
NAMIBIA FACTSHEET

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RENEWED FIGHTING IN APRIL

On April 1, the start of the implementation of Resolution 435, clashes between Swapo guerillas and South African security forces broke out in northern Namibia. For nine days the most intense fighting in the history of the border war raged along the 300 km frontier. According to official figures, 279 Swapo combatants and 23 security force members were killed. On April 10, South Africa, Angola and Cuba signed the Mount Etjo Declaration to re-establish the ceasefire and facilitate the guerillas' withdrawal to Angola through Untag assembly points.

There has been considerable debate about who was to blame for the fighting. The debate hinges on the following questions:

WHEN DID SWAPO FIGHTERS ENTER THE COUNTRY?

This question is important because Resolution 435 provides for a "cessation of all hostile acts by all the parties and the restriction of South African and Swapo armed forces to base" (Security Council document S/12636). There was to be no cross border movement in the period immediately following the cease fire, which was to begin at 4am on April 1.

South Africa claims that an estimated 750- 1000 guerillas entered Namibia from Angola (Windhoek Observer, 8.4.89). According to the UN Secretary General, the SWA Administrator General informed the UN Special Representative in Namibia that guerillas had crossed the border "during the night of March 31" (Namibian, 5.4.89). Swapo's position is that all the guerillas were in the country before the ceasefire deadline, and that at any point in time it has always had a large number of soldiers in Namibia (Namibian, 6.4.89). Once the fighting began and the ceasefire was de facto suspended, more guerillas crossed the border.

WHAT WAS THE INTENTION OF THE SWAPO FIGHTERS?

South Africa claims that the fighters had hostile intent and planned to instigate violence (Windhoek Observer, 8.4.89). Swapo states that its soldiers were under strict orders to abide by the ceasefire and not to instigate any acts of military hostility; their intention was to hand themselves over to Untag and be confined to base under UN supervision (Namibian, 3.4.89). According to Swapo, the guerillas "fired only in self-defence after being hunted down and attacked" (Times of Namibia, 3.4.89).

The Special Representative reported to the UN Secretary General that the fighters had not come in an "aggressive capacity", but in order to "hand themselves over" for confinement to base by the UN (Namibian, 5.4.89). The Secretary General submitted a report to the Security Council in which he said that the combatants' instructions were to establish bases in Namibia but to refrain from attacking South African forces; he concluded that they had no malicious intent (Windhoek Observer, 8.4.89).

According to one such account, Mr Wedeinge Josiah, a school teacher in Okahenge, encountered a guerilla shortly before the first clash took place. "I asked him what he was doing here and he said to me: 'We came here with no problems about the war. We heard on the radio that the war is over. We have not come to fight. We have come home to live in peace. Our purpose is not to fight, we have come here to meet Untag'". A short while later the first shots were fired: "The fighters [Swapo] were relaxing under this tree when we heard the roar of vehicles in the distance. The fighters walked out to greet the vehicles, I think because they thought this was the United Nations coming to meet them. Then I saw the smoke from the bush, I heard the roar of guns, the Casspirs began to fire at them and many of the fighters died just there. The others ran into the bush and they were hunted down" (Cape Times 5.4.89).

Other eyewitness accounts of the first battles confirm this story (Windhoek Observer, 8.4.89; Sunday Times, 9.4.89; Namibian, 11.4.89 and 4.4.89; Times of Namibia, 4.4.89 and 7.4.89). Swapo therefore argues that it was the South African security forces that broke the ceasefire.

WERE THE SWAPO FIGHTERS ENTITLED TO BE IN NAMIBIA?

Resolution 435 provides for the "restriction of South African and Swapo armed forces to base". After the Resolution was passed, the UN Secretary General clarified what this meant in the case of Swapo soldiers: "any Swapo armed forces in Namibia at the time of the ceasefire will likewise be restricted to base at designated locations inside Namibia to be specified by the Special Representative after necessary consultation" (S/13120, 26.2.1979).

In a subsequent letter to PW Botha, the Secretary General wrote that this statement was "designed exclusively to solve the problem that might be created by the presence of any [Swapo] forces [in Namibia]. I take it from the numerous reports I have received from your government of armed Swapo activity within Namibia, that you agree that there may be some such forces present in Namibia at the time of the ceasefire" (S/13173, 15.3.79).

The claim that Swapo forces were to be north of the 16th parallel in Angola consequently has to be based on the Geneva Protocol, signed in August 1988 by South Africa, Cuba and Angola. It provided, inter alia, for a ceasefire between the parties and for the withdrawal of Cuban and South African forces from Angola. It also states: "Angola and Cuba shall use their good offices so that, once the total withdrawal of South African troops from Angola is completed, and within the context also of the cessation of hostilities in Namibia, Swapo's armed forces will be deployed to the north of the 16th parallel".

Swapo did not participate in the tripartite negotiations and was not a signatory to the agreement. According to Pik Botha, this was because Swapo was not a government but only one of 20 parties in Namibia, "and if you negotiate with [it] you have to negotiate with all the others" (Times of Namibia, 12.4.89).

The case against Swapo therefore hinges on a letter written to the UN Secretary General by the President of Swapo after the signing of the Geneva Protocol. This letter states: "Swapo has by its own sovereign and unilateral decision, as a national liberation movement in accordance with the spirit of the Geneva agreement..., committed itself to take the necessary steps to help make the peace process in the South-West African Region irreversible and successful. In this context, Swapo has agreed to comply with the commencement of the cessation of all

hostile acts which started as of August 10 1988 in Angola. By the same token, Swapo will be ready to continue to abide by this agreement until the formal ceasefire under Resolution 435 is signed between Swapo and South Africa" (S/20129).

In a subsequent report on Namibia, the Secretary General stated that the Swapo President had informed him that Swapo had "agreed to comply with the commencement of the cessation of hostilities in accordance with the Geneva Protocol, and would be ready to abide by that agreement until the formal ceasefire under Resolution 435" (S/20412; Guardian, 6.4.89).

Swapo argues that the above documents contain only an agreement to abide by the ceasefire. There is no explicit or implicit agreement to deploy its forces north of the 16th parallel.

Furthermore, in terms of the Geneva Protocol, such deployment would apply only "within the context of a cessation of hostilities in Namibia". Although Swapo agreed to abide by the cessation of hostilities established among South Africa, Angola and Cuba, Pretoria refused to reciprocate with respect to it. (South Africa's reason was that it was not at war with anyone in Namibia). There was thus no formal ceasefire in Namibia prior to April 1 (Swapo press statement, 8.4.89).

HOW DID THE SECURITY FORCES RESPOND TO THE GUERILLAS?

During the first two weeks of the fighting, Namibian churches, lawyers and newspapers repeatedly accused the security forces of committing atrocities. These accusations have since been made by the overseas media as well (Argus, 19.4.89).

One of the most serious allegations is that the security forces appeared to have a policy of taking no prisoners. The allegation was first made by a human rights lawyer in a report to the Special Representative after a fact-finding mission to Ovambo land; it was based on the large number of guerillas killed and the small number captured (Namibian, 6.4.89). The South African authorities immediately denied the claim.

A number of journalists have subsequently reported that some of the dead bodies had no injuries other than bullet holes in the centre of their foreheads (Weekly Mail, 21.4.89). Speculation that some guerillas were executed after capture is fuelled by the fact that the security forces dumped hundreds of bodies in mass graves without complying with the Inquests Act, which would have provided an independent enquiry into cause of death. A TV journalist who interviewed a Koevoet officer was told that the only prisoners taken were "dead ones" (Channel 2, France).

People in Ovamboland believe that the security forces had long anticipated the presence of guerillas in Namibia after April 1, and had decided they would eliminate as many as possible (Weekly Mail, 21.4.89). 'Security sources' have been reported as saying that the police began planning for an April 'incursion' in January, and had recruited volunteers and members of the SA Police to bolster their forces (Weekend Argus, 8.4.89).

The security forces are also accused of assaulting and killing civilians, burning crops and destroying kraals (Argus, 19.4.89). According to the Council of Churches of Namibia, these events occurred not only in the heat of

the fighting, but as "malicious" reprisals against villagers suspected of being Swapo supporters (Windhoek Observer, 8.4.89).

The Times of Namibia reported that members of 101 Battalion were "wildly firing shots at random and intimidating people, driving fear into the village [of Oluno]" (4.4.89). The Evangelical Lutheran Church of Namibia sent a telex to the Special Representative expressing concern at the "wholesale slaughter" taking place in the north (Namibian, 5.4.89). People in Ovamboland believe that the security forces stripped the dead bodies of their clothing and refused to allow them to be identified in order to hide the fact that they included civilians.

The accusations are consistent with those made over the past years by numerous human rights and church reports on the actions of the security forces. The reports have generally singled out Koevoet, a special police counter-insurgency unit, as responsible for terrorising the civilian population in the north. Although Pik Botha said recently that Koevoet had been disbanded as "an act of good faith", people in Ovamboland report that the police involved in the recent fighting were Koevoet members: "it is the same faces, the same Casspirs, the same uniforms" (Namibian, 3.4.89).

As international condemnation of the security forces mounted, and the Special Representative prepared a report on their activities, the SWA Administrator General announced the formation of a permanent commission of enquiry into the allegations of harassment and intimidation (Cape Times, 20.4.89).