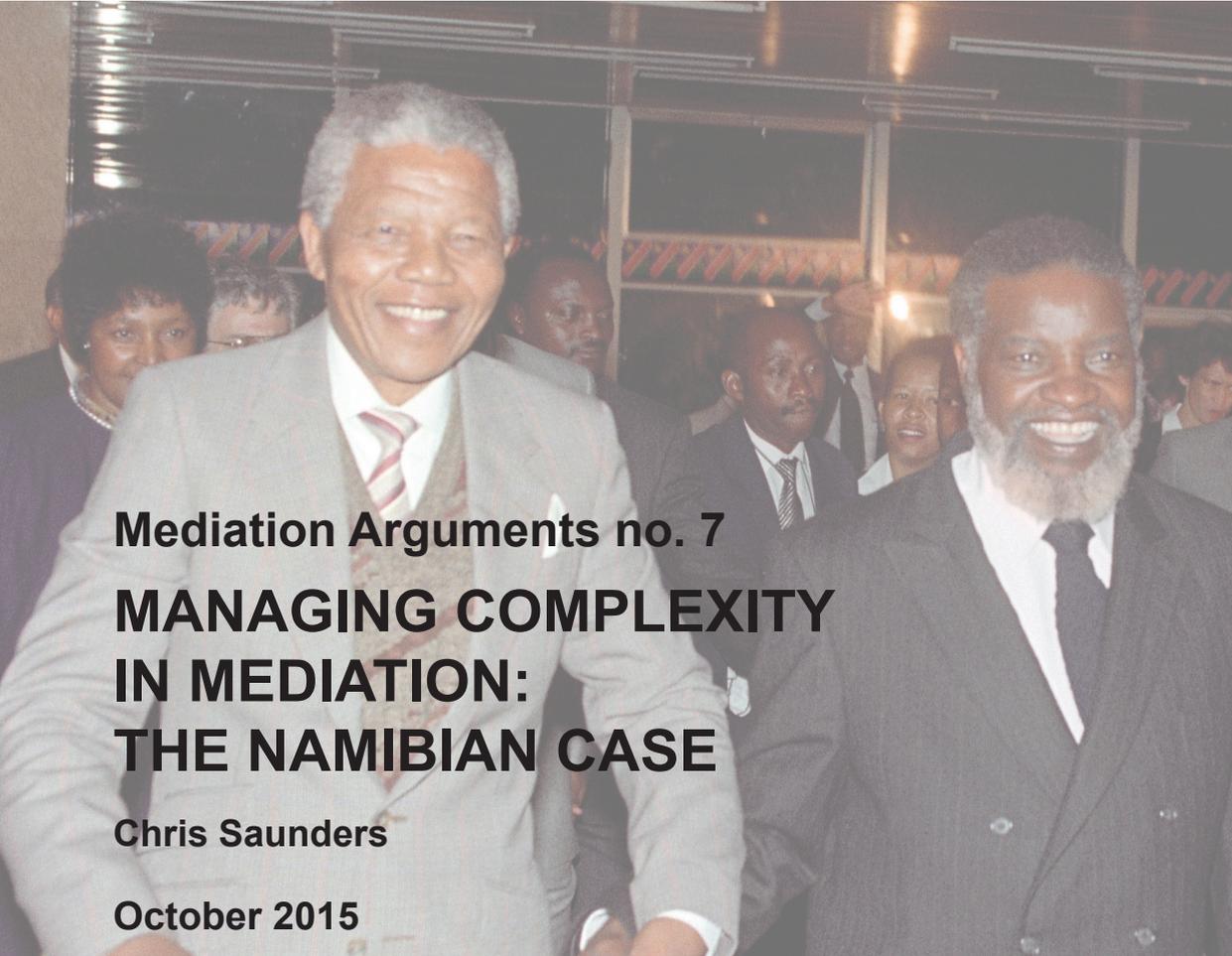




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**MANAGING COMPLEXITY**  
**IN MEDIATION:**  
**THE NAMIBIAN CASE**

**Chris Saunders**

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Sam Nujoma with Nelson Mandela at Namibia independence. Copyright © Gallo Images/AFP.

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# Managing complexity in mediation: The Namibian case

Chris Saunders \*

*Using insights derived from a recent paper by Laurie Nathan on 'international mediation as the management of complexity' (Nathan 2014a), I here revisit the two main phases of international mediation in the conflict over Namibia in order to show how the mediation was managed in each phase and with what results. In 1977–78 the Western Contact Group engaged in negotiations with the South African government, the occupying power, and the South West Africa People's Organization (SWAPO), which was engaged in an armed struggle to bring about the independence of Namibia. A decade later, in 1988, the US Assistant Secretary of State for African Affairs Chester Crocker mediated in a series of negotiations involving South Africa, Angola and Cuba – negotiations that led to the signing of the Namibia-Angola Accords in December 1988. I end by showing that this case study may provide lessons for contemporary mediation efforts.*

## Introduction

In a recent paper on 'international mediation as the management of complexity', Laurie Nathan (2014a) has developed the idea that the essence of international mediation in civil wars is the challenge of managing complexity. He goes on to discuss the implications of that challenge under a series of headings: 'Too much ignorance, too little intelligence', 'Too much inflexibility, not enough planning' and 'Too much haste, too little attention to relationships'. This paper seeks to apply his insights to the mediation that aimed to end the decolonization conflict involving Namibia.

The conflict between the South African government and the South West Africa People's Organization (SWAPO) over the independence of Namibia was effectively resolved through a series of international mediations over more than a decade, of which the two most important formal ones were those that took place in 1977–78 and 1988. This paper is concerned with only these two formal multi-party mediations conducted by external mediators, not with the many informal mediation efforts, often bilateral, that took place in the intervening years, or before and after the formal mediations. While the 1988 mediation was successful in that it produced an agreement that led to the ending of the conflict, that of 1977–78 produced a settlement plan that set out a path to independence that was ultimately followed, 11 years later. Both of these external mediations dealt with an extremely complex set of issues, and this paper seeks to show how that complexity was managed. A considerable literature exists on both mediations, and will be drawn on here, but almost all of it is concerned with only one or the other mediation.<sup>1</sup> To analyse both, from the point of view of managing complexity, I first set out the nature of the conflict at each of the two phases, 1977–78 and 1988, and then turn to the way the mediators managed the main issues and brought the two mediations to relatively successful conclusions. I will suggest that, though the Namibian case is *sui generis*, with particular features unlikely to be duplicated in any other mediation, we can draw from it positive and negative lessons about how to manage complexity in mediation.

In this case the ultimate goal was relatively straightforward – an end to South African occupation and international recognition of Namibia as a sovereign state – but the conflict situation was extremely intricate and complex, not least because of the numerous parties involved, with their very different ideas of how the goal of an independent Namibia should be achieved. These ideas, of course, changed over time. South Africa, the occupying power, had long wanted to prevent SWAPO coming to power in an independent Namibia, but by 1988, as we shall see, there was new thinking about this in South African government circles. Once it had come to power at Angola's independence, the Popular Movement for the Liberation of Angola (MPLA) gave full support to SWAPO, allowing it to carry on its armed struggle from Angolan territory. Cuban military forces, having arrived in Angola in November 1975 to beat back the MPLA's enemies, remained to help prevent South Africa's military, which repeatedly raided into southern Angola and supported the rebel Union for the Total Independence of Angola (UNITA), from forcing

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<sup>1</sup> Melber & Saunders (2007) is an exception, as is Onslow & Van Wyk (2013, 323–77). The present paper draws on some of the ideas in these. Cf. also Saunders (2001) and Melber (2015).

regime change on that country. The Soviet Union supplied military equipment and training to both the Angolan army and SWAPO's People's Liberation Army of Namibia (PLAN). The UN was a key player, through its Secretary-General and the Security Council in particular, and a number of other constituent bodies in the UN system were also involved in the Namibian case. Other actors in this conflict included the political parties in Namibia that challenged SWAPO, the other Front Line States, external actors supporting SWAPO, such as the Namibia Support Committee in the UK, and the Non-Aligned Movement, which came to recognize SWAPO as the legitimate representative of the Namibian people (Tsokodayi 2011).

## Managing complexity, 1977–78

Let me first sketch how complicated the situation was when the first formal mediation between the main parties in the conflict began in 1977. This involves considering the situation in Namibia itself, in South Africa, in other countries in the region, and in the outside world. The challenge by Namibian nationalists to South African occupation of Namibia had seen the launch by SWAPO of an armed struggle in 1966, immediately after the International Court of Justice failed to rule that South Africa had violated the mandate awarded it by the League of Nations to administer Namibia and should therefore withdraw from the territory. The UN General Assembly had then terminated the mandate and referred the matter to the Security Council, which in the early 1970s began to consider how to end the South African occupation of the territory. The geopolitics of the conflict were transformed with the collapse of Portuguese power in Angola in 1974–75, which meant that SWAPO was able to escalate the war by operating from southern Angola into northern Namibia, while the arrival of Cuban military forces brought the region to the greater attention of the US. Seeing the Cuban intervention in Angola as a victory for the Soviet Union in the Cold War, the US began working actively, with its Western partners on the UN Security Council, to prevent a radical, pro-Soviet regime emerging in Namibia. The Western countries' aim was a smooth and peaceful transition to a moderate black majority government – they believed that the longer such a transition was delayed the more likely it was that the ruling party that emerged in an independent Namibia would be a radical one (Dreyer 1994; Dale 2014).

The South African government, which saw itself as part of the non-communist world and was closely tied to a wide set of relations with the Western powers, reacted to the new pressures for Namibian independence by abandoning its plans to divide Namibia and accepting that it should become independent as one country. At the same time, however, the South African government wanted to ensure that when Namibia became independent a client regime would be in place there. In 1976, the year the UN Security Council voted for Resolution 385, which provided for a transition to independence based on a UN presence in the territory, South Africa pushed ahead with its scheme for devolving power to, and ultimately conferring independence on, those in Namibia who, it thought, would work in its interests. In 1978 an election was to be held as a forerunner to independence but SWAPO did not participate because the scheme was predicated on ethnicity and because the election was not internationally monitored and therefore had no international legitimacy (Du Pisani 1986).

These events formed the backdrop to the establishment of the Western Contact Group (WCG) in March 1977, which was made up of the five Western countries that were then members of the UN Security Council, under the leadership of the US (Jabri 1990).<sup>2</sup> A self-appointed group, the WCG was a very influential one. It included one Western superpower (the US), two former colonial powers (Britain and France), and West Germany, which had ties of kith and kin to a significant group of whites in Namibia. The five countries embarked on what Zartman calls 'pre-emptive mediation' (1989, 185, 188), to thwart African demands for mandatory sanctions against South Africa for its continued occupation of Namibia and to prevent South Africa from carrying out its scheme to bring to power a client regime in Namibia. The WCG decided that it could not engage with all the many parties involved in the conflict and that it would only deal directly with the South African government, the occupying power, and SWAPO, which was engaged in an armed struggle against the occupation. It would seek to negotiate a peaceful settlement of the Namibian dispute by getting these two parties to accept a set of compromises. But though the WCG engaged directly only with South Africa and SWAPO, it was careful to seek the advice and support of others,

<sup>2</sup> The idea that Andrew Young, the US ambassador to the UN, was the main initiator of the WCG is disputed by Vergau (2010) and he rejects the emphasis on the role of the US in the WCG (1983, 272–313). David Owen, the British government's Foreign Secretary, and the West German Foreign Minister, Hans-Dietrich Genscher, were strong supporters of the initiative. Cf. also Braham & Weiland (1994).

especially to put pressure on SWAPO, over which it had little influence. Nor did it ignore the Namibian parties that were opposed to SWAPO and its armed struggle, but they were weak and the WCG largely left it to South Africa to keep them on side. A complex issue was thus managed fairly simply. The risk that those not involved in the mediation effort would seek to block it in some way did not materialise. The WCG was careful to keep the Frontline States (Tanzania, Botswana, Mozambique, Zambia and Angola) and Nigeria, the most important country in West Africa and actively engaged in anti-apartheid activities, informed of what it was doing, believing that those countries could help put pressure on SWAPO to accept the compromises that would be embodied in a plan for a transition to independence (Khadiagala 1994).

The first task of the WCG was to get the South African government and SWAPO to agree to its mediation. South Africa's international situation had become more fragile in the aftermath of the 1976 Soweto uprising, and though SWAPO was initially suspicious of the WCG, seeing its formation as a means by which a group of countries sympathetic to South Africa could bypass the UN (cf. SWAPO, 1981; Katjavivi 1988), the Frontline States wanted to see the conflict ended and advised SWAPO to accept the mediation. Neither SWAPO nor the South African government was, however, prepared to sit down with the other. In South Africa's eyes SWAPO was anathema because of its armed struggle and its commitment, in its 1976 political programme, to a goal of 'scientific socialism'. SWAPO saw the apartheid regime as the illegitimate occupier of its territory. The WCG therefore negotiated with each separately, usually in different countries. The so-called 'proximity' talks, held in the same building but in separate rooms in New York in February 1978, were not successful (e.g. Papenfus 2010).<sup>3</sup>

The WCG decided to proceed in stages towards a plan for a transition to independence that would meet the necessary requirement of a UN presence in Namibia while an election was held, yet would not mean that South Africa would have to withdraw from the territory before independence. South Africa could therefore keep some control over the process leading to independence. The WCG asked the parties to accept particular provisions in its plan, before finally putting them all together in a detailed 'Proposal for a Settlement of the Namibian Situation', which it tabled at the UN Security Council on 10 April 1978.<sup>4</sup> This document proposed a UN presence in Namibia in the transition period (as detailed in UN Security Council Resolution 385), but allowed the South African administration to remain in place during the transition period.

In the course of the negotiations it was agreed that some South African forces would remain in the territory until after the election had been held. South Africa wanted them stationed in the north of the territory; SWAPO proposed they should be confined to the south. South Africa got its way on the location of the forces but had to accept a reduction in their number. It was by such methods that the WCG managed the complexities of a transitional process that would, it hoped, be peaceful.

After finalizing and tabling the plan at the UN, the WCG then had to undertake further intricate manoeuvring to get the parties to accept it as a whole. South Africa did so first, to get credit with the WCG for doing so, not expecting that SWAPO would accept it. Under great pressure, SWAPO did, however, accept the plan in late July. In *Negotiating the Freedom of Namibia* Hans-Joachim Vergau, the leading West German negotiator, states his belief that building the confidence of the African states, especially Nigeria, was key to the process, for these states were crucial in persuading SWAPO, albeit reluctantly, to accept the plan.<sup>5</sup>

In the end both sides accepted the WCG's plan because doing so offered them potential advantages, as the mediators repeatedly pointed out, sending different messages to the two parties. South Africa was told it would gain credit for allowing a government to emerge in an independent Namibia with international recognition and, because its administration in Namibia would remain in place while the election was held, it might be able to manipulate the situation to prevent SWAPO coming to power. SWAPO, on the other hand, was told that if its claim to have majority support in the territory was true, then if a free and fair election was held – and the plan provided

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<sup>3</sup> The five foreign ministers of the WCG met the South African Foreign Minister Roelof ('Pik') Botha and his team in one room and in another room met the President of SWAPO, Sam Nujoma, his team and representatives of the Front Line States.

<sup>4</sup> UN Doc. S/12636, 10 April 1978, in Dreyer (1994, 270–3). Some verbatim minutes of the WCG's discussions can be found online, e.g. Meeting, June 8–10, 1977, Cape Town, available at [www.aluka.org/stable/pdf/10.5555/al.sff.document.min19770608.035.017.d1.18](http://www.aluka.org/stable/pdf/10.5555/al.sff.document.min19770608.035.017.d1.18).

<sup>5</sup> Vergau (2010), the man known in Germany as 'Mr Namibia', believes that the influence of President Julius Nyerere of Tanzania and Nigerian President Olusegun Obasanjo was decisive in persuading SWAPO to accept the plan.

that the Special Representative of the UN Secretary-General would determine whether it was free and fair – it would come to power.

One of the main issues disputed by the parties was the status of Walvis Bay, Namibia's main port, which South Africa claimed was legally its own territory. The WCG agreed, to SWAPO's dismay, to exclude Walvis Bay from the negotiations, but when SWAPO balked at accepting the plan because of this, the WCG proposed a UN resolution, passed by the Security Council in July 1978, declaring that Walvis Bay should be incorporated into Namibia. That persuaded SWAPO to accept the WCG's plan, even though the incorporation would take place only after Namibia became independent (Berat 1990; Simon 1996).<sup>6</sup> After South Africa and SWAPO had both accepted the plan, it was embodied in UN Security Council Resolution 435 of September 1978. The WCG was of course aware that the Soviet Union might veto this, seeing the WCG as having worked outside the UN and in the interests of the leading Western nations. But the WCG was successful in obtaining support for the Resolution from the African states and because they and SWAPO supported it, hoping it would bring the conflict to an end, the Soviet Union did not veto it.

Having only two main parties to deal with in the formal negotiations helped the WCG to manage the complexities involved. The South African government argued that the so-called internal parties of what was still called South West Africa should also be consulted, and the WCG agreed to do this, but South Africa did not insist that these parties should take part in the actual negotiations. The WCG took a 'carrot and stick' approach. South Africa knew that if Namibia became independent in terms of the WCG plan it would receive international recognition, unlike the apartheid bantustans, and international pressure might be relaxed. If the plan was not accepted, the WCG threatened 'stern action' (the meaning of which was never clarified, but was assumed to involve sanctions of some kind).

The presence of the Cuban military in Angola was not seen as relevant at this stage of the long process of mediation on the Namibian issue. When difficulties arose in the 1977–78 negotiations, they were either bypassed (as in the case of Walvis Bay) or postponed, because much of the plan that had been agreed on was ambiguous and lacked detail. This was seen as necessary, to secure the agreement of the parties. The mediators did not lose sight of the objective: an agreed plan for a transition to independence. The most consequential missing detail – as we shall see – was that the plan did not state whether SWAPO could have military bases in northern Namibia during the transition period. Besides side-lining the issue of Walvis Bay, the plan also did not provide for any monitoring provisions to ensure it would be implemented faithfully. The South African government's complaints about what it claimed was UN bias in favour of SWAPO were not addressed and this was a major reason advanced by South Africa for blocking the implementation of Resolution 435. While SWAPO's recognition by the UN General Assembly as 'the sole and authentic representative of the Namibian people' was naturally disputed by the internal political parties in South West Africa/Namibia, none of them had the means to emerge as a spoiler because they were dependent on South Africa for any significant role they could play.

As a result of the WCG's efforts, then, South Africa was persuaded to abandon its unilateral plans to take Namibia to independence, excluding SWAPO, and to accept in principle the idea of an UN-brokered transition to independence. But in 1978 South Africa was not sufficiently 'hurting' for it to agree to the implementation of the Western plan, which it had accepted very reluctantly, not welcoming a UN presence in Namibia and fearful of SWAPO coming to power in a free and fair election. Though the UN Security Council had imposed a mandatory arms embargo on South Africa in November 1977, it became clear in the course of 1978 that the Western countries would not impose economic sanctions on South Africa over the Namibian issue. Leading figures in the South African Defence Force (SADF) still hoped they could defeat SWAPO, which had been weakened militarily by the factionalism that led to the emergence of the SWAPO-Democrats in 1978. So South Africa raised objections to the way the UN proposed to implement Resolution 435, and the WCG plan remained unimplemented for a decade. The WCG mediation took place during a lull in the Cold War, before the Soviet invasion of Afghanistan, and the renewed Cold War that soon followed helped prevent implementation for many years. Though the WCG was successful in managing the complexities involved in mediating an agreement in 1978, it was not successful in ending the conflict because pressure on South Africa was insufficient to persuade it to implement what had been agreed. By May 1988 that had changed, as we shall now see, and a new round of formal mediations required more complexity to be managed.

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<sup>6</sup> UN Security Council Resolution 432 of 27 July 1978. The Council agreed 'to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia'.

### Managing complexity, 1988

By early 1983 the WCG had fallen apart. In 1981 the new Reagan administration, which was both sympathetic to South Africa and focused on Cold War considerations, had introduced the concept of linking the independence of Namibia to the withdrawal of the Cuban military, seen in Washington as a Soviet proxy force, from Angola. By making 'linkage' a precondition for the implementation of Resolution 435, the US now sought to achieve two objectives together: removing the Cuban military from Angola and securing a smooth and peaceful transition to Namibian independence. By adding this extra dimension to the conflict, the US 'added massively to the complexity of the negotiations' (Crocker 1992, 458). As linkage led to the collapse of the WCG, the US was left in charge of the mediation, and the point person was Chester Crocker, Reagan's Assistant Secretary of State for African Affairs.<sup>7</sup> For many years his bilateral mediation efforts and confidence-building measures had appeared to be going nowhere – as late as July 1987, he later wrote, a settlement seemed a 'distant dream' (Crocker 1992, 33) – but with the dramatic reversal in the superpower Cold War relationship following Mikhail Gorbachev's coming to power in the Soviet Union in 1985 the situation changed. For Crocker the second half of 1987 was 'the great turning point', in which the situation 'ripened' (ibid.). By 1988 the Soviet Union, which had supplied vast amounts of weaponry to the MPLA and lesser amounts to SWAPO, was keen to withdraw from its southern African commitments, and therefore wanted a regional peace agreement (Filatova & Davidson 2013, esp. 424). Crocker was now able to work closely with the Soviets to achieve, through a new round of formal mediation, the implementation of the plan embodied in Resolution 435.

Crocker was an exceptionally well-informed mediator. He had been an academic specialist on southern Africa before taking government office and in the seven years he served under Reagan before the formal mediation of 1988 he had gained much knowledge of the complexities of the Namibian issue and of the positions and interests of two of those he saw as the three main parties, Angola and South Africa. In early 1988 he persuaded the US Secretary of State to allow him to bring Cuba, the third party, into the negotiations he planned, even though the US had no relations with that country, because he saw the presence of the Cuban military in Angola as key to the linkage he believed was the way to solve the conflict. The mediation on which Crocker embarked in May 1988 thus involved the governments of Angola, Cuba and South Africa. He justified this on the grounds that the mediation would focus on the terms on which Resolution 435 would be implemented, and in particular how that implementation would relate to the withdrawal of the Cuban military force from Angola. At issue was how to clarify the relationship between the withdrawal of South African troops from Namibia and of Cuban forces from Angola, and how that related to the process of leading Namibia to independence as set out in the plan that the WCG had devised a decade earlier. Linking the withdrawal of Cuban troops to Namibian independence, the primary way in which Crocker managed the complexity of the conflict (Crocker 1992, 1999; Crocker et al. 2005), was to prove key to the settlement reached in 1988.

By 1988 the conflict had many different aspects, and again the local, regional and global situations must all be taken into account. Thanks in large part to American diplomacy, an agreement had been reached in Lusaka, Zambia, in February 1984 between Angola and South Africa, providing for the withdrawal of South African forces from southern Angola, but the Lusaka Agreement had not resolved the Namibian conflict. In the mid-1980s the war in southern Angola intensified and there seemed little hope that the Namibian conflict could be resolved soon, despite Crocker's continued efforts. Perhaps the single most important reason why the situation had changed by May 1988 was that by then the war had escalated massively. After the SADF defeated the Angolan army on the Lomba River in late 1987, that army retreated to Cuito Cuanavale, to which were sent new Cuban reinforcements, and together the Angolans and Cubans prevented the South Africans from advancing further. In early 1988 the Cuban forces began advancing towards the Namibian border and building new airstrips that would give them air superiority in the border area. This changed the military balance dramatically, turning it against South Africa, and raised the possibility of a much more serious armed conflict between the SADF and its enemies if the Cubans and their allies attempted to invade Namibia.

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<sup>7</sup> In his later writing, Crocker does not emphasize his personal role in the mediation in 1988 as much as he does in *High Noon* (1992). Instead, he writes of being part of a team involved in 'multilateral mediation' (Crocker 1999, esp. 672).

By early 1988, moreover, relations between the Soviet Union and the US had been transformed, and among the matters the two superpowers discussed was how they could work together to resolve the conflict in south-western Africa. And the South African government was by early 1988 under new internal pressures, among these being the beginning of secret talks between the head of the National Intelligence Service and the jailed Nelson Mandela (Barnard 2015). With the South African economy being hard hit by the financial sanctions imposed from 1985, the continuing cost of administering Namibia and fighting a war in southern Angola was a major drain on resources. Thanks to a set of Constitutional Principles that the US had persuaded both South Africa and SWAPO to accept in 1982 as a confidence-building measure, the South African government was by 1988 no longer as concerned as it had been in the late 1970s about the prospect of SWAPO coming to power in Namibia, provided it could be prevented from obtaining the two-thirds of the vote it needed to write the constitution for the new country on its own.

For a long while Crocker's attempts at setting up the conditions for formal mediation seemed to get nowhere, since his only stick was to threaten to withdraw from the process. It was widely known that his efforts were opposed by the more right-wing elements in Washington DC, who did not, for instance, approve of involving the Cubans in the negotiations. In 1988 a deadline loomed: the impending end of the Reagan administration's term of office and the possibility that a successor administration might walk away from an attempt to resolve the conflict (Rich 1993, 172–3).<sup>8</sup> Whereas in 1977–78, as we have seen, the two parties with whom the WCG negotiated never met face-to-face, in the mediation of 1988 Crocker saw to it that the three parties sat round the same table. Having been relatively isolated from each other, when they met they found they had more in common than they had expected.<sup>9</sup> They even, on occasion, found common ground in opposing what they regarded as the arrogance of the external mediator. Crocker managed the process in such a way that the parties could get to know each other well in a variety of different contexts, hoping this would encourage them to realize that they had much to lose by not finalizing an agreement. Twelve substantive meetings were held over eight months at different venues, beginning in London and moving to Cairo, New York, Sal Island on Cape Verde, Geneva and Brazzaville, Congo (Crocker 1992, 394–5; Crocker 1999, 211 ff.).<sup>10</sup>

Crocker's way of managing the complexities of the situation in early 1988 was to hold a new round of formal mediation at the level of the three states only, confined to the issue of an agreement on how to implement the plan drawn up by the WCG a decade earlier. With that goal in mind, he could justify excluding SWAPO from the mediation and insist that the issue of US support for the Angolan rebel movement UNITA was off the table, since the decisions to be taken in the negotiations concerned only the basis on which UN Security Council Resolution 435 would be implemented (Crocker 1992, 375). Crocker, having a low opinion of SWAPO, did not believe in engaging with it, even though it was the likely future government of Namibia.<sup>11</sup> Though the SWAPO leadership was kept informed of the progress of the negotiations on the side-lines of the meetings, SWAPO's exclusion from the formal talks was to have significant consequences (discussed below), especially as it claimed the right to have bases in northern Namibia in terms of the settlement plan.

Crocker also believed in letting the three parties to the negotiations interact among themselves. As the succession of formal meetings occurred, he and the parties 'spent less and less time at the plenary table'. This allowed for more time for 'direct diplomacy with each of the parties', and the mediator at times intervened actively by, say, 'providing ammunition to doves or taking on burdens ourselves at the request of the hawks' (Crocker 1992, 396–7). He also sought to bolster the self-confidence of the parties (ibid. 398) and brought in a range of other players to help exert leverage where they could.

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<sup>8</sup> Gleijeses (2013, 507–8) discounts the idea that the US election had any influence on the 1988 negotiations. But Crocker knew that he would leave his post once the new administration came into office, so there was pressure to complete the process before he stepped down. Gleijeses, who is very critical of Crocker's policies of constructive engagement and linkage, fails to see that in 1988 linkage was key to the agreement reached.

<sup>9</sup> There had been many prior exchanges between the South Africans and the Angolans, but not between the South Africans and the Cubans.

<sup>10</sup> For a critical view of Crocker's mediation, see Davies (2007). She does not criticize the way Crocker managed the mediation, but says that his constructive engagement policy delayed the achievement of his goals and that he failed to achieve peace and reconciliation in Angola (see esp. Davies 2007, 207–9; cf. Wood 1991; Martin 1989; and, on Crocker's background, Biehl 1989).

<sup>11</sup> The West German Foreign Minister Genscher tried to bring SWAPO and Crocker together in 1982, but Jabri (1993, 68–9) goes too far in writing of the Europeans as mediators between the Americans and the parties. Genscher also promoted contact between SWAPO and the German speaking community in Namibia, mainly through the 'Interessengemeinschaft Deutschsprachiger Südwestler' (a political pressure group, the Community of Interests of German-Speaking South Westlers, formed to lobby for the interests of this community in an independent Namibia).

Crocker was not, of course, a neutral and disinterested party in the 1988 negotiations, and all the parties knew that (Crocker 1992, 435). He represented an administration that refused to recognize the MPLA government in Angola, was enforcing a boycott on Cuba, and regarded removing the Cubans from Angola as a high priority. But mediator bias does not necessarily rule out successful mediation (Touval & Zartman 1985, esp. 15; Tome 1992; Svensson 2015). The parties accepted that his goal was to settle the conflict and were prepared to work with him to achieve that result. Though egotistical, Crocker exhibited some of the attributes of a successful mediator: patience and an ability to remain relatively aloof, yet make all the protagonists believe that their interests were served by staying in the process until it was concluded. Seeing through the posturing of, in particular, the leading South African negotiator Roelof 'Pik' Botha and his Cuban counterpart Jorge Risquet, Crocker kept the negotiations focused on the goal of an agreement on the implementation of Resolution 435 and a total withdrawal of all the Cuban forces from Angola. Such an agreement was finally signed in New York in December 1988. As mediator, the US did not sign anything, but did suggest that it should, along with the Soviet Union, serve on a joint commission set up to oversee the implementation of the accords; the establishment of this commission was an essential precondition to the final settlement (Crocker 1992, 395, 420–1).

Crocker realised that the parties' divergent perspectives and demands – which were again starkly revealed in the speeches the various delegates made in New York when the accords were signed – could not be entirely reconciled and that there were limits to what could be achieved. Nevertheless he tried to shift the focus of the debate between the parties away from their competing positions towards potentially compatible interests. All wanted a resolution of the conflict; none wanted a major escalation. All wanted, too, to get something from the negotiations, to be able to tell their constituencies that the conflict had not been in vain. Crocker showed flexibility in the mediation, adapting his efforts during the negotiations as the situation on the ground changed. In particular, the Cuban attack in late June 1988 on the Calueque dam in Angola, close to the Namibian border, presented him with an opportunity to impress on the parties the danger of escalation.<sup>12</sup> He was able to distinguish between the parties' stated positions and interests and the fears underlying these positions and interests.

Crocker used various techniques to get the parties to reach agreement. Besides appreciating the need to be flexible as the mediation evolved, yet keeping the ultimate goal in mind, he had strategies for each of the main actors. He had access to US satellite photos showing what was happening on the ground in southern Angola and he used this information in his mediation efforts, at one point threatening to withhold this information from South Africa unless it agreed to work seriously for the implementation of Resolution 435.<sup>13</sup> Perhaps above all, Crocker cultivated among the parties the perception that a military stalemate existed in southern Angola, that the situation could get out of control without a settlement, that the time for a settlement was therefore ripe, and that they could all be winners. Crocker himself was eager for a settlement, not only to show that his efforts since taking office in 1981 had been worthwhile, but because further escalation into a major war between South Africa and the Cuban forces might well lead to confrontation between the two superpowers. It was fear of such a war that ultimately persuaded the parties to accept the agreements signed in New York in December 1988. Though a ceasefire would only come into force on the date of implementation, in August 1988 South Africa agreed to withdraw its forces from Angola before the end of that month. This helped to reduce tensions and allow the negotiations to proceed to a conclusion, while also setting the scene for the ceasefire. An unstated part of the agreement reached between the parties was that the military wing of the African National Congress (ANC) of South Africa, Umkhonto weSizwe, would have to leave Angola, a bonus for the South African regime. One way Crocker managed the complexity of the mediation on the Namibian issue, however, was to leave US support for UNITA off the table, and this was to have dire consequences later, as it enabled Jonas Savimbi to restart the war once the Cubans had left Angola.

The most serious flaw in the 1988 mediation, however, was the exclusion of SWAPO. Side-lined in the negotiations, the SWAPO President Sam Nujoma and the top leadership decided to send armed combatants into northern

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<sup>12</sup> Some of the relevant documentation from the archives of the South African Department of International Relations and Cooperation is available online: e.g. Summary minutes of a meeting between the Republic of South Africa, an Angolan/Cuban delegation and the USA as mediator on the question of SWA/Namibia and Angola, Cairo, 24–25 June 1988, available at [www.aluka.org/stable/10.5555/al.sff.document.min19880624.035.017.d1.18](http://www.aluka.org/stable/10.5555/al.sff.document.min19880624.035.017.d1.18)

<sup>13</sup> Author's interview with Robert Frasure, key aide to Crocker, Washington DC, 1990.

Namibia in the expectation that UN officials would allow them to assemble in bases, thus confirming SWAPO's claim to have liberated parts of Namibia (Dale 2014, esp. 79–81). This produced a severe crisis on the very day that UN Security Council Resolution 435 was finally implemented, 1 April 1989 – a crisis that might have scuppered the entire process. There was no UN presence in northern Namibia on that day, and though, as we have noted, the Western plan for the transition to independence drawn up in 1978 was ambiguous, Martti Ahtisaari, the UN's Special Representative in Namibia, was adamant that it had been agreed with SWAPO that there would be no such bases (Braham & Weiland 1994). Ahtisaari therefore allowed South African forces to attack the SWAPO fighters, over three hundred of whom were killed. For a time it seemed there would be no implementation of Resolution 435 after all, and it took intense diplomacy to get the process back on track (for details see e.g. Papenfus 2010, ch. 33),

In the course of the intricate Namibian negotiations that took place from May to December 1988, described in detail in Crocker's 1992 account, *High Noon in Southern Africa*, the parties came to realize that they could all gain something from reaching an agreement. Though the South African Foreign Minister Pik Botha subsequently claimed that he had come up with the idea that the three parties could all be winners, and that it was he who had been able to persuade Jorge Risquet, the leading Cuban official, of this (Papenfus 2010, 574 ff.), it was in fact the mediator, Crocker, who did most to plant this seed and to promote the idea that the parties were not involved in a zero-sum game and that none of them need perceive itself as a loser if an agreement was reached. The agreement did not just mean the end of the conflict, it meant benefits for all three parties in the mediation. For Angola it meant that South African attacks would end; for South Africa it meant that the Cubans, the only major armed force in the region besides the SADF, would go; and for Cuba it meant that Fidel Castro could tell his people that, as a result of a great Cuban victory in southern Angola, Namibia was to be free, which would help bring about the demise of apartheid in South Africa.<sup>14</sup>

The Namibia-Angola Accords of December 1988 provided that all the Cuban troops in Angola were to be withdrawn over a 27-month period (much longer than South Africa had wanted; initially it had demanded that they be withdrawn before implementation of the Namibian plan began). Unlike the agreement reached in 1978, this one included a carefully worked-out process of monitoring both the withdrawal of Cuban and South African forces and the implementation of the Namibian transition to independence. There were of course limitations to what was agreed in New York in December 1988: perhaps most significantly for the region, the accords did not address the internal conflict in Angola (Berridge 1989; Crocker et al. 2005, 215–16). On the other hand, both the mediator and the parties realised that the agreements reached in December 1988 were likely to help promote a negotiated settlement in South Africa, which turned out to be the case.<sup>15</sup>

As Nathan (2014a) has pointed out, managing complexity requires gathering intelligence and analysing it. Crocker was, as we have noted, exceptionally well informed about the local and regional dynamics, as well as about the parties' objectives, expectations, internal debates, external alliances and military movements and capabilities. The role of intelligence agencies in mediation inevitably remains difficult to assess, given the secrecy involved in their activities (Nathan 2014b).<sup>16</sup> We only have hints of how they were used in this case, as in the example of the US satellite data already mentioned. In his memoir, Crocker claims that the full resources of Washington were available to him for his mediation, but gives no detail about the planning and organization that went into it, let alone what intelligence data was at his disposal, merely saying that verification of the implementation of the settlement would come mainly from 'US intelligence assets' (Crocker 1992, 444).

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<sup>14</sup> Whether it did bring about this demise is debateable. But President FW de Klerk would possibly not have acted so boldly in February 1990, signalling a readiness to negotiate a new democratic order, had the Namibian transition come unstuck.

<sup>15</sup> Namibia served as a laboratory for change in South Africa itself. On the other hand, the whites of South Africa feared that the outside world, in 'turning South West Africa into Namibia, was carrying out experiments that presaged the larger operations of turning South Africa into Azania' (Zartman, 1989, 178).

<sup>16</sup> Niel Barnard, head of South Africa's National Intelligence Service, was very involved in the 1988 negotiations, especially in relationship to the ANC and the withdrawal of the ANC military camps from Angola (Crocker 1992, 407).

### In conclusion

Lessons can be drawn from this example of how complexity in mediation was managed, in terms of both what not to do and what can be done to enhance the quality and efficacy of mediation. In any case of mediation the style and tactics will depend on the nature of the conflict and the context in which the mediation takes place. Each case is unique, and the Namibian case is from a particular era in the history of mediation in southern Africa, that of the Cold War and its winding down (Saunders, 2012). It is not easy, therefore, to draw from it lessons of more general applicability. What is clear is that mediation in civil wars involves, in Nathan's words, 'a blizzard of actors, processes, structures and other variables, all in continuous interaction', and that mediators have to manage many complexities relating to the form the mediation should take and the way it is to be undertaken (Nathan 1999; Haysom 2002).

This particular conflict had both intra- and inter-state dimensions. The conflict parties included both states and non-state actors. The Namibian issue was an international one, involving the UN, but was also an issue of one country (South Africa) occupying another, and SWAPO's claim to represent all Namibians was contested. Different mediation strategies were required for these different aspects of the conflict and for the various parties at different stages in the process. The Cold War environment of the 1980s, with its superpower rivalry and international and regional atmosphere of suspicion, was not conducive to conflict resolution, and it was only in 1988 when the Cold War was winding down that mediation became possible, bringing the conflict to an end. In both the mediations examined here, the mediators separated issues that had to be included in a settlement from those (such as Walvis Bay in 1978 and UNITA in 1988) that would have prevented agreement being reached and were thus excluded. It is of course impossible to know whether a different form or style of mediation in either phase would have produced better results, or whether the conflict might have ended sooner had, say, the mediation on implementation taken place before the introduction of linkage. Prior to 1988 the South African government was not prepared to be involved in the kind of mediation that took place in that year. Even had the WCG mediation been backed by sanctions, it seems unlikely that South Africa could have been prevented from dragging out the Namibian conflict for a decade by refusing to implement Resolution 435.

The mediation of 1977–78 took place at a time when the conflict was not nearly as intense as it became a decade later. In 1988 the threat of even greater conflict helped focus the minds of those involved, thereby aiding the task of the mediator. In the mediation of 1977–78 the WCG team worked well together because they did not have individual interests that were at odds, but the danger always existed, when a number of mediators were involved, that they would adopt different approaches to the parties, which might well damage the mediation. Though backed up by highly intelligent US advisers, and supported in his efforts by the Soviet Union, Crocker was in 1988 not dependent on anyone else, either fellow-mediators or what Nathan has called 'a swarm of inter-governmental, governmental and non-governmental peacemakers, jostling to get in on the game' (Nathan 1999, 2). He was therefore able to steer the mediation in the direction he thought it should go. As we have seen, he proved adept at dealing with the egos involved, and his strategy of moving the mediation from place to place allowed for tempers to cool before mediation resumed. His role was accepted by the parties and there was no spoiler to disrupt the process, though had SWAPO been included in the 1988 negotiations it is possible that the SWAPO leadership would not have taken the rash step of sending armed combatants into Namibia. On the other hand, any attempt to involve SWAPO formally in the negotiations in 1988 would probably have been resisted by South Africa, which would not have wanted to give SWAPO the credibility such a move would have brought, and South African resistance would have made a settlement impossible.

Mediators should know as much as possible about the issues, the actors and their interests. Never losing sight of the main goal, which is to bring the conflict to an end, they must find ways to deal with the parties that will achieve that result. In the Namibian case it took two phases. Though there was agreement on the goal of independence for the country, to bring the conflict to an end there had to be agreement on how that was to be achieved and what the quid pro quo might be. In 1978 mediation produced an agreed plan to end the conflict, but that plan was not then implemented, because the conflict situation was not yet ripe for it. A decade later, when there was a 'mutually hurting stalemate', agreement was reached on how to implement the plan. The implementation finally brought

the conflict to an end. In both 1977–78 and 1988, as we have seen, a complex situation was managed fairly successfully, with the immediate goals of the mediation in each case being achieved.

What then are the lessons to be learnt from this case study? There are, of course, negative lessons. In trying to simplify the complexity of the internal and external dimensions of the conflict by excluding SWAPO from the 1988 negotiations, Crocker set the scene for large-scale loss of life in April 1989, when for a time it seemed the entire process would be aborted.

On the positive side, we may consider Nathan's (2014a) headings mentioned at the beginning of this paper: 'Too much ignorance, too little intelligence', 'Too much inflexibility, not enough planning', 'Too much haste, too little attention to relationships'. The mediators in both 1977–78 and 1988 were neither ignorant nor lacking in intelligence. They were willing to be flexible. How much they planned remains unclear and there was certainly a measure of 'round the clock improvisation' (Crocker 1992, 398). The absence of measures for monitoring the implementation of the 1978 agreement was a serious flaw, but by 1988 this lesson had been learnt and much attention was paid to providing measures that would be acceptable to South Africa yet not be regarded by Angola and Cuba as undue interference. The mediators were not in excessive haste to secure an agreement either in 1977–78 or in 1988, but used the time available to them to good effect. They paid attention to relationships, though in both mediations the exclusion of some parties was a major flaw.

By 1988 there was a changed context and sufficient 'ripeness' (Zartman 1989), both because the cost of the war in southern Angola had produced a mutually hurting stalemate and because of the fear that if no settlement was reached the war and its costs would greatly intensify. While this 'ripeness' provided the basis for the success of the 1988 mediation, the management of complexity was a necessary, if not a sufficient, condition for success. In particular, Crocker was able to persuade the parties of the 'win-win' opportunities an agreement would bring them. The agreement reached was not perfect, and the exclusion of SWAPO from the 1988 negotiations had significant consequences, but the Namibia-Angola Accords signed in December 1988 did set Namibia on the road to independence, and to that extent the complexities of the mediation were managed successfully.

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