

**BEYOND NEUTRALITY:
THE USE OF LEVERAGE BY POWERFUL STATES
AS MEDIATORS IN INTERNATIONAL CONFLICT**

by

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Submitted to the Department of Urban Studies and Planning
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ABSTRACT

Mediation is a tool of statecraft -- a way in which a state's military, economic, or political power can be marshalled to exercise leverage over parties engaged in a dispute and move them toward settlement. This dissertation examines the unique contribution powerful states can make by effectively using such leverage in mediating regional conflicts, and also cautions powerful mediators on the danger of allowing their own interests to overtake the negotiations. It draws upon extensive personal interviews and existing case data on two mediation efforts, conducted between 1977 and 1988, in the dispute over Namibian independence from South Africa.

The analysis concludes that the most effective source of leverage for a powerful mediator is its ability to alter the disputing parties' calculation of the costs and benefits of negotiating with their adversaries. This alteration can be in the form of rewards or punishments directly applied by the mediator. It can also come through the mediator's ability to affect the disputants' reputation and access to the benefits of membership in the international community, or through the mediator's definition of the shape of an acceptable settlement.

Powerful mediators are not neutral in the sense that traditional mediation requires. In lieu of neutrality, disputing parties will tolerate intervention on the part of a powerful mediator because they have no choice. The powerful mediator's standing as an international leader makes it costly for a disputant to refuse their overtures. The mediator may also have the backing of the rest of the world community, who believe that intervention is warranted.

There are three conditions under which powerful mediators are more effective than other mediators in settling a conflict: The dispute imposes intolerable costs on the system in which the dispute is occurring; there is a substantial asymmetry of power between the disputants, and the more powerful party is refusing to negotiate; and the mediator has sufficient standing and resources to change the disputants' costs and benefits and is able to follow through on its threats and promises.

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Chapter I

MEDIATION BY POWERFUL ACTORS: FRAMING THE ISSUES

STATEMENT OF THE PROBLEM

Mediation is a tool of statecraft -- a way in which a state's power, stemming from its military, economic, or political resources, can be marshalled to exercise leverage over parties engaged in a dispute. Mediation as a form of *diplomatic intervention* (as distinct from economic or military intervention) by a large and powerful state in a regional dispute is not new,¹ but its special properties have not been carefully studied. This research explains the unique contribution powerful states can make by effectively using such leverage in mediating regional conflicts.

In particular, I have focused on the following questions:

1. What makes a mediator powerful yet still acceptable in the eyes of the disputing parties?
2. What are the most important ways in which powerful mediators work to bring disputing parties to the table?
3. What are the most important ways in which powerful mediators move disputing parties toward settlement?
4. Under what circumstances are powerful mediators most likely to be effective in settling disputes?

¹Bercovitch, J. (1986). "International Mediation: A Study of the Incidence, Strategies and Conditions of Successful Outcomes." *Cooperation and Conflict*, XXI, P.155-168. In his study, "disputes" were identified as any interstate conflict in which fatalities exceeded 100. Of 72 disputes occurring between 1945 and 1984, mediation was used in 61% of the cases. The majority of these mediations were conducted by state government leaders or representatives.

5. What are the implications of these findings for mediation theory and for approaches to international security in the post-Cold War world?

DEFINITION OF KEY TERMS

Before proceeding, it is important to be clear on the meanings I am assuming for the key concepts in this study:

- **Leverage** is the exercise of influence by a mediator for the purpose of changing the behavior of a disputant in a specified way.
- **Influence** is the capacity to produce intended and unintended effects on others. (i.e., people will change their attitudes or behavior because of something I do or something they believe I have the capacity to do, whether or not I intend to create such change.)²
- **Power** is a special case of the exercise of influence: it is the capacity to produce *intended and foreseen* effects on others. In this formulation, developed by Dennis H. Wrong, such capacity stems from the ability to use authority, persuasion, manipulation, or force. I would also add that power involves the capacity to produce such effects *even when resisted by the other party*.³

²This is an interpretation of the definition given in Wrong, D. H. (1980). *Power: Its Forms, Bases and Uses*. New York: Harper Colophon Books. P. 24.

³Wrong, D.H. (1980). P. 21. There have been innumerable definitions of influence and power developed over the years in the fields of psychology, sociology, and political theory. I have chosen these definitions because they are the most clearly articulated formulations that I have found. The modification of Wrong's definition that I added is from Max Weber's definition of power in *Economy and Society*. Roth, G. & Wittich, C. (eds.) (1968) New York: Bedminster Press. Vol. 2, P. 926. My study does not purport to analyze these definitions, but to use them as a starting point for thinking about their relation to the theory and practice of mediation.

- **Mediation** is traditionally defined as a voluntary, non-binding dispute resolution process in which a neutral party helps the disputants try to reach a negotiated settlement. In this context, "non-binding" refers to the condition that the neutral party cannot impose a settlement on the disputing parties.
- **Intervention** is the "dictatorial or coercive interference, by an outside party or parties, in the sphere of jurisdiction of ...an independent political community." The intervenor is usually superior in strength, and intervention is considered "legally and morally wrong," except under certain conditions.⁴

TRADITIONAL MEDIATION

As can be seen from the above definitions, the traditional notion of mediation and the traditional notions of intervention and the use of power are mutually exclusive. Most mediation theory is silent on the issue of mediators using their capacity to exert pressure on disputing parties because it implies a level of control over or interest in the substantive outcome of a dispute that is the antithesis of traditional notions of mediator neutrality.

In the study of negotiation, mediation is recognized as one of several forms of "assisted negotiation."⁵ As the name implies, the disputing parties go through the same steps as if they were negotiating on their own, but

⁴Bull, H. (1984). *Intervention in World Politics*. Oxford: Clarendon Press. Pp. 1-2

⁵Susskind, L., & Cruikshank, J. (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books. P. 136.

outside assistance is used to help them get to the bargaining table or to move them forward when the negotiations bog down.

Such assistance can take the form of facilitation, mediation, non-binding arbitration, or binding arbitration. An intermediary intervenes in the dynamics of a relationship that, by definition, does not normally include this party. In terms of involvement in shaping the substantive outcome of a negotiation, a facilitator has the least involvement (focusing entirely on process issues) and a binding arbitrator the most involvement (imposing a decision on the disputing parties).

Even though the traditional mediator provides more substantive assistance than the facilitator, in theory he/she still leaves control over the outcome in the hands of the disputing parties. According to Susskind and Cruikshank, "...the mediator must submerge his or her sense of what is 'best,' and focus instead on the disputing parties' own measure of success."⁶

This submersion of the mediator's interests is tied in with the perceived importance of neutrality, the "sine qua non" of mediation.⁷ According to Moore,

Impartiality and neutrality are critical to the process of mediation (Young, 1972). Impartiality refers to the attitude of the intervenor and is an unbiased opinion or lack of preference in favor of one or more negotiators. Neutrality, on the other hand, refers to the behavior or relationship between the intervenor and the disputants....The need for impartiality and neutrality does not mean that a mediator may not have personal opinions about a dispute's outcome. No one can be entirely

⁶Susskind & Cruikshank (1987). P. 163.

⁷Kolb, D. M., & Spalter, A. (1989). "I Don't Get Coffee or Sharpen Pencils: Perspectives on Neutrality in the Study of Mediation". Unpublished Manuscript, Program on Negotiation, Harvard University. P. 10.

impartial. What impartiality and neutrality do signify is that the mediator can separate his or her opinions about the outcome of the dispute from the desires of the disputants and focus on ways to help the parties make their own decisions without unduly favoring one of them....Wheeler (1982) argues that mediators generally distance themselves from commitments to specific substantive outcomes...but have commitments to such procedural standards as open communication, equity and fair exchange, durability of a settlement over time, and enforceability. Mediators are advocates for a fair process and not for a particular settlement.⁸

Neutrality, therefore, implies that the mediator does not impose his or her values or norms on the negotiation and certainly does not impose solutions on the disputants.⁹

Studies of mediation do, however, acknowledge that mediators exercise influence over the disputing parties. The existing literature on mediation identifies many ways in which mediators may exercise influence in the negotiation process. Young cites the control over the communications structure and flow of information; the creation of saliency for a particular settlement by stressing its uniqueness or simplicity to the parties; and control over the agenda of issues to be negotiated.¹⁰

Moore identifies twelve forms of influence to incline parties toward agreement.¹¹ These include: management of the negotiation process,

⁸Moore, C. W. (1987). *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass Publishers. Pp. 13-14.

⁹Scholars are beginning to explore the concept of neutrality as it is actually found in the practice of mediation. See Cobb, S. & Rifkin, J. (1991) "Practice and Paradox: Deconstructing Neutrality in Mediation." *Law and Social Inquiry*. 16 (1). Pp. 35-62.

¹⁰Young, O. R. (1967). *The Intermediaries: Third Parties in International Crises*. Princeton: Princeton University Press. Pp.39-40, 42.

¹¹Moore, C. W. (1987). Pp. 272-277.

including sequence of negotiation steps and other procedural interventions; management of the communication structure between and within parties; exploiting parties' doubts or fears of unintended consequences; providing rewards or benefits, directly or indirectly; and using coercion, directly or indirectly.

POWERFUL MEDIATORS

Powerful mediators differ from other mediators in the extent to which they can employ these last two forms of influence – the provision of rewards or benefits and the use of coercion.¹² Straus has referred to this as "mediation with muscle."¹³ In addition to the ability to use "carrots and sticks" and/or coercion, Straus identifies another important element of mediation by powerful actors – the *mediator* has interests that must be met in the course of finding a settlement. A third element of such mediation is that it can be intervention, as previously defined. In other words, the powerful mediator, under certain conditions, can insert itself into a dispute in a dictatorial or coercive way.

In the Middle East Peace Conference of 1991-1992, for example, James Baker played the role of the powerful mediator. He coerced Israel by convincing the U.S. Congress to hold up or deny loan guarantees if Israel continued to promote settlements in the West Bank; and he identified the

¹²Examples are plentiful and can be found in many of the contexts in which mediation is studied; e.g., managers mediating between their subordinates, adults mediating between children, and governments mediating between labor and management in particular industries.

¹³Straus, D. B. (1981). "Kissinger and the Management of Complexity: An Attempt that Failed". In J. Z. Rubin (ed.). *Dynamics of Third Party Intervention: Kissinger in the Middle East*. New York: Praeger. P. 258.

U.S. national interest with a substantive outcome that included autonomy for the Palestinians, believing that this was the only way to build a stable peace in the region.

Some might argue that this is not mediation; when the intermediary pressures the parties in any way, or makes known his or her preference for a particular substantive outcome, some would say the mediator has stepped out of his/her "neutral" role and become like any other party to the negotiation. I disagree. Using the Middle East example, Secretary Baker acted as a broker in the talks, bringing parties together and attempting to structure the discussions in a way that made all parties able to stay at the table. He acknowledged the interests of all parties, but pointed out where those interests led to irreconcilable problems. And he said quite strongly what he believed to be the minimum required for a workable solution. While the U.S. Government did have an interest in the shape of the outcome, it did not lean unduly toward advocating the interests of any one party at the table. This still falls under the heading of mediation.

Existing Literature on Powerful Mediators

The most extensive study of powerful mediators has been in the context of international conflict settlement. Kressel and Pruitt note that "Would-be...mediators are more likely to gain acceptance the greater their status and power...[because] they are harder to resist in anything they suggest." They also observe that "...powerful mediators tend to act like arbitrators, dictating solutions instead of seeking a consensus. The result is likely to be an 'agreement' that is unsatisfactory to one or both parties and may therefore fail to be implemented. Power probably works best in the hands of mediators

who have a strong democratic ideology that allows them to resist the temptation to simply dictate a solution."¹⁴

Bercovitch studied international disputes occurring between 1945 and 1985, focusing on those that involved "sovereign, independent nations" pursuing "mutually incompatible objectives" in which 100 or more military or civilian casualties were sustained.¹⁵ He identified 72 such disputes, 44 of which were "officially" mediated. He does not provide a listing of the particular disputes, nor of the official mediators.

In his analysis, he identifies three "clusters of structural variables" that influence the usefulness and effectiveness of mediation: the identity and characteristics of the parties; the nature of the dispute; and the identity and characteristics of the mediator. Under this last heading, he defines leverage as the capacity to exercise influence and concludes that "Leverage, derived from the mediator's status or control over valued resources, enhances a mediator's chances of achieving a successful outcome.... This notion is borne out by Frei's analysis (1976), which shows that mediation efforts by superpowers are more likely to be accepted than mediation efforts by medium or small powers." I agree with his definition of leverage, and with his assessment that is it derived from the mediator's status or control over valued resources. Bercovitch, however, does not provide documentation to substantiate his claims for the value of mediator leverage. Without such detail, it is

¹⁴Kressel, K., & Pruitt, D. G. (1989). *Mediation Research: The Process and Effectiveness of Third-Party Intervention*. San Francisco: Jossey-Bass Publishers. Pp. 420, 422.

¹⁵Bercovitch, J. (1989). "International Dispute Mediation: A Comparative Empirical Analysis". In K. Kressel & D. G. Pruitt (eds.), *Mediation Research: The Process and Effectiveness of Third-Party Intervention*. San Francisco: Jossey-Bass. Pp. 284-299.

impossible to address the question of *how* leverage, defined as the exercise of influence, can be used effectively.

Touval and Zartman have generated the most in-depth analysis to date of mediator power and influence.¹⁶ In their view, "Leverage is the ticket to mediation. Intervenors are accepted as mediators only if they are likely to produce an agreement or help the parties out of a predicament, and for this they usually need leverage." Neutrality is not even of concern to the disputants. In fact, the potential mediator's relationships with the disputants are considered a possible advantage because it means the mediator might be able to hold more sway over the disputant's decision-making.

According to Touval and Zartman, intervenors (a term they use interchangeably with mediator) use power for two purposes: (1) to provide communications and ideas so attractive that they 'naturally' lead the parties to agreement; and (2) to add arguments and inducements that make unattractive proposals look attractive. These inducements can be produced "indirectly by the mediator's ability to persuade the parties of a better outcome without conflict." Or they can be "tangible, produced directly by the mediator's ability to provide sweeteners of its own to add to the terms offered by the other side."¹⁷

Touval and Zartman go on to identify three sources of third-party leverage:

¹⁶Touval, S., & Zartman, I. W. (1989). "Mediation in International Conflicts". In K. Kressel & D. G. Pruitt (eds.), *Mediation Research: The Process and Effectiveness of Third-Party Intervention* San Francisco: Jossey-Bass. Pp. 115-137. An earlier version appears as Touval, S., & Zartman, I. W. (1985). *International Mediation in Theory and Practice*. Boulder, Colorado: Westview Press.

¹⁷Touval & Zartman. (1989). P. 132.

- 1) *parties' need for a solution that the mediator can provide* (i.e., parties come to the negotiating table when they have reached a "hurting stalemate," where neither side can move and there are costs of the status quo. The mediator provides a way out of this situation for the parties)
- 2) *parties' susceptibility to shifting weight that the mediator can apply* (i.e., the mediator sustains a stalemate between the disputants by first favoring one party's view and then favoring the other's view. Each party then fears it can be frozen out of a possible coalition between its adversary and the mediator. The disputants then perceive that the only way out of the stalemate is to accept the mediator's solution.)
- 3) *parties' interest in side payments that the mediator can either offer (carrots) or withhold (sticks)*

According to Touval and Zartman, the parties' need for a solution that the mediator can provide is the most commonly used and important source of leverage. I assume this means not only providing a formula for settlement, but also providing the face-saving and possibly the guarantees that would make the settlement palatable and implementable. They believe that the use of carrots and sticks may sometimes be necessary, but employing this kind of leverage can also create problems. Sticks can cause resentment or even cause a party to reject the mediator. In addition, when a mediator breaks off relations with a party in the context of using a "stick," their influence over that party is weakened. Carrots can also cause problems, in Touval and Zartman's view, in that the mediator who offers sweeteners may be forced to pay more than it can afford, and to keep on paying even after the dispute is resolved.

In summary, the existing propositions about powerful mediators are the following:

- Powerful mediators act like arbitrators and dictate solutions. This results in agreements that are hard to implement because the terms have been imposed on the parties.
- The powerful mediator exercises leverage most often by providing a solution to the dispute that the parties cannot provide for themselves.
- Powerful mediators can also exercise leverage by providing or withholding side payments, or by appearing to favor first one party and then the other.
- Neutrality is not the price of admission for most international mediators. What parties want from them instead is the leverage they can bring to the table.

CONTRIBUTIONS OF THIS STUDY

This study begins with the assumption that some mediators come to the table with power that is not available to other mediators. It refines the understanding of the strengths and weaknesses of such powerful mediators in international conflicts and explains why disputing parties allow the intervention of such parties. It also identifies the conditions under which powerful mediators are necessary for settling conflicts.

APPROACH TO THIS STUDY

The research design follows the "analytic inductive approach" as outlined by A.L.George.¹⁸ It involves the comparison of two case studies, for the purpose of learning more about the complexity of mediator influence and to develop further the existing explanatory framework laid out in previous research. In George's typology, this is a "heuristic" case analysis,..."used as a means of stimulating the imagination in order to discern important *new* general problems, identify possible theoretical solutions, and formulate potentially generalizable relations that were not previously apparent." It is analogous to the category of "explanation-building" analysis as described by R.K.Yin.¹⁹

Selection of Cases for Comparison

In choosing cases for this study, three considerations were important. First, in order to focus on the exercise of influence by powerful mediators, the cases needed to be ones in which large states provided mediation assistance to other states. In the international context, only large states have access to the kinds of influence wielded by "powerful" mediators. Second, the cases needed to have some shared elements, either in their structure or in their substance, to facilitate useful comparisons. While it is not possible to prove cause and effect relationships with this kind of data, my effort to correlate mediator

¹⁸George, A. L. (1979). "Case Studies and Theory Development: The Method of Structured, Focused Comparison." In P. G. Lauren (Ed.), *Diplomacy: New Approaches in History, Theory and Policy*. New York: The Free Press. P. 48.

¹⁹Yin, R. K. (1984). *Case Study Research: Design and Methods*. Beverly Hills: Sage Publications. P. 107.

influence with forward movement would be more convincing if major elements in the negotiating environment (e.g., region of the world, actors involved, issues under discussion) remained constant. Third, the disputes needed to have been settled. This permits easier access to information, especially to key participants in the negotiations.

The two cases I have chosen for comparison involve the same dispute -- the conflict between South West Africa/Namibia and South Africa over whether to grant Namibia its independence. Each case represents a different attempt to mediate this dispute. The first mediation occurred between 1977 and 1981, and involved the five Western members of the 1977 United Nations Security Council (United States, Britain, France, West Germany, and Canada) in a coalition to mediate between the South African government and the South West African People's Organization (SWAPO).²⁰ The second was spearheaded by the United States State Department between 1981 and 1988 and involved negotiations between the governments of South Africa, Angola, and Cuba.

These cases clearly met the three criteria described above. In both, large states acted as mediators. In the first case, the mediation was conducted by a coalition of the United States, Britain, France, Canada, and West Germany. In the second case, the mediation was done primarily by the United States. Both mediation attempts focused on the same dispute, although at different points in time. Thus the historical, geographical and legal contexts are the same. Also, the negotiation participants from South Africa and SWAPO remained

²⁰The United States, France, and Britain are permanent members of the UN Security Council. In 1977, West Germany and Canada were serving their two-year elected terms.

essentially the same throughout the entire 12-year period. The dispute was finally settled, although not by the first mediation effort.

There is a key variation in the two mediation attempts that makes the comparison very instructive. Each represents a very different approach to mediation, especially in the sources of influence that the mediators attempted to mobilize. In the first instance, the primary goal of the mediation was to initiate UN-sponsored elections in Namibia. The mediators worked together as a coalition, sharing responsibility equally for developing and implementing their strategies. They believed in the importance of regional involvement in the construction of a solution, and therefore worked closely with the Front Line States²¹, as well as with South Africa and SWAPO. The influence they sought to exercise was economic – threatening to allow the UN Security Council to impose sanctions against South Africa if it did not agree to a UN-supervised transition to independence for Namibia.

In the second attempt, the primary goal of the mediator included the withdrawal of Cuban troops from Angola as well as Namibian independence. Thus, the parties to the negotiation changed somewhat, with Angola and Cuba given substantial attention and SWAPO and the Front Line States playing a secondary role. The United States assumed the leadership role in the mediation, with responsibility shifting from the UN ambassador's office to the U.S. State Department. The United States sought to influence South Africa by acknowledging South Africa's interests, and sought to influence Angola by implying that U.S. recognition of Angola's interests might follow if Angola cooperated in this settlement.

²¹Angola, Botswana, Tanzania, Mozambique, and Zambia

Data Collection

The data for this study were drawn from three sources. The first was interviews with key participants in the negotiations. This included diplomats and government officials from the United States, the United Nations, South Africa, and Namibia. I was not able to personally interview officials from Angola, Cuba, or the Soviet Union; I relied on secondary sources for the perspective from these countries. Interviews were also conducted with scholars who had studied these negotiations. A full listing of interviews conducted is contained in Appendix A.

The interview format was loosely structured. My objective when interviewing participants in the negotiations was to get their story of how events had unfolded, particularly when the events involved the mediator. I asked them to identify the incidents in the negotiation that they felt were most significant, and to describe those in detail. When participants' descriptions overlapped or were contradictory, I asked specific questions about those events. I also asked them about their view of the mediators and of the mediation process. When interviewing scholars who had studied these negotiations, I probed for their perspective on the participants' accounts, particularly to fill in missing information or to help explain apparent contradictions in the accounts. I also conducted several interviews with other South Africans (journalists, businesspeople, teachers) to get a better understanding of South African history, society and culture.

Many of the interviews were given with an understanding of confidentiality. In those cases, I have not referred to the interviewee by name in the text, but only by affiliation.

The second source of data was written case studies. Several international relations scholars in the United States, Britain, and South Africa have written analyses of these negotiations. Several of these case studies document the interests and perceptions of the Cuban and Angolan governments during the negotiations, and I have relied on these studies for my data about those countries. In addition, several of the participants in the negotiations (Chester Crocker, Cyrus Vance, Charles Freeman, and Brian Urquhart) have written accounts of the events from their vantage points. I have drawn extensively from these case histories.²²

The third source of data was newspaper accounts of the negotiation proceedings, found in the United States and South African press. These provided detailed information about responses and reactions to specific events and captured the mood of a particular incident.

My intention was to use these three sources of data as checks on each other for accuracy and bias. Retrospective interviews are often consciously or unconsciously slanted to cast the interviewee in a favorable light. By checking with several case studies and with newspaper accounts when possible, I hope to have corrected for such bias.

²²Chester Crocker's memoir of these negotiations did not appear in print until this study was completed, so I was not able to incorporate the wealth of information contained in it. Subsequent writing taken from this study will take Crocker's work into account. See Crocker, C. A. (1992). *High Noon in Southern Africa: Making Peace in a Rough Neighborhood*. New York: W.W. Norton & Company.

Structure of the Analysis

Building from a "thick description"²³ of the cases, the study analyzed the set of variables listed in Table I.

Independent Variable

Type of leverage brought to bear on disputing parties by the mediator

Working from the Touval and Zartman typology, there are three sources of influence available to the powerful mediator:

- parties' need for a solution that the mediator can provide
- parties' susceptibility to shifting weight that the mediator can apply
- parties' interest in side payments that the mediator can either offer (carrots) or withhold (sticks)

In this study, I will explore these propositions in more depth. The purpose is to develop more specificity on types of solutions, "weight," and side payments that are effective, and the conditions under which they are effective.

Intervening Variables

Interests, perceptions, relationships, domestic politics, military strategy

The most significant quality of the intervening variables is that they are dynamic, i.e., they may change over time. When analyzed at the junctures in the conflict when the mediator chooses to use his/her influence,

²³Geertz, C. (1973). *The Interpretation of Cultures*. New York: Basic Books. P. 7. In "thin description," events are simply recounted as they appear to the viewer. In "thick description," the writer provides an interpretation of the events that place them in a cultural context and therefore provide them with appropriate meaning. In each case discussion, events are recounted and then explained through the eyes of each of the key parties.

TABLE I: KEY VARIABLES

<u>Independent Variable</u>	<u>Intervening Variables</u>	<u>Outcome Variable</u>
Type of leverage brought to bear on disputing parties by the mediator	Interests of the parties Interests of the mediator Perceptions of the mediator by the parties Historical and current relationship (economic, political, military) between parties and between parties and mediator Domestic politics of parties and mediator Military strategy of parties	Movement of the disputing parties toward settlement

they are indicators of the conditions under which specific types of influence correlate with movement of the disputing parties toward settlement.

Interests

The interests of the parties and mediator refer to the national interests of the country that each represents. "Interests" are the often unstated needs and concerns that underlie the public "positions" taken by political leaders.²⁴ They are critical in understanding the goals that the parties and mediators set for themselves at each stage in a negotiation. Interests are seldom monolithic; often there are groups within countries that want different outcomes to the conflict. It is therefore important to understand these competing interests within each party, and their effect on the resulting strategy and behavior each party adopts.

Perceptions

Because interests are often unstated and actions taken by one party may be interpreted in a variety of ways, it is important to know each party's perceptions of the others. As studies have shown, in an interactive process like negotiation, one side's beliefs about the interests and motivations of its adversary greatly affect the way that adversary's actions are interpreted, and the response that is adopted.²⁵

²⁴Fisher, R. and Ury, W. (1981). *Getting to YES: Negotiating Agreement Without Giving In*. Boston: Houghton Mifflin.

²⁵Jervis, R. (1976). *Perception and Misperception in International Politics*. Princeton, New Jersey: Princeton University Press. See also Pruitt, D. G., & Rubin, J. Z. (1986). *Social Conflict: Escalation, Stalemate, and Settlement*. New York: Random House.

Relationships

Prior and current relationships define the external context within which negotiation takes place. Parameters include changes over time in the levels of cooperation and hostility (political, economic, and military) between the disputing parties, and between the parties and the mediator. It also includes the status of the conflict "on the ground" in terms of level of violence, degree of communication between the disputants, and previous movement toward or away from settlement.

Domestic Politics

Domestic politics exert a significant influence on the foreign policy decision-making of every country, and therefore must be included as an important variable. Their impact on the interests of parties and mediator has already been mentioned. They may also act as a constraint on the effectiveness of mediator influence: the mediator's ability to exercise influence may be hampered by a lack of cohesiveness within its own ranks; similarly, a disputing party may not respond to mediator influence because factions within its ranks are opposed to any movement or simply cannot agree to any one course of action.

Military strategy

It is important to consider the impact of military strategy in this context, for it is most often regarded in the *realpolitik* model of international politics as the only variable of consequence. In this analysis, rather than treat it in its usual way as the independent variable affecting outcomes and

settlement, I choose to assess its role as a contributor to or detractor from the effectiveness of mediation.

Outcome variable

Movement of the disputing parties toward settlement

The success of a mediation effort should not be measured solely by whether or not the conflict is ultimately settled. Many intermediate steps toward settlement are critical, and an effective mediator may exercise influence at many points to move the parties forward.

From a review of mediation in other fields, possible points for the exercise of mediator influence occur whenever the protagonists confront a choice between taking unilateral action or seeking mutually derived solutions. These include the decisions of whether or not to:

- come to the bargaining table
- remain in the negotiation
- sign on to terms of agreement
- abide by any agreements reached

These points correspond to what several researchers have identified as phases in the dispute resolution process.²⁶ These include: (1) pre-negotiation, in which parties are trying to decide whether or not to come to the bargaining table, what the agenda of any negotiation would be, who would be at the table, what the ground rules of the negotiation would be, whether a mediator would be used; (2) negotiation, in which parties discuss possible solutions to

²⁶Susskind & Cruikshank (1987), P. 94-95. Also Zartman, I. W., & Berman, M. (1982). *The Practical Negotiator*. New Haven: Yale University Press.

the conflict and decide whether or not a set of conditions exists that all parties can live with; and (3) implementation, in which any agreement reached by the negotiators is ratified by their constituencies and put into effect.

In order to determine if any movement through these phases toward settlement has taken place, I will assess the actions of the disputing parties before and after the mediator has used some type of influence. I will establish if any movement has taken place between the following phases of negotiation:

- no dialogue to pre-negotiation (any indication of sincere moves toward the bargaining table; may include preliminary dialogue and preparation for negotiation)
- pre-negotiation to negotiation (beginning of discussion of issues that need to be resolved, even if not face to face)
- negotiation to construction of possible packages (designing ways in which parties' interests can be satisfied by identifying trades that can be made)
- constructing packages to tentative agreement (development of single negotiating text that identifies outline of a possible agreement)
- agreement to signed settlement (document that all parties at the table can live with)
- settlement to implementation (ratification of the agreement and moves toward putting the settlement into effect)

Movement, of course, could also be in the opposite direction, in which case escalation of the conflict occurs. Such movement will also be analyzed.

Expected Results

Based on the existing data about powerful mediators, drawn from the studies previously cited, there are several relationships between the key variables, in italics, that are anticipated:

1. The most effective *source of leverage* for the powerful mediator is its ability, as *perceived by the parties*, to *provide a solution to the dispute*, most likely as a formula for settlement that the mediator can impose and guarantee.
2. *Historical relationships* between the powerful mediator and the parties are not a handicap to the mediator's success. On the contrary, parties look to the mediator to use its relationships to apply pressure to its "friends" to come to agreement.
3. Parties will look for the assistance of a powerful mediator when they have reached a "*hurting stalemate*" and need help in backing down without losing face. This occurs when the *military command* on one or both sides determine that they can not prevail on the ground.
4. The *domestic politics* of the parties and the mediator will have an uncertain effect on the exercise of leverage; they can either enhance or constrain the mediator's leverage, depending on which domestic constituencies are active.
5. The *interests of the mediator* will be known to the parties but will not necessarily interfere with settlement or movement toward settlement.

This study does not test these propositions in a formal way. It does ask if they operate in the expected ways in these cases, and explains why any deviation from the expected result has occurred. It then refines these

propositions by adding more specifics to each one and by providing an analysis of the conditions under which each applies. It also extends the list of propositions to include issues not previously identified with mediation by powerful actors.

ORGANIZATION OF THIS STUDY

Chapter II provides a detailed account of the effort by five Western states to mediate the Namibian independence dispute. This effort was coincident with the Carter Administration's tenure in the United States and lasted from January 1977 to January 1981. Chapter III provides a similar account of the Reagan Administration's continuing efforts at mediating this conflict, led by Assistant Secretary of State Chester Crocker. This mediation took place between January 1981 and December 1988.

At the conclusion of each of these chapters is an analysis of the issues and interests that lie behind the events. These analytic sections follow the questions posed at the beginning of this chapter:

- What made the mediator powerful yet still acceptable in the eyes of the disputing parties?
- What are the most important ways in which the powerful mediator worked to bring disputing parties to the table?
- What are the most important ways in which the powerful mediator moved the disputing parties toward settlement?
- What are the conditions that assisted or hindered the mediator in settling the dispute?

Chapter IV is a comparative analysis of the two cases, culminating in several propositions about the contribution of powerful mediators in

resolving international disputes. Chapter IV then circles back to the literature presented in Chapter I to discuss the implications of these findings for mediation theory and for the practice of international mediation in this post-Cold War era.

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Chapter II

THE DISPUTE OVER NAMIBIA'S INDEPENDENCE FROM SOUTH AFRICA: INTERVENTION FROM THE WEST 1977-1981

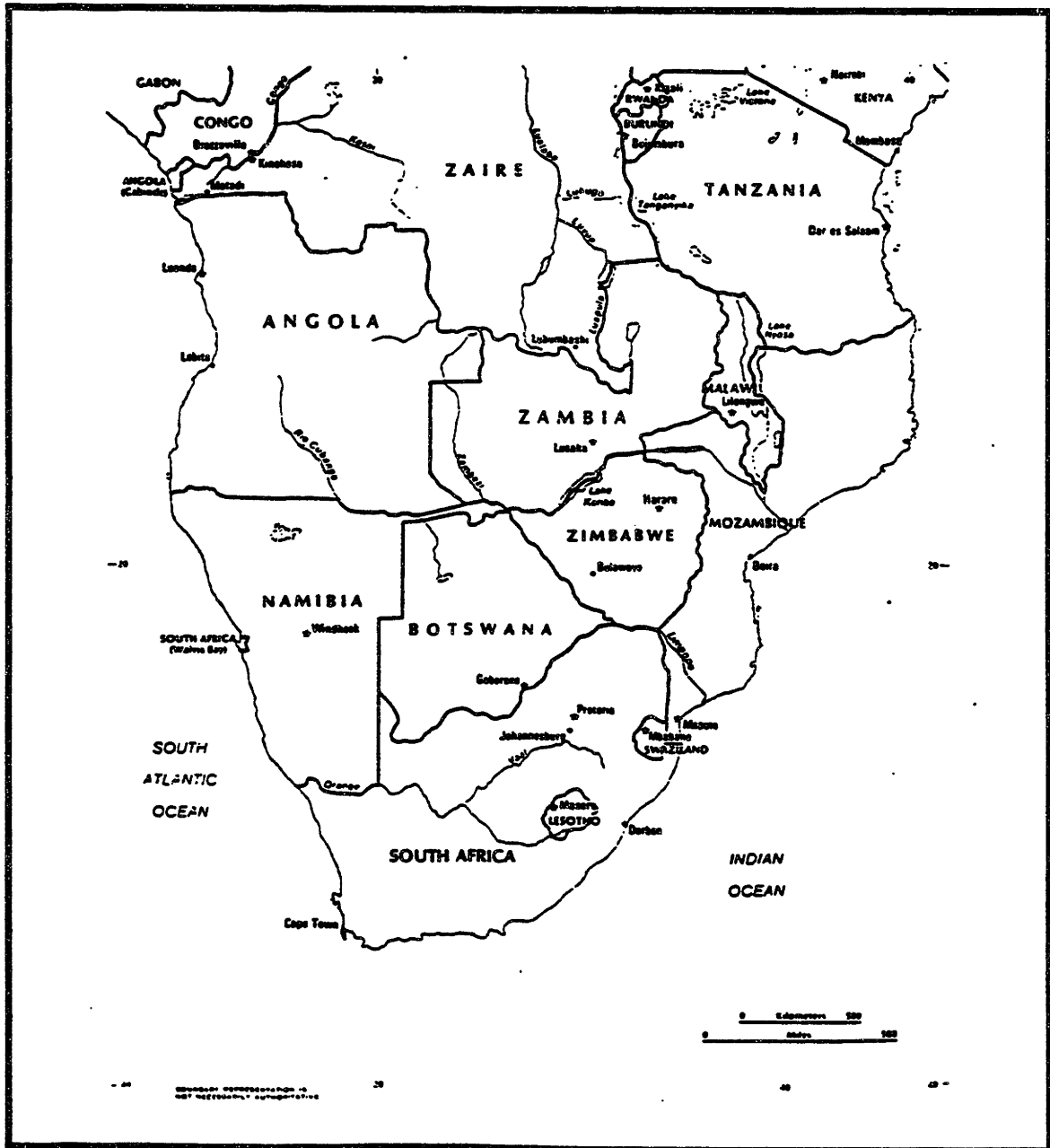
BACKGROUND TO THE DISPUTE, PRE-1977

Namibia (formerly called South West Africa) sits on the west coast of southern Africa, bordering the Atlantic Ocean. South Africa is its southern neighbor, with Botswana to the east and Angola to the north. (See map of Southern Africa, Figure 1.) Namibia covers about 318,000 square miles (about twice the area of California) and presently (1990) has a population of 1.1 million. Of these, about 100,000 are white, about 65,000 are "colored" (mixed-race or Indian), and the remaining are black. A large area of the country is desert, with the population concentrated in the inland capital city of Windhoek and in the seaport area around Walvis Bay, both located in the central portion of the country. The three major export industries are ranching (cattle and sheep); fishing (fish meal, canned fish, and fish oil); and mining (diamonds, copper, and uranium).¹

South West Africa (SWA) was initially a German colony, the native peoples having been subjugated by the Germans in the 1890's. With the defeat of Germany at the end of World War I, the South Africans took over control of South West Africa. They were given a Class C mandate by the League of

¹South West African People's Organization (1981). *To Be Born A Nation: The Liberation Struggle for Namibia*. London: Zed Press. Pp. 24-39.

FIGURE I: THE COUNTRIES OF SOUTHERN AFRICA



Nations, allowing them to govern SWA as an extension of their home government.

This arrangement continued until after World War II, when the United Nations was formed. South Africa asserted that because their mandate had been given by the League of Nations and the League was no longer in existence, they should be allowed to incorporate SWA. In 1946, the U.N. refused the proposal and instead requested that SWA become part of the U.N. trusteeship system. South Africa refused to accept the trusteeship arrangement and continued to govern SWA in the spirit of the mandate, with goodwill reports submitted to the U.N.

With the election of the National Party in South Africa in 1948 and the entrenchment of the apartheid system within South Africa's borders, the reports to the U.N. stopped. Years of wrangling ensued between the U.N. and South Africa about the status of South Africa's role in SWA. In November of 1960, Ethiopia and Liberia (as ex-members of the League of Nations) asked the International Court of Justice for a binding judgement "that Namibia was still a mandatory territory; that South Africa had obligations under the old Covenant; that apartheid was contrary to those obligations; and that Pretoria had failed to promote the well-being of the inhabitants." ²

The case proceedings went on for several years, during which time South Africa continued to treat SWA as an extension of its own government. It moved white settlers into some of the more livable areas of SWA and gave the white settlers representation in the South African parliament. In 1964 the Odendaal Commission, which had been appointed by South African Prime

²Barber, J., & Barratt, J. (1990). *South Africa's Foreign Policy: The Search for Status and Security 1945-1988*. Cambridge: Cambridge University Press. P. 86.

Minister Vervoerd, presented a development plan for Namibia to the South African government. The plan divided the land into two roughly equal parts, one as a "white" area and the other as ten black "homelands" under local authorities responsible to Pretoria. To accomplish this, the SA government would purchase some land from whites and relocate about 30% of the black population. When the U.S. and Britain protested the plan because of the pending court case, South African Prime Minister Verwoerd told them politely to mind their own business.³

The International Court of Justice handed down a ruling in 1966. Much to Pretoria's relief, and the astonishment of the rest of the world, the Court rejected the claims of Ethiopia and Liberia because it argued that these countries had no legal rights or interests in the matters they had brought before the Court. The Court said nothing about the substantive issues, which gave Pretoria cause to claim a "victory" and continue its development plans in SWA.

The international community was not satisfied with the outcome. The U.N. Security Council returned to the International Court in 1970, seeking an advisory finding on Pretoria's defiance of Security Council resolutions declaring the occupation of SWA as illegal. In June of 1971, the Court ruled that the South African presence was indeed illegal and it should withdraw. South Africa rejected the ruling.

In spite of the court ruling and the U.N. resolutions, there were no economic or military sanctions imposed against South Africa at this time. However, in world opinion they were treated as a pariah state, whose

³Barber, J. & Barratt, J. (1990), P. 87.

behavior and attitude was not acceptable to the international community of nations, because of their internal retention of apartheid and their willfulness in spreading this system to SWA.

The U.N. was trying in whatever ways it could to undo this situation. In 1973, the General Assembly recognized the South West African People's Organization (SWAPO), which was founded in 1960, as the sole representative of the Namibian people, and gave them observer status at the U.N. (It also adopted "Namibia" as the new name of the country, after the large Namib desert that makes up much of the country.) SWAPO, like many revolutionary movements in Africa, espoused a Marxist philosophy. Therefore, U.N. support for SWAPO fed South African fears of a transfer of power in Namibia that would bring in a Marxist government. To the South African government, a SWAPO government in Namibia would constitute one more step in the "communist onslaught" they perceived moving in their direction, and all the more dangerous as it would bring the dreaded communists right to their doorstep.

As the South African government watched the changes happening in the rest of Africa, they wanted to maintain "buffer states" to keep them isolated, or protected, from the communist wave that they saw moving down from Black Africa. If they had to cede some control in Namibia, they wanted to be sure that it was done on their terms, and that it was a government they could live with, if not control.

In fact, South Africa began to plan for a constitutional conference in Namibia as early as 1972, and finally convened the first session in 1975 to begin crafting what came to be known as the "internal settlement." At the conference, named Turnhalle after the historic meeting hall in Windhoek in

which it was held, representatives of the various "homeland" authorities came together, under South African sponsorship, to begin drafting a constitution. The important black political movements, SWAPO and SWANU, were not represented, however, so the process was not accepted by the majority of blacks in Namibia, nor by the international community.⁴

At the first session of the Conference, the delegates adopted a Declaration of Intent that stated a commitment to non-discrimination on racial grounds and to completing a constitution within three years. However, Dirk Mudge, a member of the National Party and the leader of the white delegation, stated that one of the conditions for the success of the Conference was that the "existence of separate ethnic groups must be recognized."⁵ By 1976, with international pressure on South Africa increasing, Dirk Mudge chaired a constitutional committee to form an interim government representing the various groups. This interim government would then draw up the constitution for Namibia. The constitutional committee affirmed its commitment to "a system of government, particularly in the central body, which will provide complete protection for minority groups."⁶

Thus, by seeking to control the constitutional process, South Africa hoped to forestall independence, or to secure a government in Namibia that would be amenable to South African domination.

However, in 1975, the political situation in the southern Africa region changed radically, as Portugal pulled out of Africa and granted independence

⁴Barber, J. & Barratt, J. (1990). Pp. 197-198.

⁵Barber, J. & Barratt, J. (1990). P. 199.

⁶Barber, J. & Barrett, J. (1990), P. 200.

to its colonies, two of which were Angola and Mozambique. The Portuguese had not promoted any responsibility for governance among the local populations nor trained any of the local people to take over control. These two countries declined immediately into chaos and civil war.

In Angola, guerrilla groups had been fighting against the Portuguese since 1960. The three major organizations that vied for control in 1974 included: the MPLA (the Popular Movement for the Liberation of Angola), led by Angostinho Neto; the FNLA (the National Front for the Liberation of Angola), led by Holden Roberto; and UNITA (the National Union for the Total Independence of Angola), led by Jonas Savimbi. Before Portugal withdrew from Angola, its new government held a conference with these three groups to discuss the transition to independence. At Alvor in Portugal, the three groups worked out an arrangement for a tripartite government, to take office by November 11, 1975. However, the historical and ideological animosities between the three groups cut very deep, and fighting began between them almost immediately after the Alvor Accords were signed.

In addition, each group was receiving external support of money and armaments from very different coalitions. The Soviet Union was backing the MPLA. The FNLA was being backed by Zaire, the United States, North Korea and China. UNITA was being backed by China, Tanzania, and Zambia.

The United States then pulled South Africa into the fray. US policy toward southern Africa up until this time was framed by a National Security Council Memorandum written by Henry Kissinger in 1974.⁷ In NSC Memorandum 39, Kissinger laid out the proposition that it should be the

⁷El-Khawas, M. A., & Cohen, B. (1976). *The Kissinger Study of Southern Africa: National Security Memorandum 39*. Westport, CT: Lawrence Hill & Co.

policy of the US to back the white colonial governments in the region, since these provided the best potential for stability and response to U.S. interests in the region. The U.S. government was therefore caught by surprise when the Portuguese empire in Africa crumbled.

By most accounts, the impetus for military intervention from the West came from the United States, with encouragement from Kenneth Kaunda of Zambia. The United States government wanted a covert operation to prevent the Soviet-backed MPLA from dominating in Angola, and they invited the South Africans to get involved. The South Africans, primarily then-Minister of Defense P.W. Botha, wanted an "open, all-out invasion that would sweep the MPLA from Luanda and install a friendly pro-Western government." ⁸ The Americans prevailed and a clandestine strategy went forward, taking the South African forces deeply into Angolan territory without popular knowledge or support. Clashes with Angolan and Cuban troops began taking place in November 1975.⁹

At the critical moment in the operation (which had been kept secret from the South African as well as the U.S. civilian populations), the United States failed to provide the military back-up that had been promised; the U.S. Security Council had not been able to get the internal consensus for this military operation. The South Africans actually sent forces well into Angola before they knew of the American change of policy. They felt totally

⁸Pottinger, B. (1988). *The Imperial Presidency: P.W. Botha, the First 10 Years*. Johannesburg: Southern Book Publishers. P. 205.

⁹Increases in Cuban arms deliveries to Angola began in the summer of 1975. In September, the first Cuban advisors arrived, and in October, the first Cuban troops arrived in Luanda. See Falk, P. (1988). "The U.S., U.S.S.R., Cuba, and South Africa in Angola, 1974-1988: Part A--Negotiators' Nightmare, Diplomats' Dilemma, 1974-1980." University of Pittsburgh: Pew Program in Case Teaching and Writing in International Affairs. P. 16.

abandoned by the United States because clearly they were not up to competing unilaterally with Soviet military technology and Cuban troops.¹⁰

The MPLA did, therefore, prevail militarily and was installed as the government of Angola. It declared itself to be the People's Republic of Angola, a Marxist-Leninist government. ¹¹

With the MPLA in power in Angola, SWAPO was able to set up bases and training camps across the Namibian border in southern Angola. Thus began a constant spiral of military engagements along the Namibian-Angolan border: the South Africans attacking the SWAPO bases in Angola, the Angolans feeling besieged by the South Africans and so importing increasing numbers of Cuban troops to bolster their own army, the Cuban/MPLA/SWAPO troops attacking the South African forces, both at the border and in Namibia.

Against this backdrop, US policy shifted dramatically in 1976. Kissinger realized the impossibility of maintaining support for the white colonial governments in the region, and instead began speaking of the U.S. role in supporting majority rule and independence for Rhodesia and Namibia. Before the U.S. elections in 1976, Kissinger met with the South Africans and presented a 7-point proposal for Namibian independence:¹²

1. A Geneva conference would be held to negotiate a constitution
2. The U.N. would participate as an observer

¹⁰Pottinger, B. (1988), P. 204.

¹¹There is some debate about whether in fact they were ideologically Marxist-Leninist, or whether they were just pragmatically Marxist-Leninist because they were being supported by the Soviet Union.

¹²Vance, C. (1983). *Hard Choices: Critical Years in America's Foreign Policy*. New York: Simon and Schuster, P. 273.

3. South Africa would discuss its post-independence relationship with Namibia
4. Arrangements for elections would be negotiated
5. Any issue could be raised at the conference
6. South Africa would accept a constitution negotiated by the various internal and external Namibian parties
7. The goal would be independence by December 31, 1978

The proposal was agreed to by South Africa but was rejected by SWAPO. However, the precedent and groundwork for further US involvement in the region had been laid.

1977: A CHANGE IN DIRECTION

Jimmy Carter's election to the U.S. presidency in 1976 carried with it a very clear foreign policy agenda with very different goals from the Nixon and Ford Administrations. The Carter Administration was committed to the promotion of human rights, and a desire to seek regional solutions to regional conflicts rather than approaching them as extensions of the U.S.-Soviet rivalry.¹³

In light of these goals, Namibia's effort to achieve independence from South Africa emerged quickly as a foreign policy priority. According to Cyrus Vance, then Secretary of State:

Very early on, even before we all assembled in Washington, we had decided that the issue of southern Africa, and most particularly South Africa and its adjacent neighbor Namibia,

¹³Smith, G. (1986). *Morality, Reason, and Power: American Diplomacy in the Carter Years*. New York: Hill and Wang. Pp. 6-7.

should be of major importance in our plans for a foreign policy of the United States during the Carter Administration. We felt this for a number of reasons. Perhaps the most important reason was what was happening in South Africa and the deep conviction of the President...and a number of others that apartheid had to go, and that therefore we should as a nation play an increasingly active and important role in trying to bring about that fundamental change. We also felt that the United States should play a more important role in the third world generally, and that in past administrations the United States had spent too much time dealing with the issues that related to the first world, or the developed world...and not enough with the southern half of the globe and all of the myriad of problems that existed in that particular area. So with this kind of a strong leaning on the part of the President and others around him it was easy to come to an early conclusion that this was going to be one of the primary focuses of our foreign policy. In looking at the situation, one of the issues which stood out besides the issue of apartheid in South Africa was the long-disputed question of Namibia and of independence for Namibia. Our country had participated in prior years in the discussions in the United Nations with respect to the Namibian question, and in the prior administration towards the end of that administration Henry Kissinger and President Ford had changed policy quite substantially and had taken a much more active role...And therefore this was something that we ought to get at right away because it fitted in with our priorities and was a pending, festering sore that had to be treated as promptly as possible.¹⁴

The impetus for conceiving of a plan for intervention came from the new U.S. Ambassador to the United Nations, Andrew Young. Young toured Africa in 1977, soon after the new Administration took office. While there, he met with the presidents of Nigeria and the Front Line States (Angola, Botswana, Mozambique, Tanzania, Zambia). They implored him to do something about Zimbabwe (then Rhodesia) and Namibia. The Front Line Presidents felt that Young, as a black leader in a liberal Democratic

¹⁴Personal Interview with Cyrus Vance, February 1990.

administration, was their best hope of getting the United States actively involved in the problems of the region.

At the suggestion of President Nyerere of Tanzania, Young proposed to the Western members of the UN Security Council that they form a coalition to bring about a settlement between South Africa and SWAPO, under the guidelines of UNSC Resolution 385.¹⁵ This coalition became known as the Western Contact Group (WCG), whose members were the UN representatives and foreign ministers of the United States, Britain, France, West Germany, and Canada. The Ambassadors to South Africa from each of the five countries also participated.¹⁶

Donald McHenry, the Deputy UN Ambassador from the United States, chaired the Group. McHenry had extensive experience with the U.S. Foreign Service, which gave him substantial knowledge of the workings of the State Department. This, along with his skill in diplomacy and his commitment to Namibian independence, made him an ideal choice.¹⁷

This coalition structure was chosen for several reasons. First, the history of the Namibian conflict was intimately connected with the UN and the resolutions that had been passed since 1966. Carter and his foreign policy team felt that their renewed efforts should be cast in the light of these previous UN initiatives. However, the UN carried baggage with it as well.

¹⁵Personal Interview with U.S. government official (#12). April 1990. UN Security Council Resolution 385 called for free and fair elections, withdrawal of South African forces from Namibia, release of political detainees, and cessation of plans for an interim government based on the Turnhalle process. See Appendix B for full text.

¹⁶Jabri, V. (1990). *Mediating Conflict: Decision-Making and Western Intervention in Namibia*. New York: St. Martin's Press.

¹⁷Personal Interview with U.S. government official (#12). April 1990.

The South African government felt that the UN General Assembly was irrevocably biased against them and in favor of SWAPO. The Security Council therefore carried more weight in South Africa. But the U.S. administration decided to go outside of the Security Council as well and established their coalition from the Security Council membership but not as an official UNSC group.

Another reason for building on the UNSC was the important trade relationships that existed in 1977 between the Western UNSC members and South Africa. The United States, France, and the U.K. were permanent UNSC members; West Germany and Canada were serving two-year terms as non-permanent members. The U.S., U.K. and West Germany together accounted for 40% of the trade and 70% of the foreign investment in South Africa at this time.¹⁸ In constructing the WCG, the members felt that this would give these countries some clout in dealing with South African resistance to giving up Namibia.

Some of these countries also had historical relationships in the region that the United States thought were potential sources of influence. West Germany still maintained some connection to the German community in South West Africa; and Britain had some understanding of the South African perspective because of its colonial ties in southern Africa.

A third reason, in the eyes of the Carter Administration, was the feeling that it would be much harder for South Africa to play any of these countries off against the others if they all spoke with one voice. According to then Deputy UN Ambassador Donald McHenry, "We had to do it as five. The

¹⁸Minter, W. (1986). *King Solomon's Mines Revisited: Western Interests and the Burdened History of Southern Africa*. New York: Basic Books. P. 280.

South Africans' great ploy over the years has been the confidence that the British or the French or somebody would save them in the Security Council (from the imposition of sanctions), and you had to find a basis for telling them that there was no way for them to squirm out of the possibility of some kind of united action." ¹⁹

ESTABLISHING A FRAMEWORK: 1977-1978

The UN had not been able to bring South Africa to the negotiating table on Namibia for 30 years. The WCG hoped to overcome South Africa's resistance by using the economic relationship between its members and South Africa. While not calling its efforts "mediation," the WCG role became just that, as a broker acting to bring about a viable settlement. There was pressure from many of the Third World members of the UN Security Council to initiate economic sanctions against South Africa, as punishment for its intransigence on Namibia and its perpetuation of apartheid. The U.S., Britain, and France, as permanent Security Council members, had voted against such sanctions and had thus held them off. Canada and West Germany were also sitting on the Council at this point, and had likewise vetoed sanctions. But as members of the WCG, these five countries threatened South Africa that they would suspend their veto, thereby allowing the Security Council to impose the sanctions it was proposing.

On April 7, 1977, members of the WCG met with Prime Minister Vorster in South Africa and delivered their message: unless South Africa began seriously negotiating for Namibian independence under the provisions

¹⁹Personal Interview with Ambassador McHenry, January 1990.

of UNSC Resolution 385, the Contact Group countries would no longer veto sanctions proposed in the UN Security Council.²⁰

Vorster considered this initial threat "obnoxious,"²¹ but responded on April 27 by agreeing not to implement the Turnhalle process. He accepted the principle of holding elections for a constituent assembly which would, in turn, draft a constitution. And he agreed to a UN special representative being appointed. Vorster added, however, that South Africa must retain administrative control over Namibia prior to independence, with the primary role of the UN being the monitoring of elections.

SWAPO and the Front Line States (FLS) demanded a different structure during the transition. They wanted the UN to assume de jure control over Namibia until the elections, including the mounting of a large peacekeeping force. And they wanted complete withdrawal of South African troops from Namibia before elections were held. In a Vienna meeting with Vorster in May 1977, U.S. Vice President Mondale urged that South Africa accept impartial UN control over Namibia during the transition. Vorster replied that the UN was not impartial and was, in fact, biased in favor of SWAPO. He reiterated that he was committed to a Turnhalle-type interim authority, based on ethnic representation.

By early June, however, Vorster conceded a bit more. He agreed to appoint an administrator general to run the territory prior to independence, and to allow a UN special representative to work with the administrator

²⁰The following chronology of events is a composite from several sources. These include: Jaster, R. S. (1985). *South Africa in Namibia: The Botha Strategy*. Lanham, MD: University Press of America; Vance, C. (1983). *Hard Choices: Critical Years in America's Foreign Policy*. New York: Simon and Schuster.

²¹Vance, C. (1983). P. 277.

general during the transition. He also agreed, in principle, to a phased South African military withdrawal from Namibia. However, he wanted the WCG to secure from SWAPO an agreement to a cease-fire before even a partial withdrawal of troops could take place. And he remained vague on the acceptable size and nature of UN presence and on his willingness to negotiate the status of Walvis Bay.²²

Sam Nujoma of SWAPO refused to consider a phased South African withdrawal as the basis for a cease-fire. He held firm that all South African forces had to leave Namibia prior to elections.

The WCG floated another proposal, based on these initial reactions. At a meeting with President Nyerere of Tanzania on August 5, 1977, Carter and McHenry outlined the following provisions:

1. The holding of free elections open to all Namibian parties, to choose a constituent assembly charged with drafting a nonracial constitution;
2. The appointment by the UN Secretary General of a special representative, who would participate in the election arrangements and in all phases of the transition;
3. The special representative would have to be satisfied with all arrangements for the elections, including the abolition or modification of all repressive or restrictive laws and regulations that would impede fairness;

²²Walvis Bay is an enclave on the Namibia coast due west of Windhoek. It is the only economic port in the country. It had not been included in the League of Nations mandate of South West Africa. South Africa claimed that it was part of Britain's Cape colony as far back as 1878, and has been legally part of South African national territory since 1910. For this reason, they insisted that it be a continuing part of South Africa, even if the rest of Namibia became independent. SWAPO insisted that Walvis Bay should be part of an independent Namibia. (See Vance, 1983, P. 279.)

4. The special representative would supervise the interim government, along with the South African administrator general;
5. During transition, all political prisoners would be freed and all exiles would be allowed to return;
6. South Africa would begin a phased withdrawal of troops, to be completed upon independence, and probably hinging on a SWAPO cease-fire; and
7. The presence of a UN monitoring group of about 1000, instead of a peacekeeping force:

President Nyerere, and later Sam Nujoma, responded favorably to much of the proposal. However, their major concern was with guaranteeing free and fair elections if South Africa retained political and military control during the transition. They therefore restated their demands that the UN assume control of Namibia during the transition, with the UN special representative exercising more authority than the South African administrator general. They also underscored the need for a UN peacekeeping force, agreed to a cease-fire "in principle" once transition was underway, and to UN monitoring of SWAPO forces, who would be confined to designated bases in Namibia.²³ Nyerere indicated his understanding that, to save face for Vorster, a small number of South African troops might have to remain in Namibia until independence. Nujoma, however, rejected the notion of any residual South African forces.

²³SWAPO forces were not at that time based in Namibia. They operated from camps over the border in Angola.

In September 1977, the Administrator-General took office in Windhoek, and white SWA representation in the South African parliament was abolished.

On September 22-23, the WCG presented its proposal to Vorster and Foreign Minister Pik Botha. According to Vance, the two South African diplomats played what could be seen as 'good cop, bad cop,' with Pik Botha taking a very hard line and Vorster presenting a relatively more reasonable reply.²⁴ The counterproposal included a reduction of South African forces from 24,000 to 4,000 on independence day (with the caveat that they would reenter Namibia if there were any "Cuban tricks"); a demand for scheduling of elections for March 1978; and a reiteration of the UN role as being that of monitoring the elections rather than operating a peacekeeping force.

These responses sent the WCG back to the drawing board. They came back with another draft proposal in October. Still using Resolution 385 as the framework, they offered the following provisions:

1. A token South African force of 1500 to remain in Namibia, confined to a single base and to operate under UN monitoring until independence;
2. A UN military presence (i.e., peacekeeping force) of about 2000, with exact numbers to be determined as circumstances dictated;
3. Measures to neutralize the Namibian police and militia; and
4. Deferral of decision on Walvis Bay until after independence.

Vorster and Nujoma both rejected the proposal. In addition, Vorster announced that South Africa would be conducting Namibian elections in

²⁴Vance, C. (1983). P. 282.

June of 1978, thus proceeding with the plans for an "internal settlement" along the lines of the Turnhalle process rather than elections under international guidelines. The WCG effort had hit its first major roadblock.

These 1977 negotiations were taking place against the backdrop of other important dynamics between the WCG and South Africa in regard to apartheid. In March of 1977, Reverend Leon Sullivan, then on the Board of Directors of General Motors, proposed his now-famous principles for U.S. companies doing business in South Africa (referred to as the Sullivan Code and later as the Statement of Principles for South Africa).²⁵ In September of 1977, the EC adopted a similar code, with stronger provisions for recognition of black trade unions.

In October 1977, the South African government outlawed 18 black rights groups and detained 70 leaders to try to quell "racial unrest" following the death of Steven Biko while under police interrogation.²⁶ Biko, the charismatic head of the South African Black Consciousness movement, died while under interrogation by the South African police, causing world-wide outrage. The United States had recalled its ambassador from Pretoria in

²⁵These principles included: (1) Nonsegregation of the races in all eating, comfort, locker room, and work facilities; (2) Equal and fair employment practices for all employees; (3) Equal pay for all employees doing equal or comparable work for the same period of time; (4) Initiation and development of training programs that will prepare Blacks, Coloureds, and Asians in substantial numbers for supervisory, administrative, clerical, and technical jobs; (5) Increasing the number of Blacks, Coloureds, and Asians in management and supervisory positions; (6) Improving the quality of employees' lives outside the work environment in such areas as housing, transportation, schooling, recreation, and health facilities; and (7) Working to eliminate laws and customs that impede social, economic, and political justice. *Fifteenth Report on the Signatory Companies to the Statement of Principles for South Africa*, Arthur D. Little, Inc.

²⁶Institute of Strategic Studies. *Strategic Survey 1977*. London: Institute of Strategic Studies. P. 138.

protest of these actions.²⁷ In November 1977, largely in reaction to Biko's death, the UN Security Council passed a resolution imposing a mandatory arms embargo against South Africa. The WCG did not veto the resolution. In December 1977, the Canadian government imposed trade sanctions against South Africa and closed its commercial consulates in Johannesburg and Capetown.²⁸

While the WCG never sought to link the Namibian independence issue with apartheid within South Africa, it was inevitable that signals of displeasure being sent from the WCG because of apartheid would have an affect on the negotiations concerning Namibia. With mounting tensions from within and pressure from without, the positions of the South African government hardened vis-a-vis the WCG effort.

Not wanting to settle for the "internal solution," the WCG decided to go another round. They invited the South African government and SWAPO to "proximity talks" in New York in February 1978. The term comes from the format of the talks: the negotiating teams did not meet together, but instead were housed at neighboring hotels, with the WCG shuttling back and forth between them. The hope was to move the negotiations further in less time than it would normally take to shuttle back and forth between capitols.

The WCG had prepared a revised proposal for these talks, with some of the elements more precisely defined than before:

1. UN supervised elections for a constituent assembly, whose responsibility would then be to draft a constitution for Namibia;

²⁷Institute of Strategic Studies. *Strategic Survey*, 1977, P. 138.

²⁸Institute of Strategic Studies. *Strategic Survey* 1977. P. 138.

2. Release of all political prisoners;
3. Phased reduction of South African forces to 1500; these would be confined to designated bases under UN observation;
4. Withdrawal to begin at the point of a cease-fire, policed by UN military forces;
5. The cease-fire would be followed by a 4-month period of political campaigning, supervised by the UN special representative;
6. Full independence by December 31, 1978.

The response from the parties was not as the WCG would have liked. Nujoma did agree to allow 1500 South African troops to remain in Namibia through elections, but specified that they must be confined to a single base in southern Namibia. He also elaborated on the UN forces, requesting that the UN Transition Assistance Group (UNTAG) number at least 1000 observers and that UN peacekeeping forces be at least 5000. He proposed that SWAPO units be allowed to concentrate at designated points, under UN monitoring, as the South African forces would do. And he put Walvis Bay squarely on the table, demanding that it be included in an independent Namibia.

The South African response was much more potent. Vorster withdrew Pik Botha from New York and requested his immediate return to Pretoria, after West German Foreign Minister Hans-Dietrich Genscher pointedly warned Pik that sanctions were inevitable if South Africa was not more flexible.²⁹ Three days later, on February 15, Vorster announced that South Africa would proceed with its own Namibian elections in December.

²⁹Vance, C. (1983). P. 303.

In March, shortly after the proximity talks broke down, the black leader of the Democratic Turnhalle Alliance (the political group on whom the South African government pinned its hopes for continued influence in Namibia) was assassinated. The WCG felt it had to push harder or risk losing the initiative in Namibia to the internal political groups. They decided to present another revised proposal to Vorster in Pretoria, which went a long way toward meeting South African concerns.

The new proposal included the following:

1. The South African administrator general would retain control of the Namibian police, with the assistance of UN observers;
2. The UN special representative would determine the size of the monitoring and peacekeeping forces that he would need; South Africa would be consulted on the composition of the UN force to guard against their being drawn primarily from countries supporting SWAPO;
3. If the newly elected constituent assembly wished South African forces to remain after the elections, the WCG would consider their request;
4. South African forces would be concentrated at two bases in northern Namibia, rather than in the south.

In mid-April, Vorster agreed in principle to the new proposal, subject to further discussion of details and to Walvis Bay being negotiated after independence. However, Vorster still held out the threat of the internal settlement, saying that he would establish an "interim government" if SWAPO dragged its feet on agreeing to the WCG proposal. Vorster formally

declared his acceptance of the plan on April 25. The WCG then presented it as drafted to the Security Council.

On April 27, Donald McHenry and Cyrus Vance met with Sam Nujoma and Joseph Garba, Nigeria's Foreign Minister, to get their reactions. According to Vance, "Nujoma was angry because he felt we had unfairly boxed SWAPO in by presenting the proposal to the Security Council and getting South Africa to accept it before obtaining SWAPO's full concurrence."³⁰ Nujoma rejected the idea of South African bases in the north and reiterated his demand that South African troops must be confined to a single base in the south of Namibia. He also stated that Walvis Bay must be included in the WCG proposal. In addition, he produced a long list of demands for further changes in the proposal. Garba tried to dissuade Nujoma from forcing further substantive negotiations, but Nujoma held firm.

The situation was further derailed by the May 4 raid of South African airborne commandos on a SWAPO base inside Angola. 600 Namibians were reportedly killed at the Cassinga refugee camp, 150 miles inside Angola, in the first "deep penetration" raid of the ongoing military skirmishes between South Africa and SWAPO.³¹ Nujoma declared negotiations suspended indefinitely.

President Nyerere of Tanzania was able to bring SWAPO back to the table, with a strong plea that the WCG lean on South Africa regarding Walvis Bay and the location of South African troops during the transition. Nujoma

³⁰Vance, C. (1983). P. 304.

³¹Jaster, R.S. (1985). P. 44.

was concerned about South African troops being based in the north, close to SWAPO bases in Angola. In June the WCG approached South Africa again, proposing a compromise in which their troops would still be in the north, but would be confined to one base rather than two. On June 22, Vorster rejected this change, saying it was a "substantive" revision of the March proposal. He also warned the WCG not to change its position on Walvis Bay.

In one final round of compromise, the WCG proposed to SWAPO that Walvis Bay not be included in the settlement. Instead, the Security Council would pass a resolution calling for post-independence negotiations and affirming support for Walvis Bay as part of Namibia. The WCG also proposed no further discussion with South Africa on the number of bases, but promised to urge UN Secretary General Waldheim to increase the size of UN peacekeeping forces so that all South African bases would be adequately monitored. Under heavy pressure from the FLS, SWAPO accepted these conditions.

On July 27, 1978, the WCG presented its plan for Namibian independence to the U.N Security Council. At this meeting, the Council also passed the resolution on Walvis Bay, as proposed by the WCG. (See Appendix C) Vorster also accepted the plan, reserving the right to reject particulars of the UN role and restating the South African position on Walvis Bay. With both sides accepting a UN intervention, the way was cleared for Secretary-General Waldheim to send his special representative, Martti Ahtisaari, to Namibia on a fact-finding trip.

DIFFICULTIES IN IMPLEMENTATION: 1978-81

Based on Ahtisaari's information, Waldheim issued a report in August 1978, in which he spelled out in more detail the proposed UN process for supervising and monitoring the transition and elections. The most controversial elements of his report were the figures relating to the size of the UN team. Waldheim proposed 1500 staff to supervise the work of the South African administrator general; and 400 police and 7500 UN troops for monitoring and security. The South Africans criticized the size of the peacekeeping force, having assumed it would be no larger than 2000 men.

At this critical moment, there was a dramatic shift in the South African leadership. On September 20, Vorster was forced to resign, along with his Minister of Information, Connie Mulder. A scandal had erupted over the diversion of Department of Defense funds to support one of the Johannesburg daily newspapers, *The Citizen*, to ensure its favorable reporting of government activities. Vorster himself was physically ill, in part because of the stresses of domestic and international events.³² In his resignation speech, Vorster took a tough stand on Namibia and essentially closed down the WCG process.³³

On September 28, amid many divisive battles within the National Party, P.W. Botha was chosen to succeed him. In his final speech, Vorster formally rejected the Waldheim report, saying it went far beyond what had been negotiated with the WCG.

³²Pottinger, B. (1990). Pp. 10-11.

³³Personal Interview with South African government official (#17). July 1990.

On September 29, 1978, the UN Security Council formally adopted Resolution 435, which built upon the WCG plan for Namibian independence and Security Council Resolution 385, and accepted Waldheim's report on the UN role. It authorized the Secretary General to begin making arrangements for transition and elections in Namibia by setting up the UN Transition Assistance Group (UNTAG). (See Appendix D for full text of Resolution 435.)

Immediately upon passage of the Resolution, the FLS let the WCG know that they expected the WCG to support sanctions against South Africa if it did not comply with the new UN mandate.

In October, Cyrus Vance met with the new South African Prime Minister, P.W. Botha, in Pretoria. He carried a personal message from Jimmy Carter, in which the U.S. President offered an invitation to Botha to visit the United States to discuss improving South Africa's "international standing" if Botha would agree to reverse Vorster's September 20 statement opposing the Waldheim report. In addition, the WCG offered to seek SWAPO's agreement on holding elections in the spring of 1979, and in reducing the size of the peacekeeping force to 3500, plus the 1500 support personnel.

Botha essentially rejected the offers. He insisted on holding elections in December 1978 to establish an interim government, although he did agree to try to persuade the newly elected leaders to participate in UN-sponsored elections; he reiterated an earlier position that no withdrawal of forces would begin until a total cease-fire was in place; and he insisted on a firm date being set for UN-sponsored elections, one that would not be dependent on or delayed by the lack of a cease-fire or troop withdrawals.

SWAPO rejected the South African proposals and called for the immediate imposition of sanctions by the Security Council. On November

13, the Security Council discussed a strongly worded resolution, denouncing South Africa's efforts to conduct its own elections in Namibia, declaring such elections null and void if they were held, and threatening economic sanctions if South Africa did not comply. The WCG abstained on the vote.

On November 27, Jimmy Carter and Cyrus Vance met with Pik Botha in New York. Carter warned the South African Foreign Minister of the "inevitability" of sanctions if South Africa did not comply with Resolution 435, and of the growing risk of Soviet involvement in the region if negotiations broke down.³⁴ Two days later, in a meeting with UN Secretary General Waldheim, Botha promised that the South African government would "recommend strongly" to the newly elected Namibian officials to accept Resolution 435 and to agree to UN-sponsored elections 7 months after the UNTAG began its work. Botha also promised that the newly elected officials would not constitute an interim government, and that South Africa would retain control until UN-sponsored elections were held.

The South African-sponsored elections did take place on December 4, 1978. The Democratic Turnhalle Alliance (DTA), the party that represented the "internal option" favored by Pretoria, won nearly all of the seats in the new constituent assembly. On December 22, the DTA agreed "in principle" with UN-sponsored elections, but restated its objection to any reduction in South African troops prior to a complete cease-fire.

In January of 1979, SWAPO announced that it would stand by its commitment to the UN plan, under pressure from Angola and Zambia of the FLS. South Africa, however, qualified its support for the plan yet again by

³⁴Vance, C. (1983). P. 310.

rejecting SWAPO's military forces being confined to designated bases in Namibia during a cease-fire. Instead, South Africa said that SWAPO must agree to UN monitoring of its bases in Angola and Zambia.

On May 14, the South African government added another twist to the negotiations. The administrator general in Namibia declared that the newly elected constituent assembly would act as a Namibian national assembly, with the power to legislate everything except independence. It was a direct contradiction of Pik Botha's promise that no interim government would be established prior to elections.

The rest of 1979 and the first half of 1980 involved many back-and-forth efforts to find a compromise on the location and monitoring of Namibian bases. SWAPO rejected South Africa's request for international monitoring, but did accept observation of their bases by Angolan and Zambian forces, and the installation of UN liaison officers in these countries. South Africa responded that liaison officers were not enough; SWAPO bases could not exist inside Namibia during the transition, and bases outside the country must be monitored by UNTAG forces.

In July 1979, the WCG came up with a creative compromise: a demilitarized zone (DMZ) along the Namibia-Angola border, patrolled by UNTAG forces, as an alternative to international monitoring of SWAPO's external bases. As had happened before, both sides agreed in principle, but the details of implementation were difficult to pin down.

In November of 1979, the UN Secretary General and his associates began to take a more central role in discussions with the South African government and SWAPO.³⁵ Brian Urquhart, then the Under Secretary

³⁵Urquhart, B. (1987). *A Life in Peace and War*. New York: Harper and Row. P. 310.

General of the UN, chaired a meeting in Geneva attended by the WCG, the FLS, Sam Nujoma of SWAPO, and Brand Fourie and General Geldenheys of South Africa. Mr. Fourie was then the Director General of the South Africa Foreign Office, and General Geldenheys was the South African commander in Namibia. The subject of the meeting was the DMZ. According to Urquhart, Nujoma was obstinate during the meeting, but the FLS foreign ministers promised to "bring SWAPO into line" if Urquhart could get South Africa to agree to the DMZ. Fourie and Geldenhuys felt "satisfied" with the requests made in the meeting, and Urquhart was encouraged. But once the delegation was back in South Africa, Pik Botha denounced the Geneva discussions.

In March 1980, Urquhart made a trip to Capetown to see if the impasse could be broken. While Urquhart was meeting with Brand Fourie one morning, the local radio stations broadcast the results of the Rhodesian elections.³⁶ It was a landslide for Mugabe, who won 77 seats while Bishop Muzorewa took only 3 seats. The South Africans were astonished and surprised, as they had been backing Muzorewa. Their reaction "was that Mugabe's triumph was the result of intimidation and that any decisions on Namibia would have to wait while South Africa digested the Rhodesian results."³⁷ The negotiations ground to a halt.

³⁶While the Namibia negotiations had been proceeding, the U.S. and Britain had also been collaborating on efforts to move Rhodesia to free elections and majority rule. Bishop Muzorewa headed the group chosen by Ian Smith, the white Rhodesian Prime Minister; this coalition became known as the "internal solution", and was rejected by the Front Line States and by the international community. Mugabe headed a more radical faction, the Zimbabwe-Africa National Union (ZANU).

³⁷Urquhart, B. (1987). P. 311.

During the remainder of 1980, the UN and the WCG focused on pushing for agreement on a date to begin the independence process. In a visit to Pretoria in late October 1980, Urquhart suggested a meeting of all the parties, including the internal Namibian political parties, to discuss how the independence process would proceed. He stipulated that such a discussion should take place in the context of a defined date for implementation, and he named March 1, 1981, as that date. After extensive discussions with the FLS, the Pre-Implementation Meeting, or PIM, was set to take place in Geneva on January 7, 1981.

The United States elections of November 4, 1980, took the momentum out of these efforts. In Urquhart's view, the South African government had reason to believe that the new Reagan Administration would reduce the pressure on South Africa in a variety of ways, including the pressure for a Namibian settlement. In Urquhart's words, "The attitude of the incoming Reagan administration deflated both United States support for the Pre-Implementation Meeting and its leadership of the Western Contact Group. It also signalled unmistakably to the South Africans that the future U.S. administration would not mind at all if South Africa wrecked the meeting. Any possibility of a breakthrough at Geneva had thus effectively vanished soon after United States Election Day on November 4, 1980."³⁸

Predictably, the Geneva meeting was unsuccessful at establishing any common ground for implementing an independence agreement.³⁹ The

³⁸Urquhart, B. (1987), Pp. 317-318.

³⁹A wonderfully-written description of the proceedings of this meeting is contained in Urquhart (1987), Pp. 318-320. It includes his personal opinions on the behavior of some of the participants: Riann Ekstein, the South African UN Ambassador, impeding the proceedings and "scraping the bottom of the barrel" when he demanded name plates for the Namibian political parties and insisted that they each be allowed to make opening statements; the

Reagan administration, through the appointment of Chester Crocker as Assistant Secretary of State for African Affairs, established "constructive engagement" as the basis for its approach to the southern Africa region. In accordance with this new philosophy, the strategy of the mediation effort to secure Namibian independence changed radically.

THE VIEW FROM SOUTH AFRICA

To understand how the South African leadership viewed these negotiations and thus took the steps it did, it is important to understand some of the history of the country, as well as events in domestic politics that affected its leaders.

History

The 1948 election in South Africa brought the National Party to power and with it, a Parliament bent on creating a "...systematic reworking of the society to conform to a bleak segregationist vision."⁴⁰ Since that time, succeeding National Party prime ministers have reinforced this vision and have staunchly defended their right to do so against increasing international protest.⁴¹

representatives of the Namibian internal parties" putting on "a deplorable exhibition"; Dirk Mudge, the head of the DTA delegation, sulking "because he knew he could not win the Namibian election." "So much for democracy", Urquhart muses.

⁴⁰Pottinger, B. (1988). P. xi.

⁴¹Current population figures for South Africa identify the following breakdown: 4.9 million whites of European descent; 2.8 million of mixed-race ancestry, referred to in South Africa as "colored;" 860K of Indian descent; and 25 million blacks. The National Party is the strongest political voice of the Afrikaner population, who presently make up 52 percent of white South Africans. 35 percent of the whites are English-speaking, and the rest are of different European nationalities.

However, alongside this fierce nationalism, a striking identification with the West has grown. The murals in the large monument outside of Pretoria that commemorate the Great Trek of the Afrikaners, who fled the British in the mid-1800s and fought the black tribes as they pushed into the interior of the country, look eerily like the paintings of the opening of the American frontier. The scenes depict covered wagons, with brave white men and women defending their communities and families against the "heathens." Many Afrikaners are still prone to point out the historical similarities, as if to say to Americans, "We are more alike than you would like to think, and our racial views are really not so different from yours. We are just more honest in our expression of these views."

Another of the National Party's perceived links to the West is its vehement anti-Communism. Many South African writers and scholars speak of the "total onslaught" theory that formerly underlay South African foreign policy -- the fear that the Soviet Union was planning a take-over of the African continent, by establishing Marxist governments sympathetic to Moscow throughout black Africa. From this point of view, it was only a matter of time until South Africa itself became a target. The white South Africans saw themselves as the last stronghold of "democratic" values on the continent, and hoped that when the total onslaught came, Western democracies such as the United States would have no choice but to come to their aid to defeat the Communists.

These fears of encroaching Communism were dramatically fueled by the Portuguese coup of 1975 and the resulting independence of Angola and Mozambique. The South African government perceived the struggle for power in Angola as a tangible issue on which South African and American

interests coincided. They thus agreed, albeit reluctantly, to a U.S. plan for a covert military operation to prevent the MPLA from taking power. However, when South African troops encountered Cuban and Angolan forces deep in Angolan territory, without the promised U.S. military back-up, the operation was brought out into the open. According to one South African journalist:

Suddenly the South African and indeed American cover was blown. The United States Government, hampered by a congressional veto of funds to the anti-MPLA forces on 19 December, was obliged to back out of the war -- its sole contribution being the supply of some hardware and a farcical attempt to bankroll a mercenary group who proved, even in terms of mercenary mores, to be the pits.

That left the South Africans. Political decisions forced the retreat of the South Africans when they were virtually in Luanda. The fact that the Cuban and Russian rocketry had proved superior to the South African Second World War vintage artillery created the unfair impression that the South African expeditionary force -- never more than 4000 strong -- had been defeated.

It was an ineffably bitter time for the South African army. They believed they had been led into the war by false promises of the Americans...From the Angolan experience they drew a morbid and enduring suspicion of the United States and the West as a whole...

Inevitably, the army had to leave Angola....The withdrawal over the Cunene River (on the border between Angola and Namibia) was carried out precipitously...That moment, probably the nadir of recent SADF (South African Defense Forces) history, was captured in a painting by a South African war artist and hung in the office of General Magnus Malan, then chief of the SADF and later Minister of Defence. It was a permanent reminder of the humiliation of that moment and one can easily imagine Malan during that bitter moment on the river paraphrasing MacArthur's famous words: 'I will return.'⁴²

⁴²Pottinger, B. (1988). Pp. 205-206.

Meanwhile, in Namibia itself, South African Prime Minister Vorster was trying to craft a coalition of the various "homeland" authorities, as a strong political counterweight to SWAPO. According to several sources close to the Prime Minister, Vorster recognized that Namibian independence was inevitable; his goal, therefore, was to create the conditions for an independence most favorable to South Africa. And this meant a Namibian government that did not include SWAPO.⁴³

Vorster supported the work of Dirk Mudge's constitutional committee, but he tried to maintain the impression that the committee was working independently of Pretoria. In fact, by the end of 1976, Mudge was leaning more toward the demands of the black and colored delegates, and one year later he was to break away from the National Party entirely. In the meantime, Vorster was putting pressure on the committee to come up with a draft constitution. He hoped to be able to present such a draft to the UN, as an alternative to the international demand for a process that included SWAPO.

By 1976, however, the black township of Soweto had exploded into violence, with newspapers around the world showing photographs of unarmed school children being shot by South African troops. Coupled with South Africa's attacks on Angola, the international community was in no mood to accept a Namibian solution that did not include SWAPO.

Vorster and his advisors knew this but they were caught by domestic constraints and perceived security needs.⁴⁴ The National Party within South Africa would have seen any compromise as a sell-out of the white

⁴³Personal Interviews with South African government officials, (#14 and #17). July/Aug 1990.

⁴⁴Barber, J. & Barrett, J.(1990). P. 201.

community in Namibia. Indeed, the whites in Namibia, most of whom were members of the National Party, felt the same way.⁴⁵ And with the MPLA in control in Angola, the military and the government believed that a strong presence was needed in northern Namibia to prevent a communist onslaught. With SWAPO's leanings toward the Soviet Union, Vorster could not support any process in Namibia that allowed SWAPO to come to power.

Responses to the Mediation Effort

The WCG threat to suspend the veto on sanctions, issued in April of 1977, gave Vorster pause. He resented the intrusion of the U.S. into domestic South African affairs and reacted negatively to U.S. Vice President Mondale's emphasis, in a meeting with Vorster in Vienna in May 1977, on "one man, one vote" in South Africa.

But Vorster could not completely dismiss the WCG. He was aware that the status quo on Namibia could not continue, and he needed to reduce the international pressure and allow himself some room to deal with the deteriorating domestic situation.⁴⁶ But working with any delegation from the UN, even though unofficially linked, was risky. As one senior Foreign Affairs official explained, the South African government had very tenuous relations with the UN. It had been expelled from the General Assembly in 1974, and SWAPO had been given recognition by the General Assembly as the sole and authentic representative of the Namibian people. Needless to say, South African confidence in the UN was very low.⁴⁷

⁴⁵Personal Interview with Professor M. Wiechers, University of South Africa (#20). Aug 1990.

⁴⁶Barber, J. &Barrett, J. (1990). P. 222.

⁴⁷Personal Interview with senior South African foreign affairs official (#18). July 1990.

Also, at this point in the negotiations, the WCG threat to allow sanctions to be imposed by the Security Council was a credible one. The South African government figured that the Labour government in Britain was more likely to impose sanctions targeted at apartheid than at Namibia;⁴⁸ but any sanctions would have presented potential problems. The United States, Britain, and West Germany constituted a significant share of South Africa's foreign investment, and although the probability of their actually imposing the sanctions was small, the possibility did exist that they would act "irrationally" and do so.⁴⁹

Vorster therefore developed a three-pronged strategy. He would open a dialogue with the WCG, to satisfy the international community that South Africa was responsive to a settlement; he would continue to work on the "internal solution," trying to build a coalition along the lines of the Turnhalle principles that would compete successfully with SWAPO; and he would continue the military action against SWAPO bases in Angola.⁵⁰ In fact, one South African official close to Vorster claims he had no intention of

⁴⁸Personal Interview with senior South African foreign affairs official (#18). July 1990.

⁴⁹Personal Interview with Sir James Murray of the British delegation. April 1990. His observation was that the South Africans were well aware of the irrationality of human behavior, even on the part of the Brits!

⁵⁰In Donald McHenry's view of the negotiations, he identified South Africa as having a two-track strategy: keeping the diplomatic option going but not resolvable; and continuing to work out an internal political solution that suited South Africa. I have also added the military option because I think it is quite distinct from the other two. It is described by Pottinger (P. 207) as an "aggressive policy of cross-border raids aimed at SWAPO concentrations, on the one hand, and a comprehensive civic action programme within SWA/Namibia aimed at, in the terminology dear to the Americans, winning hearts and minds....Working on the assumption that the war was eighty per cent political and twenty per cent military, the army extended its community operations to include socio-economic work in the border regions of Namibia: hospitals, waterhold boring, veterinary services and so forth."

really negotiating a settlement at this point. He still believed South Africa could prevail militarily.⁵¹ However, to appease the WCG, Vorster met in June 1977 with the Turnhalle delegation and agreed to cancel plans for an interim government. Instead, he would appoint a South African administrator-general to prepare the Territory for elections to a constituent assembly.

Between June of 1977 and April of 1978, several drafts of a proposed UN resolution passed between the WCG, Vorster, and SWAPO. Consistent with South Africa's interest in trying to get the best deal possible in constructing an independent Namibia, Vorster added conditions at every increment in the negotiation process. His decision to pull his negotiator, Pik Botha, back from the "proximity talks" in New York (February 1978) because of the pressure being applied by German Foreign Minister Genscher can be explained by the sentiments of Brand Fourie, former South African Foreign Minister and elder statesman: "South Africa is not amenable to pressure....'Talk, or else' is not useful."⁵²

Vorster's consistent reply to pressure from the WCG to accept the proposed UN plan was that it did not reflect the wishes of the Namibian people. Vorster claimed that the chiefs of the so-called homelands were more representative of Namibian interests than the leadership of SWAPO. Using this argument, it was possible for the South African government to assume the high ground in refusing the WCG plan. It is impossible to know whether this was an expedient strategy to keep SWAPO on the periphery as long as

⁵¹Personal Interview with former senior South African official (#15). July 1990.

⁵²Personal Interview with former senior South African official (#13). July 1990.

possible, or if the South African leadership actually believed their approach gave Namibians more participation in deciding their fate.

However, by April of 1978, the South African press was preparing the public for the "final" version of the Namibian plan that the WCG was to present to the UN Security Council.⁵³ Even though Vorster was to agree in principle to the WCG proposal, this so-called final version apparently did not have real hope of being accepted by South Africa. According to one newspaper account of April 2, 1978, written by a South African journalist said to be close to Foreign Minister Pik Botha,

South Africa faces the imminent threat of sanctions if, as expected, it ultimately rejects the final Western proposal for a settlement of the South West African dispute...Informed sources at the weekend confirmed that South Africa would not be hurried into rejecting the plan. Its strategy would rather be to delay its answer for as long as possible and wait for Swapo to reject it. To this end, it has insisted that the Administrator-General, Mr. Justice M.T. Steyn, consult all interested parties in South West Africa and poll the response of the people in the territory.⁵⁴

In mid-April, Vorster did, however, conditionally accept the WCG plan. It was with implementation that the negotiations really ground to a halt.

There are many views as to why the South African government accepted UN Resolution 435 in principle, and then seemed to stall interminably on its implementation. The most compelling reasons for accepting the Resolution were to keep the diplomatic option alive and give the internal and military options more time to work; and to keep the

⁵³*The Citizen*, Johannesburg, April 1, 1978.

⁵⁴*Sunday Times*, Johannesburg, April 2, 1978.

international community off the back of the South African government, regarding both the issue of Namibian independence and the growing domestic unrest within the country. In the words of one South African legal scholar, the government accepted 435, even though they did not think free and fair elections were possible, because they wanted to pull international attention and "heat" off of South African domestic affairs.⁵⁵

Since the Soweto uprising of 1976, violence within South Africa had been steadily increasing. So, too, had the use of the military, both internally and along the Angola-Namibia border.⁵⁶ In June of 1977, Vorster had doubled the length of conscription into the military to two years.⁵⁷ The government crack-down that led to the arrest and eventual death of Steve Biko had greatly strained relations with the WCG. Vorster, therefore, had to produce something that signified his good-faith efforts in the negotiations. It was widely believed in South Africa at that time that the WCG did not have the cohesion to impose any economic sanctions.⁵⁸ But the outrage of the international community, and the contempt in which South Africa was held, were becoming a more consistent pressure on Vorster, and he needed to create some space in which to work on the containment of these domestic and regional problems. He hoped that by agreeing to Resolution 435, he could buy himself some time.

⁵⁵Personal Interview with M. Wiechers (#20). August 1990.

⁵⁶Personal Interview with Professor A. DuPisani, University of Witwatersrand (#19). July 1990.

⁵⁷Institute of Strategic Studies. *Strategic Survey*, 1977. P. 137.

⁵⁸Personal Interview with Professor A. DuPisani (#19). July 1990.

He must not have conveyed his plans very clearly to his military leaders, because on May 4, 1978, only days after he agreed to the UN Resolution, South African airborne commandoes attacked a Namibian refugee camp at Cassinga, 150 miles inside Angola. 600 Namibians were killed. It was the first South African raid that had penetrated so deeply into Angolan territory. SWAPO immediately pulled back from the negotiations.

And in its own way, the South African government began backtracking as well. Vorster continued to aggressively pursue the internal option, announcing on May 24 that South Africa would oversee the election of a Namibian constituent assembly in December. The next signal came when UN Secretary General Waldheim's report on the implementation procedures for 435 were released. Vorster rejected the size of the peacekeeping force that Waldheim proposed, and also the establishment of SWAPO bases inside Namibia during the transition. As one source close to the Prime Minister commented, "South Africa was cheated [in Waldheim's report]. The military couldn't accept it. And it didn't look like a series of miscommunications -- it looked like a 'plan' for SWAPO."⁵⁹

The final blow came with the resignation of Vorster and the appointment of P.W. Botha as the new South African Prime Minister. It was commonly known in South Africa that Botha vehemently opposed the WCG proposal. He "argued that the United Nations could never be considered an impartial actor in the region and, worse, the mere presence of 'blue helmets,' UN troops, would be taken by SWAPO as a victory and would be presented to the electorate as such. There was no way, Botha believed, that SWAPO would

⁵⁹Personal Interview with South African government official (#17). July 1990.

not win a UN election and that -- coming so soon after the Angola humiliation -- would be bad for white South African morale and, more important, incite even further domestic black resistance."⁶⁰

Botha's strategy, therefore, was to adopt the "tactics of equivocation."⁶¹ Every move that the WCG or the UN made toward implementing 435 was met with a "yes, but..." from Botha. The "buts" included concerns about the status of Walvis Bay; the monitoring of SWAPO troops, both within and outside of Namibian territory; and the impartiality of the UN in its oversight of the transition. As one South African scholar observed, "Tactically, if South Africa agreed in principle, they could keep the international community engaged without making concessions...[They figured it was] worth taking risks internationally because of the military and internal options...[The SA government] calculated that they needed 2 years to consolidate the internal alternative....[Also] it was a bad time for South Africa to give up Namibia; the scandal had shaken the country, especially the Afrikaners." ⁶²

Thus Botha continued the 3-pronged approach begun by Vorster. Diplomatically, with Pik Botha as the spokesman, South Africa continued to deride the WCG for changing the rules of the game after an agreement in principle had been reached. ⁶³ In addition, as questions of implementation were raised, the South African government faced a changing political

⁶⁰Pottinger, B. (1990). P. 209.

⁶¹Pottinger, B. (1990). P. 209.

⁶²Personal Interview with Professor A. DuPisani (#19). July 1990.

⁶³In the interviews conducted in the summer of 1990, several of the key South African sources referred to the resolution as flawed: "not fleshed out", had "loopholes," and was "imprecise and badly drafted." (Interviews #18 and 19). July 1990.

environment: the Angola situation worsened; SWAPO made additional claims to bases inside Namibia; and the WCG went back on its promise to defer negotiations on Walvis Bay until a new Namibian government was formed, instead supporting a UN Security Council resolution affirming Walvis Bay to be part of Namibia.⁶⁴

On the second track within Namibia, the internal elections that Vorster threatened were actually conducted in December of 1978. The Democratic Turnhalle Alliance won 82% of the vote amid charges of "massive intimidation, torture, [and] systematic abuse of civilians both by the military and by a newly formed police-security squad named Koevoet [Afrikaans for 'crowbar']".⁶⁵ In May of 1979, the South African Administrator-General declared this constituent assembly to be the Namibian National Assembly, invested with all powers short of declaring independence.

On the military front, South Africa continued massive raids into Angola throughout 1979 and 1980.

The last straw in the WCG effort, as far as South Africa was concerned, was the election of Robert Mugabe in Zimbabwe. The South African government had been watching events in Zimbabwe very closely and, as supporters of Ian Smith, had been banking on the "internal solution" led by Bishop Muzorewa, a moderate black leader. During an election process conducted by Smith in 1979, Muzorewa had won a majority of the votes. But Britain's new Foreign Minister, Lord Carrington, convinced Margaret Thatcher that the "internal solution" would not survive, and an

⁶⁴Personal Interview with senior South African foreign affairs official (#18). July 1990.

⁶⁵*Strategic Survey 1978*. P. 137; Minter, W. (1986). *King Solomon's Mines Revisited: Western Interests and the Burdened History of Southern Africa*. New York: Basic Books.

"international solution" had to be crafted. Under British supervision, new elections were held, and Robert Mugabe, a much more radical black leader was elected.⁶⁶

This was a surprise and shock to the South African leaders. It confirmed their fears that free elections would almost surely bring SWAPO to power in Namibia and, with it, a radical government unsympathetic to South Africa's security interests. With SWAPO in Namibia, the African National Congress would have a much closer venue from which to launch their terrorist attacks.⁶⁷ And the "Communist onslaught" would advance one important step closer to South African borders.

A former South African Ambassador to the UN summed things up this way: "I am not sure that the ultimate settlement [of 1988] was any better than they [South Africa] could have gotten 10 years earlier. But in 1978, that settlement would have been seen as a political defeat in South Africa."⁶⁸

South African Views of the WCG

The South African government, under both Vorster and P.W. Botha, was wary of Western interference. According to one high official in the Foreign Ministry, "The WCG interests were perceived as biased and threatening to South Africa. This made [the South African government] more careful, wary, defensive. However, South Africa couldn't refuse the

⁶⁶See Davidow, J. (1984). *A Peace in Southern Africa: The Lancaster House Conference on Rhodesia, 1979*. Boulder, CO: Westview Press, for a complete account of the British intervention leading to the new elections.

⁶⁷At this point, the ANC was operating out of headquarters in Lusaka, Zambia.

⁶⁸Personal Interview with former senior South African official (#15). July 1990.

WCG effort. They were aware that the status quo on Namibia could not continue; but they were also aware that South Africa could not do anything on its own. Any action taken by South Africa would have been perceived as illegal by the international community." ⁶⁹

Of all possible mediators, South African officials felt they could possibly work with the WCG because of perceived shared interests in democracy and containing the Soviet threat.⁷⁰ However, South Africa also recognized that differences of interest existed among the WCG countries. Britain was the country who they felt could best understand the South African position; the United States had "high falutin" ideas and a President who was "standoffish" and "irretrievably anti-South Africa;" the Germans were under pressure from the German-speaking community of Namibia to continue their links; and the Canadians and French wanted to be "on the side of the angels..." to be part of an international operation that had some chance of success.⁷¹

The South Africans had several complaints about the way the WCG collectively handled the negotiations. First, they believed that the WCG did not focus effectively on the problems of implementation. For example, the WCG supported the notion that SWAPO should emerge victorious from UN-supervised elections, not paying attention to the fact that, unlike Mugabe in Zimbabwe, SWAPO had not prevailed militarily ("on the ground") in Namibia and therefore didn't have the same standing as Mugabe. They also

⁶⁹Personal Interview with senior South African foreign affairs official (#18). July 1990.

⁷⁰Personal Interview with former senior South African official (#13). July 1990.

⁷¹Personal Interviews with senior South African foreign affairs officials (#13, 15 and 18). July/Aug 1990.

"swept many things under the carpet to be dealt with at a future stage [like Walvis Bay]. Eventually the bulge in the carpet was too big to get around."⁷²

The major critique of the WCG, from the South African perspective, was their inability to respond to South Africa's security concerns. They refused to discuss the Angola issues as they related to Namibia, not wanting to "complicate" the negotiations. And in the view of more than one senior South African Foreign Ministry official, the WCG "didn't appreciate the South African view of this as a war. They didn't understand South Africa's strategic interests. [As a result], South Africa perceived the WCG efforts ultimately as the 'weak West' playing into Eastern hands."⁷³

Ultimately, then, South Africa participated in these negotiations as a "reluctant partner..., pushed into a corner [and made to] accept resolutions that were detrimental to South Africa."⁷⁴

THE VIEW OF SWAPO, THE FRONT LINE STATES, AND THE NAMIBIAN INTERNAL PARTIES

SWAPO and the Front Line States

For Sam Nujoma and the principal leaders of SWAPO, "...the mediation came at a bad time. There had been an internal schism one year previous -- [resulting in the] break off of Shipango [who had been one of the

⁷²Personal Interviews with senior South African foreign affairs officials (#13 and 18). July 1990.

⁷³Personal Interviews with senior South African foreign affairs officials (#13 and 15). July 1990.

⁷⁴Personal Interview with senior South African foreign policy scholar (#21). July 1990.

primary leaders] to form another political party. There were tensions between the military and diplomatic arms. And SWAPO was setting up its new home in Angola, after being based in Zambia; needless to say, Angola was culturally different and less stable than Zambia under President Kaunda."⁷⁵

Even though SWAPO experienced internal instability, the primary goals of SWAPO's leaders were clear: to end the bloodshed in their country ⁷⁶ and have SWAPO take what they believed to be its rightful place as the government of an independent Namibia. They had been waging a guerrilla war against the South African government since 1960, and it was with reluctance that they cast their lot with the WCG in 1977. The SWAPO leadership did not trust the WCG because the five Western countries did not support SWAPO's armed struggle.⁷⁷ Also, in the words of a high official in SWAPO, the WCG was made up of "countries which individually and collectively had opposed the decolonization of Africa; which had economic, strategic and diplomatic relations with South Africa...; [and were] providing weapons, directly and indirectly, to South Africa."⁷⁸ Therefore, they were not seen as "honest brokers."

However, SWAPO was persuaded to work with the WCG for two major reasons. The first was the character of the Carter Administration and more specifically, the personal credibility of Andrew Young. The Carter

⁷⁵Personal Interview with Professor A. DuPisani (#19). July 1990.

⁷⁶Personal Interview with senior SWAPO official, now in Namibian government (#22). August 1990.

⁷⁷Personal Interview with senior FLS official (#11). April 1990.

⁷⁸Personal Interview with senior SWAPO /Namibia official (#22). August 1990.

Administration showed its interests early on in reaching out to black Africans, more so than preceding U.S. administrations. Kissinger had come around to supporting majority rule in Rhodesia and Namibia, but only after the Portuguese coup in 1975 and the failed attempt by the United States and South Africa to put the FNLA in power in Luanda. The Carter Administration, on the other hand, had made human rights and regional problem-solving a key facet of its foreign policy agenda.⁷⁹

Andrew Young was an important part of this agenda, particularly to the black leaders of Africa. His role as a close associate of Dr. Martin Luther King, Jr. had earned him a notable reputation, and his appointment as the United States Ambassador to the UN was an encouraging sign to the African presidents who supported majority rule in Rhodesia and Namibia. He was also an effective and persuasive politician. As one SWAPO leader described it, "Andrew Young charmed, cajoled, and provoked us (SWAPO) into working with him."⁸⁰

The second reason for SWAPO's cautious participation in the WCG effort was the pressure from Nigeria and the Front Line States. As the most politically and economically stable country in Africa, Nigeria commanded a lot of respect throughout the continent. Nigeria's President, General Obasanjo, was also personally revered by the other African leaders. Along with Joseph Garba, Nigeria's Ambassador to the UN, Obasanjo worked with the Presidents of the Front Line States to keep SWAPO involved in the WCG initiative.

⁷⁹Personal interviews with Cyrus Vance and Donald McHenry. Jan/Feb 1990.

⁸⁰Personal Interview with senior SWAPO/Namibia official (#22). August 1990.

The Front Line Presidents ("FLPs:" Nyerere of Tanzania, Michel of Mozambique, Kaunda of Zambia, Dos Santos of Angola, Khama of Botswana) believed that the WCG could exert "more influence on South Africa than anyone else...[I]f any countries could read the riot act [to South Africa], it was these."⁸¹ Although the FLPs believed that the main interests of the WCG were economic benefits from the southern Africa region and the protection of the future of the white population, they also believed that these were the most effective people to speak to South Africa on SWAPO's behalf.⁸² As one FLS official said, they had to keep reminding Sam Nujoma and SWAPO that the WCG was "working for you, even if they have their own interests."⁸³

The reason for the potential usefulness of the WCG, in the eyes of the FLS, was not only its economic clout in South Africa. It could also exert pressure because of South Africa's "love of the Western world....South Africa felt it was engaged in a struggle to protect Western civilization."⁸⁴ It therefore looked to the powerful nations of the West for approval and support in this effort. For the FLS, therefore, the WCG could play an important role in alerting South Africa to the fact that their system (both at home and in Namibia) was *not* in line with Western values and not acceptable to the international community.

SWAPO's leaders, however, even with the FLS constantly pushing and assuring them that there was no viable alternative, maintained a suspicion of

⁸¹Personal Interview with senior FLS official (#11). April 1990.

⁸²Personal Interview with senior FLS official (#11). April 1990.

⁸³Personal Interview with senior FLS official (#11). April 1990.

⁸⁴Personal Interview with senior FLS official (#11). April 1990.

the WCG. The counterweight in the process, in SWAPO's view, was provided by the continuing presence of the Front Line Presidents and the UN Secretary General. (The UN presence was important to SWAPO because it provided the legal basis for their claims.) In the words of one senior SWAPO official, "The WCG presence was indispensable, but it couldn't be left in their hands alone."⁸⁵ Sam Nujoma's attitude toward the WCG, expressed at the proximity talks in New York, was that "...we don't trust you, but we'll give you a chance."⁸⁶

While the FLS were whispering in one of SWAPO's ears, the Soviets were whispering in the other. According to one senior SWAPO official, they were warning that the WCG initiative was an Imperialist trap. SWAPO felt, however, that they could make their own assessment and be on guard so as not to be cheated.⁸⁷

SWAPO also had its own view of why the Western nations were involved in this effort. In addition to the economic interests in southern Africa, SWAPO was convinced that the West had not been happy with the results in Angola and Mozambique when the Portuguese withdrew. The United States in particular had "made a mistake by sitting on the fence...[and had therefore exercised] no influence in these countries." Their conclusion was that it was "better to intervene," and thus the initiatives on Rhodesia and Namibia.⁸⁸

⁸⁵Personal Interview with senior SWAPO/Namibia official (#22). August 1990.

⁸⁶Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

⁸⁷Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

⁸⁸Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

The other Western interest, in SWAPO's view, was distancing itself from apartheid in the eyes of the international community. By continuing to veto sanctions against South Africa in the UN Security Council, without any alternative plan being presented, the West could be interpreted as supporting apartheid, a position they did not enjoy. Better to be seen as part of the solution than as part of the problem.

Actions in the Negotiations

The representatives from Nigeria and the Front Line States were the primary interlocutors between the WCG and SWAPO. They had more patience than SWAPO with the negotiation process and more faith in the usefulness of the WCG in furthering SWAPO's interests. Whenever Sam Nujoma balked at modifications in the WCG plan or requests for compromise, the FLS team would meet with him and convince him to move forward.

Of course, the FLS were simultaneously meeting with the WCG as they drafted changes in the proposal, to give direction on what would be acceptable to SWAPO. The most important voice in this process was Julius Nyerere of Tanzania. In August of 1977, for example, Nyerere met with Carter and McHenry in Washington and reviewed their current draft of the proposal. Based on Nyerere's responses, McHenry and the WCG made significant changes to the proposal (specifically increasing the UN role during the transition) before showing it to Nujoma.

FLS intercession was crucial to another difficult aspect of the negotiations: the continuing presence of South African troops in Namibia during the transition. SWAPO was concerned that any South African

presence would jeopardize having free and fair elections. Sam Nujoma was adamant that South African troops had to withdraw completely and the UN had to have control during the transition. Nyerere, however, realized that South Africa had to be allowed some face-saving options in order to agree to elections. He convinced Nujoma that it was in SWAPO's interest to give in a bit on this, with assurances from the WCG and the UN that adequate monitoring would be done by UN peacekeeping forces. Nujoma conceded, against his will, and movement in the negotiations was again possible.

The draft of Resolution 435 was accepted by both South Africa and SWAPO in April of 1978. In SWAPO's view, it soon became apparent that 435 meant different things to each party.⁸⁹ To SWAPO, it was the basis for UN supervision of free and fair elections to a constituent assembly, as a prelude to an independent Namibia. However, the actions of the South African government after Resolution 435 was passed led SWAPO to believe that South Africa would do anything it could to "wiggle out" of the agreement and keep SWAPO from coming to power in Namibia.

First came the "Cassinga massacre," carried out within days of the South African government's agreement in principle to 435. In SWAPO's eyes, this was a clear sign that South Africa was "looking for a way out" of its support of free and fair elections.⁹⁰ In response, SWAPO shut down the negotiations completely, until Julius Nyerere convinced them to return to the table.

⁸⁹Personal Interview with senior FLS official (#11). April 1990.

⁹⁰Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

Then came the South African insistence that Walvis Bay be kept out of the negotiations. SWAPO thought that the WCG had already made it clear to South Africa that Walvis Bay had to be part of an independent Namibia; SWAPO would not negotiate on that point. But South Africa continued to insist on deferring the discussion until after a new government was elected in Namibia. The compromise was not to SWAPO's liking. Walvis Bay was not part of the implementation of Resolution 435, but became instead a separate UN Security Council Resolution (#432), in which the WCG stated its support for Namibian incorporation of Walvis Bay, presumably giving SWAPO some leverage in future negotiations with South Africa. Once again, Sam Nujoma capitulated to the pressure from the FLS in order to keep negotiations moving.

In SWAPO's view, South Africa's next ploy was to reject the Waldheim report on the implementation of 435. By claiming that the level and composition of UN forces was unsuitable, South Africa again succeeded in deferring the setting of a date for elections to a constituent assembly.

In addition to South Africa's stalling, SWAPO also saw the potential strength of the WCG ebb as time passed. As the decade neared its end, the governments of Britain, France, and West Germany changed hands. Most importantly for SWAPO, the government of the United States was also headed for an election in 1980. And as one SWAPO official stated, with the Carter Administration "weakening because of Iran, SWAPO could see a Republican backlash on the way. All South Africa then had to do was play for time, to see what happened in the U.S. elections."⁹¹

⁹¹Personal Interviews with senior SWAPO/Namibia officials (#22 and 24). August 1990.

The one bright spot during this time was the landslide victory of Robert Mugabe in Zimbabwe. For SWAPO, this was also a triumph, for it signalled the importance of maintaining the armed struggle in pursuit of an international settlement leading to open elections. It also engendered the idea that the way to beat South Africa was to suck it deeply into an Angolan commitment. ⁹²

If any hopes of a diplomatic solution remained, they faded at the disastrous Pre-Implementation Meeting in Geneva in January 1981. Against SWAPO's protests, the UN convened the meeting as an effort at "confidence-building." During the U.S. presidential campaign and the transition, the Reagan Administration had made known that it did not think Resolution 435 was implementable as it stood.⁹³ In SWAPO's view, South Africa therefore came into the Geneva meeting with arrogance, talking of a military solution and threatening to "destroy SWAPO."⁹⁴ The South African delegation did not sit at the negotiating table, insisting that the discussions had to take place between SWAPO and the Namibian internal parties. However, in SWAPO's view, this was ludicrous because it was SWAPO and South Africa that had to agree to a cease-fire. Also, South Africa refused to discuss an implementation date for 435, focusing instead on their perception that the UN was not impartial and therefore could not administer the transition. Needless to say,

⁹²Personal Interview with Professor A. DuPisani (#19). July 1990.

⁹³Personal Interview with senior SWAPO/Namibia official (#22). August 1990.

⁹⁴Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

the SWAPO delegation felt that this round of negotiations ended on a sour, despondent note.⁹⁵

Overall, SWAPO felt that the WCG was not tough enough on South Africa. At several critical points in the negotiations, most notably mid-1978 after Resolution 435 had been passed and accepted by the two parties, SWAPO felt that the WCG should have made good on their threat and imposed sanctions against South Africa. Instead, they allowed South Africa to stall. As one SWAPO official lamented, the WCG was not willing to push South Africa to the wall. In his opinion, "...if the Contact Group had maintained pressure solely on the Namibian issue, implementation could have taken place in the early 1980's."⁹⁶ As it was, another 8 years had to pass and many more lives lost before agreement was reached.

This cost the WCG its credibility with SWAPO. The reason SWAPO had agreed to take part in the WCG initiative was because they thought the Western powers could "deliver" South Africa. As it turned out, they did not, or could not. Their influence with SWAPO was all but lost when they could not produce the results they promised.⁹⁷

Another Voice: The Namibian Internal Parties

Throughout the WCG negotiations with SWAPO and South Africa, political activity was progressing within Namibia. Initially, the building up of political capability within Namibia was undertaken by the South African

⁹⁵Personal Interviews with senior SWAPO/Namibia officials (#22 and 24). August 1990.

⁹⁶Personal Interview with senior SWAPO/Namibia official (#24). August 1990.

⁹⁷Personal Interview with Professor G. Totemeyer, University of Windhoek (#25). August 1990.

government, to provide a counterweight to SWAPO. During 1975, the Turnhalle conference was convened, with representation from the South West African National Party and the ethnic homelands created by South Africa. SWAPO was not included, nor did they want to be, as they considered Turnhalle "a gathering of stooges and misguided people."⁹⁸ (SWAPO members were drawn primarily from the large Ovambo tribe in northern Namibia. The internal parties represented the other smaller tribes: Herero, Rehoboth, Damara, Keoko, Nama, Kavango, East Caprivi, Bushman, and Tswana.)

The South African government claimed that they would not interfere with the wishes of the Namibian people as expressed in this process, although such claims were not believed because the secretary of the conference was a former personal aide to Prime Minister Vorster.

In September of 1976, a small constitutional sub-committee was appointed by the Turnhalle delegates to draft a constitution for an independent Namibia. The white delegates insisted on maintaining a three-tiered governance structure that basically kept the decision-making authority in the hands of the white population. The black delegates, although wanting to create an alternative to the dominance of SWAPO, were discouraged by the intransigence of the white minority, and negotiations broke down.

Soon after the start of the WCG initiative in 1977, Dirk Mudge, the leader of the South West Africa National Party, left the party because of the continued dominance of South Africa. Mudge started the Republic Party

⁹⁸ Totemeyer, G., & Seiler, J. (1980). "South West Africa/Namibia: A Study in Polarization and Confrontation". In J. Seiler (Ed.), *Southern Africa Since the Portuguese Coup* Boulder, CO: Westview Press. P. 88.

(RP), which later joined with some of the black ethnic parties to form the Democratic Turnhalle Alliance.

The Namibian National Front (NNF) sprang up in opposition to the DTA. Its membership was drawn from the white United Party, led by Bryan O'Linn, along with the liberal German community, the South West African National Union (SWANU), and some of the black ethnic parties.

According to Totemeyer and Seiler, both experts in Namibian politics,

...NNF and DTA activities reflected sometimes bitter personal animosities, a broad mutual lack of understanding between black and white political leaders, and the increasingly unsettled state of Namibian politics. The two parties continued to differ over ethnicity. Even though the NNF constituent parties were based on ethnic ties, most were uncomfortable with that arrangement and some tried -- with little success -- to diversify their membership. The DTA, on the other hand, proclaimed the virtues of ethnicity. Both parties were averse to SWAPO rule, but from very different perspectives, since SWAPO Democrats and SWANU leaders came from a similar nationalist background and hoped to win support from the same base of urban and migrant workers.⁹⁹

During the 1978 elections in Namibia, convened by South Africa, SWAPO and the NNF boycotted the process. The overwhelming success of the DTA, therefore, may not have been a true representation of the preferences of Namibians, as the South African government claimed it was.

According to a South African legal expert who worked with the Turnhalle political groups, the main achievement of Turnhalle was that, in the process of attempting to draft a constitution, 11 political parties were

⁹⁹Totemeyer, G. & Seiler, J. (1980). P. 91-92.

formed and 11 political party constitutions written.¹⁰⁰ Although still reflective of the ethnic divisions mandated by South Africa, these political parties later became the basis for legitimate opposition to SWAPO and important components of a representative constituent assembly.

EFFECTS OF MEDIATOR LEVERAGE, 1977-1981

How did the mediator move parties to the table?

Because of the international standing enjoyed by the countries in the Western Contact Group and the strength of their combined economic relationship to South Africa, the South Africa government could not refuse the WCG's mediation effort. The threat of economic sanctions, while not credible for very long, was strong enough at first to make Prime Minister Vorster think twice about refusing to come to the negotiating table. The result was that the South African government entered into discussions about the conditions for Namibian independence for the first time in 30 years.

Prime Minister Vorster, however, continued to develop his other two options: military engagement with SWAPO and the internal settlement with the Namibian political parties, excluding SWAPO. Thus Vorster could afford to make concessions to the WCG, hoping that he would never have to really implement an internationally brokered agreement.

SWAPO came to the table at the urging of the Front Line Presidents. They did not trust the WCG, but the Presidents convinced Sam Nujoma that

¹⁰⁰Personal Interview with Professor M. Wiechers, University of South Africa (#20). August 1990.

the WCG was SWAPO's best hope for settlement with South Africa. The leverage that the WCG could exercise vis-à-vis SWAPO was the potential to bring the South African government around into accepting elections in Namibia. The UN had not been able to deliver South Africa's participation in a transition in Namibia; the Front Line States and SWAPO hoped that the WCG could succeed where the UN had failed.

How did the mediator move parties toward settlement?

In spite of the WCG members' obvious leaning toward the interests of SWAPO, they understood that South Africa's concerns about security during the transition and thereafter had to be addressed. The case describes the numerous drafts that the WCG put together in which they tried to balance the interests of both parties.

Until the agreement in principle of 1978, which resulted in UN Resolution 435, the WCG kept South Africa and SWAPO at the table with the same leverage described above: promises to SWAPO of using the WCG relationship with South Africa in delivering South African agreement to UN Res 395; and threats to South Africa of economic sanctions. The strategy of the WCG, primarily with South Africa but also at various points with SWAPO, was to try to box each side in such that they would have to agree with the UN resolution. However, implementation eluded the WCG.

The credibility of their threats to South Africa declined as the time passed and as the domestic politics in the WCG countries shifted in a more conservative direction. Also, the domestic politics in South Africa shifted dramatically, making it much more difficult for the South African government to justify giving up Namibia as a buffer state. The WCG was not

able to respond strongly enough to South African interests to keep them negotiating in good faith. And with South Africa's participation stalled, it was hard for the WCG to keep SWAPO in line as well.

Effectiveness of leverage

Although the WCG mediation effort did not result in a final settlement, it did move the parties several steps toward a settlement. At the start of the WCG intervention, no dialogue was taking place between the South African government and SWAPO. During the 1977-1981 period, the disputing parties moved through a pre-negotiation and negotiation phase, and with the assistance of the mediators, began considering packages and options for settlement.

A tentative agreement was reached in 1978, reflected in UN Res. 435, but the agreement stalled in ratification and implementation. However, it did become the basis for the eventual settlement in 1988.

Summary of Variables in Case #1

Types of leverage used

- Threat of economic sanctions
- Treating South Africa as a pariah state
- Defining the "internal option" as unacceptable
- Promising South African cooperation

Mediator interests

- Human rights
- Independence of Namibia
- Improved relations with black African states

Other important intervening variables

- Economic relationship between mediators and South Africa
- Request of the FLS for intervention
- Perception on part of South Africa that the WCG was not really monolithic
- Perception on the part of SWAPO that the WCG could influence South Africa
- Increasing violence in South African society
- Forced resignation of South African Prime Minister
- South African distrust of the UN

Movement toward settlement attributable to leverage

- South Africa came to the bargaining table on Namibia in response to WCG threat of sanctions
- South Africa stalled on implementing UNSC 435 because it did not believe the WCG would actually support sanctions

Chapter III

TURNABOUT: CHESTER CROCKER AND CONSTRUCTIVE ENGAGEMENT IN SOUTHERN AFRICA

1981-1988

OVERVIEW OF EVENTS

The incoming Reagan Administration felt that a complete overhaul of U.S. policy toward Africa was in order, in particular its approach to southern Africa. In their view, stopping the perceived spread of Soviet influence on the continent was of utmost importance. This became the lens through which relations with southern Africa in general, and Namibia in particular, were viewed.

Chester Crocker's December 1980 article in *Foreign Affairs* provided the structure. Dr. Crocker is Director of African Studies at the Center for Strategic and International Studies at Georgetown University, and was Reagan's appointment as Assistant Secretary of State for African Affairs. In his article, Crocker argued for "constructive engagement" with South Africa. He reasoned that the U.S. could do more to influence South Africa's domestic and regional behavior if it shifted away from using the "sticks" of condemnation and sanctions to using "carrots" of increasing involvement and friendly economic and political interaction.

In addition to constructive engagement, two additional elements became new and important cornerstones of U.S. thinking regarding Namibia between 1981 and 1988. The first was the notion that UN Security Council

Resolution 435 was the *basis* for a Namibia settlement, but that it had to be augmented in order to be implemented. Specifically, the WCG had to meet South African concerns about the bias of the United Nations toward SWAPO before the UN could provide credible oversight in the transition to independence.

The second was that the withdrawal of South Africa from Namibia was inextricably linked to the withdrawal of Cuban troops from Angola. In the new U.S. thinking, South Africa would never agree to give up Namibia as a "buffer" state as long as hostile communist forces were in the region. This coincided with U.S. interests in getting Soviet surrogates out of Africa.

The Front Line States, SWAPO, and most of the international community rejected the new U.S. policy as a "tilt" toward the "racist" South African regime and an unethical and illegal movement away from the letter of Resolution 435. The South African government and the "internal" political parties of Namibia welcomed it as an acknowledgement of their security interests. The other WCG members cautiously supported the new approach; the newly elected President of France, Francois Mitterand, was the most skeptical. Their support waned, however, in the early part of the decade as the implementation of 435 seemed increasingly less likely. In April of 1984, France withdrew from the Contact Group, and Crocker's efforts came under increasing attack for having given the South Africans the opportunity to stall.

Alongside these negotiations, several other important sets of events were taking place during the 1980's. The first was the continuing military engagement between South Africa, SWAPO, the MPLA government of Angola, Cuban troops in Angola, and UNITA. There were continual skirmishes between South African Defense Forces (SADF) and SWAPO

guerrilla forces within Namibia. In addition, SWAPO had set up bases in Angola, and South African forces periodically crossed the southern Angola border to attack these installations. Many of these attacks coincided with delicate points in the settlement negotiations, causing South Africa's adversaries to doubt its interest in finding a solution to the conflict.

The civil war in Angola added another level of complexity to the fighting. UNITA was continuing its battle to gain control of the Angolan government, with military assistance from South Africa, and later the United States. The MPLA government forces (FAPLA) were assisted by a growing number of Cuban troops, as well as Soviet advisors and military equipment. The major confrontations in the region were therefore not between South African forces and SWAPO, but between Angolan/Cuban forces and South African/UNITA forces. The principal battlefront was along the Namibia-Angola border. As the decade progressed, the fighting became more intense in this region, and the death count on both sides grew. Many believe that it was the eventual military stalemate between the South African and Angolan/Cuban forces that led the parties to accept the final negotiated settlement.

Domestic politics in South Africa, Angola, Namibia, and the United States made up the second important chain of events running parallel to the negotiations. In South Africa, P.W. Botha was attempting to "adapt" the apartheid system while still keeping his right-wing constituents happy. It did not work. While he opened the door to the legal organizing of trade unions and the modification of some aspects of "petty" apartheid (e.g., segregation of public facilities), the system itself moved no closer to giving an equal voice to blacks in the political system. The violence in the townships mounted,

which brought increased condemnation from the international community. One South African political analyst described these years as the "period of darkness," in which the government retreated "behind the barricades" and resorted to coercive diplomacy and attempted destabilization of its regional neighbors and an eventual imposition of a state of emergency within its borders.¹ Under these circumstances, Botha could not afford to agree to a settlement in Namibia that he could not sell to his most conservative supporters.

In Angola, the civil war continued to rage. Even toward the end of this period, with the assistance of 50,000 Cuban troops and sophisticated Soviet weaponry, the MPLA could not bring UNITA to heel. Though the country has a tremendous wealth of natural resources (primarily diamonds and oil), the economy lay in ruin brought about by continuous war since independence in 1975. Rather than invest in economic development, the MPLA government was in the unfortunate and ironic position of using its hard currency from the sale of off-shore oil rights to American companies to pay the Cubans and the Soviets.

Namibia itself was experiencing internal political change during these years. The South African government continued to push for an "internal settlement" in Namibia (i.e., not imposed by the international community), touting the virtues of the Democratic Turnhalle Alliance (DTA) as being more representative of the Namibian people than SWAPO. Dirk Mudge, the leader of the DTA, became increasingly resistant to South African influence on his party and more committed to giving the black residents of Namibia a

¹Personal Interview with Professor A. DuPisani, University of the Witwatersrand. July 1990.

real voice in the government. In January of 1983, he resigned as Chairman of the Council of Ministers, the internal government in Windhoek, and took many DTA members of the Council with him. At this point, South Africa dissolved the National Assembly (of which the Council was a part) and reinstated direct control through its Administrator-General. ²

Several other political parties also grew in stature. Most represented the "homelands" constructed by the South African government, or tribal groups other than the Ovambo, which provided SWAPO's primary base of support. Some included many white members, notably the Federal Party. All were participants in the National Assembly and operated until 1983 as the de facto government of Namibia, albeit without international recognition or approval. When elections were eventually held under UN supervision in 1989, ten parties offered candidates for office. SWAPO was still the clear favorite, but the seeds for a multi-party democracy had been sown.³

Developments in United States politics also affected the negotiations. Crocker remained at his post for the entire eight years of the Reagan Administration, the only Assistant Secretary to do so. Throughout his tenure, he enjoyed the support of the Secretaries of State for his efforts (Haig and Shultz); Shultz in particular gave him great latitude in conducting the diplomacy in southern Africa. However, the Congress had a strong agenda vis-à-vis southern Africa, which reflected two opposing views toward the region and which did not always coincide with Crocker's calculations. This

²Leifert, H.I. (1983). "The Reagan Administration's Namibia Policy". Unpublished Manuscript, Georgetown University, P. 82.

³National Democratic Institute (1990). *Nation Building: The U.S. and Namibia*. Washington, D.C.: The National Democratic Institute for International Affairs.

led to the passing of two significant pieces of legislation that greatly affected Crocker's mediation efforts.

The first view, held by the conservatives in Congress, was that the United States should once again intervene in the Angolan civil war, to support UNITA and oust the pro-Soviet MPLA regime. Such intervention had been prohibited with the passage of the Clark Amendment in 1976. In July of 1985, this group succeeded in gaining Congressional repeal of the Clark Amendment, lifting the prohibition on aid to UNITA. The government immediately authorized a \$27 million aid package for Savimbi and UNITA, and CIA Director William Casey began lobbying for a multi-million dollar covert military aid package. In November, President Reagan announced that he also favored covert military support for UNITA.⁴

The other dominant view in Congress, spearheaded by the liberals but eventually gaining much broader support, was that South Africa would only dismantle apartheid if the international community applied sufficient pressure. As the violence in South Africa increased, coverage of the brutality in the townships was flashed on the U.S. nightly news and voters wanted action. Reagan imposed limited sanctions on South African in August of 1985, to avert a proposed bill then circulating in Congress. However, this did not satisfy Congress, and it passed the sweeping Comprehensive Anti-Apartheid Act in October of 1986, imposing a full range of punitive economic sanctions against the government of South Africa. Support for this bill was so strong that it overcame a presidential veto.

⁴Bender, G., & Schneidman, W. (1988). "The Namibia Negotiation -- Multilateral Versus Bilateral Approaches to International Mediation". University of Pittsburgh: Pew Program in Case Teaching and Writing in International Affairs. P. 11.

When each of these bills was passed, the negotiations on Namibia broke down. The MPLA government of Angola pulled out when the U.S. resumed its support of UNITA. And the South African government refused to participate when the sanctions were imposed. Within six months of each, however, the talks resumed. The U.S. mediation team shuttled between Luanda and Pretoria during most of 1985-1987, trying to put together a plan for Cuban troop withdrawal from Angola that the South Africans would accept. The turning point seemed to come in early spring of 1988, after a pitched battle for Cuito Cuanavale in southeastern Angola, in which South African troops withdrew without defeating the combined Cuban/Angolan forces. In April of 1988, the South African government agreed to take part in face to face negotiations with the Angolans and Cubans, with the United States team acting as mediator.

The quadripartite meetings, as they came to be called, were held in London, Cairo, New York, Geneva, and Brazzaville. Finally, on December 22, 1988, the governments of South African, Angola, and Cuba signed a tripartite agreement in New York: the first agreement included all three parties and signified their commitment to abide by the provisions of UNSC Resolution 435, leading to the independence of Namibia through free and fair elections; the second agreement, between Angola and Cuba, provided for the withdrawal of Cuban troops from Angola.

American Interests

The Reagan Administration was less motivated by a political settlement in Namibia than with stopping the perceived spread of Soviet influence in Africa. Thus the most pressing issue in the southern Africa region was the presence of Cuban troops in Angola. Crocker's linkage strategy seemed like the perfect way to accomplish both.

As the decade progressed, however, two other American interests affected the negotiations. The first was the rising voice of the Republican right wing, determined to repeal the Clark Amendment and resume overt support for Jonas Savimbi and UNITA in opposition to the MPLA government of Angola. They succeeded in repealing the Clark Amendment in 1985, and Reagan soon thereafter announced his support for renewed military supplies for Savimbi.

The second interest cut in the other direction. In reaction to the increasing violence and government repression in South Africa, the Congress enacted a sweeping Anti-Apartheid Act in 1986, imposing numerous sanctions against the South African government. The support for this legislation was so strong that the Congress was able to override a Presidential veto to enact it. Crocker described the passage of this legislation as the low point in the Angola-Namibia negotiations.

Angolan Interests

The MPLA Government of Angola was interested in establishing diplomatic relations with the United States and in increasing its participation in the world economic institutions. Years of civil war had devastated the economy, and the government needed funding to rebuild its infrastructure.

Hard currency was being paid to the government by several large oil companies for offshore oil rights. One such company was American -- Gulf Oil. But the government was paying out this hard currency in large amounts for Cuban troops and Soviet military equipment.

Thus the second major interest of the Angolan government was to settle the civil war with UNITA and stop the attacks by the South African forces. The MPLA felt they could not afford to send the Cubans home while the Angolan government was under attack by UNITA, shored up by the South African Defense Forces. And as long as SWAPO was based over the border in Angola, this gave the SADF another reason to cross over and attack.

Cuban Interests

Castro thought of himself as a leader of the Third World, a powerful member of the Non-aligned States who had come to the assistance of the MPLA in its struggle against UNITA. It was extremely important for him to retain that standing, both with other Third World countries and with the Soviet Union. Even though Castro and the Soviets differed quite often on strategy in Angola, the Soviets approved of his involvement and this gave him leverage to ask for increased Soviet aid to Cuba.

Castro had forged a personal bond with Anghostino Neto, and his commitment to Neto was tested when the Soviets apparently supported a coup attempt, organized by a more pro-Communist faction in Angola. Castro came to Neto's assistance and the coup attempt was thwarted.

Castro was only interested in a withdrawal from Angola if he could be sure his international reputation was kept intact. He wanted some

acknowledgement from the United States, or some softening of relations, if that was possible, but this was not overtly stated.

At one point in the negotiations, Castro declared Cuba would not leave Angola until South Africa abolished apartheid. He wanted to make his commitment to the MPLA very clear, and his commitment to solidarity with oppressed peoples. This was part of his identity and his source of political power vis-à-vis other Third World governments.

Also, his troops were better trained than the Angolans and had a much better strategic sense than the Soviets. The Cubans rarely engaged in direct combat with UNITA or South Africa; they instead trained and bolstered the Angolan forces.

Soviet Interests

Before Gorbachev came to power in 1985, the primary motivation of the Soviet presence in southern Africa was to support sympathetic governments like those of Angola and Mozambique. They committed an incredible amount of armaments in Angola, which was in large part responsible for the ability of the Angolan and Cuban troops to fight on equal terms with the SADF.

With the Gorbachev regime and the changes in Soviet strategy in regional conflicts, they were more willing to support the negotiation efforts. Gorbachev's speech at Vladivostok in 1986 made this explicit, calling for a pulling back from regional conflict and a desire to find diplomatic rather than military solutions.⁵ In fact, some say that the Soviets had been trying to

⁵Personal interview with Professor A. DuPisani (#19). July 1990.

become a recognized partner in the mediation effort much earlier, but were angry because the Americans would not let them play a major role.

South African Interests

The South African government continued to push for an "internal settlement" in Namibia, trying to stave off SWAPO as the head of a new Namibian government. When the United States offered linkage as a strategy for forcing South Africa's hand, they jumped at the chance to get assistance in ridding Angola of the Cuban presence. As one South African official explained, "...South African and American interests came together; we were no longer outcasts."⁶

The domestic situation in South Africa deteriorated significantly in the 1980s. Violence in the townships increased, and Botha declared a State of Emergency in 1985, which gave enormously increased policing power to the national government and brought strong international criticism. Namibia was not the first priority of the Botha government; internal issues remained most important throughout the 1980's.⁷

Concerns for security, however, kept the SADF involved in the war in Angola. According to a former South African Foreign Ministry official, a security threat existed throughout the region, all the way up to Zambia, with the greatest military build-up on the Angola-Namibia border. Under these circumstances, he said, it was impressive to finally have an administration in the United States who understood the security aspects of the region.⁸

⁶Personal interview with South African Foreign Ministry official (#17). July 1990.

⁷Personal interview with South African foreign policy scholar (#21). July 1990.

⁸Personal interview with senior South African Foreign Ministry official (#13). July 1990.

The South African military maintained the view throughout most of these years that South Africa could do better in the region if it continued the military engagements, presumably to result in a military victory.⁹ P.W. Botha was more inclined to listen to his military advisors than his diplomatic advisors, especially at the beginning of the decade. Coming as he did from the position of Minister of Defense, this is not surprising. One high official remarked that "military intelligence was in charge" of the government.¹⁰ In fact, the military often seemed determined to undermine any progress in the negotiations by launching major offensives at critical moments in the talks.

By 1987, however, it began to appear that military victory was not going to be possible. Modern military equipment kept arriving in Angola from the Soviet Union, as well as increasing numbers of Cuban forces. Within South Africa, resistance to the draft began to develop, as more white soldiers were killed on the Angolan front. The war was becoming costly and increasingly more difficult for the South African government to justify to its constituents. One South African professor observed that P.W. Botha could no longer sustain the costs of war in both Angola and Namibia, even though keeping SWAPO out of power was important to the government; the costs of the status quo became higher than the costs of settlement. This was due, in his view, not only to the military defeats and defections from the armed forces, but the growing economic crisis in the country aggravated by sanctions and

⁹Personal interview with senior South African Foreign Ministry official (#15). July 1990.

¹⁰Personal interview with senior South African Foreign Ministry official (#15). July 1990.

the refusal of international lenders to roll over outstanding debt. This caused a leadership crisis internally as well.¹¹

SWAPO Interests

Crocker's reorganization of the negotiations left SWAPO more on the sidelines than they had been during the previous 4 years. They were consulted throughout the mediation process, but Crocker made it clear to them that the major players were South Africa and Angola. This narrowed SWAPO's options, as they stood to lose more if they held out.

During this period, SWAPO went through a difficult restructuring. According to one Namibian scholar, as SWAPO was left out of the negotiations, it developed a consultative relationship with Angola and Cuba. In order maintain morale and cohesion, SWAPO developed a more sophisticated military cadre and became involved in the fight against UNITA.¹²

SWAPO sought to maintain a high international profile, at conferences and elsewhere, to get and build support. It already had unanimous support from the Organization of African Unity. As in the previous mediation effort, it continued to be suspicious of the Americans and wondered if the Americans and Soviets were somehow "cutting a deal"; it rejected linkage and as late as Sept 1988, it was still critical of the emerging agreement.¹³

¹¹Personal interview with South African foreign policy scholar (#21). July 1990.

¹²Personal interview with Professor A. DuPisani (#19). July 1990.

¹³Personal interview with Professor A. DuPisani (#19). July 1990.

According to one source, SWAPO had been "tremendously encouraged" by the landslide sweep of Mugabe in Zimbabwe. They felt that it validated the armed struggle and the need for international pressure, and also signaled the strategic importance of playing on South African fears by "sucking them deeply into Angola."¹⁴

THE MEDIATOR'S ENTRY AND INITIAL STRATEGY

In his article, "South Africa: Strategy for Change," Crocker condemned the then-current policy as foundering "...in a fog of stereotypes and polarized perceptions about the country....The problem is that the land of apartheid operates as a magnet for one-dimensional minds. How do we overcome the disturbing tendency to treat this troubled land as a political fire sale to be ransacked for confirmation of previously held convictions?"¹⁵

Crocker argued instead for a U.S. policy of "constructive engagement" in the entire southern Africa region, to counter Soviet influence and give the U.S. a greater role in shaping the region's future. This did not mean accepting apartheid, he explained, but it did mean refusing to impose sanctions and looking for positive incentives in moving South Africa toward internal reform, rather than using condemnation and threats.¹⁶ In Crocker's view, this shift in the U.S. stance would have an impact on South Africa's willingness to engage in further negotiations on the Namibian independence issue and eventually would bring them to the table on apartheid as well.

¹⁴Personal interview with Professor A. DuPisani (#19). July 1990.

¹⁵Crocker, C.A. (Winter 1980/81). "South Africa: Strategy for Change." *Foreign Affairs*, Vol. 59, No. 2, Council on Foreign Relations. P. 323.

¹⁶Crocker, C.A. 1980/81, Pp. 345-346.

During the first two months of the Reagan administration, southern Africa policy underwent a thorough review, with no public statements being given by the State Department as to the strategy being discussed.¹⁷ Crocker drafted a memorandum during this review process, later leaked to the *New York Times* and published in June of 1981.¹⁸ According to the *Times* article, Crocker's proposed strategy had four major components:

1. Meet South Africa's major concerns, including improved relations with the U.S., to induce it to give up control of Namibia, but delay actual implementation.
2. Use the prospect of South African withdrawal from Namibia, with its implied ending of raids into Angola, as leverage on Luanda.
3. Demand from the Angolan government both withdrawal of Cuban forces and power sharing between the MPLA and UNITA.
4. Obtain the backing of African governments for this plan.

The *Times* goes on to quote some of Crocker's rationale for this strategy from the document: "African leaders would have no basis for resisting the Namibia-Angola linkage once they are made to realize that they can only get a Namibia settlement through us, and that we are serious about getting such a settlement...We would insist that these [issues] are unrelated, but in fact they would be mutually reinforcing, parallel tracks of an overall strategy... We would avoid explicitly linking the two publicly."

¹⁷Leifert (1983), P. 28.

¹⁸Gelb, L. "U.S. Seeks Angola Compromise as Price for Accord on Namibia," *The New York Times*, June 1, 1981, P. 1. Quoted in Leifert (1983), P. 32.

In an interview with the *Washington Post* on March 29, 1981, President Reagan announced another departure from the negotiation efforts of the previous U.S. administration. While underscoring his support for a "peaceful solution to the Namibian situation," he also expressed his hope to see elections *follow* the adoption of a constitution guaranteeing, among other things, minority rights.¹⁹ This was in contrast to the provisions of Resolution 435, which specified the election of a body *before* a constitution was written.

In April of 1981, Crocker made his first visit to Africa. He had not yet been confirmed as Assistant Secretary of State for African Affairs, largely due to the opposition of Jesse Helms and other right-wingers to Crocker's support of Namibian independence and his willingness to deal with SWAPO.²⁰ Crocker did, however, act in an official capacity on this trip and carry the message of constructive engagement to African leaders, including South African Foreign Minister Pik Botha and Defense Minister Magnus Malan. With the Reagan election, the South African government had an "expectation of different relations"; in their view, things could only be better than before.²¹

During these meetings throughout Africa, Crocker kicked off what would become the first big push of his mediation strategy. He believed that UNSCR 435 was "a basis for transition to independence for Namibia, but not a

¹⁹Oberdorfer, D. "Basic Policy on Namibia Reaffirmed," *The Washington Post*, March 29, 1981, Pp. 1, 12. Quoted in Liefert (1983), P. 35.

²⁰Liefert (1983). P. 37.

²¹Personal interview with senior South African Foreign Ministry official (#18). July 1990.

full settlement." ²² Rather than discard it, he explained that it needed to be supplemented in order to be effective. He therefore proposed two significant modifications to Res. 435. The first was to have the United States and other WCG countries provide the armed forces to assist in Namibia during the transition, rather than using UN troops. The second was to convene a Lancaster House-type conference on Namibia, to draw up a constitution before rather than after elections were held.²³ (Res 435 specified that elections would be to a constituent assembly, which would then draft a constitution.)

Crocker's proposals were met with some interest, and even support, in South Africa.²⁴ However, leaders in other African states insisted on immediate implementation of 435, without any changes. ²⁵ One analyst commented that a hostile climate existed in the region toward the United States; constructive engagement was seen as an escape hatch for South Africa.²⁶ Meeting in Rome after Crocker's trip through Africa, the Western

²²U.S. Congress, Senate Foreign Relations Committee (1981). *Nomination of Chester A. Crocker*. Washington, D.C.: GPO. Cited in Leifert (1983). P. 38.

²³Matisonn, J. (1981) "SWA Plan Snubs UN" *Rand Daily Mail*. Johannesburg, 5 April. Lancaster House, in London, was the venue for the negotiations that ended the war in Rhodesia and established the independent state of Zimbabwe. The Lancaster House Conference, as it came to be called, was led by Lord Carrington, then Foreign Minister of Britain. Because of Britain's role as the colonial power in Rhodesia, it used its influence to draft the constitution so as to protect the minority rights of the white Rhodesians, more than had been done in other African states upon transition to independence. See Davidow, J. (1984). *A Peace in Southern Africa: The Lancaster House Conference on Rhodesia, 1979*. Boulder, CO: Westview Press.

²⁴Matisonn, J. (1981) "It's Namibia or Bust for Reagan" *Rand Daily Mail*, Johannesburg, 11 April. Also (1981) "Great Namibian Follies (MkII) Hit the Road" *Sunday Times*, Johannesburg, 12 April.

²⁵de Onis, J. (1981) "U.S. Said to Tie Namibian Freedom to a Cuban Pullout from Angola." *The New York Times*, 1 May. P. 2. Quoted in Leifert (1983). P. 50.

²⁶Personal Interview with Professor A. DuPisani (#19). Uly 1990.

representatives affirmed their commitment that only a UN-sponsored settlement would be acceptable and that 435 had to be the basis for such a settlement. They did agree, however, that something beyond 435 was needed to get South Africa to comply, but the WCG rejected Crocker's idea of a Lancaster House conference.. In turn, Crocker agreed to stay with the WCG and not take the U.S. off on a diplomatic tangent of its own.²⁷

The "linkage" concept was not introduced during these meetings. But Crocker alluded to it in his initial strategy memorandum and also in a set of talking points he wrote for Secretary of State Haig in preparation for a meeting with Pik Botha on May 14, 1981. In this "scope paper," Crocker stated that

...a carefully conceived and implemented Namibia settlement will help to foreclose opportunities for growth of Soviet influence in southern Africa, and can, in the course of such a settlement, contribute to the leverage we need to produce a withdrawal of Soviet/Cuban military forces from Angola.

...This approach can facilitate a deepening of our bilateral relations in mutually beneficial ways. It can also begin a process leading to the end of international rejection of your country and greater acceptance of South Africa within the global framework of Western security.

...We are inevitably brokers in this exercise. You must tell us two things: (A) whether you are in fact prepared to move on a settlement now, to commit yourselves to implement a revised plan once we pin down specifics; (B) what your conclusive list of concerns includes. We will make our best efforts to meet your concerns but you must respect our role as broker and the crucial importance of African acceptance.²⁸

²⁷Leifert (1983). P. 51.

²⁸"Scope Paper," Memorandum from Chester A. Crocker to Secretary Haig (undated), quoted in Leifert (1983). Pp. 52-53. Emphasis in original

According to press releases and interviews, Pik Botha did not identify the Cuban presence in Angola as a reason for delaying Namibian independence at this point in the discussions, although the Angolan situation was clearly a security concern for South Africa.

In fact, it was the United States that put the linkage issue on the table for South Africa. In June of 1981, a high-level delegation from the United States visited South Africa. It included William Clark, Deputy Secretary of State; Eliot Abrams, Assistant Secretary of State for International Organizations, and Chester Crocker. In a meeting with Pik Botha at the Heerenracht Hotel in Capetown, the discussions were reportedly going badly, with the South Africans not coming through with any concessions that the Americans could use to further the negotiations. At this point, Judge Clark asked if it would make a difference to the South Africans if the Cubans left Angola.²⁹ According to many sources, this signalled a "new ballgame" for the South Africans. P.W. Botha had a "political problem" with Namibian independence, and linkage gave him a way out.³⁰ One South African scholar commented that "South Africa exploited the notion of linkage, ruthlessly, with its domestic constituency."³¹ Most importantly, one South African Foreign Ministry official explained that when the U.S. put the Angola issue

²⁹Falk, P. S., & Campbell, K. M. (1988). "The U.S., U.S.S.R., Cuba and South Africa in Angola, 1974-88. Part B: The Quagmire of Four-Party Negotiations, 1981-88." University of Pittsburgh: The Pew Program in Case Teaching and Writing in International Affairs. Also Personal Interview with senior South African Foreign Ministry official (#15). July 1990.

³⁰Personal interview with South African official (#17). July 1990.

³¹Personal interview with A. DuPisani (#19). July 1990.

on the table, the South Africans took it as a signal that the U.S. could "deliver" Cuban withdrawal.³²

It is important to note two significant differences between Crocker's initial statement of strategy and the way the strategy was eventually implemented. The first is that Crocker's notion was to use the South African withdrawal from Namibia as a way to put pressure on Angola, not the other way around. One can only guess that Crocker was dismayed that Judge Clark framed it such that the Cuban withdrawal from Angola was the lever being used to get the South Africans out of Namibia. Crocker, according to his memo, wanted to use other carrots to entice South Africa.

The second difference is that Crocker intended to keep this linkage strategy from being publicly explicit. He probably knew what kind of reaction it would elicit from the Front Line States and the WCG governments, and that public criticism might make it harder to implement.

He was right. The Front Line States denounced the strategy, charging that independence for Namibia should not be held hostage to events in other countries. It also led, along with "constructive engagement," to the first public split in the WCG. In August of 1981, South African forces staged a large-scale invasion of Angola. The UN Security Council proposed a resolution condemning South Africa's actions and demanding its unconditional withdrawal from Angola. The U.S. vetoed the resolution, the French supported it, and the British abstained. The South African press interpreted this as a weakening of the WCG coalition.³³

³²Personal interview with senior South African Foreign Ministry official (#18). July 1990.

³³Uys, S. (1981) "Angola: A Crack in Western Alliance." *Star*, Johannesburg, 5 September.

The split did, in fact, signal the rising U.S. dominance in the WCG. At this stage, Canada and West Germany were still WCG members, but their effectiveness was compromised because they were no longer members of the UN Security Council and could therefore not affect UNSC votes. Britain's government had taken a conservative turn and was the most supportive of the U.S. stance. The French had elected the Socialist government of Francois Mitterand, which supported the Namibian effort but was critical of the U.S. leanings toward South Africa. This led to the French withdrawal from the Contact Group in 1984.

During 1981 and 1982, however, the WCG worked together, vetoing all UNSC resolutions calling for sanctions against South Africa and abstaining on resolutions condemning South Africa for dragging its feet on Namibia. During these years, Crocker and the WCG developed what they called a "phased approach" to negotiations with South Africa. The purpose was to deal, in sequence, with South Africa's objections to 435. The initial agreement to proceed in this fashion was negotiated secretly between the United States and South Africa and then announced publicly by the WCG in September 1981.³⁴

The phases were constructed as follows:

Phase 1: Negotiations on principles for electing a constituent assembly and for the constitution to be drafted by that assembly.

Phase 2: Negotiations on other outstanding issues, primarily the composition of UNTAG and the UN's impartiality.

Phase 3: Implementation of the settlement plan.

³⁴Leifert, H.I. (1983). P. 60.

In lieu of drafting a constitution prior to elections, the WCG resorted to constructing a set of principles that would guide the framers of a constitution. These principles were endorsed by the internal parties in Namibia and by the South African government.³⁵ The observation of what had happened in Zimbabwe made the South African government keen on working out the rules beforehand as much as possible.³⁶ Two Namibian experts credited the internal parties with providing the impetus for drafting these principles, indicating that they made the suggestion to Crocker and actually provided the first draft of a text.³⁷ This might be borne out by the fact that SWAPO accepted these principles with great difficulty. They saw them as being developed primarily to address South Africa's concerns, but they had to agree to them because of increasing pressure from the Front Line States.³⁸

The Principles included:

³⁵Leifert (1983). P. 60.

³⁶Personal interview with A. DuPisani (#19). July 1990.

³⁷Personal interviews with M. Wiechers, University of South Africa and a senior Namibian political party leader (#20 and 27). August 1990.

³⁸Personal interview with A. DuPisani (#19). July 1990.

Constituent Assembly :

- Elected according to principles assuring fair representation of Namibia's political and ethnic groups.
- To draft a constitution in accordance with the following principles and adopt it by two-thirds majority (to prevent SWAPO from dominating the constitutional provisions).

Constitutional Principles:

- Namibia would be a unitary, sovereign, and democratic state.
- The constitution would be the supreme law, amendable only by a designated procedure (e.g., referendum).
- The government would consist of three branches:
 - Executive: chosen by periodic, genuine, secret elections and responsible to the legislative;
 - Legislative: similarly chosen, to pass national laws;
 - Judicial: independent and responsible for interpreting the constitution and assuring its supremacy and the authority of the law.
- Voting by equal and universal suffrage. The electoral system would assure "fair" representation to all groups by either proportional representation, or appropriately defined constituencies, or by a combination of these methods.
- The constitution would include a bill of rights, specifically including the rights to life, personal liberty, and freedom of movement; freedom of conscience and expression, including free speech and free press; freedom of assembly and association, including political parties and trade unions; due process and equality before the law; protection from arbitrary deprivation of private property without prompt compensation; and freedom from discrimination based on race, ethnic group, religion, or sex. These rights would be drafted to be consonant with the Universal Declaration of Human Rights and would be enforceable by the courts of Namibia.
- Ex post facto laws or penalties would be prohibited.
- The civil service, police, and armed forces would be open to all, and personnel practices subject to scrutiny by independent bodies.
- Discrimination in access to private cultural, social, health, and educational institutions would be prohibited.

- Elected local and regional councils would be established for administrative and fiscal purposes.³⁹

Non-Aggression Agreement between Namibia and Neighboring States:

- Non-interference
- Non-resort to force
- Namibia not to allow stationing of foreign forces on its territory
- Namibia not to allow organized activities leading to acts of aggression against any other state
- Reciprocal provisions for South Africa

In November of 1981, SWAPO and the Front Line States responded to this WCG proposal with their own draft of principles:

- Omitted provision on fair representation for all political groups;
- All Namibians eligible to vote, campaign, or stand for election, without discrimination or fear of intimidation;
- Noted that most governments do have three branches, but left the particulars to the constituent assembly;
- Omitted provision on fair legislative representation for all political groups by a system of proportional representation, constituencies, or both;
- Provided for the "balanced restructuring" of the civil service, police, and military;
- Omitted the provision for elected local and regional councils for administrative and fiscal purposes.⁴⁰

As one African scholar put it, the African draft eliminated all ethnically based provisions and made it technically possible for SWAPO to win all seats in the legislature and keep central control.⁴¹

³⁹United Nations, General Assembly, *Working paper prepared by the Secretariat*, A/AC.109/699, 18 June, 1982. P. 14. Cited in Liefert (1983). P. 60.

⁴⁰Liefert (1983). P. 63.

⁴¹Liefert (1983). P. 63.

On November 17, the WCG floated another proposal for selecting delegates to the constituent assembly:

- Dual voting system: half the assembly elected by proportional representation, half by single member constituencies.
- Went through several modifications: e.g., one vote counted twice (once for a party list, once for a single member), and two votes counted once each.

In January of 1982, SWAPO rejected any dual voting system and indicated its preference for proportional representation. In May, they relented a bit, probably under FLS urging, and said they would accept either proportional representation or single member constituencies, but not both. However, they registered their strong opposition to the "phased approach" being taken by the WCG, and called instead for a Geneva-style conference to settle all remaining issues.⁴²

Between January and June of 1982, Crocker and the WCG met many times with the South Africans, SWAPO, and the Front Line States. In addition, Haig and Crocker had begun meeting with the Angolans, in an effort "to lay the groundwork for further negotiations."⁴³ Crocker knew that the Angolan government desired recognition from the United States, and he implicitly held out the possibility that their cooperation on Cuban troop withdrawal could lead to better relations with the United States.

On June 17, 1982, the South Africans made linkage the linchpin of the negotiations. In a public address, Prime Minister P.W. Botha said the withdrawal of all Cuban troops from Angola was a *pre-condition to*

⁴²Leifert (1983). P. 64.

⁴³Falk and Campbell (1988). P. 8.

completion of the three-phase process.⁴⁴ Angola's government responded by publicly refusing to order the withdrawal of Cuban forces either to support Namibian independence or to gain recognition from the United States, claiming it as a matter of national sovereignty.⁴⁵

From the South African perspective, they were following the U.S. lead on this issue. One South African who was present at the meeting where linkage was introduced by Judge Clark claimed that " This was something the Americans initiated, wanted, and pursued."⁴⁶ Thus the U.S. agenda of stopping the perceived spread of Soviet surrogates in Africa, now seen in South Africa as a "congruence of U.S. and South African interests,"⁴⁷ took center stage as a condition of Namibian independence. The U.S. was therefore on the line to deliver the Cuban withdrawal.

PUSHING THE MEDIATOR'S AGENDA

Crocker and the WCG spent the remainder of 1982 and all of 1983 pursuing these two tracks: pushing for South African agreement on the steps to implement Res 435; and getting the Angolan government to accept the linkage concept and agree to Cuban troop withdrawal. The results were not heartening on either front. South Africa agreed to the set of principles to

⁴⁴"Cuban Troops Key to Namibia Settlement," *The Times* (London), June 18, 1982, quoted in Liefert (1983). P. 72 . Emphasis added.

⁴⁵Cowell, A. "Angolan Firmness on Cuba Clouds Namibia Talks," *The New York Times*, June 26, 1982. P. 2. quoted in Liefert (1983). P. 72.

⁴⁶Lelyveld, J. (1982). "Namibia and the Cubans in Angola: U.S. 'Linkage' Pleases South Africa". *New York Times*, July 15. P. 2. quoted in Liefert (1983). P. 72.

⁴⁷Personal interview with senior South African Foreign Ministry official (#18). July 1990.

govern the new Namibian state, as drafted by the WCG, but it held firm on Cuban troop withdrawal as a precondition for implementation. This replaced their concerns about UN partiality toward SWAPO as the major stumbling block to a settlement.

As for Angola, it held just as firmly to its rejection of linkage. Several major military engagements with South Africa made matters worse. In August of 1982 and again in December of 1983, South Africa mounted significant attacks deep into Angolan territory. This made the Angolan government acutely aware of its vulnerability and much less likely to give away the protection of the Cuban forces.

The American mediators did not, however, give up. Both Crocker and his Deputy Assistant Secretary, Frank Wisner, made many trips to Luanda and Pretoria during this period. As one diplomat from another of the WCG countries is reported to have observed, "Crocker was like a man on a bicycle: he must keep pedaling for there to be any forward movement; as soon as he stops, the bicycle will fall over."⁴⁸ President Reagan sent letters to the FLS presidents, asking them to help persuade Angola on the removal of Cuban troops.⁴⁹ Their response, however, was summed up by Daniel arap Moi, President of Kenya: "No nation in the world that professes true democracy and national sovereignty should connect these two issues...(Linkage is) a delaying tactic."⁵⁰

⁴⁸Leifert (1983). P. 80.

⁴⁹*Washington Post*, September 13, 1982, quoted in Liefert (1983). P.75.

⁵⁰Leifert (1983). P. 78.

South African officials, meanwhile, were trying to open another negotiating channel with Angola, one that did not include the United States. This was first publicly disclosed in December of 1982, but meetings had been taking place prior to that time as well.⁵¹ From the American perspective, these were an unwelcome occurrence as they threatened to de-link the Cuban troop issue from the Namibian independence talks. Also, the talks were aimed at establishing a cease-fire and the pull-back of Cuban troops from the Namibian border areas, but not a complete withdrawal of the troops from all of Angola.

It was not until the United States asserted itself as mediator that an actual cease-fire between South Africa and Angola was negotiated. The Lusaka Agreement, reached in February of 1984, provided for South African withdrawal from southern Angola in exchange for SWAPO's pledge not to occupy the area that was vacated. A joint commission was set up to monitor the South African withdrawal. The accord was short-lived, however, as each side rapidly accused the other of violations.⁵² One highly placed South African official said that the Accords fell apart because of "perceived non-performance" of the Angolans -- they could not control SWAPO and had multiple monitoring problems. Likewise, the Angolans thought South Africa was "tardy in withdrawing."⁵³ However, a small precedent for agreement in the region, brokered by the United States, had been set.

⁵¹Falk and Campbell (1988). P. 40; Leifert (1983). P. 79.

⁵²Falk and Campbell (1988).Pp. 10, 41.

⁵³Personal interview with senior South African Foreign Ministry official (#18). July 1990.

The major accomplishment of 1984 for the intermediaries was the drafting of the "Plataforma," a document submitted in November by the Angolan government to the South African government, via the United States. It contained the first official MPLA statement of a willingness to withdraw Cuban troops from Angola in the context of the Namibian independence negotiations. It committed to writing, for the first time, the MPLA acknowledgement of linkage.⁵⁴

The Plataforma included five basic points:

1. Angolan control of its own territory
2. Withdrawal of South African forces from Angola
3. South African commitment to Resolution 435
4. Cease-fire between South Africa and SWAPO
5. Withdrawal of Cuban forces from Angola

Specifics were as follows:

- *On the grouping of the Cuban forces in the south of Angola*
Within 24 months of the entry of the UN troops contingent for the implementation of 435, Cuban forces will be withdrawn in the following manner:

Within a 4 month period - 5000 men
Between 12th and 16th month - another 5000 men
Between 20th and 24th month - another 5000 men
During this period, the Cuban troops would at no time cross the 16th parallel.

Remaining 5000 men would be withdrawn between the 26th and 32nd month. During that third year, these troops would not cross

⁵⁴Excerpts from "Message from the President of the People's Republic of Angola to the Secretary-General of the UN," quoted in Falk and Campbell (1988). Pp. 10-11.

the 13th parallel. Thus, approximately 20,000 men of the total number of Cuban troops in Angola would withdraw in 36 months.

- *On the remaining Cuban Troops in Angola*
To be withdrawn in accordance with an independent time-table agreed upon by Angola and Cuba. These troops would not cross the 13th parallel; Angola and Cuba shall establish the dates indicated as the maximum limits for the troops to stay in Angola.

Part of the remaining troops are in Cabinda and Luanda. Other units could be stationed in the northern and western provinces and in strategic points north of the 13th parallel; the remaining forces would be far from the southern border and their mission is to defend the territorial integrity of Angola against aggression.

The South African government response to the Plataforma was to demand that Cuban troops leave Angola within *two years* and to reiterate that no SWAPO government, which was specifically provided for in UNSC Res 435, would be acceptable. Crocker tried during the early months of 1985 to fashion a compromise proposal for a phased withdrawal of Cuban troops that would be more acceptable to South Africa.⁵⁵ But other events overcame his attempts to move the negotiations forward.

The first was the South African government's announcement in June that it was unilaterally installing an "interim government" in Namibia, transforming the Multi-Party Conference (which represented the Democratic Turnhalle Alliance and several other internal parties) into the Transitional Government of National Unity. This government was given legislative and executive powers over Namibia, against the outcry of the United Nations.⁵⁶

⁵⁵Falk and Campbell (1988). P. 42.

⁵⁶Bender, G., & Schneidman, W. (1988). "The Namibia Negotiation -- Multilateral Versus Bilateral Approaches to International Mediation". University of Pittsburgh: Pew Program in Case Teaching and Writing in International Affairs. P. 11.

South Africa was up to its old tricks of operating simultaneously on two tracks, hoping for the most advantageous outcome it could get.

The second was the repeal of the Clark Amendment by the United States Congress in July of 1985. This opened the door to renewed U.S. support for UNITA. Initially the U.S. pledged only humanitarian aid. But it did not take long for none other than President Reagan to voice approval for the resumption of military aid as well.⁵⁷ The Angolan government broke off talks with the United States. And support for U.S. diplomatic efforts was withdrawn by the United Nations, the OAU, SWAPO, and the Front Line States.

Crocker could do nothing until the furor died down. He reportedly had always supported the repeal of the Clark Amendment, since his appointment as Assistant Secretary; however, he had tried unsuccessfully to have the timing of the repeal coincide with appropriate points in the negotiation. Obviously, this was something over which he could exercise no control, so he had to support it as best he could when it did occur.⁵⁸

In November of 1985, Crocker resumed meetings with Angolan officials, and by January of 1986, he had seemingly reached agreement with the MPLA government for simultaneous withdrawal of Cuban troops from Angola and Namibian independence.⁵⁹ As soon as Crocker left Luanda, however, the Angolan President renounced the agreement, citing the United

⁵⁷Bender and Schneidman (1988). P. 11.

⁵⁸Personal interview with senior U.S. State Department official (#1).

⁵⁹Falk and Campbell (1988). P. 43.

States' increasing relationship with Savimbi and UNITA.⁶⁰ This relationship, although cited by the Americans as necessary to put pressure on the Angolan government, seemed instead to create barriers at every turn. One cannot help but wonder if "constructive engagement" with the MPLA would not have been a better strategy. If it was supposed to have worked with the South African government, who wanted better relations with the U.S., why would it not also have been potentially successful with the MPLA, who also wanted improved U.S. relations?

1986 found the Angolan government increasingly testy about U.S. support for UNITA. In a letter to the UN Secretary General in March of that year, President Dos Santos of Angola requested that the Reagan Administration relinquish its role as mediator, given its support of Savimbi. Dos Santos asked that the U.N. take over the role.⁶¹ The MPLA government also threatened to increase the number of Cuban troops, if U.S. aid to UNITA caused escalation of the civil war.

Castro also upped the ante in the public debate. Speaking at the Eighth Non-Aligned Summit Meeting in Harare in September, he announced that Cuban troops would not leave Angola until Namibia achieved its independence *and* South Africa ended apartheid within its borders.⁶² It was the strongest statement he had made to date about the commitment of Cuban troops, and it signalled that the negotiations still had a long way to go.

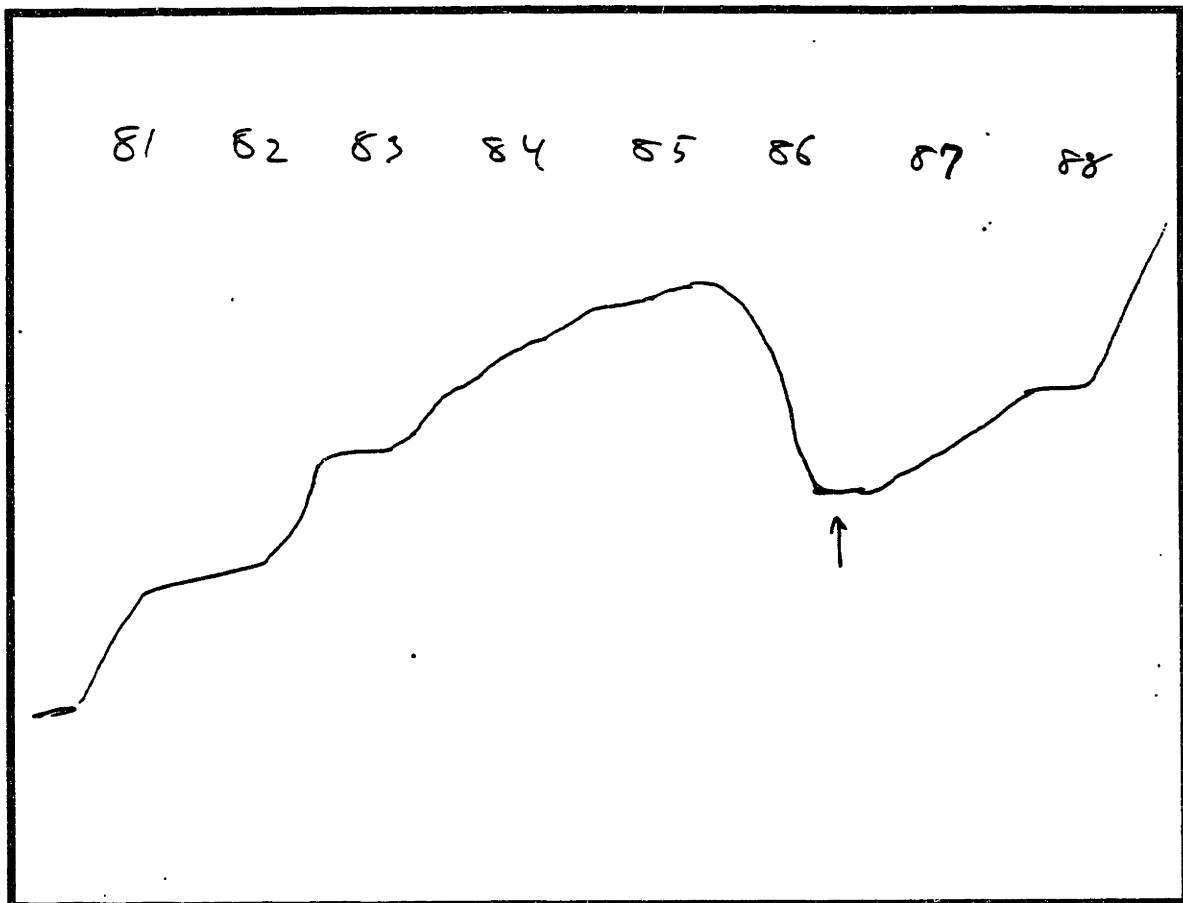
⁶⁰Falk and Campbell(1988). P. 43.

⁶¹Falk and Campbell (1988). P. 43.

⁶²Falk and Campbell (1988). P. 44.

In October of 1986, the negotiations took an even worse turn. Over a presidential veto, the U.S. Congress passed the Comprehensive Anti-Apartheid Act, imposing a full range of punitive sanctions against the South African government. According to Crocker, this was the low point in the negotiations (See Figure 2). Nothing moved for many months.

FIGURE 2: CROCKER'S DIAGRAM OF PROGRESS OF NEGOTIATIONS



In April of 1987, Congolese President Denis Sassou-Nguesso was able to bring the U.S. and the Angolans back together in Brazzaville, acting in his capacity as chairman of the OAU. A U.S. Congressional delegation also

visited Luanda in June, and learned from President Dos Santos that he was willing to negotiate Cuban withdrawal as a way to improve relations with the United States.⁶³ When Crocker followed up on that offer and visited Luanda himself in July, he described his talks as "a waste of time." His words, and his impatience with Angola, resounded in the international press. That same month, the U.S. Senate voted to repeal Angola's Most Favored Nation Status, which would adversely affect Angolan oil exports to the U.S. Although the repeal did not go through, it sent a clear message to Luanda that their desire for U.S. recognition was on shaky ground.

In August, Angola and Cuba offered to withdraw the Cuban troops from bases in the south over a two-year period instead of three years. The offer was contingent upon South Africa's acceptance of the conditions detailed in Angola's "platform" offer of 1984 and two additional demands: 1) that the US must stop aid to UNITA before the Cubans withdraw; and 2) that Cuba become a full party to the talks with the U.S. ⁶⁴

In September, Crocker returned to Luanda to respond to the proposal. He asked that the period for Cuban troop withdrawal from the south be shortened and that a firm deadline be set for total Cuban troop withdrawal from northern Angola. He also stated that U.S. aid to UNITA would not be considered as part of the Cuban withdrawal/Namibian independence negotiations and that the issue would only be considered when Soviet aid to the MPLA was cut or when there was national reconciliation between the

⁶³Falk and Campbell (1988). P. 45.

⁶⁴Bender and Schneidman (1988). P. 12.

MPLA and UNITA. ⁶⁵

From September through December, negotiations were again interrupted when a combined Angolan, Cuban and SWAPO force moved south towards UNITA headquarters in Jamba. Repelled by South African-UNITA forces at Mavinga, the Angolan contingent retreated to Cuito Cuanavale, where heavy fighting continued into early 1988. ⁶⁶ Reports were of the most intense fighting in 10 years. South African casualties, numbering over 237 soldiers, provoked a trip by President Botha, accompanied by four cabinet ministers, to southeastern Angola. ⁶⁷

1988 saw an increasing interplay between diplomacy and military engagement. As the fighting continued in Cuito Cuanavale in January, the Angolan government reconvened its negotiations with the U.S. mediators, now with a Cuban delegation in attendance⁶⁸. In February, the United States reported that the Angolans accepted the idea of a total Cuban withdrawal, if the other conditions of the 1984 "Plataforma" were met.⁶⁹ In response, Pik Botha publicly proposed that South Africa sit down with the MPLA, SWAPO, UNITA, and Namibia's internal government, "without superpower interference." South Africa felt that the U.S. was not fully briefing Pretoria on the details of its talks with Angola, and this was a thinly disguised snub of

⁶⁵Bender and Schneidman (1988). P. 12.

⁶⁶Bender and Schneidman (1988). P. 12.

⁶⁷Falk and Campbell (1988). P. 26.

⁶⁸Falk and Campbell (1988). P. 46.

⁶⁹Bender and Schneidman (1988). P. 13.

Washington. Angola's response was that it would not sit down with UNITA, but left open the possibility of direct talks with South Africa ⁷⁰

By March, South Africa had failed in its final attack at Cuito Cuanavale; Cuban and Angolan troops held out and the South African forces withdrew.⁷¹ This paved the way for "parallel talks" between the U.S. and Cuba-Angola on the one hand and between the U.S. and South Africa on the other. ⁷² Angola and Cuba proposed a phased withdrawal of all Cuban troops, over a four-year period. The offer was contingent upon the ending of U.S. and South African aid to UNITA, withdrawal of South African troops from Angola, and implementation of Res 435.⁷³ The U.S. rejected the drawn-out timetable and declined to comment regarding a cut in U.S. aid. The U.S. did, however, approve a proposal for a U.S.-mediated mini-summit with South Africa. ⁷⁴

The South African talks with the U.S. were acrimonious. Pik Botha criticized the Angolan offer as lacking "numbers, figures, and timetables....We are very far from any agreement on Angola." ⁷⁵ A breakthrough occurred, however, in mid-April when South African Department of Foreign Affairs Director General Neil Van Heerden came to Washington and accepted the

⁷⁰Gunn (1988). P.7.

⁷¹Falk and Campbell (1988). P. 46.

⁷²Gunn (1988). P. 8.

⁷³Bender and Schneidman (1988). P. 13.

⁷⁴Gunn (1988). P. 8.

⁷⁵Gunn (1988), P. 8.

suggestion that the U.S., South Africa and Angolan-Cuban delegations meet face to face. ⁷⁶

One African scholar stated quite strongly that the face to face communication between Cuba, Angola, and South Africa "made a hell of a difference to the process. South Africa realized the diplomatic skill of the others; they were not lackeys of the Soviets and could make agreements. The Cubans caught South Africa off guard; they came with cards, not only with demands."⁷⁷

Other parties to the talks reportedly had the same experience; each was *not* like what the others had expected. "(They had been) operating previously by stereotypes; (the personal communication) brought a humanity to the process which had previously been absent. Starting this earlier might have been better, perhaps at lower levels "⁷⁸

On May 3-4, the first in a series of quadripartite negotiations took place in London, convened and mediated by the U.S. with delegations present from Angola, Cuba, and South Africa.⁷⁹ Van Heerden pledged that South Africa would implement Resolution 435 once the Cuban troop issue was resolved. There was also a "side" meeting between General Jannie Geldenhuys, Chief of the South African Defence Forces, and General Ulises Rosales de Toro, chief of staff of the Revolutionary Armed Forces of Cuba. When Geldenhuys told

⁷⁶Gunn (1988), P. 9.

⁷⁷Personal interview with A. DuPisani (#19). July 1990.

⁷⁸Personal interview with A. DuPisani (#19). July 1990.

⁷⁹Falk and Campbell (1988). P. 46.

his Cuban counterpart that a four-year withdrawal was too long, the reported response was that Cuba was open to offers. ⁸⁰

In June, the multiple military and diplomatic tracks met head on. A massive Cuban troop build-up brought 15,000 additional Cuban soldiers to southern Angola. ⁸¹ Jonas Savimbi arrived for a speaking tour in the U.S. to enlist continued U.S. support. At the same time, Angolan and U.S. officials (George Shultz and Colin Powell) were meeting in Washington, D.C., to prepare for the next quadripartite meeting in Cairo.⁸²

The negotiations convened again on June 24 with a Soviet observer, Vladilen Vasev. The parties were reportedly reluctant to make difficult choices; one analyst felt strongly that they were unnerved by military developments.⁸³ The South African delegation, headed by Pik Botha and Defense Minister Malan, demanded that Cuban withdrawal be completed over seven months (presumably because this was the time allotted for South African withdrawal from Namibia under Res 435) and that Savimbi be brought into a coalition government within six weeks of the Cairo meeting. The Angolan-Cuban delegation rejected the demands. ⁸⁴ Two differing sets of principles were reportedly presented, with the Angolan delegation suggesting that both sets be accepted as official.⁸⁵

⁸⁰Gunn (1988). P. 9.

⁸¹Falk and Campbell (1988). P. 47.

⁸²Falk and Campbell (1988). P. 47.

⁸³Bender and Schneidman (1988). P. 13.

⁸⁴Gunn (1988). P.11.

⁸⁵Personal interview with senior South African Foreign Ministry official (#18). July 1990.

Immediately after the conclusion of the meeting, on June 27, fighting broke out at Calueque Dam on the Cunene River in southern Angola, 10 miles from the Angola-Namibia border. Cuban soldiers led the Angolan combat troops. The SWA Territorial Force (part of the South African forces) mutinied and sustained heavy casualties.⁸⁶ The Angolan-Cuban forces staged heavy air strikes, causing a "cautious response" by the South African forces.⁸⁷ Neither side prevailed, and both were shaken by the escalation that this battle represented.

The next meeting of the delegations took place in New York from July 11-14, at which time the parties hammered out a synthesized set of principles, with strong supervision by the mediator. The parties agreed to 14 "Principles for a Peaceful Settlement in Southwestern Africa," which came to be known as the New York Principles (See Appendix E for list of Principles). These were made public on July 19. One analyst commented that the wording of the Principles was sufficiently vague to allow each negotiating team "wiggle room" to assure domestic critics that their key concerns were not sacrificed.⁸⁸ The delegations also discussed ways to improve communication and prevent future encounters like the recent battle at Calueque; U.S. experts reportedly presented ideas on step-by-step disengagement of military forces in line with the Res 435 process and how these could be verified.⁸⁹

⁸⁶Falk and Campbell (1988). P. 47.

⁸⁷Bender and Schneidman (1988). P. 13.

⁸⁸Gunn (1988). P. 13.

⁸⁹Gunn (1988). P. 13.

The New York meeting was reportedly important for several reasons. First, the parties really "heard" each other, rather than just listening. Secondly, it was pivotal in demonstrating that they could "do a deal" with each other. One South African official who was present at the meeting commented on the Cuban delegate, Aldana, noting that his statements at the New York meeting portrayed "sincerity, frankness, candor."⁹⁰

On August 2 the delegations met again in Geneva. November 1 was set as the target date for implementing the UN plan for Namibian independence.⁹¹ Neil Van Heerden presented the following South African proposal for an implementation schedule:

1. Implementation of Res 435 beginning November 1, 1988 (leading to elections in Namibia seven months later, on June 1, 1989);
2. Total withdrawal of Cuban troops from Angola by June 1, 1989;
3. Cessation of hostilities on August 10, 1988;
4. Commencement of South Africa withdrawal from Angola by August 10, 1988 and completion of withdrawal by September 1, 1988;
5. Establishment of monitoring mechanisms inside southern Angola by August 20

South African Foreign Minister Pik Botha added the following caveats:

1. Clarification by the UN on who would pay for the costs of implementing 435 (he estimated them at \$750-\$800 million); whether South Africa's contribution to the Namibian budget would be replaced

⁹⁰Personal interview with senior South African Foreign Ministry official (#18). July 1990.

⁹¹Bender and Schneidman (1988). P. 13.

- by other parties; and who would take over South Africa's guarantees for Namibia's external loans;
2. Implication that the South Africa offer was tied to an immediate redeployment of Cuban troops toward the north
 3. Insistence that seven specifically named ANC facilities in Angola be closed as part of a Namibia-Angola deal
 4. Threat that if the UN Security Council and Secretary-General did not "display objective, strict, neutral impartiality then of course everything again comes to a standstill." The Cuban and Angolan delegations reportedly found the South Africa proposal "unacceptable." and presented a counterproposal.⁹²

On August 8, the governments of Angola, Cuba, and South Africa simultaneously released a "joint statement" in which they 1) agreed to recommend to the UN sec-gen that implementation of Res 435 begin on November 1, 1988; 2) revealed that the negotiating teams at Geneva had agreed, subject to the approval of their respective governments, on "the text of a tripartite agreement that embodies, in binding treaty form, the [New York] principles;" 3) set September 1, 1988 as a target date for reaching agreement on Cuban troop withdrawal timing; 4) announced the approval of a "comprehensive series of practical steps" designed to reduce the chance of military confrontation; and 5) declared a de facto cessation of hostilities effective immediately.⁹³ Thus they were still hammering out specifics, but

⁹²Gunn (1988). Pp. 13-14.

⁹³Gunn (1988). P. 14.

the mediator felt it important to keep the momentum going and make public that the outlines of an agreement were in place.

On August 15-16, representatives of Angola, Cuba, and South Africa met on the Namibian border to form a Joint Military Monitoring Commission (JMMC) and agreed upon 11 monitoring posts in the border region. U.S. officials accepted an invitation to observe weekly meetings of the commission as required and mediate JMMC disputes.⁹⁴

From August 24-26, the quadripartite talks continued in Brazzaville. The Angolans made a major concession by agreeing to an African venue, as the South African government had no diplomatic relations with any African states. The focus again was on the timing of Cuban troop withdrawal. The Angolans and Cubans reportedly made the first move by offering to withdraw in three years rather than four. Other issues raised but not settled included the degree to which withdrawal would be "front loaded;" geographic restrictions placed upon remaining troops while the withdrawal process was underway; and how rapidly the remaining troops would be redeployed away from the Angolan-Namibian border.⁹⁵ On September 5, a second meeting in Brazzaville continued the discussion on a timetable for Cuban troop withdrawal. No compromise was found. The November 1 target date for starting the Namibian independence process passed without any agreement.⁹⁶

⁹⁴Gunn (1988). P. 14.

⁹⁵Gunn (1988). P. 15.

⁹⁶Bender & Schneidman (1988). P. 13.

Finally, on November 15 in Geneva, agreement was reached on a withdrawal of Cuban troops over a 27 month period.⁹⁷ And on December 22, 1988, Angola, Cuba, and South Africa signed the tripartite agreements in New York that led to Namibian independence and complete withdrawal of Cuban troops from Angola (See Appendix F for text of the agreements).

EFFECTS OF MEDIATOR LEVERAGE

How did the mediator move parties to the table?

What worked to get parties to the table? The negotiations had broken down, most notably with the disastrous Pre-Implementation Meeting conducted by the UN in Geneva in January 1981. The South African government was biding its time until Reagan took office; they hoped for a more sympathetic ear in Washington with the new administration. Crocker's appointment, following his article in *Foreign Policy* advocating "constructive engagement" with South Africa, was a good sign to South Africa.

According to Crocker, his intention was to work with the South Africans to make the necessary additions to UNSC 435; he was clear from the beginning that he saw 435 as a *basis* for settlement, but not sufficient as it stood. The WCG's failure to get 435 implemented seemed to support that view. The first two years of Crocker's tenure were focused on ironing out the implementation problems.

⁹⁷Bender & Schneidman (1988). P. 13.

There are differing views as to why South Africa came back to the table in 1981 to discuss the implementation of 435. One view is that they saw the linkage proposal as an acknowledgement of their security concerns, and an interest that they had in common with the new United States administration. In addition, they saw linkage as a guarantee on the part of the United States government that it would take care of the problem for South Africa; the quid pro quo was that the United States would get the Cubans out of Angola if the South Africans would agree to leave Namibia. South Africa had been looking for a way out of Namibia, and this was an offer it could not refuse.

Another view holds that the linkage proposal offered South Africa a way out of any real negotiation commitments. Once the Cuban issue was on the table, South Africa could claim to be negotiating in good faith, all the while stalling and continuing to pursue its preferred "internal option," and leaving the difficulty of getting rid of the Cubans to the United States. The South Africans never intended at this stage, according to this view, to comply with 435; but as long as they kept talking to the Americans, with Cuban troop withdrawal as the acknowledged non-negotiable condition for any settlement, they could be seen as holding up their end of the negotiations.

I agree with the second view. If it was not politically palatable for Vorster to implement Namibian independence in 1978, it was even less possible for P.W. Botha in 1981. The internal stresses were building, not receding, and Botha had to walk a fine line to respond to his domestic constituency while keeping the international community at bay. He could not refuse U.S. efforts at finding a Namibian settlement, especially in light of "constructive engagement" and the potential of increased U.S. support of South Africa. He also could not support any independence process that might

bring SWAPO to power in Namibia; the Mugabe victory in Zimbabwe was like an open wound to white Afrikaners, and they did not want a similar occurrence on another of their borders. The compromise was to appear to be negotiating, but to dig in deeply behind the linkage proposal. The Americans clearly could not move the Cubans out overnight, and this would give Botha time to move further with the development of an internal party in Namibia that was willing to work with South Africa. In addition, he was at this point taking his advice much more from the military side than from the diplomatic side, giving rise to his belief that a military solution to both Namibia and Angola was possible. The negotiations were therefore window dressing, meant to keep international condemnation at a minimum.

It is also important to remember that the Namibian issue was not at the top of Botha's list of priorities at this point. Domestic unrest was much more pressing. There were also a sense in the South African government that once the Namibian issue was settled, the international community would be free to turn its attention fully on South Africa's domestic situation, which was totally unacceptable to Botha and his cabinet. Therefore, there was an even greater incentive to prolong the Namibia discussion, to keep attention diverted from focusing exclusively on apartheid.

Before Crocker's tenure as Assistant Secretary, the Angolan government had not been part of these negotiations. The WCG had explicitly kept the Angolan and Namibian issues separate, and had set up the negotiations with South Africa and SWAPO as the main protagonists. Crocker changed that. His view was that the negotiations should take place between state governments, because these were the actors who could enter into formal agreements and actually make something happen. He therefore

changed the status of SWAPO, keeping them informed of what was going on but not having them be major players in the dialogue. With linkage as the sine qua non of the negotiations, the primary actors became South Africa and Angola.

Getting the Angolans to the table was not difficult; getting them to agree on the agenda took quite a long time. The MPLA had been trying to get the attention of the U.S. government for many years. Carter and some of his foreign policy advisors flirted with the idea of recognizing the Angolan government but decided that the political risk from the Congressional right wing was too high.⁹⁸ With Reagan's election, that possibility evaporated. U.S.-based oil companies have always operated in Angola, however, and the economic ties are strong. The MPLA wanted U.S. recognition and the attendant economic and political benefits that would accrue to them. Sitting at the negotiating table with Crocker seemed a good first step.

However, Crocker's agenda was clear: he wanted the Cuban troops out of Angola, and he was not willing to make any commitments about permanent suspension of U.S. support to UNITA, the MPLA's political rivals. When he proposed this to the Angolans in 1981, they flatly refused the terms. They had the support of the Front Line States and of the other WCG governments, who all felt that linkage was immoral: Namibia should be independent, with no quid pro quo required. The MPLA would continue to talk with Crocker and his team, but would not agree to the concept of linkage.

The Cubans were not brought into the negotiations until January of 1988. According to one source, Crocker was willing to include them earlier,

⁹⁸Personal Interviews with senior U.S. State Department officials (#5 and 7). Jan/Feb 1990.

but he delayed the invitation as long as possible to maximize the impact of his "concession" to let them participate.⁹⁹ Like the MPLA, the Cubans wanted very much to be taken seriously by the U.S. government; although diplomatic recognition was clearly out of the question, they wanted to at least be considered a serious player in the conflict. When Crocker agreed to Angolan requests that the Cubans be included as part of their delegation in 1988, the Cubans unhesitatingly accepted.

How did the mediator move parties toward settlement?

Moving the parties toward settlement was a much more difficult task for the mediator. According to Crocker, he concentrated first on securing South African commitment to an implementation plan for 435 and then turned his attention to the MPLA. Once the South African government had made Cuban troop withdrawal a necessary pre-condition for settlement on Namibia, they just had to sit back and wait until the U.S. delivered. Getting the Angolan government to accept linkage was therefore the next step.

Crocker had two sources of influence open to him in his dealings with the MPLA. The first was the Angolan government's desire for improved diplomatic and economic relations with the United States. While Crocker could not, and did not, promise to deliver full recognition to Angola if they cooperated with U.S. plans, he certainly implied that such would be the case. The second source of influence was the U.S. access to the other important parties in the conflict, especially South Africa and the Soviet Union. No other intermediary had such access at the highest levels in these countries.

⁹⁹Personal Interview with senior U.S. State Department official (#1). March 1990.

While the U.S. could not impose its will on either of these governments, it could speak to top officials through both formal and informal channels, and keep them informed of the course of the negotiations. This was important to the MPLA, for they wanted to find a way to stop the fighting without losing to UNITA or losing face. U.S. assistance would be needed for both.

U.S. support for UNITA undercut Crocker's influence. He claims that it was important as a source of pressure on the MPLA, but I disagree. If there was any place in which "constructive engagement" would have succeeded, it would have been Angola. The economy was in ruin, the MPLA was reaching out to the West for assistance, and they were clear that they could not afford to let the Cuban troops go home as long as they felt threatened by both South Africa and UNITA. The U.S. intransigence on UNITA support made it more difficult for the MPLA to agree to linkage, not less difficult. However, this was a policy decision over which Crocker had no control. The conservatives in Congress pushed hard for the unseating of the MPLA government, and once the Clark Amendment was repealed, Crocker had to embrace the new policy and try to make it work in his favor.

Linkage was likewise a strategy that cut two ways. As intended by Crocker, it would not have been a pre-condition for South African withdrawal from Namibia, but instead a carrot for the MPLA to entice them to send the Cubans home. Once it was presented to the South Africans, however, as a carrot for them, it could not be taken back. The U. S. was then stuck with the difficult job of making it work. Up until the final months of the Reagan Administration, Crocker's linkage strategy was considered a failure, as was constructive engagement. The success of these "carrots" to bring South Africa and the MPLA into an agreement was, in my view, not

due to the strategies themselves, but due to other occurrences over which the mediator had no control. One was the military stalemate, which changed South Africa's calculation about its ability to prevail on the battlefield. The second was the change in leadership of the Soviet Union, which dramatically reduced the support that the USSR was willing to give in Third World conflicts such as Angola. And the third was the 1986 sanctions bill against South Africa, which in the short term caused its government to become more intransigent but which, over time, eroded the South African economy to the point where the costs of continued military engagement became too high.

As to the outcome, the mediator and others point out that the strength of the agreements that were reached was that they allowed all parties to be winners: the South Africans could claim victory over getting the Cubans out of Angola; SWAPO could claim victory over a final acceptance of Resolution 435 and the holding of elections; Angola could claim relief from South African military invasion and the expense of paying for thousands of Cuban troops; and Cuba could claim victory as the country to have saved the MPLA from being defeated and to have helped bring about the independence of Namibia. The only outstanding question is whether this outcome could have been put together at an earlier time.

By many accounts, the agreement that was reached in December of 1988 was not substantially different for South Africa or SWAPO than the agreement that was being proposed in 1978. Some in South Africa say that its government could have settled earlier, but it took a long time to see the Namibian conflict as a bottomless pit, much like what the U.S. experienced in Vietnam.¹⁰⁰ In 1978, it might also have looked like a political defeat for

¹⁰⁰Personal interview with senior South African Foreign Ministry official (#15). July 1990.

Botha, and he could not have accepted that at the very beginning of his election to office. Until the military and "internal" political options were exhausted, the South African government would not have been convinced that it was getting the best possible outcome and therefore resisted settlement.

Would pressure have worked on South Africa during these years, rather than looking for incentives? Carter Administration officials claim that if the United States had kept up the international pressure on South Africa at the time of the transition in 1981, they would have moved on implementation. I do not believe that, in and of itself, would have been sufficient. Some acknowledgement of South Africa's security concerns did have to be made in order for them to agree to withdraw from Namibia. The question is whether Crocker's strategy of constructive engagement and linkage were the best combination to have used in meeting those security concerns.

One last important source of U.S. influence was its ability to be a guarantor of the agreement. It agreed, along with the Soviet Union, to hold the parties to their words; one South African official said that the U.S. and its allies were there to "...underwrite, stand by, and see to it that parties would stick to the bargain."¹⁰¹ This was important, because of the lack of trust between the parties. The U.S. and the Soviet Union were also part of the Joint Monitoring Commission that was charged with observing that the terms of the withdrawal from the border region was done as agreed. When a breach of the agreement took place in early 1989 (SWAPO forces crossed into Namibia illegally), the Commission took charge and effectively settled the

¹⁰¹Personal interview with senior South African Foreign Ministry official (#18). July 1990.

dispute. This went a long way in securing the agreement and giving the parties confidence that implementation could actually be carried out.

Summary of Variables in Case #2

Types of leverage used

- Redefining the issues to address South Africa's security concerns
- Promise to disputants of closer ties/better relations with U.S. government
- Unrelenting dominance of the diplomatic channels in which issues were negotiated
- Anti-Apartheid Act of 1986

Mediator Interests

- Stop Soviet advances in Africa
- Cubans out of Angola
- Namibian independence that met South African concerns

Other Important Intervening Variables

- U.S. overarching concern with the defeat of the Soviet Union
- U.S. imposition of sanctions against South Africa because of apartheid
 - Escalating military engagement between South African and Angolan/Cuban forces
- Resumption of U.S. aid to UNITA
- Desire on part of disputants for better relations with U.S.
- Continuing cooperation of Britain with the mediation effort
- Changes in Soviet domestic politics

***Movement toward settlement
attributable to leverage***

- South Africa came back to the table on Res. 435 in response to "constructive engagement" policy of U.S.
- South Africa used linkage as a means of stalling on implementing 435
- Angolan government made some concessions on Cuban troop withdrawal in hopes of better relations with the U.S.

Chapter IV

COMPARATIVE ANALYSIS OF THE TWO MEDIATION EFFORTS IN THE NAMIBIAN INDEPENDENCE DISPUTE

The case studies illustrate in detail two very different strategies in using mediator leverage. In Case #1, the mediators' goal was to keep South Africa isolated from the world community and boxed in so that they had no choice but to cede control over Namibia. To do this, the WCG employed threats as a way of getting the South African government to implement UNSC Res 385. To secure SWAPO's participation, the WCG used promises of being able to deliver South African cooperation. The effort succeeded as long as the threats and promises were credible. It failed to bring about a settlement because of the WCG's inability to sustain such credibility.

In Case #2, the mediator's strategy was quite different. Constructive engagement was a way of bringing South Africa back into the fold and acknowledging that its interests were important. This effort succeeded in bringing South Africa back to the table and in working out of the details for implementing UNSC Res. 435. It bogged down and almost failed because the mediator's interests in getting the Cubans out of Angola took too central a place in the negotiations. It would have been better if the mediator had found another way to respond to South Africa's security concerns, one that did not lock the U.S. into delivering on a difficult promise.

All of the intervening variables identified in Table I played an important role in determining the effectiveness of mediator leverage. Three, however, stand out as particularly crucial. In Case #1, perceptions of the

mediator by the parties determined the degree to which the mediator's threats and promises carried weight. In Case #2, the interests of the mediator initially helped in gaining South Africa's cooperation because the interests of the two states coincided. However, over time, the mediator's interests stalled the negotiations and almost prevented the settlement from being concluded.

In both cases, domestic politics played a key role. In Case #1, the increasing unrest within South Africa and the installation of P.W. Botha as Prime Minister made it highly unlikely that the South African government would accept any plan for relinquishing Namibia. Within the WCG countries, the political will to support the imposition of sanctions against South Africa was only moderate to begin with, and weakened even more as the years passed and the governments of several WCG countries moved politically to the right.

In Case #2, the role of domestic politics was also striking. Early on in this mediation effort, the South African government had hardened its position on security issues, in response to the rising levels of violence within South Africa itself. However, later in the period, as sanctions began to take effect and as the casualties on the Angolan front mounted, South Africa looked for ways to get out from under the military burden and settle the dispute.

Within the mediation team itself, the changes and imperatives of domestic politics had a profound impact on the mediator's leverage. Both left and right wing interests within the United States passed legislation during this period that affected the negotiations: the repeal of the Clark Amendment, resuming aid to UNITA and souring the U.S. relationship with the Angolan government; and the Comprehensive Anti-Apartheid Act, which magnified

South African mistrust of U.S. intentions. In addition, the linkage strategy itself was generated to respond to domestic interests. This strategy created problems for bringing the negotiations to a close, but it is not clear that the domestic political environment in the U.S. would have sustained the Namibian effort if Cuban troop withdrawal were *not* part of the package. It was a lucky break for the mediator that the domestic political environment of the Soviet Union shifted such that the Soviets and the Angolans were able to accommodate American interests and agree to Cuban troop withdrawal.

Table II, on the following pages, summarizes the findings from the two case studies. These data suggest the following propositions about the use of mediator leverage:

PROPOSITION #1

A powerful mediator can bring disputing parties to the table and move them toward settlement by altering the parties' calculation of the costs and benefits of negotiating with their adversaries.

1.1 A powerful mediator can directly affect disputants' costs and benefits by offering or withholding economic or military resources.

By definition, the powerful mediator brings resources to the table that other mediators do not possess. These resources are in the form of economic, political, or military might. The powerful mediator can offer these resources as "carrots" to the disputing parties if they come to the bargaining table, thereby increasing the benefits of such a move. The mediator can likewise withhold such resources, or threaten to deploy these resources in a way that will inflict costs on a disputing party. Such "sticks" may also change the

TABLE II: SUMMARY OF CASE DATA

	CASE #1 1977-1981	CASE #2 1981-1988
TYPES OF LEVERAGE USED	<ul style="list-style-type: none"> • Threat of economic sanctions • Treating South Africa as a pariah state • Defining the "internal option" as unacceptable 	<ul style="list-style-type: none"> • Redefining the issues to address South Africa's security concerns • Promise to disputants of closer ties/better relations with U.S. government • Unrelenting dominance of the diplomatic channels in which issues were negotiated • Anti-Apartheid Act of 1986
MEDIATOR INTERESTS	<ul style="list-style-type: none"> • Human rights • Independence of Namibia • Improved relations with black African states 	<ul style="list-style-type: none"> • Stop Soviet advances in Africa • Cubans out of Angola • Namibian independence that met South African concerns
OTHER IMPORTANT INTERVENING VARIABLES	<ul style="list-style-type: none"> • Economic relationship between mediators and South Africa • Request of the FLS for intervention • Perception on part of South Africa that the WCG was not really monolithic • Perception on the part of SWAPO that the WCG could influence South Africa • Increasing violence in South African society • Forced resignation of South African Prime Minister • South African distrust of the UN 	<ul style="list-style-type: none"> • U.S. overarching concern with the defeat of the Soviet Union • U.S. imposition of sanctions against South Africa because of apartheid • Escalating military engagement between South African and Angolan/Cuban forces • Resumption of U.S. aid to UNITA • Desire on part of disputants for better relations with U.S. • Continuing cooperation of Britain with the mediation effort • Changes in Soviet domestic politics

TABLE II: CONT'D

	CASE #1	CASE #2
MOVEMENT TOWARD SETTLEMENT ATTRIBUTABLE TO LEVERAGE	<ul style="list-style-type: none">• South Africa came to the bargaining table on Namibia in response to WCG threat of sanctions• South Africa stalled on implementing UNSC 435 because it did not believe the WCG would actually support sanctions	<ul style="list-style-type: none">• South Africa came back to the table on Res. 435 in response to "constructive engagement" policy of U.S.• South Africa used linkage as a means of stalling on implementing 435• Angolan government made some concessions on Cuban troop withdrawal in hopes of better relations with the U.S.

calculation of the disputants as they decide whether or not it is in their interest to negotiate.¹

The calculation of self-interest that the disputing parties undertake often includes elements that are difficult for the mediator to evaluate. The human dimension of conflict means that pride, fears, and needs for security or recognition of the individuals involved will often play a role in their calculation. Thus something that the mediator thinks is valuable to offer may not be regarded as such by the disputants; similarly, something that the mediator believes will impose costs may not, in fact, do so. The important calculation is the one done by the disputant, and the mediator must understand the disputant's cost/benefit structure in order to have any hope of changing the disputant's mind about negotiations.²

Of course, misperceptions can occur when trying to figure out what disputing parties regard as "carrots" and "sticks." This is particularly true when using the "stick" of sanctions. Often sanctions are imposed more as a statement of moral indignation, meant for the home audience, than because they will actually change the behavior of a renegade state. The conundrum of imposing sanctions is that they often have the opposite effect from what is intended. Instead of making a recalcitrant government tow the line,

¹For an earlier discussion of the mediator's role in changing disputants' costs and benefits, see Susskind, L.E. and Babbitt, E.F. "Overcoming the Obstacles to Effective Mediation of International Disputes" in Bercovitch, J. and Rubin, J.Z. (1992). *Mediation in International Relations: Multiple Approaches to Conflict Management*. New York: St. Martin's Press. Pp. 30-51.

²Baldwin, D. A. (1979). "Power Analysis and World Politics". *World Politics*. Volume 3, Number 2. Pp. 161-194. Baldwin argues that political power can only be analyzed by looking at the context in which it is exercised. One aspect of the context is the relation between Party A and Party B. If Party A wants to exercise power over Party B, Party A's success depends not only on A's capabilities, but also on B's value system. "If B's perceptions, values, and skills are such as to make it impossible for A to influence him, then putative power should never have been attributed to A in the first place."

sanctions can instead be used by the target government as a rallying point for increasingly defiant behavior.³

Sanctions were never imposed on South Africa for its stance in Namibia. They were imposed, however, as a punishment for apartheid, with mixed effects. In response to the early sanctions on arms shipments (1963), South Africa responded by "circling the wagons" and developing alternatives. Their domestic arms manufacturing operation was so successful that they became an international exporter of weapons.⁴ The National Party government used the sanctions as a way to build on the prevalent "us against them" mentality among the Afrikaner population, to fortify its already strong political base.

Economic disinvestment, and particularly the decision in 1985 of major international banks to curtail credit to South African borrowers, did have an effect.⁵ The U.S. sanctions applied in 1986 tightened the screws further. The rapid devaluation of the Rand, the lowering of credit-worthiness, and the lack of new capital forced South Africa to drastically curtail its imports. This, in turn, severely constrained growth in domestic production, since South Africa is dependent on imports for its industries.⁶

³Hufbauer, G. C., Schott, J. J., & Elliott, K. A. (1990). *Economic Sanctions Reconsidered: History and Current Policy (Second Edition)*. Washington, D.C.: Institute for International Economics. Pp. 12-13.

⁴Barber, J. & Barratt, J. (1990). P. 103.

⁵Orkin, M. (1989). *Sanctions Against Apartheid*. London: Catholic Institute for International Relations. P. 274.

⁶Orkin, M. (1989). P. 276.

While this leverage was used in an attempt to affect South African apartheid policy within its own borders, not to force its hand regarding Namibia, South Africa's economic weakness as a result of the sanctions did heighten its susceptibility in 1988 to pressures for reaching a negotiated settlement on Namibia. After the military engagement at Cuito Cuanavale, at which South African troops were forced to withdraw, the South African government calculated that the costs of continuing the war, in both military and economic terms, were just too great.⁷ This brought them back to the table with Crocker, the Angolans, and the Cubans and resulted in the final settlement.

In relation to Namibia itself, sanctions were only *threatened* by the WCG. Threatening to use sanctions differs, of course, from actually imposing them.⁸ The data from my case studies suggest that the use of such a threat by a mediator can be effective in getting a recalcitrant party to make small changes in behavior. However, as Hufbauer, Schott and Elliott point out, "small" does not necessarily mean "insignificant."⁹ In Case 1, the threat of sanctions by the WCG was effective in bringing the South African government into negotiations about the status of Namibia. The South African government had never before "come to the table" on this issue, ignoring the many resolutions passed by the UN and holding to its position that it could do as it pleased in its own neighborhood. Thus the threat of

⁷Orkin, M. (1989). P. 201.

⁸Schelling, T. C. (1960). *The Strategy of Conflict*. Cambridge, MA: Harvard University Press. P. 35.

⁹Hufbauer et al. (1990). Pp. 49-50.

sanctions did not bring South Africa to its knees, but it did get South Africa to take a very significant small step forward.

As Schelling points out, the effectiveness of a threat is based on the degree to which the one imposing the threat can convince the intended target of the commitment to follow through if the required terms are not met.¹⁰ Again in Case 1, there was some uncertainty in Vorster's mind in 1977 as to whether the WCG could actually hang together and coordinate its actions in the UN Security Council. (The threat was that the WCG would *not oppose* sanctions against South Africa that other UNSC members wanted to impose. Up until that point, sanctions had been halted by the veto of the WCG members.) He did not think they would all withhold their vetoes, especially Britain, but he could not be sure. This uncertainty was sufficient for him to follow the WCG lead, while still keeping his other options open.

As time passed, however, the credibility of the threat completely dissipated. Vorster knew the WCG would not impose sanctions related to Namibia, primarily because of the opposition of the British, so he could dig in his heels with no fear of outside reprisal. (One member of the U.S. team thought that the British had actually made promises to the South African government on that score, assuring them that no sanctions would be forthcoming as long as the South Africans did the minimum to meet WCG demands.¹¹ It is not clear from other data whether the British relationship with South Africa was that close during the late 1970s.)

¹⁰Schelling, T. (1960). P. 40.

¹¹Personal Interview with senior U.S. foreign policy official (#4). January 1990.

In these cases, the intervenors at no time considered or threatened the use of military force. Unlike the 1993 situation in Bosnia, there was no assessment on the part of the outsiders that the military engagements in the region were in danger of spreading or of toppling an important allied government. They therefore did not attempt to offer military carrots or sticks to the disputants.

In Case #2, however, the repeal of the Clark Amendment and the resumption of aid to UNITA in Angola did create quite a problem in the mediation effort. Initially, the aid was humanitarian in nature but it soon became military as well. This actually undermined Crocker's efforts for a time, causing the MPLA government of Angola to suspend negotiations in protest of the UNITA support. The MPLA's interests in closer ties with Washington and in increased access to economic assistance finally overcame their anger and they resumed negotiations.

Critics of the usefulness of mediation in security and border disputes often claim that it is ultimately the military dynamics that determine the terms and timing of settlement, not the diplomatic efforts. In their view, disputes settle when one or both parties realize that they cannot prevail militarily. These cases illustrate that, while the military portion of the equation is important, it is far from the whole story. First of all, the agreement in principle to Resolution 435 occurred in 1978, long before military stalemate was reached. Secondly, in almost every instance in which large military engagements occurred between South Africa and Angolan/Cuban troops, it slowed or even stopped the negotiation progress rather than bringing parties to the table. Finally, even though there was a final push at Cuito Cuanavale that reputedly convinced the South Africans

that they had no choice but to settle, the fact is that the negotiations were quite far along at that point and that much of the time the South African military strategy was out of sync with its diplomatic interests.

There can be no doubt that the South Africans in particular, and quite possibly SWAPO at certain moments, believed in part that they did not need to negotiate in good faith because they could prevail on the ground. But the evidence is that the military commanders held this view much more strongly than the diplomats and had more invested in a military victory; and that in spite of the military's hope for a clear win, the mediation effort appealed strongly to other South African and SWAPO interests.

1.2 A powerful mediator can indirectly affect disputants' costs and benefits by:

- **Rallying international support or calling for international condemnation of the disputants**
- **Increasing/decreasing disputants' access to international institutions (i.e., affecting their acceptance as a member in good standing of the world community)**
- **Decreasing the viable options for settlement of the conflict (effectively boxing the disputing parties in so they have fewer settlement choices available)**

In addition to the direct application of "carrots and sticks" to change disputants' calculations about participating in negotiations, powerful intervenors can influence the way other international actors respond to the disputing parties. These interactions may involve the issues over which the dispute is being fought or other issues of importance to the disputing parties.

One prime example is reputation. National leaders usually want to be thought of in a particular way by other leaders and by their constituents, as strong or wise or particularly skilled in specific policy arenas. A powerful

mediator can enhance the reputation of a given leader or administration, or publicly call into question the leadership's abilities. With one eye on maintaining their position of control and one eye on how they will be remembered by history, most leaders are acutely aware of blights on their reputation, and will respond to a mediator who has the ability to affect it positively or negatively.

The reputation that a country's leadership enjoys is often extended to other political and business elites as well, particularly if the reputation is a bad one. There are numerous examples of states that have been considered pariahs, usually because of ongoing human rights violations, and that pariah status can be a curse on all the country's inhabitants when they travel or try to do business abroad. As in personal relations, a "bad" reputation can color all interactions with a country, predisposing others to judge individuals and groups from that country in a stereotypic way and assume bad faith on all issues, not only the issues highlighted by the conflict. Over time, the isolation that such status brings with it can cause the overthrow of the sitting government, either from within or by the military force of other countries. Idi Amin's Uganda is one example. Thus reputation is a significant factor in the well-being of a government and ultimately of a country, and a point for the exercise of leverage by an outside mediator.

The use of this kind of influence is illustrated in Case #2 by the Reagan Administration's decision to adopt constructive engagement as a policy. By acknowledging South Africa's security concerns and identifying the confluence of interests in getting the Cubans out of Angola, Crocker was signaling a validation of South African interests. This was a radical departure from the pariah status in which South Africa had been held by the United

States previously. And it was initially successful in bringing the South African government back to the bargaining table to discuss the implementation of Resolution 435.

However, it created a troublesome perception that the United States was making a trade-off between two kinds of influence: the "carrot" of recognition and acknowledgement of interests vs. the "stick" of moral condemnation, in this case for apartheid. In Crocker's original article in *Foreign Affairs*, he carefully explained that he did not intend to make such a trade-off. However, while his analysis in the article is sophisticated and quite possibly correct, it is too complex to translate well into public discourse; the only thing most Americans (and in fact most of the rest of the world) could see was that the United States, by moving "closer" to South Africa, was condoning apartheid. The perception was that the United States could not do one without doing the other. This made it difficult, if not impossible, to initiate this complex strategy and have it supported by the public as well as by the strongly polarized interest groups within the U.S. government.

In Case #2, the mediator also used Castro's concern for his reputation as a leader in the Third World as a lever to get his cooperation on Cuban withdrawal from Angola. Castro wanted recognition from the United States of his importance in the negotiations; more importantly, he wanted his troops to leave Angola as heroes, with the recognition that they had contributed enormously to the viability of the MPLA government. By acknowledging those concerns, Crocker secured Castro's support for removal of the troops, and even some assistance in drafting a withdrawal plan that the Angolans could live with.

A powerful mediator can also exert indirect influence by affecting a disputant government's access to membership in important international political and economic institutions. This can have an impact on trade relations; access to loans through the International Monetary Fund, World Bank, and other financial institutions; and participation in political decision-making as a member of the UN, Conference on Security and Cooperation in Europe (CSCE), or other intergovernmental bodies.

In Case #1, the mediators clearly sought to keep South Africa in its pariah role. Although they continued to veto UN sanctions as a way of eliciting South Africa's cooperation, they did not defend South Africa's interests in any way nor did they seek to raise South Africa's standing in the international community. Their approach was the stick, not the carrot, and their primary leverage was in their threat to drive South Africa even further from the community of nations. As shown in the case study, this approach moved South Africa significantly toward agreement in principle, but did not allow the WCG to close the deal.

In Case #2, the mediator used the promise of increased access to international institutions most effectively with the Angolan government. Angolan President Dos Santos wanted official recognition from the United States (which did not have diplomatic relations with Angola), and he also wanted increased loan support from the Export-Import Bank for expanding oil production off the northern coast. At various points in the negotiations, Crocker used the carrot of promising one or both of these outcomes to persuade the MPLA to move forward on a plan for Cuban troop withdrawal. He was able to deliver on the Ex-Im loans, but not on U.S. recognition.

Thirdly, a powerful mediator can define the acceptable parameters of a settlement, and make the costs of any settlement outside of those parameters too high for the disputants to pay. What this effectively does is box parties in and restrict their options for settling the dispute. This is very different from the more common mediation strategy of trying to "create options" or "create room to move," in which the notion is to make it easier to find acceptable solutions. The need for boxing parties in comes from the perception on the part of the mediator that the disputants are not negotiating in good faith, not really looking for a settlement. A traditional mediator would call the parties on their actions and possibly terminate the mediation process. A powerful mediator uses its influence to force the hand of the recalcitrant party and create the conditions whereby it has no choice but settlement on the terms defined by the mediator.

In Case #1, McHenry specifically identified the strategy of pushing South Africa up against the wall, trying to make it hard for them to wriggle out of agreements or dismiss the settlement effort. He and the other mediators conceived of the Contact Group precisely because they did not want South Africa playing one country off against another and thinking it could ignore the sanctions threat. Similarly, the WCG rejected the proposed "internal option" which excluded SWAPO and favored the internal Namibian parties sympathetic to South Africa. The WCG countries, and the UN, made it clear that they would not let South Africa or Namibia rest if that solution went forward.

In addition, the WCG relied heavily on the Front Line Presidents to keep the pressure on SWAPO. Even when Nujoma did not want to acquiesce to WCG proposals, the FLS would eventually bring him around on most

issues. In both instances, the mediators were closing down options for the shape of a settlement. They were open to helping the parties negotiate on the specifics, but they were clear that the result had to include free and fair elections held under UN control, resulting in the independence of Namibia.

1.3 The usefulness of the powerful mediator's role is most notable when there is an asymmetry of power between the disputants and the more powerful party is refusing to come to the table.

It is often the case in conflict situations that one of the parties feels it will do better with its no-agreement alternative, and therefore does not want to come to the bargaining table. The strategic response to such behavior is for the mediator to try to persuade the non-participant that it would, in fact, be in its interest to negotiate. However, when the recalcitrant party really does hold all the cards, it is difficult for the average mediator to make that argument convincingly. Under these conditions, some external force has to shift that party's calculations.

This is where the powerful mediator can be most useful. Using the sources of leverage described in the preceding sections, such a mediator can literally transform the cost/benefit structure of the more powerful disputant. A mediator who could not force such a transformation would not be effective.

For example, in the 1993 Middle East peace talks between Israel and the Palestinians, Israel is clearly in a more powerful position because of its position as occupier in the Territories (the Palestinians have power sources as well but do not have the military or economic resources of Israel). The Israeli government, for many reasons, did not feel it was in their interest to negotiate with the Palestinians, until the United States applied pressure.

Although the United States is not officially mediating these talks, it is acting as a broker, bringing the parties together and keeping them at the table. If the United States were not able to exercise some leverage with the Israeli government, it could not have kept them engaged, especially during the tenure in the 1980s of the Likud government.

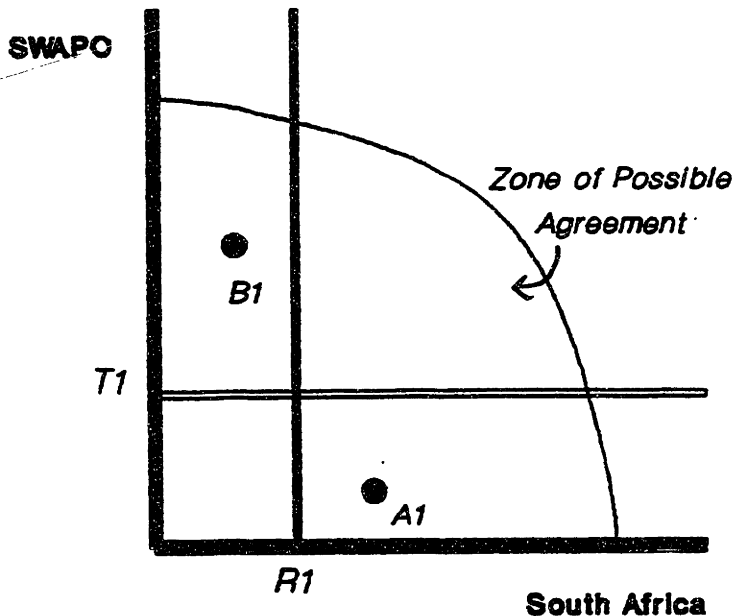
In Case #1, the South African government successfully avoided negotiating on the Namibian question for many decades. Although the United Nations passed many resolutions, the South Africans felt they had nothing to gain and much to lose by discussing Namibian independence. It took the WCG to change their calculation. Other mediators might have been able to convince SWAPO to negotiate, but only the WCG could have gotten South Africa to the table.

In Case #2, the United States brought South Africa back to the table after the 1981 Pre-Implementation Meeting in Geneva went awry. Again, South Africa felt itself to be in the dominant position, with some progress having been made on an internal settlement and with stalemate in the negotiations. It required the leverage of the United States, initially working with the WCG, to force them to rethink their options. I am hard-pressed to think of any other country (or group of countries) that could have been effective in this regard.

To understand the relationship of these propositions to negotiation theory, it is helpful to employ some simple graphs to illustrate the impact of using carrots and sticks. For the purposes of this analysis, I will assume that each of the parties to the dispute has an offer on the table that is unacceptable to the other side. I will also assume that the powerful mediator has only two

options available: impose sanctions (stick) or offer side payments (carrot). In Case #1, these initial conditions are represented by Figure 3.

FIGURE 3: TWO PARTY NEGOTIATION
(Each side makes an offer the other must reject.)



The line labeled T1 indicates SWAPO's reservation value; the line labeled R1 represents South Africa's reservation value. Point A1 is South Africa's offer on the table to SWAPO; it lies below SWAPO's reservation value and is therefore unacceptable to SWAPO. Point B1 is SWAPO's current offer on the table to South Africa; it is to the left of South Africa's reservation value and is unacceptable to South Africa. The goal of the mediator is to create the conditions whereby the disputants can find a point inside the potential zone of agreement. In this case, the mediator can use either sanctions or side payments in an attempt to reach that goal.

As Schelling points out, promises (carrots) are costly if they succeed and threats (sticks) are costly if they fail. Success in this case means that the parties accept an agreement, and failure means that they do not. If the powerful

mediator (in this case, the WCG) elects to use *sanctions*, they would target South Africa with the intention of moving South Africa's reservation value to the left, such that SWAPO's current offer becomes acceptable to South Africa, as shown in Figure 4.

If the powerful mediator elects to use *side payments*, they would do so with SWAPO with the intention of sufficiently enhancing the value of South Africa's offer to SWAPO that it moves the offer up above SWAPO's reservation value, as illustrated in Figure 5.

Thus the effect of a sanction is to change a disputant's BATNA (Best Alternative to a Negotiated Agreement) and therefore their reservation value. The effect of a side payment is to change the value of an offer that is on the table.

PROPOSITION #2

The self-interest of the powerful mediator can skew the negotiations and, if not managed well, can backfire and force the mediator into making promises that it may not be able to keep.

When the mediator has no interests in the substantive outcome of a dispute, it is open to the full array of options that parties put forward, or that it as the mediator is able to create and suggest. In some cases, options that would be acceptable to the parties may not be acceptable to the mediator.¹² In

¹²For example, in the clean-up of a toxic waste site, the parties at the table may be the companies responsible for the waste and the state or federal agency providing oversight on the clean-up. They may strike a financial deal that is acceptable to them but does not sufficiently address the concerns of the abutting community. The mediator may attempt to represent those interests in the negotiation, or caution the parties not to leave those interests out of their calculation. But if the parties do not choose to include representatives of those interests at the table, or to address those concerns in their settlement, the mediator usually has no authority to compel them to do so.

FIGURE 4: INTENDED EFFECT OF MEDIATOR-IMPOSED "STICK"

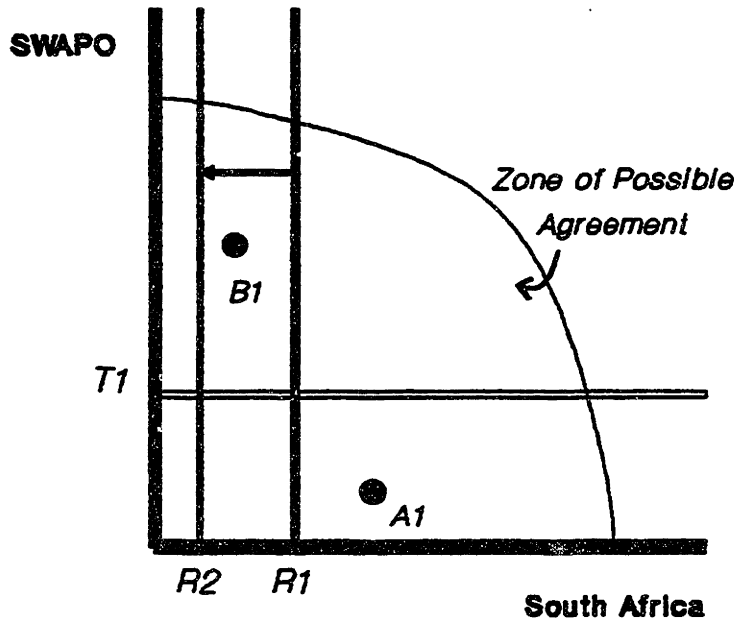
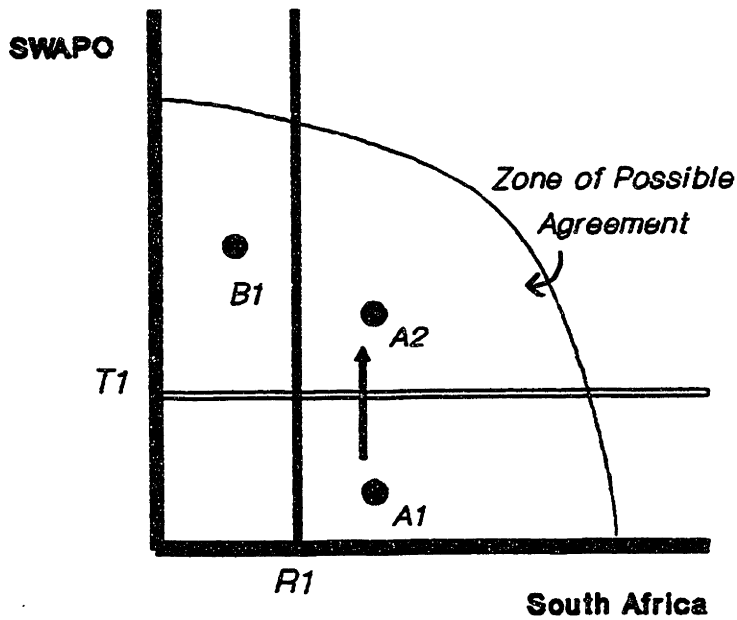


FIGURE 5: INTENDED EFFECT OF MEDIATOR-OFFERED "CARROT"



these cases, a traditional mediator abides by the wishes of the parties. In some cases, if the mediator feels strongly that the settlement is unethical, the mediator might register this opinion with the parties and might even withdraw from the case, but the ultimate decision on whether to go forward with the settlement still rests with the parties.

However, when the mediator has interests and has the power to impose them, some options become unacceptable and others become essential. This limits not only the choices of the disputants, but also limits the flexibility of the mediator. The mediator has to advocate for its interests as well as for the interests of the parties, and in effect *becomes another party to the dispute on the issues of interest to it*.¹³ The mediator also has to take added responsibility for the issues it is pushing, to make them salient to the parties. This can create more problems than it solves.

In both case studies, the interests of the mediator weighed in heavily to affect both the process and the outcome of the mediation effort. WCG interests at the outset were to secure Namibian independence from South Africa and to compel South Africa to allow free and fair elections in Namibia, under UN auspices and the guidelines of UNSC Resolution 385. Because of the U.S. interest at the outset of the Carter Administration in working within the UN framework, it would not have been possible for the United States to have unilaterally sought to enforce UNSC resolutions; therefore, mediation by coalition was the only alternative.

¹³Touval, S. & Zartman, I.W. (1989). P. 128 and Touval, S. (1982). They discuss the notion of "triangulation" of the negotiation, in which the mediator transforms the bargaining structure from a dyad into a triad. I would add that this transformation occurs not in general, but only on those issues in which the mediator expresses its own interests.

Mediation is often done in teams, but rarely done as a coalition of several equal partners. This is because the mediation role requires the ability to maneuver quickly in response to the dynamics among the disputing parties. The mediators must be several steps ahead of the parties in anticipating roadblocks, but cannot be so far ahead that they lose touch with the thinking and emotional response of the disputants to each other's actions. This is a difficult feat even when being managed by one person, acting alone or as the leader of a small team. The team members must be in sync with each other at all times, so as not to be giving conflicting signals to the parties or to make disclosures or apply pressure at the wrong time. Such coordination becomes exponentially more difficult as the number of mediating parties increases and as conflicts within the mediation group itself increase.

With the Western Contact Group, both difficulties emerged as the mediation progressed. Because of differing domestic politics in the five countries, some WCG members, like those from the United States, were willing at the outset to seriously consider the imposition of sanctions if South Africa did not cooperate. Other members, notably the British, never did believe they could persuade their government to support sanctions. Later in the process, as the governments in Britain and West Germany shifted from liberal to conservative, the divisions within the Contact Group grew. Only in retrospect do some of the WCG members believe that they should have held more firmly to actually imposing sanctions, even if it meant rupturing the Contact Group itself.¹⁴ The irony is that while creating the coalition did, in

¹⁴Personal Interview with senior U.S. and WCG officials (#4 and 10). January/April 1990.

fact, increase the members' initial ability to present a credible threat to the South African government, it hampered their ability to follow through on the threat because they could not reach agreement among them as to when and how to impose sanctions. They thus lost their leverage and their ability to move the settlement forward.

The Crocker effort under the Reagan Administration had quite different interests than the WCG and ran into different problems. While somewhat concerned about Namibian independence, the primary interest of the United States government was U.S.-Soviet relations and thus the Crocker team was most concerned about getting the Cubans out of Angola. This dramatically changed the way the mediation process was structured. Although the Contact Group continued to meet and discuss strategy with Crocker and his State Department associates, its influence was greatly diminished. When Crocker introduced the linkage concept into the formula for settlement, for example, the Contact Group strongly objected. But Crocker prevailed, and the United States and its interests became the dominant force in the mediation. There was no commitment to consensus among the Contact Group members at this stage, and eventually the French and Canadian governments withdrew their participation entirely from the process.

With the control over strategy much more centralized, the mediator was able to behave with more consistency toward the disputing parties. Once the framework for negotiation had been established (i.e., constructive engagement and linkage), Crocker did not deviate from this framework, even when the U.S. domestic political climate shifted against him. Even when the negotiations hit the doldrums, he and his staff continued meeting with the

leadership of each disputing party, waiting for shifts in the currents and openings in which to push the agenda along. This combination of consistency and persistence was critical in keeping the mediation in play and in maintaining the credibility of the mediator's leverage.

The differences of mediator interest in the two cases also dictated which parties were brought to the negotiating table. Because the WCG was formed and operated in the shadow of the UN, the major conflict being resolved was defined as the war between SWAPO and South Africa for Namibian independence. The primary parties to any agreement, therefore, had to be the government of South Africa and SWAPO. When Chester Crocker entered as mediator, with interests in removing the Cubans from Angola, the players at the table changed. SWAPO was still involved in the discussions, of course, but the government of Angola, and later of Cuba, also became key. Crocker's belief was that only sitting governments could make commitments in the negotiation that could be counted on, and he therefore changed the dynamics to give SWAPO a much smaller voice than it had previously. Crocker believed that this strengthened his position as the mediator and, through linkage, gave him more leverage with South Africa.

In theory, bringing in more parties and introducing more issues can provide opportunities for trade-offs and thus make agreement more likely.¹⁵ However, in Case #2, I believe it ultimately threatened Crocker's position because it forced the United States into accepting responsibility for getting the Cubans out of Angola before South Africa would budge on Namibia. (At key points throughout the negotiations, the South Africans actually portrayed the

¹⁵Sebenius, J.K. (1984). "Negotiation Arithmetic: Adding and Subtracting Issues and Parties" in *Negotiating the Law of the Sea*. Cambridge, MA: Harvard University Press. Pp. 182-217

linkage issue as an American agenda, to which they were not necessarily wed.) This was a very high risk strategy for the United States to pursue, with no guarantees that Angola could be convinced to send home the Cuban troops or that the Soviet Union would allow such a shift to occur. I believe the only reason the United States was able to deliver on this promise was because of the political shifts in the Soviet Union beginning in 1985. If these had not occurred, I am not convinced the Soviets would have backed off from supplying arms to the Angolans and supporting the Cuban effort, in light of increased military confidence on the part of South Africa. Thus the United States would have only succeeded in prolonging the Namibian war, with nothing to show for it.

Early in his tenure, Crocker did propose a different strategy from linkage. According to the South African press, Crocker initially conceived of convening a Lancaster House-style conference, in which the disputing parties would come together, presumably at United States invitation, and hammer out a plan for implementing Resolution 435. Reportedly, the black African countries were in favor of such a meeting and the Nigerian government even suggested it would organize an oil embargo and other sanctions to pressure South Africa into accepting.

However, the U.S. government and the WCG would not accept this idea. One reason, no doubt, was the painful memory of the Pre-Implementation Meeting in Geneva that had gone so badly. Another reason, however, was the Reagan Administration's focus on the Soviet Union. The new conservative government simply did not place enough importance on Namibian independence for its own sake. It was only when the Namibian issue was linked to Cuban troop withdrawal that it had political appeal and

staying power. Thus a strategy was born that Crocker could sell and sustain domestically (not a small feat, given that the radical right wing in the U.S. was against his confirmation); but one which locked the United States into eight years of diplomacy to try to bring it to fruition. The fact that it succeeded was not due to the brilliance of the strategy but to the good fortune of dramatic shifts in the priorities of the Soviet Union.

In terms of negotiation theory, I will again refer to the graphs developed under Proposition #1 to illustrate the impact of powerful mediator interests on the negotiation.

Figure 6 shows the situation in Case #1 in which SWAPO has an offer on the table and the WCG will only entertain that offer as viable; it will not accept South Africa's offer because South Africa's offer is not in line with the WCG's interests.

The strategy that the WCG chose was to threaten sanctions. As illustrated in Proposition #1 above, the intended effect of imposing sanctions is to move a disputant's reservation value such that the offer on the table falls within the zone of possible agreement. In this case, the hope was to move South Africa's reservation value sufficiently to the left that it would accept SWAPO's offer.

The strategy initially succeeded in getting South Africa to agree to negotiation. However, the strategy failed to get the parties to an agreement because the WCG could not impose the sanctions and therefore could not impose sufficient costs on South Africa to move its reservation value the required distance. The cost to the WCG of imposing the sanctions was too high (political as well as economic costs), and it could not deliver on its threat.

FIGURE 6: WCG'S INTENDED STRATEGY

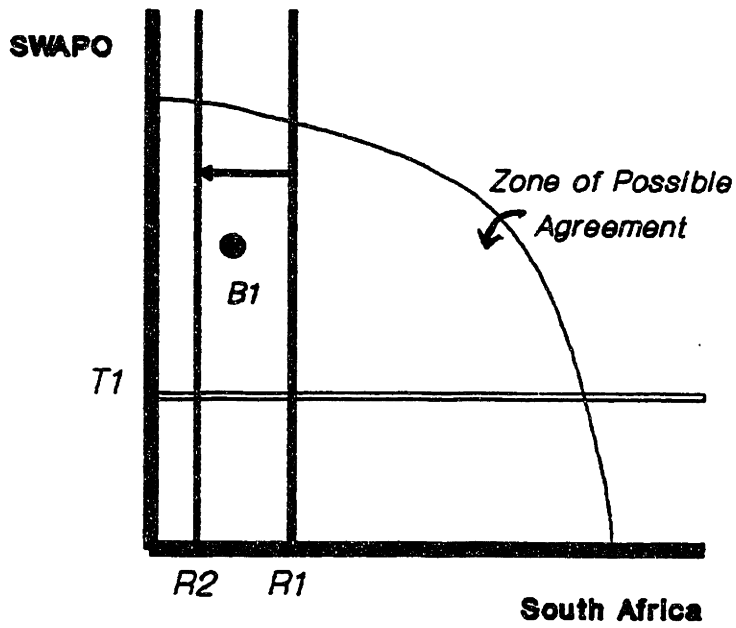
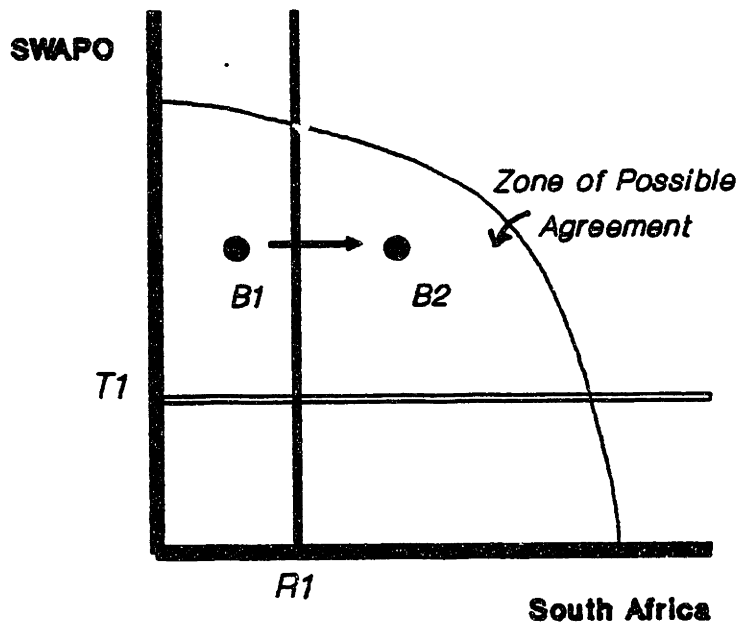


FIGURE 7: CROCKER'S INTENDED STRATEGY



Case #2 is illustrated in Figure 7. The mediator tried to sweeten the deal for South Africa by offering a side payment of Cuban troops out of Angola. The important point is that the mediator chose that particular side payment not necessarily because it was the most effective side payment that could be made, but because it also coincided with the mediator's interest. The strategy initially failed because the mediator could not deliver on its promise. It eventually succeeded, not because the mediator pulled off the troop withdrawal but because the military and strategic situation in the region shifted.

PROPOSITION #3

Powerful mediators are not neutral in the sense that traditional mediation requires. In lieu of neutrality, disputing parties will accept intervention on the part of a powerful mediator for three reasons:

- 3.1 They are the "only game in town" for settling some disputes; no other party has political access at the highest levels to all parties.**
- 3.2 Their acknowledged international leadership position makes their overtures difficult to dismiss (i.e., there are costs to the disputants of saying no).**
- 3.3 The disputants have no strong allies to help ward off the intervention because the international community agrees that the intervention is warranted.**

In most circumstances, mediators gain access to a dispute by virtue of their reputation and their neutrality. A mediator's reputation is based on the satisfaction of previous clients with both the process and the outcome of the mediation. In many cases, it is also necessary for the mediator to be perceived as having substantive expertise in the issues under discussion, to be able to understand the nuances of the disputants' points of view and to be useful in crafting options. And it is important that the mediator have some record of

"success," usually defined as number of cases settled or number of agreements concluded.

The second qualification, that of neutrality, is usually determined by the extent to which the mediator has had dealings with any of the parties in the past. If there have been previous dealings, the mediator must disclose these to the parties at the outset. The mediator is not hired by the parties if any of them objects. Similarly, mediators who have been partisans on any issues in their previous professional capacities may be rejected by the parties. For example, if a former union organizer becomes a mediator in the labor-management field, he/she may be rejected by the management side in a labor dispute based on the perception that he/she will favor the labor viewpoint. Mediators can often overcome these perceptions initially by working in teams with someone from a management background (using the labor example), until they establish a mediation reputation that displays their ability to take a non-partisan stance.

In the international political system in disputes between states, there are fewer actors who can take on the mediation role than there are in the typical U.S. legal dispute or international commercial dispute. First of all, a reputation is hard to build. There are not many such disputes actually mediated, and one has to be in the appropriate position of authority to even be considered for such a role. With the exception of the Secretary General of the UN, most notable international mediators have only one or two "cases" that comprise their record.

As for neutrality, it is hard to imagine any high official representing any government or international organization who could not be questioned about previous relationships with the disputing parties. The specific

individual's experiences in this regard are superseded by the relationships that exist between his/her government or organization and the disputants. Invariably, such relationships show that the potential mediator has leaned one way or another in the past. In the role of mediator, the powerful mediator must, however, refrain from advocating for only one disputant's interests.

What happens instead, as these case studies illustrate, is that powerful international mediators advocate their *own* interests in the dispute and have a preconceived idea of the kind of outcome they will accept. Unlike traditional mediators, who are described as being neutral on the outcome but not neutral on the process, powerful mediators do not even feign neutrality on the outcome.

The puzzle, therefore, is why disputing parties would allow such a mediator to intervene. The answer is -- they have no choice. First of all, the *standing* of such a mediator may be such that there are costs to the disputant of saying no. What gives a person or entity "standing?" In international politics it is in part a function of being able to impose costs or bestow benefits, both directly and indirectly, as discussed previously. It is also a function of what the entity *stands for*: what political, moral, or ideological qualities that entity symbolizes and whether others aspire to emulate those qualities. Thus, for some, the United States symbolizes freedom and equal opportunity; the Pope and the Vatican symbolize high moral purpose; and the United Nations symbolizes global participation and empowerment.

To refuse the "assistance" of such an entity therefore takes on not only potentially tangible consequences but intangible consequences as well. These include all of the carrots and sticks the mediator can unilaterally use, as well

as collective actions the mediator can organize with other international actors. It also can symbolically brand the disputing party as having qualities antithetical to those of the leader it has refuted (i.e., not believing in freedom, equality, morality, or empowerment).

Secondly, the powerful mediator's standing may make it one of the few who has access to all of the disputants. Access means that, because of ongoing relationships or because of the costs of saying no, all parties to the dispute will meet with the powerful mediator and participate in the initial phases of a negotiation. In some disputes, there are very few actors who can claim this access. For example, even though the UN was set up to be an impartial forum for universal international participation, the General Assembly stance on some issues has made it appear biased to some governments. South Africa felt that the stance taken by the UN on SWAPO as the "sole authentic representative of the Namibian people" made it impossible for the UN to be a mediator. Interestingly, the MPLA government of Angola demanded in 1985 that the UN take over the mediating role from the United States, since U.S. resumption of aid to UNITA clearly pitted the U.S. against the interests of the Angolan government. However, no other organization could fill the mediation role vis a vis South Africa, so Angola eventually came around and continued to work with the U.S.

In both case studies, it was clearly one of the aims of South Africa to take its rightful place as a respected nation and ally of the United States and the Western democracies. Even its arrogance was at times a response to feeling slighted and misunderstood by the West. Because of this perceived relationship, there is no group of nations other than the WCG who could have approached South Africa and gotten its government to move toward

Namibian independence. And even though SWAPO distrusted the WCG, it became convinced by the Front Line Presidents that the WCG was its only hope for an independence agreement with South Africa.

Likewise in Case #2, Crocker's efforts were the "only game in town," as Crocker himself would remind the parties. No other government with the clout to change behavior would have been received in the capitals of South Africa, Angola, and Cuba. In addition, the important breakthroughs in the last few months of negotiations took place when the key players met face to face and actually discovered that there were able people on the other side of the table who could be counted on to stand by an agreement. No other mediator, at that point, had the respect and confidence of the parties and the required authority to convene such meetings.

Thirdly, in both cases the mediators had the support of most of the world in their efforts. It was a situation in which the conflict had become unconscionable and "someone had to do something about it." This has been the case in the Middle East for a number of years, and is now the growing international sentiment about the Balkans. Such feelings do not lead to a mandate for mediation as the only course of action, but they do provide the necessary public support for some kind of intervention. Under these circumstances, the disputants have nowhere to turn with pleas against such intervention.

The important insight here is that not only can a powerful mediator change the calculation of disputing parties and move them toward settlement; in many cases, they are the *only* party that can do so. They are in a unique position, due to their standing in the international community, to take on this role. And in some cases, where the dispute has become

intolerable to the world community, the disputants have no recourse but to allow their diplomatic intervention.

RELATIONSHIP TO MEDIATION THEORY

In Chapter I, existing mediation theory was discussed as it relates to two central concepts: mediator influence and mediator neutrality. This literature acknowledges that all mediators exert considerable influence over the negotiation process and over the perceptions and actions of the disputants. But such influence is constrained by the need for the mediator to maintain neutrality, by which is meant the mediator's ability to treat the disputants in an even-handed way and to exhibit no undue preference for any disputant's interests. A corollary of neutrality is that the mediator's interests play no role in structuring the agreement; only the disputants' interests are important and only the disputants should decide whether they have reached an acceptable settlement.

This study suggests that, under certain conditions, a mediator can push the limits of these constraints and even ignore them, and still be effective. In fact, under certain conditions, it is *because* the mediator is able to ignore these constraints that he/she is effective. It corroborates the early work of Touval on biased intermediaries, later elaborated in the Touval and Zartman studies, that mediators with explicit substantive interests are not disqualified from mediating because of those interests.

This does not mean that mediation theory should discard the notion of neutrality. It does mean, however, that its parameters must be specified more precisely and the centrality of its presence in mediation must be questioned. The important issues are:

- Under what conditions are powerful mediators required?
- How far beyond traditional notions of neutrality is it possible for a third party to go and still be considered a mediator?

Conditions that Require Powerful Mediators

When a powerful mediator is needed, no other kind will do. The key is identifying the conditions under which this is true. From analyzing the effects of the intervening variables in this study, I propose that there are three such conditions, all of which must be present:

1. *The dispute imposes intolerable costs on the regional, political, or organizational system in which the dispute is occurring.*

Powerful mediators are intervenors in the literal meaning of that term, as provided in Chapter I. They insert themselves into a dispute, whether or not they are invited in by the parties. The mandate for their intervention comes when a majority of parties outside of the dispute, but within the same regional, political or organizational *system*, also suffer costs as the dispute continues. This adds a new intervening variable to Table I -- the interests of outside but related parties.

The costs suffered by the outside but related parties may be economic costs, such as lost revenues. They may also be psychological costs, such as outrage or guilt from observing gross violations of basic human rights.¹⁶ The pain of incurring such costs causes outside parties to put pressure on the

¹⁶In the international relations literature, intervention is considered legally and morally wrong except under certain conditions. Gross violations of human rights is one such condition. See Bull, H. (1984) and Walzer, M. (1977). *Just and Unjust Wars*. New York: Basic Books. For a more general discussion of the ethics of intervention in a broad array of human relationships, see Bermant, G., Kelman, H.C., & Warwick, D.P. (Eds) (1978) *The Ethics of Social Intervention*. New York: Hemisphere Publishing Corp.

disputants to settle, even when settling is not in the interest of one or more of the disputants. If this is the case, it causes these outside but related parties to look around for an intervenor who can be effective in bringing settlement about.

2. *There is a substantial asymmetry of power between the disputants, and the more powerful party is refusing to negotiate.*

Parties' perceptions of their alternatives to settlement will determine whether or not they are willing to come to the table and negotiate an agreement. If one party to a dispute perceives that it has more power than its adversary, quite possibly enough to win outright in the dispute. then it has no incentive to negotiate.

A traditional mediator might be able to persuade the more powerful party that it is in their interest to negotiate. But if the usual exercises of influence do not work, a mediator is needed who can actually change the cost/benefit structure of this powerful disputant. Referring to the definition of intervention provided in Chapter I, the powerful mediator is one whose power is superior to that of the disputants. Only this relationship can provide the necessary leverage to move the powerful but intransigent disputant to the table and toward settlement.

3. *The mediator must have sufficient standing and resources to change the disputants' costs and benefits, and must be able to follow through on its threats and promises.*

Powerful mediation is actually a *leadership* role, available only to a party with the acknowledged status, authority, and resources to carry it off. *Status* comes from its standing in the system of which it is a part, and its standing must be as a recognized leader in that system. *Authority* comes not

only as a function of status but is also conferred by the outside interests, identified in Condition #1 above, who are demanding that the dispute be resolved. *Resources* include having enough economic and political (and military, in the case of international disputes) means, either unilaterally or in concert with others, to offer rewards or inflict punishments that will be taken seriously by the disputants.

In addition, the mediator must be able to follow through on its threats or promises to deliver rewards and punishments. When the mediator is a non-monolithic entity, there must be some mechanism for achieving internal cohesion so that follow-through is assured. Otherwise the mediator's credibility with the parties will suffer.

Some of these proposed conditions square with existing mediation theory, and some do not. Disputants do not necessarily have to reach a hurting stalemate, as Touval and Zartman claim, in order to come to the table. They can be forced there, at the insistence of outside parties, by a mediator with sufficient standing and resources to change the disputants' costs and benefits of refusing to negotiate. This suggests that the most important source of leverage for a powerful mediator is not a formula for settlement, but the carrots and sticks it can wield.

As existing theory states, previous relationships are very important in this process and not a handicap to the mediator. In addition to the possibility that the mediator can use its friendship with disputants to get movement toward settlement, it can also use its relative power position over one or more parties for the same purpose.

As for the internal workings of parties and their effect on the exercise of leverage (i.e., the variable of "domestic politics" in the international

lexicon), existing theory is quite silent. In any mediation, the dynamics within parties and the quality of leadership in each party is crucial to creating a settlement. In powerful mediation, Condition #3 underscores the need for cohesion within the mediation team itself if leverage is to be used effectively.¹⁷

Existing theory is also silent on the use of leverage when there is power asymmetry between the parties. Condition #2 suggests that it is precisely under those conditions that a powerful mediator can be most necessary and effective.

Establishing the boundaries of mediation

The question remains as to whether a third party who wields carrots and sticks, brings its own interests squarely into the negotiations, and imposes a framework for settlement on the disputants is still to be considered a mediator. At times, this party is an arbitrator, pronouncing what the terms of an acceptable settlement must include.¹⁸ At times this party is another negotiator, advocating for its interests even if they are in opposition to those of the disputants. It is a notable hallmark of powerful mediation that the

¹⁷For a discussion of the difficulties in coordinating the efforts of the Western Contact Group, see Jabri, V. (1990). *Mediating Conflict: Decision-Making and Western Intervention in Namibia*. New York: St. Martin's Press.

¹⁸In the international security context, in which no overarching legal structure is universally accepted, the powerful mediator can invoke the "shadow of the law" for the disputing parties. In domestic litigation, the court system provides the backdrop against which many cases are mediated. If the cases don't settle, the disputants know that their fall-back (or BATNA) is the binding decision of the court. In the international context, where no such automatic fall-back exists, the powerful mediator - as - arbitrator defines the shape of a settlement within which the disputing parties must negotiate the specifics. The powerful mediator, like the court, can impose the shape of the settlement by refusing to acknowledge the validity of any other alternative.

mediator can move back and forth between what seem to be mutually exclusive roles and not lose its legitimacy.

Yet as long as this party continues to act as a broker for the interests of the other parties as well as for its own, this party is operating within the boundaries of mediation. What distinguishes the mediation role is its lack of advocacy for one disputant's position over another's in working out the specifics of a settlement. The powerful mediator may impose a framework and may even lean in one party's direction in doing so, but it cannot completely discount the interests of the other parties. If it does become an advocate for one of the parties, it is no longer a mediator.

The most difficult dimension for the powerful mediator to manage is advocacy for its *own* interests. Although this advocacy in and of itself does not disqualify a party from being a mediator, it can distort the negotiation process and even unravel a potential settlement. This is the Achilles heel of powerful mediation.

Thus the "sine qua non" of mediation is not neutrality as exemplified by lack of bias or lack of interests on the part of the mediator. In fact, when the three conditions previously described have been met, *neutrality can be suspended in framing the shape of a potential agreement*. However, in working out the specifics and the implementation of a settlement, the mediator must advocate for all parties' interests, though not necessarily equally.¹⁹

¹⁹See the discussion of mediator impartiality in Tomi, V. (1992) "Maintaining Credibility as a Partial Mediator: United States Intervention in Southern Africa, 1981-1988." *Negotiation Journal* Vol. 8, No.3. Pp. 273-290.

What distinguishes a powerful mediator from other types of intervenors? It does not rely solely on its power in trying to move parties toward agreement. Like other mediators, it manages the negotiation process, manages communication between the parties, reframes issues, and uses all the forms of influence employed by the traditional mediator. Power is its primary tool, but by no means the only one.

IMPLICATIONS FOR MEDIATION PRACTICE

International disputes are the domain in which powerful mediation has historically taken place most often and it is the context in which it will most likely be needed in the future.. In the current international system, the United States government is the best situated to play this mediation role. A former U.S. diplomat, analyzing the U.S. involvement in the Zimbabwe settlement, terms it a role the U.S. is "condemned" to play, but I believe it holds promise as a positive addition to the tools of U.S. statecraft.²⁰

First, it stresses the importance of looking for negotiated outcomes before resorting to force. Second, it acknowledges that all parties to a dispute have some interests that need to be addressed, and it allows each of the parties to express those interests as participants in the negotiations. This does not mean that all interests get met, any more than it does in any mediation. But parties' points of view are at least heard and not ignored, to surface later in a virulent form.

Third, it uses the United States' leadership status to create another alternative for disputing parties. No existing international tribunal

²⁰Low, S. (1985). "The Zimbabwe Settlement, 1976-1979." in Touval, S. & Zartman, I.W. *International Mediation in Theory and Practice*. Boulder, CO: Westview Press. P. 108

commands sufficient authority to compel disputants to negotiate. In many circumstances, the United States, in collaboration with the United Nations or other major powers, does have that authority.

This does not mean that the United States should mediate every international dispute. The conditions and caveats previously described should be carefully applied. In addition, the United States should work with other major powers, as they did in Bosnia in the Spring of 1993, to carry out this role, to mitigate against being seen as imperialist in its intent.

With these cautions, this is an opportune time in the history of the world for the United States and the United Nations to expand their vision and embrace this mediation role. It will mean training diplomats and political appointees not only to negotiate effectively, but also to mediate – one is an outgrowth of the other, but they are not identical roles, as the previous discussion illustrates. It will also mean being prepared to intervene *early on* in a dispute, before positions have hardened and the stakes to all concerned have risen. Again, Bosnia is a prime example of waiting too long and having the mediation task be inordinately more difficult.

But early intervention has its own difficulties, primarily that of getting the authority from outside parties to intervene. Until the killing begins, people are not necessarily supportive of getting involved. The United States, again in collaboration with the United Nations, has to lay the groundwork for a new way of thinking about these roles, to prepare other nations politically and strategically to accept early intervention as a viable policy alternative.

The United States administration under President Bill Clinton appears to be more open to this kind of approach than previous administrations.

More data are needed, however, to support the preliminary findings of this study and make a strong case for the usefulness of powerful mediation.

APPENDIX A

LIST OF INTERVIEWEES

Derrick Auret, Chief Director, South African Department of Foreign Affairs, Pretoria

Robert Cabelly, former staff assistant to Chester Crocker, U.S. Department of State, Reagan Administration

Jimmy Carter, former President of the United States

Fannie Cloete, South African Institute of International Affairs, University of Witwatersrand, Johannesburg

Chester Crocker, former U.S. Assistant Secretary of State for African Affairs, Reagan Administration

Andre DuPisani, Professor of International Relations, University of Witwatersrand

Rian Eksteen, South African Ambassador to Namibia; former South African Ambassador to the United Nations

Nancy Ely-Raphel, former Office of General Counsel, U.S. Department of State

Brand Fourie, former South African Secretary of Foreign Affairs

Charles Freeman, former U.S. Deputy Assistant Secretary for African Affairs, Reagan Administration

Marrack Goulding, Under Secretary General of the United Nations

Gillian Gunn, Carnegie Endowment for International Peace, Washington, D.C.

Theo Ben Gurirab, Foreign Minister of Namibia, Windhoek

Geingob Hamutenya, Minister of Information, Windhoek, Namibia

James Jonah, Under Secretary General of the United Nations

Peter Katjavivi, Ministry of Economic Development, Windhoek, Namibia

Andre Kilian, South African Foreign Ministry, Pretoria

John Kirkpatrick, former Chairman of the Federal Party, Windhoek, Namibia

Joseph Legweila, Ambassador to the United Nations from Botswana

Donald McHenry, former U.S. Deputy Ambassador to the United Nations, Carter Administration

Michael McKinley, former Angola/Namibia desk officer, U.S. Department of State, Reagan Administration

Henry Miller, Assistant to U.N. Ambassador Donald McHenry

Richard Moose, former U.S. Assistant Secretary of State for African Affairs, Carter Administration

Sir James Murray, former U.K. Deputy Ambassador to the United Nations

Mr. Muyango, acting President of the Democratic Turnhalle Alliance, Windhoek, Namibia

Herman Nickel, former U.S. Ambassador to South Africa, Reagan Administration

Anthony Robinson, U.S. Department of State

Marianne Spiegel, former U.S. State Department Policy Planning staff, Carter Administration

Gerhard Totemeyer, Professor of political science, University of Windhoek

Sir Brian Urquhart, former Under Secretary General of the United Nations

Neil Van Heerden, Director General, Department of Foreign Affairs, Pretoria

Cyrus Vance, former U.S. Secretary of State

Mr. K.R.S.Von Schirnding, Director General, South African Foundation; former South African Ambassador to West Germany

Mr. M. Wiechers, Professor of International Law, University of South Africa, Pretoria

James Woods, former U.S. Deputy Assistant Secretary of Defense for African Affairs

APPENDIX B

UN SECURITY COUNCIL RESOLUTION 385

UNITED NATIONS

SECURITY
COUNCIL



Distr.
GENERAL

S/RES/385 (1976)
30 January 1976

RESOLUTION 385 (1976)

Adopted by the Security Council at its 1885th meeting,
on 30 January 1976

The Security Council,

Having heard the statement by the President of the United Nations Council for Namibia,

Having considered the statement by Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO),

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular, resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

Strongly deploring the militarization of Namibia by the illegal occupation régime of South Africa,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;
2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;
3. Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;
4. Demands that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;
5. Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;
6. Further condemns all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;
7. Declares that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;
8. Further declares that in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time to be decided upon by the Security Council for the purposes of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;
9. Demands that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;
10. Reiterates its demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;
11. Demands again that South Africa, pending the transfer of powers provided for in the preceding paragraph:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. Decides to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

APPENDIX C

UN SECURITY COUNCIL RESOLUTION ON WALVIS BAY

Full text of Security Council Resolution 432 (1978) of 27 July 1978, adopted unanimously:

The Security Council,

***Recalling* its resolutions 385 (1976) of 30 January 1976 and 431 (1978) of 27 July 1978, *Reaffirming* in particular the provisions of resolution 385 (1976) relating to the territorial integrity and unity of Namibia,**

***Taking note* of paragraph 7 of General Assembly resolution 32/9 D of 4 November 1977, in which the Assembly declares that Walvis Bay is an integral part of Namibia,**

- 1. *Declares* that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its territory;**
- 2. *Decides* to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia;**
- 3. *Declares* that, pending the attainment of this objective, South Africa must not use Walvis Bay in any manner prejudicial to the independence of Namibia or the viability of its economy;**
- 4. *Decides* to remain seized of the matter until Walvis Bay is fully reintegrated into Namibia.**

APPENDIX D

UN SECURITY COUNCIL RESOLUTION 435

Namibia: Resolution 435



Security Council Resolution 435(1978) of 29 September 1978

The Security Council,

Recalling its resolutions 385(1976) of 30 January 1976 and 431(1978) and 432(1978) of 27 July 1978,

Having considered the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431(1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869).

Taking note of the relevant communications from the Government of South Africa addressed to the Secretary-General.

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841).

Reaffirming the legal responsibility of the United Nations over Namibia.

1. *Approves* the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);

2. *Reiterates* that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385(1976);

3. *Decides* to establish under its authority a United Nations Transition Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431(1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;

4. *Welcomes* SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);

5. *Calls on* South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;

6. *Declares* that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385(1976), 431(1978) and this resolution, are null and void;

7. *Requests* the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.

APPENDIX E

NEW YORK PRINCIPLES

Issued in New York on 13 July 1988

PRINCIPLES FOR A PEACEFUL SETTLEMENT IN SOUTH-WESTERN AFRICA

The Governments of the People's Republic of Angola, the Republic of Cuba and the Republic of South Africa have reached agreement on a set of essential principles to establish the basis for peace in the south-western region of Africa. They recognize that each of these principles is indispensable to a comprehensive settlement.

- A. Implementation of resolution 435 (1978) of the Security Council of the United Nations. The parties shall agree upon and recommend to the Secretary-General of the United Nations a date for the commencement of implementation of United Nations Security Council resolution 435 (1978).
- B. The Governments of the People's Republic of Angola and of the Republic of South Africa shall, in conformity with the dispositions of resolution 435 (1978) of the Security Council of the United Nations, co-operate with the Secretary-General with a view towards ensuring the independence of Namibia through free and fair elections, abstaining from any action that could prevent the execution of said resolution.
- C. Redeployment towards the north and the staged and total withdrawal of Cuban troops from the territory of the People's Republic of Angola on the basis of an agreement between the People's Republic of Angola and the Republic of Cuba and the decision of both States to solicit the on-site verification of that withdrawal by the Security Council of the United Nations.
- D. Respect for the sovereignty, sovereign equality and independence of States and for territorial integrity and inviolability of borders.
- E. Non-interference in the internal affairs of States.
- F. Abstention from the threat and utilization of force against the territorial integrity and independence of States.
- G. The acceptance of the responsibility of States not to allow their territory to be used for acts of war, aggression, or violence against other States.
- H. Reaffirmation of the right of the peoples of the south-western region of Africa to self-determination, independence, and equality of rights.
- I. Verification and monitoring of compliance with the obligations resulting from the agreements that may be established.
- J. Commitment to comply in good faith with the obligations undertaken in the agreements that may be established and to resolve the differences via negotiations.

K. Recognition of the role of the permanent members of the Security Council of the United Nations as guarantors for the implementation of agreements that may be established.

L. The right of each State to peace, development and social progress.

M. African and international co-operation for the settlement of the problems of the development of the south-western region of Africa.

N. Recognition of the mediating role of the Government of the United States of America.

APPENDIX F

FINAL AGREEMENTS – DECEMBER 22, 1988

UNITED
NATIONS



General Assembly Security Council

Distr.
GENERAL

A/43/989
S/20346
22 December 1988

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-third session
Agenda item 29
QUESTION OF NAMIBIA

SECURITY COUNCIL
Forty-third year

Note verbale dated 22 December 1988 from the Permanent
Representative of the United States of America to the
United Nations addressed to the Secretary-General

The Permanent Representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to enclose the Agreement signed by the People's Republic of Angola, the Republic of Cuba and the Republic of South Africa on 22 December 1988 at the United Nations and to request that the text of this agreement be circulated as an official document of the General Assembly, under agenda item 29, and of the Security Council.

ANNEX

Agreement among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa

The Governments of the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, hereinafter designated as "the Parties",

Taking into account the "Principles for a Peaceful Settlement in Southwestern Africa", approved by the Parties on 20 July 1988, and the subsequent negotiations with respect to the implementation of these Principles, each of which is indispensable to a comprehensive settlement,

Considering the acceptance by the Parties of the implementation of United Nations Security Council resolution 435 (1978), adopted on 29 September 1978, hereinafter designated as "UNSCR 435/78",

Considering the conclusion of the bilateral agreement between the People's Republic of Angola and the Republic of Cuba providing for the redeployment toward the North and the staged and total withdrawal of Cuban troops from the territory of the People's Republic of Angola,

Recognizing the role of the United Nations Security Council in implementing UNSCR 435/78 and in supporting the implementation of the present agreement,

Affirming the sovereignty, sovereign equality, and independence of all States of southwestern Africa,

Affirming the principle of non-interference in the internal affairs of States,

Affirming the principle of abstention from the threat or use of force against the territorial integrity or political independence of States,

Reaffirming the right of the peoples of the southwestern region of Africa to self-determination, independence, and equality of rights, and of the States of southwestern Africa to peace, development, and social progress,

Urging African and international co-operation for the settlement of the problems of the development of the southwestern region of Africa,

Expressing their appreciation for the mediating role of the Government of the United States of America,

Desiring to contribute to the establishment of peace and security in southwestern Africa,

Agree to the provisions set forth below.

1. The Parties shall immediately request the Secretary-General of the United Nations to seek authority from the Security Council to commence implementation of UNSCR 435/78 on 1 April 1989.

2. All military forces of the Republic of South Africa shall depart Namibia in accordance with UNSCR 435/78.

3. Consistent with the provisions of UNSCR 435/78, the Republic of South Africa and the People's Republic of Angola shall co-operate with the Secretary-General to ensure the independence of Namibia through free and fair elections and shall abstain from any action that could prevent the execution of UNSCR 435/78. The Parties shall respect the territorial integrity and inviolability of borders of Namibia and shall ensure that their territories are not used by any State, organization, or person in connection with acts of war, aggression, or violence against the territorial integrity or inviolability of borders of Namibia or any other action which could prevent the execution of UNSCR 435/78.

4. The People's Republic of Angola and the Republic of Cuba shall implement the bilateral agreement, signed on the date of signature of this agreement, providing for the redeployment toward the North and the staged and total withdrawal of Cuban troops from the territory of the People's Republic of Angola, and the arrangements made with the Security Council of the United Nations for the on-site verification of that withdrawal.

5. Consistent with their obligations under the Charter of the United Nations, the Parties shall refrain from the threat or use of force, and shall ensure that their respective territories are not used by any State, organization, or person in connection with any acts of war, aggression, or violence, against the territorial integrity, inviolability of borders, or independence of any State of southwestern Africa.

6. The Parties shall respect the principle of non-interference in the internal affairs of the States of southwestern Africa.

7. The Parties shall comply in good faith with all obligations undertaken this agreement and shall resolve through negotiation and in a spirit of co-operation any disputes with respect to the interpretation or implementation thereof.

8. This agreement shall enter into force upon signature.

Signed at New York in triplicate in the Portuguese, Spanish and English languages, each language being equally authentic, this 22nd day of December 1988.

FOR THE PEOPLE'S REPUBLIC OF
ANGOLA:

(Signed)
Afonso VAN DUNEM M'BINDA

FOR THE REPUBLIC OF
CUBA:

(Signed)
Isidoro MALMERCA PEOLI

FOR THE REPUBLIC OF
SOUTH AFRICA:

(Signed)
Roelof F. BOTHA



Security Council

Distr.
GENERAL

S/20345
22 December 1988
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 22 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE
OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

I have the honour to transmit herewith the bilateral Agreement signed today between the People's Republic of Angola and the Republic of Cuba.

I request you to have this Agreement circulated as a document of the Security Council.

(Signed) Oscar ORAMAS OLIVA
Ambassador
Permanent Representative

Annex

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CUBA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ANGOLA FOR THE CONCLUSIONS OF THE INTERNATIONALIST MISSION OF THE CUBAN MILITARY CONTINGENT

The Government of the Republic of Cuba and the Government of the People's Republic of Angola, hereinafter referred to as "the Parties",

Considering

That on 1 April the implementation of United Nations Security Council resolution 435 (1978) on the independence of Namibia will commence,

That the question of the independence of Namibia and the safeguarding of the sovereignty, independence and territorial integrity of the People's Republic of Angola are closely interlinked and closely linked to peace and security in the southwestern region of Africa,

That, on the same date as the present Agreement, a tripartite agreement between the Government of the Republic of Cuba, the Government of the People's Republic of Angola and the Government of the Republic of South Africa, containing the essential elements for the achievement of peace in the southwestern region of Africa, is to be signed,

That, with the acceptance of and strict compliance with the aforementioned, the causes that gave rise to the request made by the Government of the People's Republic of Angola, in legitimate exercise of its right under Article 51 of the United Nations Charter, for the dispatch to Angolan territory of a Cuban internationalist military contingent to ensure, together with FAPLA, its territorial integrity and its sovereignty in the face of the invasion and occupation of a part of its territory,

Taking into account

The agreements signed between the Governments of the Republic of Cuba and the People's Republic of Angola on 4 February 1982 and 19 March 1984, the platform of the Government of the People's Republic of Angola approved in November 1984 and the Brazzaville Protocol signed by the Governments of the Republic of Cuba, the People's Republic of Angola and the Republic of South Africa on 13 December 1988,

Now therefore hold it to be established

That the conditions have been created which permit the commencement of the return to its homeland of the Cuban military contingent now present in Angolan territory, which has successfully fulfilled its internationalist mission,

And accordingly agree as follows:

ARTICLE 1

The redeployment to the fifteenth and thirteenth parallels and the phased and total withdrawal to Cuba of the 50,000-man contingent of Cuban troops dispatched to the People's Republic of Angola shall commence, in accordance with the pace and time-limits established in the annexed timetable, which shall form an integral part of this Agreement. The total withdrawal shall be concluded on 1 July 1991.

ARTICLE 2

The Governments of the People's Republic of Angola and the Republic of Cuba reserve the right to modify or alter their obligations arising out of article 1 of this Agreement in the event that flagrant violations of the tripartite agreement are verified.

ARTICLE 3

Both Parties, through the Secretary-General of the United Nations, request the Security Council to carry out verification of the redeployment and the phased and total withdrawal of the Cuban troops from the territory of the People's Republic of Angola, and to that end the corresponding protocol shall be agreed upon.

ARTICLE 4

This Agreement shall enter into force upon the signature of the tripartite agreement between the Governments of the Republic of Cuba, the People's Republic of Angola and the Republic of South Africa.

DONE on 22 December 1988 at United Nations Headquarters, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

For the Government of the
Republic of Cuba

(Signed) Isidoro MALMIERCA PEOLI

For the Government of the People's
Republic of Angola

(Signed) Afonso VAN DUNEM (MBINDA)

Appendix

**TIMETABLE ANNEXED TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF CUBA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF
ANGOLA ON THE CONCLUSION OF THE INTERNATIONALIST MISSION OF THE
CUBAN MILITARY CONTINGENT**

In compliance with article 1 of the Agreement between the Governments of the Republic of Cuba and the People's Republic of Angola on the conclusion of the internationalist mission of the Cuban military contingent now present in Angolan territory, both Parties establish the following timetable for withdrawal:

TIME-LIMITS:

By 1 April 1989 (day of the commencement of the implementation of resolution 435 (1978))	3,000 troops
Total duration of the timetable starting from 1 April 1989	27 months
Redeployment northwards:	
To the 15th parallel	1 August 1989
To the 13th parallel	31 October 1989
Total troops to be withdrawn:	
By 1 November 1989	25,000 (50 per cent)
By 1 April 1990	33,000 (66 per cent)
By 1 October 1990	38,000 (76 per cent)
By 1 July 1991	50,000 (100 per cent)

Taking as a basis a Cuban force of 50,000 troops.

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