

A group of lawyers, scholars and representatives of citizen groups contributed ideas for projects or programs some of which can be implemented by individuals as

well as groups. They pointed to actions such as the following:

- Program chairpersons of various organizations have a ready made opportunity to give Namibia exposure before their groups.
- Nongovernmental organizations should consider sending observers to United Nations and other international conferences which deal with Namibian issues.
- Those who have access to talk shows can promote the appearance of Namibians or those who advocate their cause.
- Draft resolutions on the question of Namibia may be submitted to conventions with a view toward educating the delegates as well as producing a convention statement.
- College professors may assign Namibia-related questions in law, geography, political science, etc. to raise student awareness of these issues.
- Legislative committees of various organizations should give attention to communicating with Congress on Namibia.
- Advocates for social change were encouraged by Lewis Hoskins and Frank Loescher to support white South Africans who favor independence for Namibia, abolition of apartheid, etc.
- Church representatives shared information about activities currently under way and planned for the future. Several of the church

groups announced their intentions to participate in an international week of solidarity with the people of Namibia as recommended by the Dakar Conference. The week following 27 October has been designated, since this is the day which marks the ending of South Africa's mandate in Namibia.

David Preus responded favorably to a suggestion from Ms. Butcher that church leaders form a committee to take their concerns to government officials. The churches in Namibia were commended for playing a significant role in confronting the South African government on its policies.

Rollins Lambert and Willis Logan related that in the United States the churches have been advocating and acting in behalf of Namibia through legal aid, share-

holders' actions, letters to government, humanitarian activities, conferencing, and prayers. Mr. Butcher encouraged an intensification of these activities at this time.

Bill Sutherland pointed out that the churches already have a "peace constituency" and that the interest of South Africa in nuclear power coupled with the fact that South Africa has not signed the nuclear non-proliferation treaty will be of particular interest to this group.

Robert Boettcher highlighted the importance of persistent action by the churches in legislative matters and credited them with the growing support for repealing the Byrd Amendment. He urged the churches to continue to speak out on such matters as liberation and self-determination.

Richard Niebanck pointed to the importance of popular institutions in the nation building process and the fact that the church, as one of the popular institutions in Namibia, can make constructive contributions to the future.

Intensive and extensive work remains to be done — the words of Wingspread must now take on reality in action.

Over twelve years ago John F. Kennedy said at the first World Food Conference, "We have the capacity to feed the world. All we lack is the will." The same can be said for the liberation of Namibia. The United States and its people have the leverage to bring about a peaceful liberation in Namibia. We ask — anxiously, "Do we have the will?"

Elizabeth S. Landis, Esq., Legal Consultant, Office of the United Nations Commissioner for Namibia, United Nations Secretariat; Charles A. James, Conference Observer, Deputy Assistant Secretary of State for Africa, United States Department of State; George N. Lindsay, Esq., Conference Chairman



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(Participants attended in their personal capacities. Affiliations are given for purposes of identification only.)

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Kay Mauer, Conference Coordinator

PROGRAM

Chairman of the Conference, George N. Lindsay

TUESDAY AFTERNOON, MAY 4, 1976

Welcome to Wingspread

Leslie Paffrath, President, The Johnson Foundation

Background of the Wingspread Conference

Frank S. Loescher, Coordinator of the Conference

The United States Position on Namibia

Charles A. James, Deputy Assistant Secretary of State for Africa
United States Department of State

Discussion

The Situation in Namibia

Sean MacBride, United Nations Commissioner for Namibia
Representatives from South West Africa People's Organization (SWAPO)
Tulinane Emvula, Deputy Chief Representative from SWAPO to the United Nations
Reuben Hauwanga, Student from Namibia, Susquehanna University

General Discussion

TUESDAY EVENING

General Review of Various Proposals

Presenter, Goler T. Butcher, Attorney

WEDNESDAY MORNING, MAY 5, 1976

Looking Ahead

Discussion by Church Representatives

Chairman, Richard J. Niebanck, Secretary for Social Concerns
Lutheran Church in America, New York, New York
Howard Foard, William Johnston, Rollins E. Lambert,
Willis Logan, Edward C. May, David W. Preus

Discussion by Lawyers, Academics, and Representatives of Citizen Groups

Chairman, Gwendolen M. Carter, Professor, Department of Political Science, Indiana University
Robert B. Boettcher, William Cotter, Lewis Hoskins, Elizabeth Landis,
T. Michael Peay, Barbara Rogers, Hugh Smythe, Bill Sutherland

WEDNESDAY AFTERNOON

Ideas and Suggestions Arising Out of the Conference

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WINGSPREAD



The building Frank Lloyd Wright called Wingspread, situated on a rolling prairie site just north of Racine, Wisconsin, was designed in 1938 as a residence for the Johnson family. In 1960, through the gift of Mr. and Mrs. H. F. Johnson, it became the headquarters of The Johnson Foundation and began its career as an educational conference center.

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ation's trustees that Wingspread will take its place increasingly as a national institution devoted to the free exchange of ideas among people.

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