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## NAMIBIA: RETURN TO HOME RULE

### The New Government in Windhoek

The 'Transitional Government' is the name of the new central government established in Namibia on 17 June, 1985. It is scheduled, by proclamation of the South African State President, to be in office for two years. Although it does not have the entire support of the country's 1,4 million inhabitants, it calls itself a 'government of national unity', comprising the DTA (11 political parties) and five others. It enjoys arguably between 20 and 45 per cent support of the population, drawing this support from all ethnic groups in Namibia. It is most strongly supported in the southern, central, eastern and north-eastern regions.

The Transitional Government's support is perhaps weakest in Namibia's most populated region, Owambo (also known as Owamboland), which is regarded as primarily Swapo-supporting. The significance of the Owambos is that they constitute about 55 per cent of the total Namibian population, a figure which may well correspond with Swapo's minimum level of support in the country.

Swapo was invited to join the Multiparty Conference (or MPC), the forerunner of the Transitional Government, on several occasions during the past 20 months, but consistently declined. Its reasons were that the proposed Transitional Government would be a South African creation and puppet, it would be illegal, and it would be an obstacle to an internationally acceptable settlement.

### Composition of the Transitional Government

It comprises all parties represented in the MPC.

1. The National Assembly: There are 62 members. Each party has eight members and the DTA 22. The reason that the DTA has more than the others is because the alliance comprises 11 political parties. Each of the DTA parties has been entitled to two representatives in the National Assembly. The DTA has minority representation in the National Assembly as a whole. Legislation is passed on a simple majority basis.

2. Ministers' Council or Cabinet: This body has eight members. The DTA has three and all other political parties one each. The chairmanship rotates between the various parties. Decisions are made on a simple majority basis, or referred to the National Assembly for finality.

3. Constitutional Council: The role of this body is to draft the constitution. There are 16 members. The DTA has six members and the other political parties two each. The Chairman is a Supreme Court Judge and the body has the right to co-opt additional members, especially legal and constitutional experts.

4. Constitutional Court: The Supreme Court will act as the Constitutional Court. It is intended that it will resolve constitutional differences, uphold individual constitutional rights, and, in particular, protect the interests of minorities.

5. Control by Pretoria: The Administrator-General still has vast constitutional powers, but an understanding has been reached between the MPC and the South African State President that he (the Administrator-General) will not interfere with the constitutional and political process 'unnecessarily'. The full meaning of this is not clear, but it is implied that there should not be a repeat of the clashes that took place between a former Administrator-General, Mr. Danie Hough, and the former Ministers' Council.

Pretoria has retained full control over Defence and Foreign Affairs, although Namibia will make a significant manpower and small financial contribution to the defence effort.

Mr. van Niekerk has been replaced as Administrator-General by Mr. Louis Pienaar, from the beginning of July, and has been appointed to the Health portfolio in the South African Cabinet. Mr. Pienaar is 59 years of age, has practiced as an Advocate, was the MP for Belville and was the South African Ambassador to France during the late seventies.

#### Background to the New Government

Running parallel with, and largely separate from, the post-1977 international negotiations over Namibian independence, were significant constitutional developments within Namibia. As is the case with the present Transitional Government, these developments were not all regarded favourably by the Contact Group of five Western states, which proposed the independence plan adopted in terms of UN Security Council Resolution 435 in September 1978, and which since then has continued efforts to negotiate the implementation of that plan. These internal developments have also, of course, been consistently condemned by the United Nations, SWAPO and the Frontline States. A brief summary of the internal constitutional developments follows. (The international negotiations are not dealt with in this report.)

In December 1978 the South African Government conducted an internally-supervised election. The purposes were to have internally-based leaders elected to guide Pretoria on the wishes of Namibians in the international negotiations, to test the strength of the non-Swapo forces, and to give the indigenous population a taste of broadly-based democratic procedures. The election was won overwhelmingly by the Democratic Turnhalle Alliance (DTA), which attracted 81 per cent of the votes.

In the following year, 1979, the Administrator-General, Judge M.T. Steyn, converted the nationally-elected advisory body (Constituent Assembly) into a legislative body (National Assembly). This was given limited

executive powers in 1981. Confrontation, however, soon developed between the Windhoek Government and a subsequent Administrator-General, Mr. Lanie Hough, over several constitutional issues. The most contentious involved the retention of discrimination in the interim constitution, Proclamation AG 8 (which had earlier established the second-tier ethnic governments), and a plan by Mr. Hough and his advisors to include non-DTA representatives in the Ministers' Council. The DTA opposed the latter move on the grounds that it constituted gross interference in the democratic process in Namibia.

The differences came to a head in late 1982 and the South African Prime Minister, Mr. P.W. Botha, announced that the National Assembly and Ministers Council were to be dissolved on February 28, 1983. The Windhoek Government resigned from office shortly before the official dissolution. Mr. Hough was replaced as Administrator-General by Dr. Willie van Niekerk.

In mid-1983 Mr. van Niekerk attempted to set up a 'State Council' as a basis for the establishment of a more broadly-based and more representative Namibian central government. The concept of the State Council was largely rejected by Namibian internal leaders on the grounds that it was a Pretoria creation, lent itself to South African manipulation, and was likely to precipitate a credibility crisis in the eyes of 'moderate' (non-Swapo supporting) Namibians.

Later in the same year the MPC was established as an alternative, with no outwardly visible South African Government connection whatsoever. This was spearheaded by the DTA Chairman, Mr. Dirk Mudge. The parties included the DTA, Swapo, Swapo Democrats, the National Party of SWA, the Coloured Labour Party and the Rehoboth Freedom Party. The main purposes were to replace the one-man role of the Administrator-General, Dr. van Niekerk, with 'home rule', and to hasten the move to political independence. Many MPC leaders maintained that neither the Administrator-General nor Pretoria had the true interests of Namibians at heart and that they were insensitive to many representations made to the S.A. Government. Other objectives were to consolidate and strengthen anti-Swapo support and to prepare a constitution for independence.

The MPC considered the possibilities and implications of Resolution 435, but decided that the odds were too heavily weighted against it to be a reasonable proposition. It also invited Swapo to join its ranks, but Swapo declined the invitation. The MPC then decided to pursue the path that is now being implemented: The Transitional Government and the drafting of a permanent independence constitution for the country. Pretoria agreed to the plan.

Although the hastening of independence was a major objective of the MPC and is still high on the Transitional Government's priority list, no statement has been made yet on the form that independence should take. Primarily because of the sensitivity of the issue and the international embarrassment it could cause the S.A. Government, is thought to be premature, and total consensus has in any case not yet been reached among the parties. The indications are, however, that the Transitional Government will eventually opt for independence, with or without the involvement of the international community, and with or without international recognition.

## Implications of the New Dispensation

### 1. Political

The new arrangement seems destined to be the final prelude to independence. Pretoria is likely to be guided by the Transitional Government on both the form and timing of independence, and it is unlikely to interfere with or dissolve the Windhoek government, unless Namibia is extremely badly managed or the transitional constitutional arrangement collapses. At this stage neither of these situations seems likely.

The Transitional Government can be expected to concentrate on the abolition (or at least the reduction) of remaining racial discrimination and differentiation, and the rationalisation of functions of the existing second-tier ethnically-based governments. The major debate in the National Assembly during the next few months will be about how far the government should go. On the one side, Swaflu and the Swapo Democrats would like to see all racial discrimination and differentiation removed, while on the other side the National Party and the Rehoboth Freedom Party will insist on various ethnic groups maintaining maximum control over their own affairs. The DTA and Labour Party are centrist, supporting the maintenance of group identity, but believing that it should not be over-emphasised and should not be permitted to obstruct broad national unity.

On the external front, the Transitional Government will do everything possible to gain recognition in Africa, concentrating rather more on the Francophone states than the Frontline States.

Swapo will most certainly continue its efforts to step up the war and intensify South Africa's diplomatic and economic isolation.

### 2. International

The deadlock over Namibia is unlikely to be broken in the foreseeable future. Pretoria will continue to insist on a Cuban withdrawal from Angola as a prerequisite for an internationally acceptable settlement on Namibia. It will also probably become more vocal about the need for Luanda to accommodate Unita in any final Angolan arrangement as a prerequisite for regional stability. The MPLA is unlikely to accede to these demands in the short or medium term, and the Soviets and Cubans can be expected to continue their political and logistic support of the regime. South Africa will thus remain a major target for attack in the United Nations Security Council and General Assembly.

The key Western powers, particularly the United States, are likely to remain critical of any developments indicating a move to independence outside the provisions of Resolution 435. But they can be expected to veto attempts to have the Security Council impose mandatory sanctions on South Africa. The South African Government currently maintains that it "will not act in a manner irreconcilable with the international settlement plan", as long as there is a "realistic prospect" of the present negotiations leading to a Cuban withdrawal from Angola (President P.W. Botha). However, if circumstances change and if independence without international recognition is granted to Namibia in two to three years time, the response of the Contact Group will depend on the state of relations then with South Africa, the progress of the civil war in Angola and the attitude of the Frontline States.

A swing to the left in the United States, Britain and West Germany could make a marked difference for the worse for the South African Government, including perhaps even sanctions. A reversal in Unita's fortunes could also be disconcerting, and the Frontline States could become considerably more militant in their outbursts against South Africa.

On the other hand, if the right holds its ground in the United States, Britain and West Germany, Unita gains further ground in Angola, and more flexible and pragmatic relations develop between the Frontline States and South Africa, the Republic and an MPC-orientated government in Windhoek will be better able to defend their positions, without drastic international reaction.

### 3. Strategic

The war on Namibia's border and in Owambo can be expected to continue during the next three years, but its intensity will be largely subject to the prevailing conditions in Angola, Unita's successes, and the willingness of the MPLA, the Cubans and other forces to co-operate with Swapo in combat. The intensity of the war will also depend on South Africa's relations with the rest of the world.

The South African Defence Force can be expected to place greater emphasis on offensive operations against Swapo than defensive operations. This means that cross-border raids will continue.

Proportionally less South Africans will be involved in the war as the Namibian indigenous military strength is increased. The South West African Territory Force already comprises 55 per cent of the total military manpower involved and is being systematically increased.

### 4. Economic

The Namibian economy is unlikely to be significantly affected by the installation of the new government. The most important influences will continue to be income from South Africa, the state of the South African market for agricultural (primarily meat) products, and the international markets for diamonds, uranium, copper and karakul pelts.

The South African Government has publicly declared its willingness to continue significant financial support to the country during the period of transition.

Most development capital will be sourced from South Africa or locally. Foreign loans will be underwritten by Pretoria. There is unlikely to be any major inflow or outflow of foreign capital. Attempts, however, may well be made to free the Namibian financial sector (mainly banks and insurance companies) from South African constraints.

The agricultural sector provides a livelihood for more than 50 per cent of Namibia's inhabitants and as such will continue to be heavily bolstered by government against climatic and market fluctuations. Limited attempts will also be made to bolster farming in the underdeveloped traditional (Black) regions, but no substantial results can be expected in the short to medium term.

The Thirion Judicial Commission is expected to report shortly on alleged irregularities in the mining sector, and this will probably be followed by the imposition of tighter controls on the exploitation of natural resources.

Development of the recently much-publicised natural gas resources off the coast in the south of Namibia may be initiated or encouraged by the Transitional Government, but these are unlikely to make a substantial impact on the Namibian economy in the next few years.

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Note: This report was prepared by the Institute's new Programmes Director, Mr. Leon Kok, who is a former Editor of the Windhoek Advertiser, a daily newspaper, and, more recently, was News Commentator for the S.W.A. Broadcasting Corporation.