

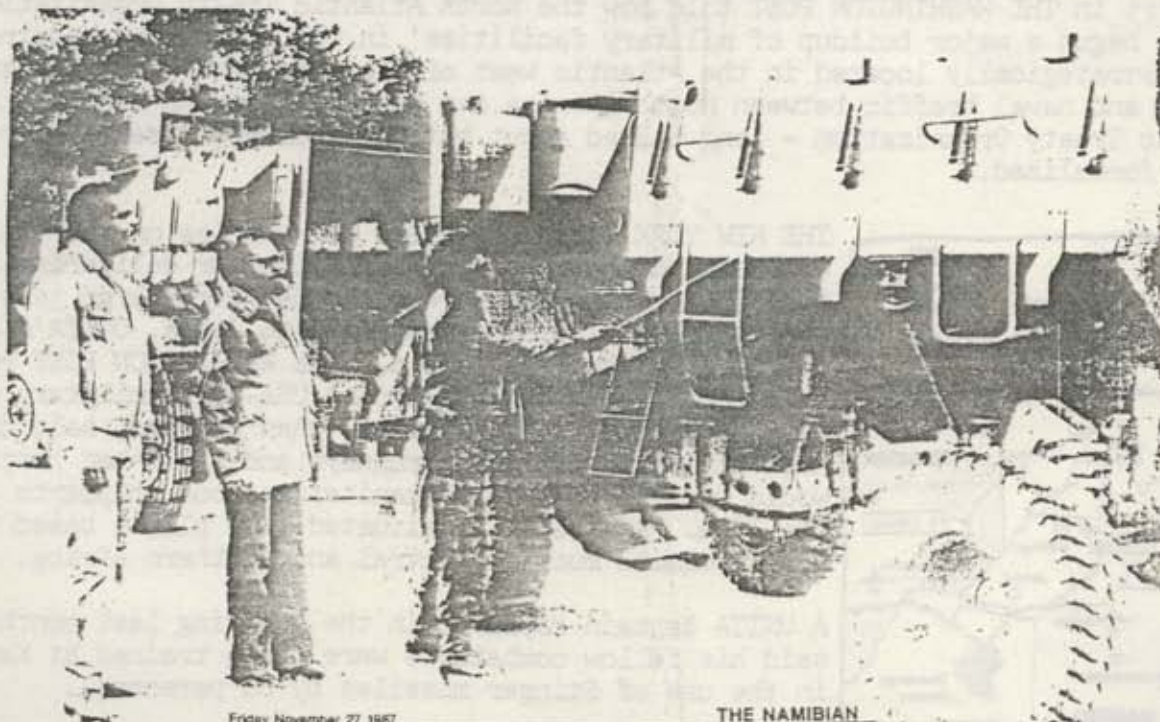


10 December 1987

PRETORIA'S WAR ON MANY FRONTS

Pretoria long ago lost the political initiative in southern Africa. Military dominance is now slipping from its grasp. Its 12-year-old war against SWAPO's People's Liberation Army of Namibia (PLAN) and FAPLA, the armed forces of the People's Republic of Angola, reached heightened intensity over the past three months during the longest-running battle since the Pretorian invasion of Angola in 1975. Despite claims of victory by the South African Defence Force and its puppet ally in Angola, UNITA, the South African regime has been badly bloodied. Pretoria is increasingly strained to cover all the hostile fronts it itself has created - the war against the South African people at home; the Angola-Namibia conflict; support for RENAMO, its murderous gang in Mozambique; destabilization in Zimbabwe; continued assaults wider afield. The International Institute for Strategic Studies in London reports that Pretoria has increased its defense expenditures by 30% 'in the face of undiminished internal and external opposition' and its internal security budget by 43%. There is no end until Namibia and South Africa are free and independent.

The South African army and air force suffered heavy casualties. The SADF has admitted 23 of its soldiers killed. FAPLA and SWAPO record far higher numbers. Moreover, Pretoria's invasion force encountered a highly sophisticated air defense system in Angola and acknowledged the loss of two of its aging Mirage jet fighters. Other sources say up to 17 jets and helicopters were downed. Angolan fighter pilots are in action and are keen to take on the South Africans, who are accustomed to providing air support for ground actions and are not used to aerial dog fights. Pretoria has not mentioned one engagement. On 31 October, PLAN bushwhacked a SADF 70-vehicle convoy inside Namibia, destroyed 14 trucks and captured two armored cars which its soldiers then drove on into Angola.



Friday November 27 1987

THE NAMIBIAN

PLAN CAPTURES BUFFEL

THE People's Liberation Army of Namibia (PLAN) Chief of Staff explaining the meaning of the combat call numbers on the side of a South African Buffel armoured combat vehicle captured by the movement. Pictured above are Aaron Shihepo, Swabio's Deputy Secretary for Foreign Relations and Hidiipo Namutenya, Secretary

for Publicity and Information. In the background is a captured Wolf combat vehicle. Both are referred to in the PLAN war communique and were captured on October 31 this year.

South African military and security people were in Paris several weeks ago seeking direct access to French satellite pictures of the Angola/Namibia operational area and the region. Pretoria is employing Israeli developed electronic countermeasures for defense of its aircraft and is recruiting Israeli aviation technicians who had been working on the new Lavi fighter plane. But the apartheid regime needs modern jets at once. Experience advises us that it has agents in the USA right now for that purpose.

Pretoria has now admitted for the first time what has been known for years: South African soldiers intervening in battle to rescue UNITA. Jonas Savimbi was furious - he had enjoyed boasting of triumphs to foreign journalists. The rulers in Pretoria have more urgent worries. These recent months in Angola have struck South African whites that they and their sons are mired in a fruitless war - the body bags are growing in number. Another revelation lays bare the core nature of apartheid: black troops were sent ahead of the white South African conscript troopies so that the former would take the brunt of the fire.

Mutiny! Pretoria has created a South West Africa Territory Force, part of its campaign to lend credence to its puppet transitional government in Windhoek and further to try to divide the Namibian people. SWATF is an arm of the SADF and composed of Namibians recruited from the vast reservoir of unemployed and officered by South Africans. During the recent Angola operation, SWATF's 101 battalion was shoved in alongside UNITA. Press accounts in THE NAMIBIAN newspaper of Windhoek, the London INDEPENDENT and elsewhere quoted former 101 men that there had been a mutiny in the outfit and some 360 soldiers were imprisoned in the military stockade at the Walvis Bay base. The mutiny has spread to other units. An ex-101 man said: 'To fight FAPLA is a crime against God's will. To fight SWAPO is a crime against our society.'

The war for the liberation of Namibia and South Africa from Pretoria's clutch and for the removal of its threat to the entire region grows more crucial. It is not the apartheid regime alone pitted against the independent countries and the liberation movements. Pretoria has many friends, however shadowy they may prefer to remain. In September, South African Defence Minister General Magnus Malan asserted in parliament that his government and that of the United States are agreed on these matters: the Angolan war and Namibia should be regarded jointly as a 'regional issue'; and, the Cuban presence in Angola and the war there should be resolved before attending to Namibia. Southern Africa is the focus of increased military and political attention from the USA and its European allies. An April report in THE WASHINGTON POST told how the North Atlantic Treaty Organization members 'have begun a major buildup of military facilities' in the Azores and Madeira Island groups, strategically located in the Atlantic west of Gibraltar and vital way stations for air and naval traffic between North America and Europe, Asia and Africa. A South Atlantic Treaty Organization - long talked about but not declared - seems ever more likely to be formalized.



THE NEW YORK TIMES this year ran stories on the CIA's use of Kamina airbase in southern Zaire for delivering arms to UNITA. Shipments were offloaded from cargo jets onto smaller planes ferrying materiel to Jamba, UNITA's headquarters in southern Angola. THE WASHINGTON POST reported in April on a two-week joint USA-Zaire military exercise at Kamina. US officials, when queried, said the huge air field with long runways and a 750-bed hospital, would be used only for humanitarian food shipments and the like. Kamina is so situated that planes based there would command much of central and southern Africa.

A UNITA captain captured in the fighting last month has said his fellow combatants were being trained at Kamina in the use of Stinger missiles by US personnel.

* * * * *

ANOTHER THEATRE OF OPERATIONS

London is a major center of South African exile opposition to the Pretoria regime. The British capital is a focus of the apartheid state's espionage activity and sanctions busting - and where Pretoria carries on its war against liberation.

Last July, London police arrested a man in a hotel lavatory who claimed that he worked for British intelligence. A search of Frank Larsen's home by the Anti-Terrorist Squad discovered several thousand documents - Ministry of Defence, Foreign Office, military manuals, passports - many of them excellently forged, some genuine. 'Frank Larsen' turned out to be Viggo Oerbak, a Norwegian national, who, according to London's *THE INDEPENDENT*, had served sentences for assault, fraud and forgery and had been a member of special forces in Ian Smith's Rhodesia. Since 1982 he had associated with political and military people in the United Kingdom, had often masqueraded as a British lieutenant colonel and in this guise had taken retired American Major General John Singlaub to the Aldershot military base. Among Oerbak's papers were 700 pages of 'Operation Layout', a scheme to stage a coup in the strategically located Seychelles Islands in the Indian Ocean hundreds of miles to the northeast of Mozambique and a favorite vacation and business site for South Africans.

There was something else among the mass of documents at Oerbak's house: notes of meetings to plan the kidnapping of officers of the African National Congress which maintains one of its major overseas headquarters in London. The London *OBSERVER* reports that in mid 1986 a local businessman was approached by a South African interested in buying bulletproof vests... 'the earliest established date that MI5 knew for certain that Pretoria was mounting another London operation'. In September that year, Johann Niemoller, a wealthy South African clothing manufacturer and former member of a Pretoria special operations group, showed up in London. Oerbak/Larsen asked a leader of a Seychelles exile group to house Niemoller. Niemoller urged Oerbak's team to attack the ANC in Britain, variously said to be kidnapping them and smuggling them onto a ship moored in the Thames for transfer to South Africa or for outright assassination. After his arrest, Oerbak's three-man group was picked up (Niemoller had returned home). In court defense attorneys asserted the documents related to national security and would show the men worked for British intelligence. The Director of Public Prosecutions dropped the charges - much to the disagreement of the Anti-Terrorist Squad - saying there was no evidence of an active conspiracy to kidnap, the defendants were 'publicity seekers', the Crown would look ridiculous at trial. The gang was released. Oerbak has been deported to Norway.

The thinking is that the Seychelles plot was a cover for the real purpose, a Pretoria hit against the ANC. South African security agents have assassinated ANC members in Zimbabwe, Swaziland, Botswana, Mozambique. They have carried out spying and attacks on ANC and SWAPO personnel and offices in London. The climate in Britain today is more than ever conducive to turning an official blind eye to Pretorian operations. Two months ago Prime Minister Margaret Thatcher in Vancouver was the only Commonwealth leader to oppose sanctions against the apartheid regime and publicly branded the ANC a 'terrorist organisation'.

A 1982 London series of break-ins of ANC, SWAPO and Pan Africanist offices was controlled by Craig Williamson, a major in the South African security police. An agent since his student days in the 70's in Johannesburg, Williamson had infiltrated the Geneva-based International University Exchange Fund under the direction of SAP General Johan Coetzee, recently retired as South Africa's police commissioner, now on a mysterious assignment. Williamson was exposed in 1980 and has officially retired. He heads a Johannesburg risk consultancy by the name of Longreach which is affiliated to GMR, an international trading company. 'We are involved in trade in strategic commodities,' Williamson told Martin Bailey of the London *OBSERVER*. 'I don't want to go into details, but GMR has a background in oil.' GMR's chief, Italian millionaire Giovanni Mario Ricci, is the largest investor in the Seychelles and is the president for life of one of the many bogus Knights of Malta. He has been accorded diplomatic status by Seychelles President Albert Rene. He has the privilege of a diplomatic pouch and he issues passports. Craig Williamson has one of these and is known to have visited the United Kingdom in March 1987.



Craig Williamson

GIVEN THE POLITICAL WILL

(Excerpts from a report, 'The Economic Impact of Sanctions against South Africa,')
(prepared for West German churches by the Starnberger Institute, July 1987.)

- The South African economy is highly vulnerable to effective international sanctions;
- It depends on a small group of only six countries (USA, UK, Federal Republic of Germany, France, Japan and Switzerland) to suspend South Africa's integration into the world economy and thus to weaken decisively the apartheid regime,
- Effective sanctions would entail a fairly small package of measures of these countries with negligible overall negative effects on their own economies.

Rigorous application of any one of the possible measures by the six countries in the fields of international credit, foreign trade and the activities of foreign-owned companies in South Africa would probably almost destabilise the apartheid economy. For example, a refusal to rollover South African loans together with a ban on new money would push South Africa into international insolvency and provoke massive capital flight, leading to a fiscal crisis of the state, a cessation of investment and an exodus of business and experts - in all, to an irrecoverable weakening of the apartheid regime.

The denial of new loans to South Africa combined with effective sanctions by the six countries named above in the fields of foreign trade and foreign investment (primarily a ban on imports of South African mining products, and of supplies of oil, capital goods and 'security' technology to South Africa backed up by the mandatory cessation of operations by foreign firms in such key areas as mining, energy, capital goods and banking) would soon bring about the complete economic collapse of the apartheid regime.

The immediate economic effects of effective sanctions on South Africa's population would be very different for the white minority and the black majority:

- for the white minority, effective sanctions and the consequent collapse of South Africa's integration into the world economy - one of the pillars of the apartheid economy - would rapidly lead to a dwindling of their privileges and a deterioration in their former high standard of living. The intended political message for the white minority would be - that the two pillars of their affluence and privilege, apartheid and integration into the world economy, can no longer co-exist.
- for the black majority, the negative effects of sanctions would, taken as a whole, be very minimal indeed. In fact, by impeding the apartheid system and ultimately overcoming it, sanctions would open the door to economic prospect for the black population.

Given the political will, it should not be difficult to oblige foreign companies to cease their operations in South Africa, at least in areas of strategic importance for the apartheid regime. This could be achieved through appropriate legal measures imposed by the main industrial countries...Sanctions of the type applied so far, poorly conceived and coordinated, half-heartedly imposed and inadequately carried through, not only achieve nothing but serve to indefinitely postpone the demise of apartheid and simply prolong the discrimination, oppression and exploitation of the majority of the population of South Africa itself and South Africa's intimidation of, military threats to, sabotage within and economic destabilization of its Southern African neighbours...Companies can only be induced to act in a politically desirable fashion - in this case terminating any operations which amount to economic support for the apartheid regime - through binding political instructions, not moral or political appeals.

Democracy entails acting to shape policy and politics. It is therefore a political duty of those forces which feel solidarity with the oppressed majority in South Africa - trade unions, the churches, the institutions of public opinion - to exert pressure to achieve a breakthrough which, along with the non-violent method of sanctions, will contribute to bringing an end to a regime built on violence. Sanctions alone will not suffice to replace the apartheid regime with a more humane democratic alternative. However, economic sanctions can bring the apartheid regime to its knees economically, and thus lend critical support to the front of democratic forces in South Africa. Overcoming apartheid is not only the precondition for a democratic development of South Africa itself. It would also hold out the prospect of peaceful development for Southern Africa as a whole.

REACTIONARY RELIGIOUS SUPPORT FOR PRETORIA IN THE U.S.A.

Pretoria and its adherents, domestic and international, seek support wherever they can find it. Support and sympathy come from the Reagan administration and too from financial, business, academic and political elements in American society. And from within the religious community. Right wing church persons and organizations are active in pleading Pretoria's case, employing slogans like 'peaceful change', promotion of true Christianity and above all 'the struggle against Marxism/Leninism'.

Early this year, US religious leaders as well as doctors, lawyers, legislators, other professionals received unsolicited a glossy magazine from the Family Protection Scoreboard published by the Biblical News Service in California. SOUTH AFRICA: Nation on Trial contained - in the midst of colorful ads - articles praising the strong religious values of selected South Africans - not the South African Council of Churches, not Archbishop Desmond Tutu, the Rev Dr Allan Boesak, the Rev Beyers Naude or Archbishop Denis Hurley. All these were depicted as embracing liberation theology and Marxist-Leninist change. Singled out for commendation was Bishop Isaac Mokoena ((the writer calls him 'Elijah')) who claims 4.5 million Black followers in his church association of which he is life president. According to Johannesburg's WEEKLY MAIL, Mokoena was set up in business with the aid of white church leaders opposed to the policies of the South African Council of Churches. Last year Mokoena became one of the founding presidents of the United Christian Conciliation Party, launched to attack the international disinvestment and sanctions campaign. Mokoena ((whose name President Ronald Reagan could not pronounce at his August 1986 press conference)) exalts Reagan and has accused Archbishop Tutu of dragging the church into politics.

Also early this year, there began to be distributed free - upon reaching an 800 phone number - a videotape and literature from an outfit called About My Father's Business located in Lexington, Kentucky. Its founder is a young man named Rick Schmidt who abandoned real estate development to enter the evangelical ministry. He was seized with South Africa and the result is a 20 minute film hailing Pretoria and attacking the African National Congress and the South African Council of Churches. We see and hear P. W. Botha inaugurating with his dreary preachments another bantustan. We are treated to shocking photos of ANC President Oliver Tambo shaking hands with Fidel Castro and Mikhail Gorbachev. One sequence features creative ferment in South Africa placing back to back scenes of a demonstration by the progressive trade union federation COSATU and its complete opposite, an event staged by Chief Gatsha Buthelezi's counter union, UWUSA. There is an interview with an 'expert on communism and the ANC', one Craig Williamson (who is not otherwise identified) but who is in fact a retired major in the South African security police, now thriving as a consultant in Johannesburg and engaged in the profitable business of sanctions busting. Accompanying About My Father's Business VCR was various literature, principally a glossy magazine produced by Chief Buthelezi's Inkatha organization.

A telling analysis of evangelical, rightwing religious groups in South Africa, most of which are imported from Europe and the USA, comes from within evangelical Christianity's own ranks in South Africa. Last year evangelical churchpeople, almost entirely black, published EVANGELICAL WITNESS IN SOUTH AFRICA: A Critique of Evangelical Theology and Practice, in which pastors and laypersons call for renewal in the struggle to eradicate apartheid. They state that these foreign-origin groups are dominated by whites, that they support apartheid by word and practice. They single out 'the most blatant symbol of support for apartheid South Africa and American values...the two flags which are hoisted at the Rhema (Bible Church) Centre in Randburg, Johannesburg. Blacks who tried to go to the Centre have been greeted by the American and South African flags rather than the flag of the Kingdom of God.'

The 'Concerned Evangelicals' make another point. 'Some Christian (born-again) soldiers get involved in South African Defence Force shootings in our townships, and give testimonies of Christ-inspired victory over "communists" during church services. We regret their claim to the same faith as us, their prey!'

(continued, over)

Reactionary Religion (contd)

The religious right pays particular attention to the black American church community. A Black Americans for a Free Angola headed by the Rev Maurice Dawkins in Washington promotes the UNITA group in Angola and its leader, Jonas Savimbi. There is a Black Americans for Democracy and Peace in Angola with the self-same Rev Dawkins aboard, who occupies another role as president of Government Relations International which presses congresspeople to support UNITA and oppose 'Soviet expansionism and Cuban oppression'. A slightly more sophisticated line comes from the newly-formed Coalition on Southern Africa which calls for South African State President P.W. Botha to open meaningful dialogue with the complete spectrum of South African society and for the US government to encourage US business to stay in South Africa. COSA urges a campaign to help prepare young black South Africans for a post apartheid era and terms the effort for corporate disinvestment in South Africa a failure.

South Africa after apartheid is the current theme among transnational corporations invested in that country. These companies have literally billions of dollars at stake. They are under pressure worldwide to sever connections with South Africa, to disinvest and to observe sanctions against the Pretoria regime. Many multinationals claim to have sold their plants and presence to South African entities, often proclaiming their desire to transfer their facilities to local black entrepreneurs. A few aim to stick it out.

One such is Shell Oil. Shell is the target of a strong and growing international campaign directed to press the petroleum giant to get out of South Africa and stop providing oil to the South African Defence Force and the South African Police and other agencies of apartheid. Shell South Africa has responded with full page newspaper ads proclaiming its belief in the right of all people to move about freely and in support of a free press. Words.

Shell's real counterattack was to seek direction from a crisis consultancy in Washington - Pagan International, headed by a man described as a 'prominent Episcopalian'. PI came up with the 'Neptune Strategy', a detailed scheme for approaches to important sectors in the US - educational, civil rights, etc. - 250+ pages of war plans.

A religious groups strategy entailed pinpointing US churches because they provide a 'critical mass' of public opinion and economic leverage. Seventeen major churches and church-related organizations were targetted, from the World Council of Churches on down to the Rev Leon Sullivan, late of the Sullivan Principles. They were enjoined to cooperate with Shell in developing 'post-apartheid plans for South Africa that will ensure the continuation and growth of the Shell companies in the United States and South Africa, while acknowledging and addressing some of the specific needs and legitimate goals of the majority of South Africa's residents in establishing a stable post-apartheid society.'

The churches therefore 'should deflect their attention away from the boycott and disinvestment efforts and direct their vision and energy into productive channels.'

To lead this religious endeavor Shell/Pagan employed James Armstrong, formerly a Methodist bishop and once president of the National Council of Churches in the USA, and a squad of clergy from different denominations as well as lay persons. These busied themselves visiting a broad range of church leaders in this country and in England before the whole scheme was leaked a couple of months ago. Armstrong has resigned.

Focus on South Africa beyond apartheid is indeed important, and moreso now that Pretoria is increasingly proven to have lost the initiative on the forward movement of history in southern Africa. But Pretoria is still strong and grows more vicious, and it has powerful and loyal allies in the world.

A prominent South African churchman commented: 'We cannot focus solely on the post-apartheid era without involvement with what is going on now. We must deal with the present system which is killing us now.'

SOUTH AFRICAN COUNCIL OF CHURCHES: POSITION ON SANCTIONS

9 October 1987

In restating the South African Council of Churches position on sanctions against the apartheid regime in our country, we wish to put forward an essential but missing factor in the debate - namely, the perspective of the oppressed people in our country. Before we do that, let us explain what we understand by the term sanctions.

For us, sanctions must be understood comprehensively to include all non-military action by the world community of states that is intended to contribute to the immediate ending of apartheid. Thus, sanctions against South Africa will include economic, military, diplomatic, cultural and any other action that seeks to exclude South Africa from the community of nations and is designed to increase the cost of maintaining apartheid especially to those who benefit most from it.

In an attempt to provide the international community with the authentic voice of the oppressed people of South Africa the SACC recently held discussions with the two giant labour federations in South Africa, the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU).

The general view of the unions as expressed by a union official is that while sanctions may be painful to the people initially the choice that is confronting us is whether they want to suffer pain forever or whether they want to suffer increased pain over a shorter period in order to extirpate the root causes of the suffering of the people. In March 1987, a COSATU workshop endorsed by the recent Second National Congress of COSATU, called for comprehensive and mandatory sanctions against South Africa that would be monitored by the United Nations Security Council. COSATU pointed out that selective sanctions as applied hitherto are actually dangerous and counter-productive because they create serious regional unemployment, further monopolisation of the South African economy and generally serve the interests of the transnational corporations and the State. (e.g., some firms have relocated away from the areas of chronic unrest under the pretext of divesting or moving nearer to the markets).

COSATU has called for the involvement of workers in the decision-taking relating to disinvestment and divestment so that the interests of the workers are not trampled upon when such an action takes place. COSATU has also called on the world community to accept the fact that the ending of apartheid means a change of government for if they come to accept that reality they may be able to prescribe the correct combination of sanctions.

The same stand, i.e., supporting sanctions as a way of pressuring the regime to abandon apartheid is taken by internal political organisations of the oppressed majority and the banned liberation movements. We know that there are people and some organisations that are opposed to this call for sanctions because they benefit directly or indirectly from the apartheid system. The South African churches have recognised the fact that the authentic voice of the oppressed people as expressed through their unions and political organisations has been a call for sanctions with a sting against the South African government. In response to the problems that may be created by sanctions the Methodist Church of South Africa has pointed out that the responsibility for any hardship that may arise lies with the South African government and not with the people who are struggling to free themselves from the snare that is apartheid. The Catholic Church in Southern Africa has pointed out in an explanatory paper that the issue of who controls investments is indissolubly bound up with the question as to who controls society as a whole. Thus, they argue, the question is not simply one of job loss with disinvestment or job creation with investment. Those who are concerned with job creation must also be concerned with the creation of a new economic structure in South Africa.

In conclusion, we wish to point out that the issue of sanctions against the apartheid regime must be seen in the context of the total struggle against apartheid. It will not be sanctions alone that will bring about an end to apartheid but the determined struggle of the people of South Africa. Their call to the international community is that if they cannot see their way clear to support their just struggle the least they can do is to stop supporting and propping up the apartheid regime. Sanctions are one way in which the international community can embark on a programme of "constructive disengagement" from the apartheid system and thereby leaving it open for the people to smash it, and extirpate it from the face of the earth.

The South African Council of Churches joins the majority of the people of South Africa in calling for immediate comprehensive and mandatory sanctions that are aimed at sapping the energy of the apartheid state. We believe that the imposition of such sanctions is the only way to effect change in South Africa with minimum violence.

The Rev Dr Frank Chikane, General Secretary



NAMIBIA - THE AI-GAMS DECLARATION

'We, the duly authorized representatives of the undermentioned churches, political parties and groups, women's organizations and the student movement, who represent the overwhelming majority of the Namibian people, having gathered in Klein Windhoek at a meeting under the auspices of the Council of Churches in Namibia (CCN) on the 29th and 30th April 1986 -

Having discussed, reviewed, analyzed in depth the worsening political, economic, social and military situation in Namibia today, having noted the frustration felt by our people at the continued delay in gaining an internationally recognized independence, unanimously resolve as follows:

1.1 to reject South Africa's continuing delaying tactics and its persistent refusal to have United Nations Security Council resolution 435 of 1978 implemented (which resolution was accepted by all parties concerned, including the Republic of South Africa and the United States of America);

1.2 to reject the unholy alliance between the United States of America and the Republic of South Africa in their attempts to bypass the said United Nations Security Council resolution 435 by linking the independence of Namibia to issues which are totally extraneous, such as the withdrawal of Cuban troops from Angola;

1.3 to reject the succession of Pretoria installed puppet governments of which the so-called Transitional Government is the latest creation;

1.4 to reject the so-called Transitional Government on the grounds that -

1.41 it is forced upon our people by South Africa; 1.42 / it is kept in power only by the sheer brutal force of the army of occupation, the police, 'Koevoet', etc.; 1.43 it is not elected and has no mandate from the Namibian people;

1.5 to reject the increasingly repressive nature and dictatorial actions of the so-called Transitional Government, in particular the latest ban on all gatherings in the Windhoek magisterial district in terms of the Riotous Assemblies Act, an act which in itself is such a flagrant violation of fundamental human rights that it has even been abolished in South Africa;

1.6 to reject the illegal presence of the South African army in Namibia, the forced conscription of Namibians, the creation of the so-called South West Africa Territorial Force through which civil war is being forced upon the people of Namibia;

1.7 to condemn all the oppressive and inhuman laws applicable in Namibia, in particular AG 9, AG 26 and the Terrorism Act of 1967;

THEREFORE, WE REAFFIRM -

2.1 the inalienable right of the Namibian people to gain their self-determination and independence now;

2.2 the inviolability of the territorial integrity of our country and our commitment to ONE NAMIBIA, ONE NATION;

2.3 the international status of Namibia and the obligations of the international community;

2.4 that United Nations Security Council resolution 435 is the only peaceful, democratic way of achieving an internationally recognized independence for Namibia.

CONSEQUENTLY, WE SEVERALLY AND COLLECTIVELY COMMIT OURSELVES TO -

3.1 mobilize and conscientize the Namibian masses so as to actively resist the status quo;

3.2 embark on a campaign of positive action aimed at bringing about the immediate and unconditional implementation of United Nations Security Council resolution 435;

3.3 work towards the abolition of the so-called Transitional Government and its replacement by an internationally recognized and democratically elected government truly representative of the Namibian people;

3.4 carry on the campaign against compulsory military service.

EVANGELICAL LUTHERAN CHURCH
 ANGLICAN DIOCESE OF NAMIBIA
 METHODIST CHURCH
 SOUTH WEST AFRICA PEOPLES ORGANIZATION
 DAMARA COUNCIL
 NAMIBIA CHRISTIAN DEMOCRATIC PARTY
 NUDO PROGRESSIVE PARTY
 NAMIBIA WOMEN'S VOICE

ROMAN CATHOLIC CHURCH
 AFRICAN METHODIST EPISCOPAL CHURCH
 COUNCIL OF CHURCHES IN NAMIBIA
 SOUTH WEST AFRICA NATIONAL UNION
 MBANDERU COUNCIL
 NAMIBIA INDEPENDENCE PARTY
 NAMIBIA NATIONAL STUDENTS ORGANIZATION
 YOUNG WOMEN'S CHRISTIAN ASSOCIATION

NAMIBIA: The Phony Draft Constitution

On 9 October 1987, Elizabeth S. Landis made the following statement to the Fourth Committee of the United Nations.

Dr Landis, a lawyer, is a retired senior political affairs officer in the Office of the UN Commissioner for Namibia. She is now a consultant on Namibian public law. She is an officer of the Episcopal Churchpeople for a Free Southern Africa and the American Committee on Africa, and a member of the board of directors of National Namibia Concerns.

I would like to focus today on a new development in Namibia and its implications for the implementation of Security Council resolution 435 (1978). This development is the publication by the puppet government in Windhoek of the constitution they drafted for a future Namibian state.

Since the English-language version of the draft constitution runs to some 30 pages, I will limit my discussion to just a few of its most significant provisions.

* * *

(1) Denial of Namibian territorial integrity

The draft constitution defines Namibia as "the territory known as South West Africa at the enactment of this constitution...."[s. 6]

While, under international law, the Territory of Namibia includes Walvis Bay-- so recognized by the General Assembly in numerous resolutions and by the Security Council in resolution 432 (1978)-- Pretoria continues to claim title to Walvis Bay, whose administration it took over in 1977. From statements of members of the so-called "Transitional Government," it is apparent that Pretoria's puppets have accepted Pretoria's position on Walvis Bay, and that their concession is written into the quoted definition in the draft constitution.

(2) Replacing "Representative Authorities" with a pig-in-a-poke"

The draft constitution abolishes the controversial second-tier governments ("Representative Authorities") [s. 99] that currently maintain the ethnic fractionalization of Namibia. But it replaces them with "regional councils" [ch. 6] about which it provides no meaningful information whatsoever-- nothing about the councils' powers, functions, or relationships to local governments on the one hand or to the central government on the other.

The constitution thus gives Namibians no idea of what kind of government they will have to live under, the extent to which one form of ethnic separation may be succeeded by another, or where the true locus of power will be found in the new government.

(3) Limitations on the franchise

The draft constitution denies Namibians the right to directly elect many of their most important officials.

Of the 28-member Senate, four Senators are selected by the President, i.e., not elected at all.[s. 34(1)(b)] The other 24 are elected, three from each of the eight constituencies into which Namibia is to be divided.[s.34(1)(a)] But they are not elected by the people. Instead, each group of three is chosen by an electoral college established for the constituency which they are to represent. Each electoral college consists of the members of the municipal councils and of the regional council or councils located in the constituency plus the members of the National Assembly (lower house of the Namibian Parliament) elected from the constituency.[ss.34, 76, 83(1)]

The President is indirectly elected also. He is chosen by a national electoral college consisting of all members of Parliament,[s. 26(1)] presumably including the four Senators he or his predecessor nominated. This means that insofar as the Senators-- themselves indirectly elected-- participate in the work of the electoral college, the Namibian people are kept at two removes from any say in the choice of "their" President. It should be noted, moreover, that only Senators and members of the National Assembly are eligible to become President! [s.26(5)]

Members of the National Assembly, unlike Senators, are popularly elected from multi-member constituencies (the same eight constituencies from which Senators are chosen).[s. 42] However, they are chosen by a system of proportional representation so complicated that it appears designed to invite manipulation and fraud.

(4) Rigging the Constitutional Court

The draft constitution provides that a law enacted by the Namibian Parliament may be challenged in court only on the ground that it was not properly enacted or that it is contrary to the "fundamental rights" set out in the second chapter of the draft.[s.7(2),(3),(6)]

(The wording leaves it unclear whether any court may consider the constitutionality of sub-legislation, local laws, or the application of laws. It apparently precludes judicial relief if an act of parliament conflicts with a provision of the constitution not found in Chapter 2, such as, e.g., the provisions governing elections.)

Challenges to the constitutionality of an act of parliament are to be heard by an ad hoc Constitutional Court set up when needed. Its members are to be selected by the Chief Justice of Namibia's highest court. They may consist in part or entirely of sitting Namibian judges, experts in constitutional law (whether or not lawyers), or foreign jurists.[s.84(3)] Thus, under the

draft constitution's provisions, it is possible that Namibia's constitutional future could be determined by a court consisting entirely of South African judges!

(5) A phoney bill of rights

Chapter 2 of the draft constitution is called a "Covenant of Fundamental Rights, Responsibilities and Guarantees." It includes in some form most of the civil and political rights set out in the Universal Declaration of Human Rights, but virtually none of the social and economic rights.

The Covenant appears to have been drafted more to propitiate international critics than to respond to the desire of Namibians for an end to abuses perpetrated by the officials and "security forces" of the occupation regime and its Namibian puppets. Thus it omits prohibitions against such oppressive conduct or rules as: detention without trial; warrantless searches and seizures; immunity of security forces from liability for arbitrary actions; and executive interference with the independence of the judiciary.

Moreover, most of the rights that are purportedly protected by Chapter 2 may be abrogated or denied in the name of "national [or state] security" or "public order." Other rights may be abrogated for other reasons, and Namibians may be deprived of their rights even though they have not been convicted of any crime[s.24]-- thus raising the question how "fundamental" the listed rights really are.

In connection with the abrogation of rights it should be remembered that the Terrorism Act and other repressive legislation extended to or issued in Namibia were justified by alleged concern for state security. Thus it is quite possible that the draft constitution would sanction the continuation of existing, or the enactment of new, "security legislation."

The specious character of the drafters' concern for human rights may perhaps be best illustrated by section 21, which makes it a fundamental right of Namibians to "be required to perform military service"!

* * *

This list only skims the surface of the draft constitution, on which a special Constitutional Council-- under the chairmanship of a South African judge-- worked for over a year.

The draft constitution is perhaps not so important for itself. It appears that Pretoria will not accept the document because it does not adequately protect "minority rights"-- by which, of course, it means white privilege and ethnic separation.

However, this Committee should note that in the course of attempting to water down resolution 435 South Africa and some of

its Western friends have repeatedly suggested that a Namibian constitution should be drafted before holding the election prescribed by the resolution.

The draft constitution I have just touched on demonstrates the dangers of such a proposal-- which are quite apart from the violence it does to the entire scheme and rationale of resolution 435. A constitution that can win the respect and allegiance of any country must be drafted by free people who are not under pressure to create a document that has to be approved by the occupying power so that it will go forward with the independence process. Can anyone imagine Namibians freely chosen in an election under United Nations "supervision and control" not specifically including Walvis Bay as an integral part of Namibia? Or providing for an indirectly elected President chosen from a tiny legislative clique? Or hesitating to create an explicitly non-ethnic government? Or failing to end detention without trial? To ask these questions is to answer them.

Resolution 435 may not be ideal. But it was presented as the collective wisdom of the Contact Group, accepted by both SWAPO and the South African government (despite the latter's later objections), and adopted by the Security Council. It should now be implemented without pre-election constitutions, without "linkage," -- and without delay.

* * * * *

Draft constitution handed to Cabinet

WINDHOEK: The Chairman of the Constitutional Council, Justice Victor Hiemstra, formally handed over a draft constitution to the Transitional Cabinet.

The draft was produced after 17 months of deliberation by the 18-member council which will be dissolved in October.

The document was handed to Cabinet Chairman, Dawid Bezuidenhout together with a minority constitutional proposal compiled by the SWA National Party.

Bezuidenhout said the constitution would be made public for further comment and he invited parties outside the transitional authority to submit their constitutional proposals.

Described by the Transitional Government as "the most important step on the road to internationally recognised independence" ("for Namibia") the constitutional plan had a mixed reception in Windhoek.

"It may broaden some people's horizons, but it does not appear to have a destination," a Windhoek news report quoted an unidentified observer as saying.

South Africa told the cabinet last month that any constitution compiled by it should merely serve as a basis for further negotiation with other political parties in the Territory.

Bezuidenhout said at yesterday's ceremony that the cabinet, in its handling of the constitutional draft, would abide by South Africa's international commitments concerning the Territory. -- Sapa



• Hiemstra

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December 1987

Dear Friends,

ECSA is approaching its 32nd year of work and witness as part of the worldwide support movement for the liberation of South Africa and of Namibia. At the same time, the struggle on the front line in southern Africa grows more intense. Inspired - as we have always been - by the brave people in that struggle, we want to stay the course. We ask your support for ECSA.

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From a speech by a representative of the South African youth movement at the African National Congress summit conference, Arusha, Tanzania, 1-4 December 1987:

The youth movement in South Africa, side by side with other democratic forces, continued to render the Botha-Malan military junta ungovernable. The evidence of this is the continued fear by the regime of the youth movement, which is manifested in the brutal killings, detentions, abductions and torture of the youth by the Pretoria regime...The formation of the civic associations is but one of the many examples of the youth's commitment to render apartheid ungovernable...

The youth strongly fought and opposed the age-group system in schools which the apartheid education department wanted to impose. The students fought and are still fighting for the 'doors of learning and culture to be opened', as the clause of the Freedom Charter states. ...The state of emergency, still in force, has been the cover under which the atrocious and spine-chilling activities of the South African police, security police and South African Defence Force - including the notorious, unscrupulous kitskonstabels - have become the order of the day. The witch hunt on youth activists has led to the displacement of the youth who have become refugees within their own country...The student movement found itself clamped down on in school as well as in higher institutions of learning, experiencing armies inside their campuses. The army has become part of the administration and staff in some cases...Many of the student activists had to choose the hardest road, i.e., abandoning the education career. This in itself continues to perpetuate illiteracy which the Botha regime deliberately but subtly wishes to achieve...

The Pretoria government continues with its policy of pacifying the youth activity by organizing the youth under the disguise of holiday camps or trips to train the youth how to shoot and further brainwash them in anti-UDF and anti-democratic movement skills. The youth are made to turn into informers for the government. The offer of employment by the government, taking advantage of the high unemployment rate, and its offer of tempting remuneration and security has led to many youth who are unable to attend schools falling for recruitment into the army.

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