

# Namibia and the United Nations until 1990

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## Introduction

The United Nations (UN) has for many years established and maintained a relationship with Namibia, both as a colonised and occupied (mandated) territory and an independent country. This relationship grew into a strong bond that extended over many decades, and entails much in terms of content, events and the agenda of issues that defined and drove it over the years. The passing of time may have changed the agenda to reflect the needs of either party, but what has certainly not changed, especially after Namibia's Independence, is the endurance of the relationship, with a renewed emphasis on stronger ties and cooperation on many issues of mutual interest. This is crucial for the UN as a body dedicated to the maintenance of world peace and security. It is equally important to Namibia as a country that sought and achieved its independence through the UN. This may partly explain Namibia's strong positive record of contributing to UN peace and security efforts, a trend set since Independence. Moreover, the country cooperates closely with the UN on a number of developmental and other strategic areas 22 years since Independence, which bears testimony of a flourishing relationship.

However, the UN–Namibia relationship prior to Independence, which is the primary focus of this article, was at times complex because of the difficulty in dealing adequately with a host of issues on the question of Namibia. The difficult interaction between the UN, Namibia and South Africa and other role players was the main contributor to this complexity. Nonetheless, the relationship was also exciting, because it was built on the premise of hope – and that hope was turned into real freedom in 1990.

Reviewing such a relationship is a delicate task. Firstly, it covers important events over the years, all of which compete for attention. Secondly, the question of Namibia was one of the most long-standing and difficult issues on the UN agenda. Finally and unfortunately, time and space do not allow for a deeper and critical investigation of all important issues flowing from that as this paper constitutes a small addition only.<sup>1</sup>

This article provides a short overview of the Namibia–UN relationship prior to independence from five angles. After the introduction and brief background, the paper first looks at Namibia as a UN petitioner, and then at UN support to petitioners. Thirdly,

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1 A publication on this subject by the speaker of the Namibian Parliament, Hon. Dr Theo-Ben Gurirab, is forthcoming.

it considers the role of the International Court of Justice (ICJ), its important judgement on Namibia from 1966, and the implications of that judgement. Fourthly, it highlights the involvement and intensified efforts of the UN General Assembly (UNGA) and UN Security Council (UNSC) in the final push for independence. And lastly, the article concludes with a section on independence being a destination within reach.

## A brief background

South Africa's mandate to rule Namibia stems from the terms of Article 22 of the Covenant of the League of Nations and a mandate<sup>2</sup> agreement by the League's Council. The League's authority on the question of South West Africa which Part 1 of Article 22 of the Treaty of Versailles articulates is a result of marathon negotiations that ended with the signing of the Treaty of Versailles – a peace settlement agreed on after the First World War (WWI) had ended.<sup>3</sup> The mandate under this treaty governed by the League allowed South Africa to officially take over the administration of the then South West Africa on 17 December 1920. With the supersession of the League by the United Nations in 1946, South Africa refused to surrender its earlier mandate to be replaced by a UN trusteeship agreement requiring closer international monitoring of the territory's administration. Kerina reports on this as follows:<sup>4</sup>

In view of the wishes of the majority of European inhabitants of South West Africa, [South Africa] could not act in accordance with the recommendation that South West Africa be placed under international trusteeship; nor did it consider itself under any legal obligation to propose a trusteeship agreement.

Furthermore, on numerous occasions, South Africa asserted that the League of Nations mandate had lapsed upon that body's dissolution, meaning that it no longer had any international obligations in regard to South West Africa. From that point forward, South Africa administered Namibia as a *de facto* fifth province, but failed to officially incorporate it. Under this arrangement, the white minority were represented in the whites-only Parliament of South Africa, and could elect their own local administration – the South West Africa Legislative Assembly. South Africa also appointed an Administrator of SWA with extensive power. In 1949, South Africa made constitutional changes, which included the quasi-incorporation of South West Africa.

By UNGA Resolution 338 (IV), the ICJ was requested to give an opinion on the current international status of South West Africa. The request for advisory opinion was submitted

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2 A League of Nations mandate was a legal status for certain territories to be transferred from the control of one country to another after WWI; see "Legal consequences for the state of continued presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)", available at <http://www.icj-cij.org/docket/files/55/5595.pdf>; last accessed 9 August 2011.

3 Signed at the Palace of Versailles near Paris on 28 June 1919.

4 Kerina (1981:116).

on 27 December 1949.<sup>5</sup> At the same time, Reverend Michael Scott<sup>6</sup> petitioned the ICJ in support of the UNGA submission in order to lend more weight to the arguments before the court on the question of Namibia.

In July 1950, the ICJ found that the old League of Nations mandate was still in force.<sup>7</sup> Subsequently, the UNGA repeated its application that the territory should fall under UN trusteeship. In October 1966, the UNGA resolved to revoke South Africa's mandate, declaring as follows:<sup>8</sup>

The mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa is therefore terminated, that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations.

However, South Africa opposed and ignored this Resolution and continued to rule South West Africa. Therefore, the controversy surrounding South Africa's refusal to allow Namibia to be placed under UN trusteeship brought the UN and Namibia closer, and marked the beginning of Namibia's long ties with the international body.

## The UN petitioners

The refusal by South Africa in 1946 to allow Namibia to be placed under UN trusteeship sparked a wave of petitions from the international community and Namibians alike, declaring that Namibians preferred to be placed under UN trusteeship rather than be incorporated into the Union of South Africa. The late Herero Chief, Hosea Kutako, through Rev. Michael Scott, petitioned the UN in 1946,<sup>9</sup> becoming one of the first Namibians to do so. In one such petition, he made the following declaration:<sup>10</sup>

We shall be destroyed if we are incorporated. We shall never want the Union Government.

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5 Available at <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=30&case=10&code=sswa&p3=0>; last accessed 8 August 2011.

6 Michael Scott was a Scottish Anglican cleric and anti-racism activist who worked in South Africa and lobbied for a free South West Africa. He was mandated by the indigenous people of South West Africa to speak on their behalf at the UN. He petitioned the UN in his personal capacity as a cleric and as an authentic representative of native South West Africans.

7 "International Status of South West Africa, Advisory Opinion", ICJ Reports (1950).

8 General Assembly Resolution 2145 (XXI) of 1966, adopted at the 1454th Plenary Meeting of the General Assembly on 27 October 1966; available at: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/004/48/IMG/NR000448.pdf?OpenElement>; last accessed 9 August 2011.

9 For extracts of statements and petitions from various African leaders in Namibia, see Kerina (1981:79–97).

10 (ibid.).

Others subsequently petitioned the UNGA, although Rev. Scott campaigned fiercely during those early years to petition both the UN and the ICJ. His efforts yielded a historic breakthrough in 1949, when the UN Trusteeship Committee allowed him to speak on behalf of the “tribes” of South West Africa. This was also the first time that petitioning from Namibians received prominence at the UN.

The main purpose of the petitions was to alert the UN – and the world – about the desperate plight and ill-treatment of the black majority by the apartheid South African regime. Besides highlighting these gross human rights violations, the petitions also conveyed the Namibian people’s genuine desire for independence, and served to strengthen support for those – including the South West Africa People’s Organisation, SWAPO<sup>11</sup> – involved in the military struggle and in diplomatic and lobbying efforts to advance the case for Namibia at the UN and beyond.

The petitions, diplomacy and lobbying bore fruit in that Namibian leaders were invited to advance their cause to the UNGA in 1951. This significant achievement offered a rare window of opportunity to Namibian leaders to address the UN and world leaders from a vital platform. In November 1953, the UNGA<sup>12</sup> established a Committee on South West Africa. Three years later, in 1956, the ICJ advised the UNGA on how to deal with the case of South West Africa, and reaffirmed the UNGA’s capacity to adopt resolutions and to hear petitions on the mandated territory.<sup>13</sup>

Also in 1956, Mburumba Kerina was sent to New York to petition the UNGA on behalf of the Herero Chiefs’ Council. He was followed in 1959 by Hans Beukes and Jariretundu Kozonguizi, also sent by the Herero Chiefs’ Council, with the aim of becoming representatives of the future independent Namibia at the UN. In 1960, they were joined by Sam Nujoma, who had gone into exile through Bechuanaland (today’s Botswana) on 1 March 1960 as a response to the December 1959 massacre in the so-called Old Location<sup>14</sup> and who, in June 1960 became the first person to petition the Subcommittee of the Fourth Committee of the UNGA. Until 1960, various petitioners acted on behalf of the Namibian people, all united by a single factor: the desire to be freed from the Union Government and its discriminatory and racist policies. The petitioners included Chief Hosea Kutako, accompanied by the leader of the Nama, Hendrik Samuel Witbooi, and

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11 Today, the ruling SWAPO Party of Namibia.

12 Resolution 749 A (VIII) of 28 November 1953.

13 ICJ Pleadings, South West Africa (Hearing of Petitioners), Vol. 152; available at <http://www.icj-cij.org/docket/files/31/9099.pdf>; last accessed 9 August 2011.

14 More than 11 people died when the police opened fire indiscriminately against protestors who opposed their forced removal from their ‘location’ – or racially segregated residential area (the suburb of Hochland Park today) to Katutura, some 15 km away. *Katutura* is an *Otjiherero* word meaning “we have no place of our own”.

his nephew, Hendrik Witbooi, in 1958; Andimba Toivo ya Toivo<sup>15</sup> in December 1958; and Simon Kaukungua in 1959.

For the petitioners, the UN was one of the few alternatives that offered some hope of salvation from the Union Government. Nonetheless, South Africa refused to bow to the pressure being exerted by a combined international and domestic effort to place the issue of South West Africa under UN trusteeship. This fight continued for many years.

### **UN support for the petitioners**

In 1960, with the independence of a number of colonies, the UNGA adopted Resolution 1514, namely the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>16</sup> which held as follows:

All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all states, and respect for the sovereign right of all peoples and their territorial integrity.

This Resolution enabled the petitioners to plead their cause through means other than petitions. The UNGA also endorsed and accepted the ICJ opinion of June 1956,<sup>17</sup> which concerned the admissibility of hearings of petitioners by the Committee on South West Africa, and authorised the said Committee to grant them oral hearing.

In 1961, shortly after the Declaration on the Granting of Independence to Colonial Countries and People, the UNGA declared that the situation in South West Africa was a threat to international peace. Both Namibian parties – SWAPO and the South West Africa National Union, SWANU – demanded that the UN urge South Africa to leave South West Africa. By way of Resolution 1702, the UNGA established the UN Special Committee for South West Africa, which became the UN Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People, and reiterated its commitment to the independence of South West Africa, which was also mentioned in Resolution 1514.

The petitioners worked under extremely difficult circumstances, including having to endure censorship and spying by the South African Government. They were also not allowed to leave the country, so their only way out was to escape. Despite these hardships,

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15 Founding member of the Ovamboland People's Congress (OPC) in 1957, a forerunner of the Ovamboland People's Organisation (OPO) and, ultimately, SWAPO.

16 Resolution adopted on 14 December 1960; see <http://www.un.org/documents/ga/res/15/ares15.htm> and <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0152/88/IMG/NR015288.pdf?OpenElement>; last accessed 10 August 2011.

17 See ICJ Reports (1956:23).

they kept the home fire burning by ensuring the UN continued to be informed about developments in the country and by soliciting the UN's support. At times, they were faced with hostile conditions and receptions at the UN as well. This was the case especially during the UN's early days and when they began petitioning. Among the reasons was that the UN was still in its infancy, and petitioning was a new tool. Furthermore, there was only a small representation of African countries at the UN, namely Egypt, Ethiopia and Liberia. The latter two independent African states later engaged the ICJ by virtue of Article 66 of the Statute of the International Court of Justice which allows entitled states to request an advisory opinion.<sup>18</sup> The two countries argued, among other things, that South Africa had violated its mandate by adopting and practising the repressive racial policy of apartheid that violated the human rights of the territory's inhabitants. Another reason for the difficulties experienced by petitioners in the early days was that certain permanent members of the UNSC, who had veto powers, were South Africa's trading partners and allies: they protected their ally's interests both in the UNGA and UNSC.

In subsequent years of engagement on the question of Namibia, more African countries had become UN members and offered the petitioners their support through, for example, the Africa Group. In addition, African countries and sympathisers lobbied for and provided advice and diplomatic assistance to the petitioners.

Thus, the increase in UN members had an immediate impact that was felt and appreciated by the petitioners. The new members had also opened up the UNGA from a very narrow base of representation to reflect more accurately the cultural diversity of the world community at large. Furthermore, despite the challenges they encountered, especially in the early days, the petitioners persevered and became pioneers and heroes who contributed significantly to the liberation of Namibia. The UN's support through the UNGA and UNSC immensely helped their cause. Indeed, those who began as petitioners ended up as UN diplomats – an achievement of note.

In addition, the question of Namibia was considered by the UNSC each year, such that, by the time of independence in 1990, more than 40 years of petitioning by Namibians and the international community had passed, along with 20 UN Resolutions on the issue.

## The 1966 ICJ judgement on Namibia and its implications

In December 1962, the ICJ decided against South Africa's claims, and pronounced that the latter had no jurisdiction over South West Africa. The case submitted by Ethiopia and Liberia, which demanded that the ICJ rule against South Africa on the grounds that they had constantly violated the regulations of the mandate, was still pending at that stage. In

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<sup>18</sup> For the court statute, see [http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER\\_IV](http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_IV); last accessed 12 August 2011.

1965, Sam Nujoma, Jacob Kuhangwa, and Emil Appolus gained observer status at the ICJ. A year later, on 18 July 1966, the ICJ delivered an important decision that would have profound implications for Namibia.

The ICJ President, Sir Percy Spender, cast the deciding vote and declared that the applicants, Liberia and Ethiopia, could not be considered to have established any legal right or interest appertaining to them in the subject matter before it.<sup>19</sup> Although the two countries were parties to the Covenant of the League of Nations under which the mandate had been established, they were not parties to the mandate agreement struck between the Union of South Africa and the League. The court's statement read as follows:<sup>20</sup>

To generate legal rights and obligations, it [interest in sacred trust] must be given judicial expression and be clothed in legal form.

In addition, the ICJ condoned South Africa's mandate. This decision came as a surprise to many. A victory would possibly have allowed an appeal to the UN that may have resulted in sanctions being imposed on South Africa; but this decision was a severe setback for those who had campaigned and lobbied for Namibia's independence. Furthermore, the decision shook SWAPO's trust and confidence in the UN. From that point on, SWAPO began to doubt whether the UN system alone was enough to achieve its ultimate goal of independence. Soon after the court decision, SWAPO decided to take up its armed struggle in addition to other liberation strategies, such as diplomacy, the education front, and political mobilisation at home. This decision marked the birth of SWAPO's military wing, the People's Liberation Army of Namibia (PLAN). The first clash took place at Omugulugwombashe on 26 August 1968, marking the beginning of a new chapter in the struggle for Namibia's independence.

Diplomatic efforts and engagements continued, but were slow in yielding results. Furthermore, for many years, diplomacy had been ineffective in the face of South Africa's intransigence. Among the reasons for these setbacks was that South Africa was a big trading partner of many Western countries, especially the United States of America. Secondly, these trading partners were also members of the UNGA and UNSC, and employed specific tactics to delay or derail the discussions and resolutions on the question of Namibia. Thirdly, they would also cause the UN to delay its response to the Namibians' plight. Thus, South Africa's trading partners in the West ensured that its interests were preserved, and this contributed to the late achievement of Namibia's independence. However, this does not in any way imply that diplomacy, as a method, was a failure; in fact, the contrary is true.

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19 See <http://www.icj-cij.org/docket/files/46/4931.pdf>; last accessed 12 August 2011. Cases cited as *South-West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)*; *Second Phase, International Court of Justice (ICJ)*, 18 July 1966, also available at <http://www.unhcr.org/refworld/docid/4023a9414.html>; last accessed 12 August 2011.

20 (ibid.:34).

Moreover, in its Resolution 2145 (1966),<sup>21</sup> the UN stated that South West Africa had a right to nationhood and independence. In the same year, in Resolution 2145 (XXI), the UN revoked South Africa's mandate. The following year, 1967, saw a confirmation of the Resolution, with the UNGA discussing steps on the way to independence and sovereignty for 1968.

The UNGA's Resolutions are testimony to the fact that the UN also constantly engaged the ICJ on the issue of Namibia. Over the years, the UN engaged the ICJ on six different occasions for both advisory and binding decisions. Interestingly, the UN's engagement with the ICJ on this question and the controversy emanating from the latter's decisions encouraged scholarly writings and kept academics and other analysts engaged with the implications of the court's decision on the question of Namibia in particular, and on international law in general. A significant amount of jurisprudence emanated from this, and now serves as good reference and case study materials for other countries.

The above account indicates that the UN had significant internal weaknesses. These included South African's power in lobbying its allies and being able to undermine the UN system from within, which frustrated and undermined diplomacy and resulted in slow progress. The 1966 ICJ decision was, therefore, a wake-up call for SWAPO to review its strategy and find ways to complement its diplomatic and other approaches in campaigning for Namibia's independence. The battle for Namibia was now fought on two complementary fronts, with SWAPO employing diplomatic strategies as well as the military route through armed struggle. Thus, the 1966 ICJ decision marked a turning point in the fight for the freedom of Namibia, and had prompted SWAPO to rethink its strategy.

## The involvement of the UNGA and UNSC

By the late 1960s, a new international actor had begun to get involved in Namibia's struggle for independence. With Resolution 245 of 1968,<sup>22</sup> the UNSC made its first statement regarding the issue of South West Africa. In the following years, various Resolutions followed, with the UNSC becoming deeply involved and playing a sizeable role in Namibia's struggle for independence. Also, in 1968, the UN officially changed its policy in order to enable South West Africa to be referred to as *Namibia* from then on. Despite this, the South African Government continued to refer to the country as *South West Africa*. Furthermore, also in 1968, for the first time the UN acknowledged as legitimate the fight of oppressed Namibians against the illegal occupation of their country. In 1969, the UNSC adopted UNGA Resolution 2145,<sup>23</sup> with UNSC Resolution

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21 See <http://www.un.org/documents/ga/res/21/ares21.htm>; last accessed 11 August 2011.

22 Adopted on 25 January 1968.

23 Adopted on 27 October 1966; see <http://www.un.org/documents/ga/res/21/ares21.htm>; last accessed 11 August 2011.



264 calling on South Africa to leave Namibia before October 1969. The UNSC reiterated its request by way of Resolution 269<sup>24</sup> in August 1968, which —<sup>25</sup>

... condemn[ed] the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations; ... .

With South Africa not having left, as Resolution 264 demanded, the UNSC reiterated through Resolution 276<sup>26</sup> that —<sup>27</sup>

[t]he continued presence of the South African authorities in Namibia is illegal.

In 1970, in Resolution 284<sup>28</sup> the UNSC asked the ICJ for legal advice on the issue of Namibia. The ICJ ruled in 1971 that South Africa's continued presence in Namibia was illegal.<sup>29</sup> The ICJ also declared that adherence to the decision would make a great contribution —<sup>30</sup>

To the course of international peace and security and, more, to the course of friendly relations amongst not only the nations but amongst all men.

The UNSC stayed tuned to the case of Namibia, declaring it had a right to independence. In 1973, the UNSC broke off all negotiations with the South African Government and the UNGA acknowledged SWAPO by Resolution 3111<sup>31</sup> as the authentic representative of the Namibian people. This led to the withdrawal of South Africa from the UN Trusteeship Committee in protest.

In 1976, three years after the acknowledgement, the UNGA confirmed SWAPO as “the sole and authentic representative of the Namibian people”.<sup>32</sup> This recognition is unsurprising as, by this time, newly independent African and Asian countries were being

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24 Adopted on 12 August 1969; see <http://www.un.org/documents/sc/res/1969/scres69.htm>; last accessed 12 August 2011.

25 See <http://www.unhcr.org/refworld/publisher,UNSC,RESOLUTION,NAM,3b00f2322b,0.html>; last accessed 13 August 2011.

26 Adopted on 30 January 1970; see <http://www.un.org/documents/sc/res/1970/scres70.htm>; last accessed 13 August 2011.

27 See <http://www.unhcr.org/refworld/publisher,UNSC,,NAM,3b00f2112b,0.html>; last accessed 13 August 2011.

28 Adopted on 29 July 1970; see <http://www.un.org/documents/sc/res/1970/scres70.htm>; last accessed 13 August 2011.

29 See <http://www.icj-cij.org/docket/files/53/5595.pdf>; last accessed 12 August 2011. Case cited as *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, *Advisory Opinion*, ICJ Reports (1971:16).

30 (*ibid.*:66).

31 Passed on 12 December 1973.

32 UNGA Resolution 146 (XXXI).

represented at the UN. The same year, UNSC Resolution 385<sup>33</sup> was passed, reiterating the UNSC's demand that South Africa take the necessary steps to affect withdrawal and transfer power to the people of Namibia with the assistance of the UN by 1976. Once again, the appeal fell on deaf ears.

In March 1977, the Turnhalle Conference adopted an Interim Constitution for what was then termed *South West Africa/Namibia*. The document was roundly rejected by the wider international community, including the UN Council for Namibia. The UN continued to pressurise South Africa to adhere to UN Resolutions on Namibia. The year 1977 also marked the opening of the UN Institute for Namibia (UNIN) in Lusaka, whose main purpose was to train Namibians to administer the country once it gained independence. The UNIN was initiated by Sean McBride, the UN Commissioner for Namibia, and was headed by Hage Geingob<sup>34</sup> as its first Director.

The UNSC eventually passed a Resolution<sup>35</sup> in November 1977 which provided for a mandatory and extensive arms embargo against South Africa. The delay in passing this resolution and other sanctions on South Africa was a result of inside work done by South Africa's allies in the UN. Nonetheless, the combined efforts of the UNGA and UNSC, no matter how slow their response, had added great impetus to the question of Namibia and helped to keep it in the UN and international community's spotlight.

## Intensified UNSC efforts in the final push for independence

Negotiations between SWAPO and South Africa in the UNSC began in April 1978.<sup>36</sup> A month later, following South Africa's invasion of Angola in May and its attack on Cassinga, SWAPO broke off all negotiations. In July that year, SWAPO accepted the proposals by the Five Western Powers,<sup>37</sup> which the UNSC had ratified in its Resolution 431. That same month, the UNSC adopted Resolution 432, declaring that the territorial integrity and unity of Namibia had to be assured through the reintegration of Walvis Bay, and that, pending the attainment of this objective, South Africa was not permitted to use Walvis Bay in any manner prejudicial to Namibia.

In September 1978, the UNSC passed Resolution 435. This Resolution, which replaced its Resolutions 385 (1976), 431 (1978) and 432 (1978) and was based on the so-called

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33 Adopted on 30 January 1976 at the UNSC's 1885th Meeting; see <http://www.unhcr.org/refworld/type,RESOLUTION,,NAM,3b00f1732c,0.html>; last accessed 13 August 2011.

34 He later became the first Prime Minister of an independent Namibia.

35 UNSC Resolution 418; see <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0297/01/IMG/NR029701.pdf?OpenElement>; last accessed 13 August 2011.

36 For their proposal, see UNSC S/12363.

37 Canada, England, France, Germany, and the United States of America; also referred to as the *Western Contact Group*.

Waldheim Plan, demanded that free elections pave the way to Namibia's independence. The Plan included an honourable settlement designed to ensure that the people of Namibia would exercise their right to self-determination and independence. It provided for free and fair elections under the joint supervision and control of the UN and South Africa.

The Settlement Proposal, as it became known, was a result of intensive negotiations and collaborations between SWAPO, South Africa, the Western Contact Group, the Frontline States<sup>38</sup> and UN officials. Later on, South Africa used the removal of Cuban troops from Angola as a precondition for the implementation of Resolution 435. In its Resolution 539, the UNSC Council condemned South Africa's obstruction of the implementation of Resolution 435.

In 1981, the UN intensified its efforts to achieve independence for Namibia and organised negotiations between SWAPO, the South African Government, and the Western Contact Group. Negotiations failed because South Africa declined to sign a declaration of intent. Instead, it continued its military advance into Angola. A year later, the Western Contact Group established the principles for a Constituent Assembly and Constitution for an independent Namibia. The constitutional guarantees included a multi-party democracy, a bill of rights, and an independent judiciary. By 1984, a ceasefire was reached in Angola. Angola guaranteed not to let SWAPO or Cuban troops enter Namibia. In return, all South African troops would leave Angola by April 1985.

In January 1989, the first group of 450 Cuban troops withdrew from Angola, and, by 1 March 1989, the UNGA had accepted the Namibia Peace Plan. On 19 March 1989, the ceasefire agreement was signed. On 1 April 1989, the implementation of UNSC Resolution 435 commenced, initiating the holding of UN-supervised free and fair elections for a Constituent Assembly. On that date, the ceasefire between SWAPO and South Africa also came into effect. Finally, with the help of the UN, the international community and all stakeholders, independence for Namibia had finally become a destination within reach.

## **Independence: A destination within reach**

### **The United Nations Transition Assistance Group**

The final days of preparing for independence were marked by an atmosphere of political uncertainty in the country. Accusations by the South African Government and SWAPO were rife, with each claiming the other was violating the ceasefire agreement. Tensions were high – and so was the level of expectation and excitement. Namibia was at a crossroads: the fight for its independence had taken many years and many lives. The UN

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38 Angola, Botswana, Mozambique, Tanzania, Zambia and Zimbabwe.

had been occupied by the question of Namibia for decades. The international community was concerned and could not allow the process of independence to fail: too much was at stake. For this reason, the United Nations Transition Assistance Group (UNTAG) was sanctioned to rescue the process of independence from either derailing or collapsing, to restore some dignity to it by ensuring that peace in the country prevailed, and to ensure its successful conclusion.

UNTAG was a political creation given a wide mandate to specifically ensure that an atmosphere that was conducive to free and fair election campaigning could prevail and that free and fair elections could take place. UNTAG also had to monitor the reduction and final exit of the South African Defence Force in Namibia. Most importantly, UNTAG was responsible for overseeing the full implementation of the Namibia Peace Plan. With the uncertain political atmosphere in the country at the time, UNTAG operated under extremely difficult conditions. This was in addition to its own internal challenges, such as logistical shortages and delays, a lack of human resources, and a lack of consensus between South Africa and the UN on technicalities.

Despite all the challenges and shortcomings, however, one needs to acknowledge that UNTAG did a fairly good job under difficult circumstances in preserving an atmosphere that allowed Namibians to, freely and willingly, go to the polls, for many for the first time in their lives, to elect their leaders in a democratic fashion. Apart from a brief border incident between SWAPO and South African forces at the beginning of the mission, the UNTAG mission was flawless. This was indeed an achievement for the UN and other stakeholders in respect of driving the process of independence to a successful conclusion.

The partners and friends of Namibia, the international community, SWAPO and other Namibian political parties inside and outside the country as well as other stakeholders involved in the fight for the independence of Namibia must feel pride and should share the joy of that achievement. In fact, Namibia has been hailed as one of the success stories of the UN, and rightly so.

However, some may not be happy that, in the end, the UN was widely acknowledged and praised for its role in helping Namibia achieve its independence. However, one needs to be realistic and acknowledge the UN for its role, despite the shortcomings that may have existed, especially with those who closely worked with the body and who may not always have agreed on important points. It should also be said that every relationship has its shortcoming, and UN–Namibia had its fair share. Moreover, SWAPO, being one of the organisations that worked closely with the UN for many years, was happy with the UN receiving “global recognition and encouragement for its peacemaking and peacekeeping efforts”.<sup>39</sup> Collectively, the various approaches and strategies employed

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39 Gurirab (2010:114).

by all those involved in the fight for Namibia's independence contributed in some way, no matter how small, to its successful achievement.

## Conclusions

On 21 March 1990, Namibia became a free country after many years of warfare and armed struggle, and exactly 44 years since the UN's inception in 1946. No one could rightly predict that, when Namibians started petitioning the UN for independence back in the mid-1940s, the then South West Africa would one day become a free country called *Namibia*. Neither could anyone predict that the UN relationship with Namibia in those difficult times could extend over so many years until the country became a free nation. The two events together are tremendous achievements for Namibians who paid the ultimate price for freedom, and for the UN as a body striving for world peace and security. Indeed, with Namibia's independence, one problem issue on the UN agenda could finally be struck off. Significantly, Namibia's independence also foretold the demise of the apartheid South African Government. Four years down the line, in 1994, South Africa, too, became a free and democratic nation. With the end of apartheid, the world is certainly a better place – especially for the inhabitants of Namibia and South Africa.

Truth be told, independence would not have been possible without the solidarity and support of the international community, the people of Namibia who were determined to gain independence, and of course, the UN through its agencies and the Security Council together with the General Assembly who kept the question of Namibia for years on their agendas until its successful conclusion. However, it is important to acknowledge that the UN had not been solely responsible for the success in attaining Namibia's independence. However, it was instrumental and facilitated the processes that led to the ultimate achievement of that goal. Hence, the work done by the Western Contact Group, by negotiating with SWAPO and South Africa, and also by coming up with a constitutional framework must be commented and applauded. The intervention of this group and others stakeholders while the UN facilitated, ensured success to the process in the end. Thus, it is in order to state that the UN involvement in the independence of Namibia was significant but the intervention of players gave those momentum real opportunities to succeed.

The most poignant of undertakings to Namibia was the personal delivery of an oath by the then UN Secretary-General, Perez de Cuellar, to Sam Nujoma, Namibia's first elected President. With that, the Secretary-General successfully closed the chapter on Namibia's struggle for independence, and opened another on the way forward with the new nation, still as a partner, but now as a fully-fledged member of the world body.

Today, the UN collaborates with Namibia on a number of crucial issues, including HIV and AIDS, poverty reduction, gender equality, human rights campaigns and capacity-

building for national development, to mention but a few. In return, Namibia has on many occasions responded positively to various UN requests, from peace and security issues to the provisions of highly skilled personnel. The Namibia–UN relationship looks set for many fruitful years of cooperation.

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