

1989-04-16 15:58 AG WINDHOEK

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To:

1. The Minister
2. The Director General
3. Ambassador : New York

From:

C. von Hirschberg
J.D. Viall

SWA\NAMIBIA: SITUATION REPORT AS AT SUNDAY 16 APRIL 1989

A. POLITICAL\MILITARY

Our major preoccupation following the signature of the Mt. Etjo Declaration centred around the serious differences in approach and attitude towards the withdrawal procedure between the Security Forces on the one hand and Untag on the other.

The highly visible presence of the Security Forces in close proximity to the assembly and border points and around churches and their interrogation procedures were characterised by Untag as entirely counter-productive. The fact that minimal numbers of SWAPOS presented themselves for repatriation at these points lends substance to their complaints.

The Security Forces have legitimate security concerns: having been tricked by Swapo once, they will not allow themselves to be fooled again. This is understood and accepted by Untag. Our objective should be to find a balance between the security considerations on the one hand and the imperative of expelling as many Swapos as possible in as short a time as possible.

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We are under the impression that revised procedures were adopted by the Security Forces on Friday morning. General Meyer told us around midday, after a meeting at Military Headquarters at Oshakati, that Swapol would no longer "interrogate" Swapos at the assembly points. We do not have details of the new procedures. An Untag source who had returned from visiting some of the assembly points yesterday afternoon (Saturday) told us last night that the Security Force presence remained "heavy", and counter-productive.

If it continues to be a major priority to get as many Swapos as possible out of the country in as short a time as possible, the involvement of the Security Forces in the withdrawal procedures, their presence as well as their verification procedures, will have to be scaled down drastically. It must surely be possible for the Security Forces to do so and still pose a deterrent to further Swapo stupidities.

The churches are seen as the most probable assembly points for Swapos still in the territory. Direct crossings seem also to be preferred.

Meanwhile isolated contacts with Swapo forces are continuing with further loss of life and this must further deter Swapos from presenting themselves at border or assembly points for repatriation.

A situation report received from the Operational Centre at Bastion this morning (kindly drawn up at our request) refers to a contact this morning with one further death and one captured. This report is also being faxed. It estimates that around 420 fighters have thus far returned to Angola leaving around 900 still in the territory.

3.

The assessment in paragraph 14 that some Swapo fighters will not return to Angola but will remain to indulge in politicking and intimidation is probably close to the mark. We are more sceptical about the further suggestion that they might try to establish bases in the territory. They could hardly get away with it.

It is noteworthy that the Angolans have still not appeared on the scene. They have not yet sent representatives to the border posts and there is no evidence to suggest that they are putting pressure on Swapo to withdraw north of the 16th parallel. Their presence at the border posts is important. There is a risk attaching to Untag aircraft or helicopter flights across the area between the border and the 16th parallel. Angola should assume its duties in this regard.

Untag and the Secretary General still have a presence in Luanda at a high secretarial level but even they seem unable to motivate the Angolans.

B. GENERAL

1. Media

We have extracted probably the best publicity ever over the manner in which we have approached implementation of 435 and, in particular, over the way we have handled the crisis brought about by Swapo's incursion. It would be frustrating and depressing if everything we have gained should be lost by negative publicity surrounding our handling of the withdrawal procedure. The international corps of journalists feels more comfortable criticising us. So it needs very little to induce it to revert to its more accustomed role of attacking us. Thus the media is now paying special attention to our acts and omissions up north and is all too ready to blame us for Swapo's failure to abide by the obligations it has assumed.

4.

2. Relations with Untag.

We have established an effective and productive working relationship with Ahtisaari and his chief aides. Whatever else the Swapo incursion might have forced on us, it has convinced even the most sceptical that South Africa is totally committed to the successful implementation of 435. The Untag hierarchy has responded by accepting us as partners in the project rather than adversaries. We have been totally open and frank with each other to the extent that Ahtisaari has even given us copies of reports to read which he has sent to the Secretary General on discussions with us. These have been fair and objective. Even Thornberry's attitude has, on the surface at any rate, been irreproachable and he has even been helpful on occasion.

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6. STAND VAN INFILTRASIE SOOS OP 16 APR 89

STERKTES

1. Maksimum Getal wat Binne SWA Was. +- 1619
2. PLAN Verliese tot op datum .
 - a. Gedood. 276+1
 - b. Gevang. 274 (Op Vrydag 14 Apr 89 was hierdie getal 22. Daar is egter deur die loop van Vrydag nog 2 lede gevang , wat hulself aan die veiligheidsmagte oorgegee het, en op Saterdag is nog 3 lede gevang. Al drie lede is tydens opvolg operasies deur veiligheidsmagte gevang in die omgewing Wes van Swartbooisdrift. Een 60mm mortier en 2 Ak - 47 gewere is by hierdie lede gevind). *Kyk per 15.*
3. Totale getal lede by UNTAG. Steeds 5.
4. Totale Getal PLAN Lede Reeds Uitgewyk (Bevestig). 423 (Op Vrydag 14 Apr 89 was die getal 392.)
5. Maksimum Getal PLAN Lede Nog in SWA. +- 888

SPORE.

5. Daar word nog spore gevind wat Suid beweeg (veral in die Okalongo / Ombalantu) omgewing. Dit is egter klein groepies en die algemene indruk is , dat die terroriste wat tans nog binnelands is, steeds in die gebied "rondmaal". Daar is ook geen groot groepe spore wat Noord opgevolg word nie. Dit wil voorkom asof die PLAN elemente in die Kaakoveld steeds poog om Oos te beweeg na Owambo (veiliger gebied.)

SITUASIE NOORD VAN DIE SWA / ANGOLA GRENS

7. Dit word waardeer dat die PLAN sterktes Noord van die SWA/Angola grens en Suid van die lyn Tcipa - Calueque - Cuamato - Ongiva tans 1411 is , met ontplooiingsgebiede soos volg :

- a. Chiede - +- 120
- b. Onducusso (5 km Noordwes van Ongiva) +- 350 (deurgangbasis)
- c. Oshicucu (5 km Suidoos van Ongiva) +- 10 (deurgangbasis)
- d. Omuhango (20 km Suidwes van Chiede +- 10
- e. Cafanhama (8 km Noord-Noordwes van Namacunde) +- 290

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- f. Eheke (20 km Noord van Baken 26) +- 50.
- g. Chana Chinota(10 km Noord van Baken 29) +- 100
- h. Omulele(20 km Noordoos van Swartbooisdrift) +- 20
- i. Caleuque +- 300.
- j. Nepolo (20 km Noord van Baken 10) +- 161.

8. Gewaardeerde vyandelike sterktes Suid van die 16 grade breedte lyn (uitgesluit getalle in par 7) is +- 2150. Dit sluit ook enige konvensionele magte van SWAPO wat moontlik na die Angola / SWA grens kon verskuif het uit , aangesien geen getalle bekend is nie. Die 2150 man is soos volg saamgestel :

- a. Militere Bevelspos te Peu-Peu +- 1050.
- b. Guerilla Bataljons in Xangongo gebied +- 1100

9. Die totale getal PLAN lede Suid van die 16 grade breedte lyn(uitgesonder die getalle in SWA) is tans 'n minimum van 3561 man.

FAPLA ROL

10. Die eerste vergadering met die Angolese Afvaardiging (AA) het op 141125 B Apr 89 plaasgevind te SWAWEK Ruacana. Die AA het hiertydens genoem dat hulle eers teen Dinsdag 18 Apr 89 op die vroegste , troepe by al die versamelpunte langs die grens kan ontplooi. Hulle het tans ook nie 'n helikopter beskikbaar om monitor / skakelvlugte na versamelpunte uit te voer nie. Langs inligtingskanale is ook geen informasie bekom dat FAPLA poog om terroriste wat reeds uitgewyk het bymekaar te maak en hulle , plus ander nog Suid van 16 grade breedte lyn , na Noord van die 16 grade breedte lyn te eskort nie.

OPDRAGTE TOV EKSFILTRASIE

11. Sam Nujoma het reeds by twee geleenthede openbare opdragte uitgereik dat sy vegters uit SWA moet onttrek. Hier moet egter bygevoeg word dat Nujoma bygevoeg het, dat sy vegters hulle nie deur die RSA of UNTAG sal laat voorskryf nie. Dit is ook duidelik dat terroriste die beheerpunte vermy.

12. Op 9 Apr 89 was gerapporteer dat die PLAN Militere Bevelspos per radio opdrag aan die Sentrale Gebied terroriste uitgereik het om na die 16 grade breedte lyn te onttrek. Geen verdere sodanige informasie is sedertdien bekom nie.

13. By bg dien verder gemeld te word dat betroubare bronne van AMI reeds by twee geleenthede gerapporteer het dat slegs

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50% van die terroriste in SWA gaan onttrek, dat die balans met lede van die plaaslike bevolking aangevul sal word en dat by (na onttrekking) ook opleiding in Angola sal ondergaan.

ALGEMEEN

14. Dit word steeds waardeur dat alle Detachments van hulle terroriste in Owambo sal agterlaat met die oog op intimidasie, politisering en selfs moontlike stigting van basisse en hernude militere optredes sodra die situasie vir hulle weer gunstig is.

15. Tydens in kontak raaggend 16 Apr 89 is een kenner gedood en een gewond. Detail nog nie bekend nie - wil verstaan wof dit in gear is wof na di ETOTO gebied onderweg was. (Daar is reeds in groot easte in lg gebied gesien). Dore was in in Suidoostelike rigting en dit wil verstaan wof regard di kontakt gesien het. Dit wil ook verstaan wof di gear (waerom 3 lute op 15 Apr 89 gearing is) ook na di ETOTO rigting onderweg was.

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C. CIVILIAN ASPECTS OF SETTLEMENT PLAN

1. INTRODUCTORY

Before and after Mount Etjo a number of meetings were held between Adv. Viall and local officials, between them and UNTAG and between them and the Administrator-General. The matters we identified as most urgent (and agreed by Ahtisaari) were legislation in regard to representative authorities, the registration of voters, amnesty and the question of the returnees.

In the discussions with UNTAG many issues were satisfactorily resolved. There remain, however, a number of matters on which there is not yet agreement. These are referred to below. Several of them will be further discussed at a meeting between the Administrator-General and the Special Representative scheduled for Tuesday next.

Our contacts with UNTAG have been frank and open throughout. It is apparent that they are approaching their task fairly and honestly and in accordance with the settlement plan.

2. REPRESENTATIVE AUTHORITIES AND PROC AG 8:

A draft proclamation drawn up by the Administrator-General's legal advisers provides in essence that the legislative and executive powers of representative authorities and the Rehoboth government are to vest in the Administrator-General and that the various administrative (second tier civil service) are to continue as heretofore.

However, the provisions of Proc AG 8 relating to legislative and executive powers are not repealed or abolished but only suspended until a date to be determined by the Administrator-General "which shall not be a date earlier than the date on which a general election (for the Constituent Assembly) takes place".

The Administrator-General's standpoint is that he has announced that AG 8 would not be abolished and to abolish it now would alienate the Whites and the Rehobothers whose support he is gradually winning - especially after the SWAPO invasion in the north. It may also be argued with urgency that suspension of the relevant powers until after the election could not "abridge or inhibit the objective of free and fair elections" (settlement plan).

UNTAG has indicated that it has no objection to the substance of the proclamation but that they do have difficulties with the form in which it is presented. These include the "suspension"

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provision and the working of other provisions which on the face of it re-establish the representative authorities for the purpose of the continuance of the administrations. The latter problem can be overcome - it is a question of drafting. It has also been suggested that we might employ the term "administrative" authorities in place of "representative" authorities.

The question of suspension versus abolishment is to be further discussed at the meeting between the Administrator-General and the Special Representative on Tuesday next. The possibility of separate proclamations for representative authorities and for Rehoboth is also being gone into.

3. REGISTRATION OF VOTERS

There seems to be a wide measure of agreement on the draft proclamation relating to the registration of voters. The main outstanding issues are the following:

- The residence qualification. The Administrator-General is pressing for a period of 2 years; UNTAG wants 5 years (but will accept 4 years - as in the 1978 election).
- The date on which registration should commence. For purely practical reasons we want registration to commence in May; UNTAG wants it to commence only at the beginning of July (official start of the election campaign) when the returnees are back in the Territory. This would leave only 9 weeks for registration.
- The registration of children of repatriants who are 18 years of age or over. The Administrator-General will not object to the registration of these persons provided that children of voters who left SWA for the Republic for political reasons can be registered too. (This does not seem realistic since the latter would usually not be returning to live in SWA). The main problems here are practical ones relating to identification.

These matters will be further discussed but we do not think that meaningful progress will be made until the return from Angola of Hisham Omayad who is the UNTAG official in charge of elections. (He is expected back in the next day or so). Once agreed, the draft proclamation will have to be published for comment; if any, by political parties and other interested persons.

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4. AMNESTY

A draft proclamation has been drawn up by the Administrator-General's legal advisers which would afford amnesty for criminal offences of a political character. This provided the basis for a first discussion with UNTAG. It may be expected, however, that the Special Representative will continue to press for a blanket amnesty taxed on the wording of the settlement plan ("All Namibians... will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment").

If the question of a blanket amnesty is pursued, the Administrator-General has indicated that he would be prepared to consider granting such an amnesty until, say, 1 April 1990.

5. THE RETURNEES

Following several in-house discussions with local officials, the Administrator-General and UNTAG, it is becoming increasingly clear that there are serious obstacles in the way of our original plan of action. It is agreed on all sides that the formalities and reception facilities at the point of entry are exclusively the province of the Administrator-General and the SWA authorities with UNHCR monitoring. Thereafter, however, it will be extremely difficult, if not impossible, to exclude the participation of church groups and other NGO's. Local thinking is that the situation might nevertheless be turned to our medium and long-term advantage.

The pros and cons will need careful evaluation and we would urge that no firm decisions are taken in this connection until after the return of Adv. Viall on Friday next when he will report more fully on the situation.