

## NAMIBIA

Developments in Namibia over the period under review indicated clear acceptance by all concerned, the South African government included, of the inevitability of Namibian independence. The problem in Namibia arises from the confrontation politically and militarily, between the South African Government, the occupying power in the country, and the Namibian people as represented by their liberation movement, SWAPO. South Africa had been mandated by the League of Nations to administer the former German colony of Namibia. The mandate was however withdrawn by the world community over ten years ago, and the authority was given to the United Nations Council for Namibia to lead the country to ultimate independence under home majority rule.

The South African Government has continuously refused to accept the authority of the United Nations over Namibia, and has insisted that it was her responsibility to lead the Namibians to independence according to her own schedule and policies. South Africa has further refused to recognise the South West African People's Organisation (SWAPO) as representative of the Namibian people in spite of such recognition having been accorded by all the major international bodies including the United Nations and the Organisation for African Unity. Instead, the South African Government has set up machinery to encourage the development and emergence of other political leadership along ethnic affiliation. This attitude was seen as motivated mainly by self-interest on the part of South Africa in that it was important for her to retain her political and military influence over the territory for as long as possible, so that the actual border with the hostile north is not brought dramatically to the Orange river.

A number of resolutions have been passed by the General Assembly of the United Nations, as well as the Security Council, on the Namibian

issue, intended to persuade South Africa to relinquish control of that country. Such resolutions, together with other diplomatic pressure applied by individual influential countries have only been able to secure a declaration on the part of South Africa that independence shall be granted to the people of Namibia in the next few years. Political observers sympathetic to the Namibian cause believe that this undertaking has itself come about as a result of the logistical disadvantage that followed the establishment of MPLA rule in Angola, and subsequent pressures for a settlement in Zimbabwe.

South Africa is also believed to have been under heavy pressure from major western powers to find a peaceful solution for the Namibian problem, in order to avoid the escalation of the military conflict. The main hitch remained the refusal of the South African Government to see a role for SWAPO in the quest for a peaceful solution. Despite this problem, the western powers have continued to block mandatory United Nations action intended to pressurise South Africa to respond positively to world demands on Namibia. This protection has offered South Africa valuable time to work out her own strategy to solve the issue. The South African solution was set rolling on 1 September 1975 when representatives of all the eleven ethnic groups in Namibia including the Whites came together at the beginning of a constitutional conference convened by the Whites at the Turnhalle in Windhoek.

The Turnhalle conference started off with a number of minor issues like the 'petty apartheid' at public places like hotels and cinemas. Very little business on the constitutional future of the territory was touched, except for the establishment of a commission of 35 delegates under the chairmanship of white leader, Dirk Mudge, (tipped to lead a South African inspired transitional government). The Government declared that the conference would not accommodate political party representations, but that only representatives of various ethnic and racial groups would be accepted. SWAPO, the only political movement believed to have huge support across tribal barriers, would only be welcome if they saw themselves as part of the Owambo delegation. This suggestion arose from the customary South African claim that SWAPO is an Owambo organisation with no political support amongst the rest of the Namibian people. The composition of the conference came under fire from the world community, mainly because of its exclusion of SWAPO, as well as its generally tribal nature. However, spokesmen for both the internal and external wings of SWAPO rejected any participation in the Turnhalle talks or any other talks, without certain conditions being met, as an indication of South African good intentions. SWAPO publicity Secretary in Windhoek, Mr Kaova Dan Tjongarero, dismissed the Turnhalle conference as "a circus" which had no meaning for the people of Namibia.

The constitution committee which had the task of working out recommendations to the full conference for an acceptable constitution for the administration of the territory was faced with a few proposals mainly from the white South West African administration, the Herero delegation and the Damara delegation. The Whites wanted a loose race confederation of ethnic territories that would be in control of internal practical matters. The central government would take charge of foreign affairs and defence. The Herero delegation, under Chief Clemens Kapuno, with the American constitutional expert, Mr Stuart Schwartz as his adviser, proposed a Westminster-type constitution. The proposal was based on one man one vote providing for a two-chamber legislature. The Herero proposals met with favourable response amongst a good number of the delegations. The Damara delegation proposed that Namibia be divided into two territories, North and South, each with an autonomous legislature. This proposal was rejected on the grounds that it would divide the people of Namibia. The Damaras further proposed that the United Nations be requested to attend the talks as observers.

Meanwhile the international community and other concerned people continued to press South Africa for a solution involving SWAPO. The United Nations Security Council passed a resolution in January 1976 calling on South Africa to withdraw from Namibia and submit to United Nations supervised and controlled elections in the territory. The resolution condemned South Africa's military build up in Namibia and "any utilisation of the territory as a base for attacks on neighbouring countries". It demanded that South Africa stop applying apartheid and the bantustan policy in Namibia; and that South Africa should make a solemn declaration of intent to withdraw and recognise Namibian territorial integrity.

The Security Council gave South Africa up to 31 August 1976 to comply with its demands, whereupon it would review the matter and consider what other appropriate measures to be taken under the United Nations Charter in the event of South African failure to comply.

This resolution by the Security Council of the United Nations came after the International Conference on Human Rights and Namibia, which was sponsored by the International Institute of Human Rights, the International Commission of Jurists and the International Association of Democratic Lawyers, in Dakar, Senegal, from 5 January. The aims of the conference were to throw light on the human rights situation in Namibia and on the struggle for human rights in the country, to lay the foundations for the liberation of Namibia in the spirit of the Universal Declaration of Human Rights. The underlying objective was to formulate means whereby the United Nations could re-assert its authority in Namibia and end South Africa's occupation.

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The conference recognised SWAPO as the only legitimate representative of the people of Namibia and warned that if the international community did not use the means available to it to terminate South Africa's presence in Namibia, all means, including armed struggle, would be justified. It recommended that the Security Council should accept that the continued occupation of Namibia and its use as a military base constituted a threat to international peace. It recommended, therefore, that the Security Council should implement a complete embargo on the sale of arms, including the provision of radar and telecommunications systems for South African military purposes. The conference also called on all member states of the United Nations to enforce Decree No. 1 of the Council for Namibia concerning the protection of the natural resources of Namibia, and provide the United Nations Commissioner for Namibia, Sean Macbride, with facilities to implement the decree. The decree declares illegal all natural resources mined, processed and exported from Namibia without the prior authorisation of the United Nations Council for Namibia. It also provides for the seizure of any ship, or any other type of vehicle found to be carrying cargoes of Namibian goods.

The conference was addressed by Senegal President, Leopold Senghor, and Zambian Foreign Minister, Rupiah Banda, who represented President Kaunda, as co-patron with President Senghor. SWAPO President, Sam Nujoma, who was heading the SWAPO delegation gave a major address which was used extensively as a basis for discussion. President Nujoma pointed out that the question of human rights in Namibia could not be discussed in a vacuum, but that it was part and parcel of the struggle for the liberation of the Namibians because the lack of such rights was a direct consequence of South Africa's administration and policies in the territory. He said that SWAPO would be prepared to enter into meaningful negotiations with Pretoria, but demanded that the South African Government should accept the following "fundamental principles" before any talks:

—the right of the Namibian people to national sovereignty and independence;

—the inviolability of Namibia's territorial integrity;

—and that SWAPO is the only authentic representative of the Namibian people.

These fundamental principles were accompanied by the following set of pre-conditions:

—the release of all political prisoners held both in Namibia and South Africa;

—the return of all those Namibians in exile without fear of any arrest or any form of victimisation;

—prior commitment by the South African government that it will

In the meantime, a Stellenbosch University lecturer, Dr Gerhard Totemeyer, who had been urging that SWAPO be included in the South West African talks got expelled from the National Party.<sup>3</sup> Dr Totemeyer, who is regarded as an acknowledged expert on Namibia, claimed that SWAPO's influence in the country was far greater than people had been led to believe. He said, "After widespread investigations, as well as discussions over the years with responsible white and black inhabitants of South West Africa, I do not have the slightest doubt that SWAPO has the largest support of all the black political parties, more than any of the other 20 Black political parties in the area.

"SWAPO has supporters over the whole of South West Africa and in practically every black ethnic group," said Dr Totemeyer, who had recently completed a doctorate on Namibia.<sup>4</sup>

A senior member of the United Party in Namibia, Mr John Kirkpatrick, joined the chorus that called for SWAPO consultation. Speaking at Luderitz Mr Kirkpatrick said that it was essential that political bodies such as SWAPO which were recognised by the United Nations and by many individual world powers, be invited to participate in the constitutional future of Namibia and that every effort should be made to secure the co-operation of SWAPO and other organisations.<sup>5</sup> He said that ethnic representations in a Namibian interim government would not be contrary only to world opinion, but also to realities.

The head of the Anglican Church in Southern Africa, the Archbishop of Cape Town, the Most Reverend Bill Burnett, and the full synod of the bishops of the Church of the Province of South Africa also called on the Government to open negotiations with SWAPO and other South West African organisations in an attempt to avoid violence in the country. A resolution passed by the synod meeting in Lesotho and issued by the Archbishop read: "The bishops deplore the injustices perpetrated by the present authorities in Namibia, and express their deep sympathy with the victims. They urge the South African Government to open dialogue with the leaders of SWAPO and other Namibian bodies representative of viewpoints opposed to those of the present regime, before all the peoples of that territory are overwhelmed by the misery and suffering of war."<sup>6</sup>

The bishops' resolution also dealt with the continued recognition of Bishop Colin Winter and the suffragan Bishop Richard Wood as the church's leaders in Namibia. The two bishops had been expelled from the country by the South African authorities administering Namibia.

Interviewed on their way to the bishops' synod meeting in Lesotho, the former South African Defence Force chaplain, Suffragan Bishop Richard Wood said: "Inevitably when there is a change of power, SWAPO will be the dominant political party because it carries inter-

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would be best equipped to effect decisions taken at the conference from time to time. The six-point plan of the black caucus was submitted to the chairman's committee so that it could be put before the plenary session of the conference. There were expectations that the plan would raise clashes at the conference as it would drastically reduce the influence of the traditional South West Africa administration in implementing independence and hit against the interests of the right wing delegates like National Party's, Messrs Du Plessis and Eben van Zyl.

The general assembly of the conference was however adjourned until June, without the matter being discussed much. *Black Review* sources in Windhoek had difficulty in extracting the feeling of the conference on the black proposals. This was mainly due to measures taken to stop delegates from revealing anything about the deliberations at the conference. It was reported that all constitution committee members had been made to sign a document under oath, pledging secrecy. South African Police officials were charged with the responsibility of ensuring that delegates did not talk. Some revealed to *Black Review* sources that tough talking policemen had spoken to them about leaks.

The Coloured Council, whose delegation at the Turnhalle is led by its chairman Mr A. J. Kloppers, voted unanimously to include SWAPO in the talks. Mr Kloppers indicated that his Council would find it "unnecessary to continue with the talks if SWAPO continued to be excluded."

In a special statement in Parliament in Cape Town, the Prime Minister, Mr Vorster, indicated that he would not stand in the way if the conference at the Turnhalle decided to invite SWAPO to participate.<sup>10</sup> Subsequently, the Chairman of the constitutional committee of the conference, Mr Dirk Mudge, said in Windhoek, that the possibility could not be excluded that the constitutional conference would in the future have talks with SWAPO. He added that in such negotiations, SWAPO would be treated as a political opposition and as an organisation with a different ideology from that of the constitutional conference.<sup>11</sup>

SWAPO President Sam Nujoma announced the willingness of his movement to talk to Pretoria as the *de facto* colonial power in Namibia. During his discussions with United States Secretary of State, Henry Kissinger, Mr Nujoma said that he would be prepared to have talks "perhaps in Geneva," with his delegation comprising all key people in Namibia, including church leaders, and that South Africa could include in its delegation, the Turnhalle conference representatives. Meanwhile other pressures were being exerted by major Western countries, like United States of America, for South Africa to make sure that at least an independence date for Namibia was set by 31 August, which could then be pointed out by the veto-carrying Western powers as an in-

dication that the independence ball was already in motion.

An announcement was ultimately made that the constitution committee of the Turnhalle conference had recommended 31 December 1978 as a date for the independence of Namibia, and that an interim government be established as soon as a constitutional basis for it had been worked out.<sup>12</sup> These proposals were expected to be endorsed by the plenary session of the conference when it met. This decision was taken after hard bargaining by all sides, with some black delegations threatening to defect to SWAPO if no progress was shown towards establishment of an interim government.

It was reported as most likely that the future form of government accepted by the conference would consist of a multi-tier administration, providing for self-governing population units or geographical areas with an umbrella government with clearly defined powers.<sup>13</sup> Executive powers would be vested in a Council of Ministers.

The South West African National Union (SWANU) rejected the idea of an interim government. The chairman of its central committee, Mr Gerson Veii, said, "We are totally opposed to the Turnhalle and don't see how an interim government can work. It would have to be enforced by the South African army, and that would be a case of foreign troops on Namibian soil."<sup>14</sup>

However, in March 1976, the Turnhalle conference had passed a resolution requesting the South African government to maintain law and order in Namibia. The unanimously adopted resolution read: "The constitutional conference resolves that the protection given by the South African Government, especially on our northern border, be noted with appreciation. That the South African Government be requested to proceed in the meantime with the protection of the northern border and to maintain law and order thus to afford the leaders the opportunity to decide over the future of South West Africa in a peaceful atmosphere."<sup>15</sup>

An earlier amendment from the white delegation that Pretoria be requested to maintain a sound administration and economic development was defeated. SWAPO warned that it would continue its armed offensive against an independent Namibia if the South African Government handed power to a Turnhalle inspired government. Mr Lucas Pohamba, Dar-es-salaam SWAPO representative, said: "If South Africa goes ahead with its plan to give so called independence to its puppets, then all of us will go into the bush and fight both the Boers and their puppets, like our comrades in Vietman did."<sup>16</sup>

### **Objections to Development of Bantustans**

While the Turnhalle conference was busy with constitutional proposals for a future Namibia, the South African administration in Namibia was continuing with its programme of giving semi-autonomous

status to the various ethnic groups in Namibia. Three delegates representing the "Coloured" group at the talks made a statement attacking this continued practice as blatant interference by the South African Government in the affairs of the South West Africa constitutional conference.

The three delegates, Mr C. A. Hartung, Mr A. Krohne and Mr R. Hercules, said that the installation of the Nama Council and granting of more powers to the Caprivians, the Basters and the Bushmen was contrary to the promise by Premier John Vorster of not interfering with the constitutional proceedings.<sup>17</sup> The feeling was that Pretoria assumed that the conference would endorse an ethnically federal or confederal administration, rather than formulate a unitary central government.

### **Efforts to Promote the Turnhalle Conference Internationally**

In October 1975 the South African Government organised for a 34 member multiracial group of Turnhalle delegates to visit the United Nations and major Western capitals in a bid to win recognition for the constitutional conference.

The United Nations Secretary General, Dr Kurt Waldheim, would not see them because he did not recognise the Turnhalle constitutional conference members as representatives of the Namibian people.<sup>18</sup> A similar response was indicated by the office of the United Nations Commissioner for Namibia, Mr Sean Macbride. Although the schedule of the delegates was kept a guarded secret, it emerged that they did not meet with much success in arranging formal meetings with foreign diplomats. Only the British were openly prepared to meet them. A Mr Rahii Kahimise, a Windhoek Namibian, wrote a letter to the United Nations appealing to Dr Kurt Waldheim not to recognise the Turnhalle delegates who were visiting New York as representatives of the people of Namibia. The letter was subsequently confiscated by the police after receiving a report from a woman postal clerk.<sup>19</sup> Mr Kahimise was himself detained and questioned for about twenty minutes by police at Windhoek's J. G. Strydom Airport.

In an address to the United Nations Council for Namibia, the exiled chairman of the internal wing of SWAPO, Mr David Merero, charged that the Turnhalle delegates visiting New York were "political opportunists" and enemies of the Namibian people. He said that SWAPO, because of its history, performance and origin, was the "only authentic representative of the Namibian people at home and abroad."<sup>20</sup> The Turnhalle conference, he added, "could not survive a day in Namibia without massive South African Police and military support."

In the middle of 1976, a multiracial organisation with the aim of supporting the Turnhalle talks was formed in Windhoek. It was called

Pro South West Africa. An interim steering committee of eleven people was elected, including five Blacks, to draw up a constitution.

### **The Death of Chief Philemon Elifas and the Aftermath**

On the night of Saturday, 16 August 1975, the Chief Minister of Owambo, Chief Philemon Elifas was shot dead at short range while keeping a drink date with a friend, Mr Thomas Philippus. After the Chief had had a drink in the company of his brother, a cousin and Mr Philippus, at the latter's liquor store, he walked from the store to a lounge also belonging to Mr Philippus. Shots were fired and two bullets hit him. Several more shots were fired through the window of the liquor store, and one bullet hit the chief's cousin. The police, who were urgently summoned by Mr Philippus, rushed Chief Elifas to the hospital at Oshakati about 35 km away, but he died before he reached hospital. The following Saturday, 23 August 1975, the Chief was buried in his tribal cemetery at Olukonda, amid strict security precautions. Following the death of Chief Elifas, the Minister of Police, Mr J. T. Kruger, announced that police reinforcements were sent to Namibia to help control any possible disturbances after the death. Almost instinctively the chief opponents of the bantustan system in Namibia, SWAPO and the Namibia National Convention (NNC) came under official suspicion for the death of the chief. The SWAPO administrative secretary in London, Mr Moses Garoeb, expressed fears that the South African Police would use the Elifas death as an excuse to launch massive reprisals against the movement. "There will be heavier repression than ever," he said. Referring to the killing, Mr Garoeb said that he saw it as a just end of a traitor "who had collaborated with the South African regime."<sup>21</sup> He added that the killing should be a warning to any other black who felt inclined to collaborate with the South African Government. The bishop-in-exile of Damara-land (Namibia), Bishop Colin Winter, said that South Africa was responsible for creating the situation in Namibia which could produce a man like Chief Elifas who was a symbol of oppression and who sanctioned public floggings of people. The Bishop added that "Chief Elifas was the same as the quisling of Europe—one of the pathetic band of people prepared to barter the freedom of their people for power and money."<sup>22</sup>

There were wide-spread rumours in Namibia that Chief Elifas was the first of a number of tribal leaders who would be killed. The rumours had it that targets would be the leaders who had agreed to participate in the constitutional conference at the Turnhalle. As a result of these rumours, all tribal leaders who were to take part at the conference were supplied with body-guards to watch them day and night. Herero supporters of Chief Clemens Kapuuo, who was to lead his tribal

delegation at the talks, formed vigilante squads which rounded up top officials of SWAPO and broke into their homes at odd hours. The stick-wielding vigilantes generally abducted SWAPO leaders and handed them over to the police.<sup>23</sup> The Divisional Commissioner of Police in Windhoek, General Louw, confirmed that there had been "some arrests" by Herero squads.<sup>24</sup>

These squads raided the home of Mr David Meroro, SWAPO's national chairman, at 3 a.m. They broke a window and opened the door. Mr Meroro fled into an adjoining room which had a steel door and barred windows and locked himself in. He subsequently disappeared and was later reported to be abroad. The vigilantes further called on Mr Othniel Kaakunga, organising secretary of SWAPO, Mr Axel Johannes, SWAPO secretary in Windhoek, Mr Aaron Muchimba, SWAPO Youth League organiser, Mr Munjaro, SWAPO foreign affairs secretary, Mr Zondagh Kanguuechi, SWANU vice-president. All these men are believed to have been handed to the police by the vigilantes.<sup>25</sup>

The SWANU leader, Mr Kanguuechi, was apparently missed by the squads because he was not at home. He later reported that the tribal "terrorists" had set fire to his house.<sup>26</sup> "I arrived there to find it gutted and during the night I had to be protected by SWANU supporters armed with spears and bows and arrows," he said.<sup>27</sup>

However, Chief Clemens Kapuuo denied that the Herero vigilantes had abducted the SWAPO leaders from their homes, but claimed that they were arrested near his home under suspicious circumstances.<sup>28</sup> Guard squads were watching Chief Kapuuo's business and home in the township. Other SWAPO leaders held were Mr Sam Shivute, regional secretary in the northern territories, Mr Reuben Hauwanga, secretary for publicity and information in the north,<sup>29</sup> Mr Alpheu Naruseb, Mr Lazarus Guiteb, secretary of the Otjiwarongo branch, Rev. Festus Naholo, Walvis Bay branch secretary, Mr Albert Kangehii, chairman of the NNC and Pastor L. Kameeta, principal of the Paulinema Theological College at Otjimbingwe.<sup>30</sup>

In another incident, a group of Namibians marched through the streets of Katutura township in Windhoek, carrying sticks, hammers, knives and iron bars and singing freedom songs. Subsequent to this, one Mr Silvanus Haimbili was brought to court and charged with possession of a dangerous weapon and intent to intimidate, assaulting, injuring or doing any other harm to Chief Kapuuo. Mr Haimbili was sentenced to five months imprisonment. In Windhoek, northern migrant workers celebrated Chief Elifas' death and consequently two men appeared in court on charges of disturbing the peace.

Following all these arrests the Minister of Justice, Police and Prisons, Mr J. T. Kruger, speaking at the National Party Congress in Wind-

hoek suggested that SWAPO had a part in the death conspiracy against Chief Elifas. He said, "There are clear signs that it was members of SWAPO who were part of the conspiracy to kill Chief Elifas."<sup>31</sup>

From Lusaka, SWAPO President Sam Nujoma suggested that Chief Elifas could have been killed by one of his own people "because of his tyranny." The Namibian leader said that many people disliked the chief for his behaviour and flogging of women in public, even his wife could have killed him.<sup>32</sup>

Early in December 1975 Mr Janie De Wet, commissioner-general for South West Africa, announced at Oshakati that an attempt had been made to kill Owambo Minister of Justice, Mr T. Imbili. The Minister apparently escaped death because he was warned by two women and because the manager of his shop did not identify him to two gunmen while he was still within shooting range.<sup>33</sup> The gunmen were alleged to have been carrying automatic weapons which police claim were Russian AK 47's.<sup>34</sup>

## The Trial

On 1 December 1975 six Namibians—three men and three women (one 18 years old)—appeared in the Windhoek Supreme Court for summary trial for terrorism and conspiracy. The charges were related to the killing of Owambo Chief Philemon Elifas. The accused, all said to be members or supporters of SWAPO, were: Mr Aaron Mushimba, Mr Andreas Nangolo, Mr Hendrik Shikongo, Miss Rauna Nambinga, Miss Nami Mombowa and Miss Anna Gihondjwa.<sup>35</sup> The six were accused of providing material assistance to people intent on overthrowing the administration of South West Africa between 1 April and 6 May, 1975. Mr Shikongo was alleged to have provided a Land-Rover van to men knowing that they intended to abduct or kill Chief Elifas.

On this day of appearance, the court surroundings were thronged with crowds bearing placards reading "*SWAPO will win*", "*We are suffering for a free united Namibia*", "*Illegal regime has no right to try the just cause*"; and singing songs which paid tribute to SWAPO leaders in exile or in prison.<sup>36</sup> The date for the trial was set for 16 February 1976, at Swakopmund. Mr Justice J. Strydom was presiding and the Attorney-General for South West Africa, Mr J. E. Noethling, S.C., led the State case. Defence counsel was Dr W.E. Cooper, S.C.

In a Christmas message, SWAPO secretary, Mr Othniel Kaakunga, who had been released with several other SWAPO leaders from the post-Elifas-killing detention, called on the people of Namibia not to celebrate Christmas, but to "express their sorrow that day", and to mourn "their children who had laid down their lives for Namibia, their imprisoned brothers and sisters, the sons and daughters of

Namibia who are imprisoned in South West Africa and South Africa, and members of SWAPO who are awaiting trial.”<sup>37</sup>

When the trial resumed at Swakopmund some of the evidence given by State witnesses alleged that on the day of Chief Elifas’ death Mr Shikongo (one of the accused) had told a friend that he had himself taken a Mr Nicodemus Mahe and two other SWAPO members from the shop of a woman called Queen to the bottle store where Chief Elifas was. It was further alleged by another State witness that the three accused women had taken part in fund-raising campaigns at Engela Hospital in northern Namibia, to liberate Namibia; and that the three women, as well as the State witness, had separately visited guerilla bases in Angola. Evidence against Mr Mushimba was that he had allegedly bought a Land-Rover for guerillas and had handed over a radio, blankets and R380 to people bent on violent overthrow of the South West Africa administration. On 28 April 1976, the court found Mr Andreas Nangolo not guilty and discharged him. Similarly Miss Ansia Gihondjwa was also discharged. The defence counsel, Dr Cooper, had earlier pointed to certain evidence that the political problems and upheavals in Namibia were not the work of SWAPO, but of the conditions of living prevailing in the country. Counsel made a State witness, who was regarded as an expert on SWAPO, to read a memorandum which had been published by a number of churches in Namibia. The expert witness, former security policeman Mr Petrus Albertus Ferreira, read the memorandum which gave the following reasons why people were fleeing the country from northern Namibia:<sup>38</sup>

“The enforced carrying of identity cards bearing their finger prints, which made people feel like criminals; a constitution forced on the people under which they could be flogged and tortured with electric current; claims that racial or ethnic segregation had only been strictly applied against Blacks; and the oppressive powers of the police which had caused fear and hatred towards the police in South Africa instead of respect for them as a helper of the people.”

A stir was caused in the defence ranks by the dissolution of the partnership of the instructing attorneys where one partner, Mr J. A. Smit, was asked to resign, following leaks of confidential information about SWAPO to the security police. Defending his conduct, Mr Smit said, “information I may have given to the police did not concern any particular court case. It was information any good citizen of South West Africa would have conveyed to the authorities.”<sup>39</sup>

On 12 May 1976 at the end of the trial, Mr Hendrick Shikongo and Mr Aaron Mushimba were convicted and sentenced to death and the two ladies, Mrs Rauna Nambinga and Miss Anna Ngaihondjwa, were sentenced to seven and five years imprisonment, respectively. The

judgement, especially the issue of the death sentence, caused a major international stir. At an emergency meeting of the UN Council for Namibia in May, the Secretary-General was urged to intercede directly with the South African Government on behalf of the two men sentenced to death.<sup>40</sup> Both the Security Council and the General Assembly were requested to take up the matter and member governments of the UN were called on to put pressure on the South African Government.<sup>41</sup>

The main point raised by the international community was that, whether the accused were found guilty or not was immaterial, and that the court that tried their case was not competent to do so. This feeling arose out of the long declared stand that South Africa and its administrative and judicial structure in Namibia was illegal. The two men were the first in the history of Namibia to be sentenced to death for politically motivated offences. Leave of appeal was refused by the Windhoek Supreme Court and the Bloemfontein Appellate Division subsequently granted the convicted leave to appeal against the judgement.

## **SWAPO**

The South West African People's Organisation (SWAPO) went through a difficult year inside Namibia as tensions grew as a result of the escalation of the border war involving the guerillas and the South African Defence Force. There were many more reported incidents of guerilla activity inside the country. This development brought the position of the internal wing of SWAPO into focus, with certain people feeling that the organisation should be declared unlawful.

The National Party MP for Middelland, Dr Paul van de Merwe, called on the Government to seriously consider banning the internal wing of SWAPO if it wished to stop the rot setting in Namibia. He said it was becoming increasingly difficult to distinguish between members of the internal wing and other elements crossing the Kunene river into the country<sup>42</sup>. "If this is not done", he said, "we will have to do with attacks not knowing from where they come".

Dr van der Merwe added that various other political organisations like SWANU and NNC had not been banned because they did not see a communist under every bush. However, he said, SWAPO had been conceived in sin by Whites in Cape Town in 1957. They made Sam Nujoma president of the organisation to try to hide that Whites were involved. He charged that it was no secret that Mr Nujoma himself was a self-confessed communist.<sup>43</sup>

A similar appeal had been made by the Owambo government which sought powers to ban SWAPO in the north of Namibia. The Minister of Justice, Mr J. T. Kruger, who was empowered to declare organisations unlawful said that no steps would be taken against SWAPO as a political organisation, nor were any steps contemplated. Mr Kruger

added that SWAPO had the same freedom of propaganda publication and action as other political movements in South West Africa.<sup>44</sup>

The Government however, had already acted against certain stickers, and badges put out by SWAPO for political propaganda. It was reported that the Government had given notice in an official gazette that it intended to eradicate that kind of political warfare in Namibia.<sup>45</sup> The Minister of Economic Affairs who issued a warning explained that he intended to use the provision of the Merchandise Marks Act to prohibit the use of certain marks, words and letters in connection with any trade, business, profession or occupation. He said he would ban a marker, sometimes described as a sticker which was a black circle on a white background with a burning torch in the hand of a black person and the words, "FREE NAMIBIA", in prominent black letters in the circle.<sup>46</sup>

He would also ban a sticker or marker which was a black circle on a white background with a map of Namibia in the centre. Above the map were the words "WORK IN SOLIDARITY FOR SWAPO", and below the map the words "JUSTICE AND FREEDOM". Also on the banned list was a black circle on a white background with a map of Namibia in the centre with the words "FREE NAMIBIA" inside the map, and the words "UNITED WE STAND—DIVIDED WE FALL" above the map, and the words "BLACK IS POWER" below the map. These stickers were occurring frequently in public places and political rallies in Namibia.

### **SWAPO Congress at Walvis Bay**

At the end of May 1976, SWAPO held a national congress at Walvis Bay, a venue which was seen by observers as significant in the light of South African claims on the economically important enclave. The conference was described by one of the organisers, vice-secretary, Mr Othniel Kaakunga, as "being called in the darkest and most arduous hour of the people's struggle".

Although the Congress was held behind closed doors, occasional press briefings were made. From these the following reports emerged:

- the Congress pledged to concentrate on action against and not merely talk about oppression;
- the action was to be of a peaceful nature;
- the Congress further challenged the South African Government to hold national elections in Namibia "to test our support".<sup>47</sup> The elections would have to be held under international supervision. In a statement on behalf of the National Executive, Mr Jason Angula said, "We say to the white man, 'stop here, go no further.' We will fight his evils from all sides." With regard to Whites applying for

membership, SWAPO will allow them to join the organisation, although their applications will have to be sifted very carefully to avoid admitting members of the security police or South African Bureau for State Security.<sup>48</sup> However, it was re-emphasised that Whites were entitled "to stay in Namibia as Namibians".

Congress further attacked the German community in Namibia and the West German government for supporting segregated schooling in the country. Rev. F. Naholo, of the Lutheran Church in Walvis Bay, revealed that a resolution was passed which saw the German Consulate in Windhoek as a symbolic indication of the "historic tendencies of the Whites in Namibia". "The German Consulate is a source of apartheid because the intensified German culture comes from there. Germans here organised festivals in honour of Hitler's birthday. They want to remain Germans. They are a reactionary group in Namibia.

"The Bonn government helps apartheid in schools by subsidising teachers' salaries. We feel we have to take action against this", said Rev. Naholo. He added, "They are milking our country economically and sending the money to Germany, but they are helping South Africa to remain an occupier of South West Africa to exploit it."<sup>49</sup> Foreign countries operating in Namibia were advised not to pay taxes to the South African government, but to pay to the United Nations Council for Namibia, which was authorised by United Nations to run the affairs of Namibia in the meantime. Only on that basis were foreign companies welcome in the country. However, Congress spokesmen said the economic system to be followed in Namibia would not be declared yet, and that it would have to be decided by the people.

Congress made a unanimous call for the leaders who had been banned, detained or deported, to be allowed to return to Namibia. Mr David Meroro, the national chairman (in exile) of SWAPO, was re-elected National Chairman and Mr A. Katamila was elected Vice-Chairman. Mr Sam Nujoma, President of the external wing, was elected President of "SWAPO of Namibia".<sup>50</sup>

### **Other Developments in SWAPO**

SWAPO continued to give general political direction in Namibia, in the position of an alternative government for the people of Namibia, in spite of heavy reprisals against its leadership and the establishment of the government-sponsored tribal constitutional talks in Windhoek. In a Christmas message in December 1975 the organisation called on the people to regard Christmas day as a day of mourning. A statement issued under the hand of the deputy general Secretary, Mr Othniel Kaakunga, said:

"I am calling on the people of Namibia not to celebrate this Christmas with joy, but to express their sorrow on that day".<sup>51</sup> It said that the

people should mourn "their children who had laid down their lives for Namibia, their imprisoned brothers and sisters, sons and daughters of Namibia who are imprisoned in Namibia and South Africa, and members of SWAPO who are awaiting trial." The statement added that "The struggling people of Namibia once again are sure that the idiotic continuation of South Africa in their country of birth is the only thing which will continue forcing the oppressed people to fight South Africa out. Our struggle is not against certain structures within the status quo, but a bitter struggle against the South African presence in Namibia; and that SWAPO would fight until the South African flag is lowered whether South Africa wants to do it or not. SWAPO wishes the South African flag to be replaced by the national flag of the people of Namibia."

Meanwhile SWAPO externally continued to build up international diplomatic, material and practical support for its activities. Besides the favourable standing it enjoyed at the Organisation of African Unity and the United Nations, a good number of individual member governments pledged significant support for the movement and its military programme on the Namibian borders.

SWAPO President, Mr Sam Nujoma, visited Cuba and the Soviet Union where promises of military hardware were made for the movement. Mr Nujoma declared that his organisation had the necessary manpower for the military offensive on the South African administration in Namibia, and the hardware was his problem. He complained that such assistance was not forthcoming from western countries.<sup>52</sup>

There was heavy speculation that despite the progress of the Turnhalle conference, despite his continual public display of contempt for the SWAPO leader, South African Premier, John Vorster, would eventually talk to the SWAPO leadership in connection with the problem in Namibia. Observers of Southern African politics believed that Mr Vorster was waiting for the solution of the Zimbabwe issue before such a move could be taken.<sup>53</sup>

A petition on behalf of the detainees was made by the Evangelical Lutheran Church of Namibia to the Administrator of South West Africa.<sup>54</sup> The petition read as follows:

Your Honour,

The Evangelical Lutheran Church (Rhenish Mission) makes the following application. As you already have notice, the following persons are being held by the Security police under the Terrorism Act: Z. Kameeta, A. Kanguuchi, F. Naholo, Guiteb. These are office bearers and members of the Church. This step cannot be understood by us. Therefore we want to request you urgently to use your influence in order to:

1. Make the release of these innocent people possible.
2. If you are not convinced of their innocence, to order that they be tried normally, so that their guilt or innocence can be proved.
3. We make this application for the following reasons:
  - (a) The arrest of the innocent members of the ELC in SWA (RM) has caused a spirit of unrest in our congregations;
  - (b) We cannot guarantee that we, as a church, will be able to admonish our congregations' members to rest in peace;
  - (c) Hate and frustration has been blown up by this unjust step, and the congregational members could go over to irresponsible actions, which we can in no way control;
  - (d) If you attach any value to a peaceful atmosphere, we ask you urgently to prevent the police and the army from intimidating and injuring innocent people. Their mere presence creates an atmosphere of frustration;
  - (e) We further ask you urgently that the terror caused by the Kapuuo group should be stopped forthwith, before a bloody confrontation between them and the other population groups can take place.

The following persons—Othniel Kaakunga, Axel Johannes, Aaron Muchimba, Elifas Munjaro, A. Naruseb, also members of the ELC, have been taken by the Kapuuo group and handed over to the police. They are still being kept. For them we are also asking an immediate hearing.

We ask you to see this petition of the church in a serious light and we will appreciate it if you can react upon it immediately and to inform us on the steps you have taken. We want to assure you that the ELC in SWA (RM) is prepared for peaceful co-operation, but that our work is being made difficult through such unjust actions against our church and our office bearers, and at the moment we cannot perceive that the chaotic conditions will make any contributions to the peaceful solution of the problems of this country.

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