



Current Situation in Namibia

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THE CURRENT SITUATION IN NAMIBIA

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS
FIRST SESSION

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THE CURRENT SITUATION IN NAMIBIA

MONDAY, MAY 7, 1979

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

The subcommittee met at 10 a.m. in room 2200, Rayburn House Office Building, Hon. Stephen Solarz (chairman of the subcommittee) presiding.

Mr. SOLARZ. The meeting of the subcommittee will be called to order. I expect that several of the other members will be here shortly, but since Ambassador McHenry seems to have a lengthy statement and this is a complex question, it might perhaps be best to get it underway forthwith.

For the record, we will include the statement which has been prepared for the hearings and I'll simply add that it is the intention of the subcommittee today to try to get a better understanding of the ongoing negotiations designed to achieve agreement in Namibia which will make possible an internationally acceptable transition to majority rule in that territory.

[Mr. Solarz' prepared statement follows:]

PREPARED STATEMENT OF HON. STEPHEN J. SOLARZ, CHAIRMAN, SUBCOMMITTEE ON AFRICA

Today the Subcommittee on Africa is meeting to review the current status of the Western effort to achieve an internationally acceptable solution to the Namibian problem.

Namibia has been a major and continuing international problem since the United Nations General Assembly formally terminated South Africa's mandate over the territory in 1966. Although numerous U.N. resolutions urging South Africa to relinquish its control over the territory were passed prior to 1977, none of them had their desired effect. When the Carter administration took power in January 1977, it said that one of its major Africa foreign policy objectives would be to work constructively with all parties to achieve an internationally acceptable settlement to the Namibian issue.

Since March 1977, the United States along with Great Britain, France, Canada and the Federal Republic of Germany have been engaged in a delicate set of negotiations with the Government of South Africa and the South-West People's Organization (SWAPO) to conclude an agreement which would lead to the independence of Namibia following a ceasefire and U.N.-supervised elections.

In Early January 1979, after nearly 2 years of tedious and often painstaking negotiations, many experienced African observers in Europe and the United States were relatively optimistic that a workable agreement between all the parties had been achieved and that the carefully constructed plan was virtually ready for implementation. In fact the most important parties to the dispute—South Africa and SWAPO—had already formally agreed to the main principles of the plan and the U.N. Secretary-General had just sent his personal representative to southern Africa to work out the final details on implementation. A ceasefire agreement was actually expected by March 15.

Since mid-February, when the U.N. Secretary General issued his final report on the implementation of the plan, early optimism has turned to sustained pessimism as South Africa, SWAPO and the Western five have disagreed sharply over whether SWAPO should be allowed two bases inside Namibia during the period immediately prior to elections and independence and whether the U.N. should monitor SWAPO bases in Angola and Zambia. These two issues have yet to be resolved and the final implementation of the U.N. plan now hangs in the balance.

It is the hope of the subcommittee that today's witness, Ambassador Donald McHenry, the U.S. Deputy Permanent Representative at the U.N. and one of the principal architects and negotiators on Namibia will be able to:

Review the history of these rather unique negotiations,

Explain the differences that now divide South Africa and SWAPO,

Give us the administration's latest estimate on whether the current impasse can be resolved, and

Indicate whether any new difficulties will emerge to impede the implementation of the U.N. agreement if the two currently contentious issues can be resolved.

The subcommittee has asked Ambassador McHenry to coordinate his statement with the other members of the Western five in order to give the committee the views of all Western negotiators. I believe Ambassador McHenry has done so.

Mr. SOLARZ. I was there in January and spent 3 days in Windhoek in conversations with representatives from virtually all of the parties and factions in the country. I also had a rather lengthy meeting with the South African Foreign Minister, Mr. Botha, in Capetown.

I must say I came away from my visit in Namibia and South Africa feeling rather optimistic about the prospects for the implementation of the proposals of the Western five. Since then, however, the effort to achieve agreement between South Africa and SWAPO appears to have bogged down. The South African Government has in particular registered very strong objections to two provisions in the report of the Secretary General of the United Nations, Mr. Waldheim, providing for the establishment of SWAPO bases in Namibia and concerning the failure of Mr. Waldheim's report to make apparent provision for the U.N. military monitoring of the SWAPO bases in Angola and Zambia.

In addition, the South African Government has also charged bad faith and duplicity, saying they were confronted with propositions and demands in the Waldheim report to which they claim they had not previously given their consent.

I think the subcommittee today will be very much interested in receiving from Ambassador McHenry, who has really been the central American figure in the negotiations and our representative, a review of the history of these negotiations.

We would appreciate an explanation of the differences which remain between South Africa and SWAPO, a judgment about whether the current impasse can be overcome, and some indication whether, assuming these matters could be resolved, we are likely to be confronted with new impasses in the future which would block full implementation of the U.S. proposals regarding Namibia.

I think it would also be helpful if Ambassador McHenry could explicitly address himself to the two major issues which remain in dispute and give us some indication about the extent to which South Africa is or is not justified in contending that the negotiated record and the documents which embody that record prior to the Waldheim report made no provision for the establishment of new SWAPO bases

in Namibia and did clearly make provisions for the U.N. monitoring of SWAPO bases outside of Namibia.

So with that introduction, Ambassador McHenry, would you like to come up and give us the benefit of your views? I understand your statement has been cleared with other representatives of the contact group.

**STATEMENT OF HON. DONALD F. McHENRY, DEPUTY U.S.
AMBASSADOR TO THE UNITED NATIONS**

Ambassador McHENRY. Thank you very much, Congressman Solarz. This statement which I wish to make today is a statement of the United States. However, as we generally do and have done over the last couple of years, we have coordinated this with our colleagues among the five, and it has been reviewed by their representatives.

Mr. SOLARZ. So would it be fair to say, then, that your formal testimony expresses the views of not only the United States but the other members of the five as well?

Ambassador McHENRY. I think that is accurate.

Mr. Chairman, I'm pleased to have this opportunity to discuss with you today the negotiations in which the United States has been involved during the past 2 years on the question of Namibia. Namibia is not well known to Americans, but a peaceful transition in that country could be of critical importance for the future of southern Africa.

I hope to address the series of questions which you have put. There are some developments which will be occurring within the next hour and which we may not be able to address with a great deal of accuracy, but I hope to give you as much as we have been able to get.

Mr. SOLARZ. Mr. Ambassador, could you possibly speak a little bit louder so that everyone in the room could hear? It would be helpful.

Ambassador McHENRY. Namibia, also known as South-West Africa, was a German colony and became a League of Nations' mandate under South African administration following World War I. After World War II, South Africa sought to annex the territory and, when rebuffed by the U.N., South Africa refused to place the territory under the trusteeship system of the United Nations.

Thus began a long dispute between South Africa and the international community, involving numerous judgments of the International Court of Justice and even more numerous debates in the United Nations, culminating in the 1966 decision of the United Nations General Assembly, with the support of the United States, to terminate South Africa's mandate, an action subsequently upheld by the International Court.

The International Court of Justice ruled that South Africa's presence in Namibia was illegal and that South Africa was obliged to withdraw. South Africa again refused to withdraw. Instead, it embarked upon a policy which would have transferred power under a Constitution so formulated as to insure the continued disproportionate influence of whites and which stood no chance of obtaining the necessary political consensus which would merit either Namibian or international acceptability. Nor would it stem the guerrilla war which, in opposition to South Africa's continued rule and application of apartheid in the territory, had gradually developed between South Africa and the Namibian nationalists, principally the South-West

Africa People's Organization, also referred to as SWAPO. To this day, this cycle of violence continues to escalate with ominous implications for the future of the entire region.

It was against this background that in April of 1977, the then five Western members of the United Nations Security Council—Canada, France, the Federal Republic of Germany, the United Kingdom, and the United States—jointly launched an unprecedented effort to find a peaceful solution for the Namibian problem. The initiative was possible because we were able to build on a set of principles unanimously adopted by the United Nations Security Council in Resolution 385 in January 1976.

I might add that the initiative was also possible because of the good will and great expectations which greeted President Carter's election and his appointment of Ambassador Young as U.S. Representative to the United Nations.

From the outset the five nations made clear that their goal was to formulate an internationally acceptable method of implementation of the principles contained in Resolution 385 which called for free and fair elections under U.N. supervision and control. The five made clear that they favored no particular Namibian political group. The five were interested not in the outcome of the elections but solely in insuring that all Namibian people would have an equal opportunity to freely and fairly elect their own government.

The five also recognized that in order for a settlement to be meaningful and lasting it would have to be accepted by the two parties engaged in the armed conflict—the South African Government and SWAPO, which enjoyed substantial support within Namibia and internationally.

It is important here to emphasize two facts which these negotiations have had to take into account. South Africa, unlawfully in occupation of Namibia, was nevertheless the de facto governing authority there, and its assent was essential to any settlement. SWAPO, although only one of several Namibian political groups, carried the war effort, had the support of a major segment of the population, the unanimous support of other African governments, and the majority of non-African members of the United Nations. No peaceful settlement could be achieved without SWAPO's participation.

Finally, we recognized that a successful undertaking must involve the cooperation of the frontline states (Angola, Botswana, Mozambique, Tanzania, and Zambia) and Nigeria in helping with the negotiating process, in assuring successful implementation of an agreement, and, most importantly, in assuring respect for the outcome of the elections. These states have fully supported our efforts.

The negotiating process itself has been unique and extraordinarily complex. It could not have been undertaken without modern communications. Five nations have operated as one negotiating team, which has come to be known as the contact group. Each step has required careful coordination among our missions in New York, our capitals, our Embassies in the frontline states and Nigeria, and our Embassies in South Africa.

In addition to the complexities of this five-nation arrangement, those involving the negotiating procedure have been numerous. For example, South Africa refuses to meet with SWAPO. This has neces-

sitated various forms of shuttle diplomacy as well as so-called proximity talks in which the two parties travel to one city and meet with the contact group separately.

There also have been a number of nations, groups, and organizations involved in the process in one capacity or another with whom we have maintained regular communications. We have met with all of the major Namibian political groups at each stage of the negotiations in order to insure that they were kept informed and to take their views fully into account. United Nations Secretary General Waldheim has played an important role in carrying the effort forward, as have his Special Representative for Namibia, Mr. Martti Ahtisaari of Finland, and the Security Council as a whole.

As in any longstanding dispute, the current negotiations have been hampered by attitudinal and political problems. First, whatever their ultimate motives, both South Africa and SWAPO have been anxious to avoid being seen internationally as the intransigent party. South Africa may have faith only in a so-called internal solution, and SWAPO may have faith only in a military one; however, neither wished to lose what support it had in the international community, and this desire not to lose support has tended to motivate them both toward a settlement.

Second, a constant problem throughout the effort has been the pervasive presence of distrust: Distrust between South Africa and SWAPO, the distrust which each of them has of the five, and the distrust which South Africa has for the United Nations. SWAPO believes that South Africa aims at continued dominance through installation of a government favorable to South Africa and will only agree to a settlement which guarantees such an outcome. South Africa, for its part, believes that SWAPO aims only at the seizure of power and will not abide by the results of a fair electoral process.

South Africa and the United Nations have been at odds over Namibia since the United Nations inception, and the United Nations has also soundly and regularly criticized South Africa for its policies of apartheid. In addition, the General Assembly's endorsement of SWAPO is well known.

South Africa, therefore, views the United States not as an organization of neutrality but as one unalterably hostile. I should note in this regard that while the General Assembly has endorsed SWAPO as the "sole and authentic representative of the Namibian people," it is the Security Council working through international civil servants, and not the General Assembly, which will oversee the transition in Namibia, and the Security Council has adopted no such position. Moreover, the United Nations has an excellent record for impartial peace-keeping operations.

The distrust by SWAPO of the five stems from its view that South Africa's very dominance is dependent upon Western economic and political support. One manifestation of this distrust was SWAPO's initial objection to the inclusion of NATO nations in the composition of the proposed U.N. military presence in Namibia.

South Africa, on the other hand, fears that the five are susceptible to pressure from the Africans. South Africa's distrust has been dramatized in recent weeks by the repeated accusations made publicly by the South African Government that the contact group, the United

Nations Secretariat, and certain U.S. officials have during the negotiations displayed deceit, double-dealing, and a pro-SWAPO bias.

We have refrained from commenting publicly on these accusations, largely because we believe that the search for peace is best pursued through calm and private deliberation and with an acceptance of the good faith of all, even in the presence of sharp disagreement. However, this forbearance should not be mistaken. There is not a shred of truth to South Africa's charges.

A third problem in the Namibia settlement effort has been the difficulty, if not the impossibility, of separating Namibia from the other occurrences in the region. It is difficult to isolate political developments in Namibia from those in Rhodesia, from the internal politics and political turmoil in South Africa itself, from South Africa's fear of being surrounded by radical black African states, or from the ultimate objectives of outside forces. All of these influences play on the prospects for a settlement in Namibia and in fact hold those prospects hostage.

A final problem which I would like to raise at this point is that neither South Africa nor SWAPO is monolithic, though publicly at least, each projects such an image of itself and of the other. Both have factions with differing views and different constituencies which make the decisionmaking processes on each side delicate and frequently time consuming, and I might add, frustrating. Too frequently internal politics has prompted both sides to make decidedly unhelpful public statements which have either raised new problems or closed off potential avenues of accommodation.

These, then, are some of the attitudinal and political problems with which the five have had to deal in our settlement effort. That effort initially consisted of determining through lengthy discussions with the parties their concerns, their demands, and their areas of compromise. Agreement was quickly reached on a number of points. Before long, however, it became apparent that if the impasse over Namibia was to be broken, the five would have to develop their own proposal for a settlement and then try to bring about its acceptance.

On April 10, 1978, the five placed their proposal for a settlement before the United Nations Security Council. We recognized that it did not meet all of the demands of either party; however, we believe that it offers a fair and balanced solution based on the legitimate concerns of the parties and that it reasonably bridges the gaps between the parties.

The proposal submitted to the Security Council is based on the principles set down in Security Council Resolution 385 and consists of the following key elements:

One, a cessation of all hostile acts by all parties and the restriction of South African and SWAPO armed forces to base. Thereafter, a phased withdrawal from Namibia of all but 1,500 South African troops within 12 weeks prior to the official start of the political campaign. The remaining South African force would be restricted to Grootfontein or Oshivello or both, and would be withdrawn after the certification of the election.

Two, a South African-appointed Administrator General would administer the territory during the transition period leading to the election of a constituent assembly. However, all acts affecting the political

process would be under United Nations supervision and control in that the U.N. Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect.

Three, a United Nations Transition Assistance Group, referred to as UNTAG, consisting of civilian and military elements whose size and composition would be determined by the Secretary General, would be introduced in the territory to insure the observance of the terms of the settlement.

Four, primary responsibility for maintaining law and order in Namibia during the transition period would rest with the existing police forces. However, among other things, the Administrator General, to the satisfaction of the United Nations Special Representative, would insure the good conduct of the police forces. The Special Representative would make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their duties.

Five, all Namibian political prisoners and detainees would be released, exiles would be free to return, and conditions for free and fair elections would be established; that is, freedom of speech, movement, press, assembly, and the repeal of discriminatory or restrictive legislation.

The settlement proposal does not attempt to spell out all of the details involved in such a settlement. Some points are of necessity general; to try to refine them more precisely would have entailed years of negotiations. Instead, the proposal depends heavily on cooperation between the Administrator General and the United Nations Special Representative.

The settlement proposal of the five was not immediately accepted by either party. But by the end of July 1978, both parties had agreed that the Secretary General should be requested to draw up his report on how the proposal would be implemented. This agreement was not reached, however, without first addressing a number of contentious issues, the most notable of which was the question of Walvis Bay. Moreover, in this public statements, each chose to emphasize certain aspects of the proposal while understating or even omitting counterbalancing provisions.

When the Secretary General's plans for implementation were announced, they, too, became the source of controversy. South Africa, for example, objected to the holding of elections after December 1978, despite the fact that the proposal clearly required a 7-month process which, given the date of acceptance by the parties, could not be completed by the end of 1978.

South Africa also objected to the size of the proposed 7,500-man United Nations military presence, despite the formidable size and nature of the territory, despite South Africa's own concern for security, and despite the fact that the settlement proposal left the formation of UNTAG to the discretion of the Secretary General.

These initial objections were resolved through further discussions but not before South Africa took another step which seemed to be directed toward an internal settlement. Over our strong objection, unilateral elections took place in December 1978, and a so-called constitu-

ent assembly was established. The elections were boycotted by several parties and the resulting assembly consists almost entirely of the Democratic Turnhalle Alliance, the party widely assumed to be favored by the South African Government.

The South Africans then advised Secretary General Waldheim at the end of December that they were prepared to cooperate with the implementation of the United Nations plan and suggested that the Secretary General's Special Representative visit South Africa for discussions. These talks took place this past January, and Mr. Ahtisaari also visited the frontline states and met with leaders of those countries and of SWAPO.

These discussions made clear that both parties were seeking to obtain advantages in the implementation process which they were not able to achieve in the negotiations. For example, South Africa insisted on the monitoring by UNTAG of SWAPO bases outside of Namibia, and SWAPO asked for a period of time after the cease-fire during which 2,500 armed SWAPO personnel would be moved to five bases to be established inside Namibia.

Neither of these positions was accepted by the Secretary General. Instead, the Secretary General issued a report on the 26th of February which presented his proposals for the resolution of the few remaining issues.

In that report, Secretary General Waldheim stated that while the settlement proposal made no specific provision for the monitoring by UNTAG of SWAPO bases in neighboring countries, those countries, nevertheless, had been asked to insure that the provisions of the transitional arrangements, and the outcome of the election, would be respected.

In addition, the Secretary General was seeking the agreement of the Governments of Angola, Botswana, and Zambia for the establishment of UNTAG liaison offices in those countries to facilitate cooperation in the implementation of the proposal. The Secretary General also specified arrangements for the handling of SWAPO armed personnel, carefully differentiating between those inside Namibia at the time of the cease-fire and those outside. Any SWAPO armed personnel in Namibia at the time of the cease-fire would be restricted to the designated locations inside Namibia. All SWAPO armed forces in neighboring countries would, on the commencement of the cease-fire, be restricted to base in those countries.

South Africa again reacted negatively to the Secretary General's proposals, in particular, those relating to the absence of UNTAG monitoring of SWAPO bases in Angola and Zambia, and to the handling of SWAPO armed personnel who are in Namibia at the time of the cease-fire. To avert a breakdown of the initiative over these issues, another round of ministerial-level "proximity talks" was held in New York on March 19 and 20 during which Secretary Vance and his colleagues presented our view to South African Foreign Minister Botha that the Secretary General's report was consistent with the original proposal which South Africa had accepted. During those talks the SWAPO delegation:

Accepted the restriction of their own forces outside Namibia to a base outside Namibia;

Accepted the Secretary General's proposal for designating locations to which any SWAPO armed personnel inside Namibia at the start of the cease-fire would be restricted and monitored;

Accepted the Secretary General's intention to designate only one or two such locations; and

Stated that they had no intention of infiltrating any armed personnel into Namibia following the start of the cease-fire and that in fact they had no intention of infiltrating any armed personnel during the period between the signing of the cease-fire and the actual start of the cease-fire.

SWAPO has thus accepted the implementation plans of the Secretary General, which the five also fully support, and SWAPO is now prepared to move ahead with that implementation. During these same proximity talks, the frontline states reiterated their commitment to scrupulously insure the observance of the cease-fire agreement.

Mr. Chairman, because South Africa's objections are still outstanding, I believe it useful to examine in greater detail the two principal issues which seem to stand in the way of South Africa's acceptance and I do so at this point with the warning that we have been notified by our Embassy in South Africa that roughly within the hour, the South African Government will present some kind of statement to our Ambassadors which we surmise may be their response to the inquiries on these points.

The two points which South Africa has objected to are, first, South Africa has called for monitoring by UNTAG of SWAPO bases outside Namibia. However desirable such monitoring might be, South Africa was informed in a formal statement prior to its acceptance of the five's proposal last year that such a provision was unacceptable to the neighboring states and that this element was taken into account in determining the size and functions of UNTAG.

Neither we nor the United Nations can dictate to sovereign nations which are not a party to the settlement. As I have stated previously, the frontline states have committed themselves to insuring the scrupulous observance of the cease-fire. We accept these assurances.

The second issue, and the one which seems now to be South Africa's primary objection, is the Secretary General's proposal that any SWAPO armed personnel in Namibia at the start of the cease-fire will be restricted and monitored by the U.N. at designated locations inside Namibia. In making this proposal, the Secretary General was faced with a very difficult practical question. The Secretary General decided, and the five support him in this decision, that those SWAPO armed personnel inside Namibia, estimated at perhaps several hundred, should be identified and restricted in such a way as to facilitate their monitoring.

There were, of course, other alternatives, such as safe passage out of the territory or disarming of SWAPO personnel. However, the level of SWAPO distrust of South Africa's intentions was such that SWAPO was not prepared to take these courses which, of course, would allow South Africa to gain in the peace that which it could not gain in the conflict; that is, the elimination of SWAPO's armed presence in the territory.

In this regard, South Africa's objective is no less objectionable than SWAPO's rejected proposal to introduce a large armed force after

the cease-fire. That, too, would have given SWAPO an opportunity to gain in the peace that which it could not get in the fighting.

It is possible to engage in a legalistic argument over whether the establishment of such SWAPO locations was envisioned under the settlement proposal; however, it is only the practical problem which must be solved. The Secretary General was sensitive to the need to insure that the electoral process could not be adversely affected by the manner in which this issue was handled. The locations would as far as practical be away from population centers. The SWAPO personnel would be restricted to those locations and monitored closely by the United Nations.

I might add that two other Namibian political groups which had previously supported implementation of our settlement proposal, the SWAPO-Democrats and the Namibia National Front, initially opposed the suggestion of a SWAPO armed presence inside Namibia, in part because they thought that Mr. Waldheim's plan was intended to accede to SWAPO proposals which I previously indicated to you had in fact been rejected. This misunderstanding has been corrected, and SWAPO-D has now urged immediate implementation of the Secretary General's plan.

Our latest report this morning is that they tend toward acceptance of the Secretary General's report.

There are several lesser issues which could be raised to a higher degree of importance. These include the composition of the military component of UNTAG and the timing of the U.N.-supervised elections. Neither SWAPO nor South Africa has yet given its formal agreement to the composition proposed by Secretary General Waldheim, but this should be relatively easily achieved once the major issues are resolved.

South Africa has not withdrawn its earlier insistence on the holding of elections by September 30, a date which South Africa's delay in accepting implementation of the settlement proposal obviously has made impossible to meet. While we recognize the need to move ahead rapidly and recognize that deadlines can serve to spur events onward, we continue to believe that peaceful accommodation through free and fair elections is more important than an artificial deadline.

In conclusion, Mr. Chairman, let me say that the five governments believe our settlement proposal and the implementation plan of Secretary General Waldheim offer a balanced and fair settlement of the Namibian question and the only viable settlement available which can bring about an independent Namibia which enjoys broad international support. To be sure, this settlement package does not satisfy every demand of everyone involved, but it does in our estimation satisfy every legitimate concern of the parties.

SWAPO is now prepared to proceed with this settlement. So are the five. So is the United Nations Security Council, and the international community generally. South Africa has not agreed and has said that it must consult with the other Namibian political groups before it makes its decision.

We recognize South Africa's desire to hold these consultations. But it is the South African Government which must determine whether or not it will cooperate with the United Nations in an internationally acceptable settlement. That is a responsibility which cannot be passed off to others.

Most African members of the United Nations are convinced that South Africa has never had any intention of proceeding with an internationally acceptable settlement in Namibia. The frontline states believe that, since they have brought SWAPO to accept the settlement, it is now up to the five to obtain South Africa's agreement.

If South Africa does not agree, there will be increasingly strong calls at the United Nations for us to support our own negotiations by exerting real pressure on South Africa; in other words, some form of economic sanctions.

We have continually told the frontline states and other African nations that negotiation is a real alternative to the armed struggle in southern Africa. Our inability to obtain South Africa's acceptance would almost certainly be seen as proof of an ultimate lack of will in the West to press South Africa to cooperate with a negotiated settlement. It would be seen by Africans as proof of the ineffectiveness of negotiation for peaceful change as a viable alternative to long and bloody military solutions. It would surely adversely affect the prospects for negotiated settlements in the rest of southern Africa.

It would result in an escalation of hostilities and chaos, and open further opportunities for outside forces and alien ideologies.

At the present, there are several serious developments which further complicate and even endanger the settlement effort. Once again South Africa has arrested without charge or trial almost the entire internal leadership of SWAPO. There are reports of greatly increased South African military activity. Conversely, there are reports of heightened SWAPO guerrilla action. All of this indicates that the cycle of violence is expanding.

At this stage Namibia is still a relatively small problem in southern Africa—and the one most susceptible to a negotiated solution. With time, however, it will become increasingly complex and difficult.

Bitterness will exceed reason. Today's compromise solution will be overshadowed by nonnegotiable demands. For these reasons, we must continue to do our utmost not to let the opportunity of a peaceful settlement pass us by.

Mr. SOLARZ. Mr. Ambassador, let me thank you first of all for a very thoughtful and comprehensive statement. I'm sure the members of the committee have many questions to ask you about these negotiations. I think that there is no question that both SWAPO and South Africa have a significant interest in a resolution of this conflict in a way that would provide for an internationally acceptable transition and majority rule in Namibia, just as I believe our own country has a very significant interest in an internationally acceptable transition to majority rule in Namibia as well.

Not only would such an agreement bring the suffering of the Namibian people to an end; it would also tend to preclude both the intensification and the internationalization of the armed struggle in Namibia.

Furthermore, I think it will also provide a very useful precedent for what might become an internationally acceptable agreement providing for a transition to majority rule in Rhodesia as well.

So for all of these reasons I very much hope that in spite of the obstacles and the pitfalls and the objections, we will continue with our efforts to overcome these difficulties in the hope that somehow or other an agreement can be achieved.

Now, since the New York Times is presumably the paper of record, let me ask you first whether the report in today's newspaper that South Africa has told officials of the United Nations that it is prepared to proceed with U.N.-supervised elections in Namibia, but only on the condition that they could not involve setting up temporary military bases for guerrillas inside the territory, means that South Africa has dropped its demand that the SWAPO bases in Angola and Zambia be monitored by U.S. military personnel as well?

Ambassador McHENRY. Mr. Chairman, that report was carried by the New York Times this morning and was also carried by the South African Broadcasting Corp. early this morning and late last night. It is based on conversations which were held in New York on Thursday and Friday.

It is our understanding that the South Africans have denied the accuracy of the report to our Embassy personnel this morning. We will have to await these formal discussions which I referred to earlier before we can confirm that in any way.

Mr. SOLARZ. So your testimony is that at the present moment, you are not in a position to say that the South African Government has or has not dropped its demands with respect to U.N. monitoring of SWAPO bases outside of Namibia?

Ambassador McHENRY. Based on the discussion with the Embassy this morning, I would say that the demand is still there.

Mr. SOLARZ. It is. Now, I think fundamentally there are two questions we want to get at today. One is the merit of the South African allegations concerning the negotiating record with respect to these two issues of the bases in Namibia as well as the monitoring of bases outside of Namibia. Then, second, the substantive merit of the positions of both SWAPO and South Africa on these questions.

South Africa contends that the negotiating record makes it clear that there was supposed to be U.N. monitoring of these bases outside of Namibia. The Secretary General in his report, as you have described it on page 14 of your testimony, says that the settlement proposal made no specific provision for the monitoring by UNTAG of SWAPO bases in neighboring countries.

I have before me the annex to the Security Council resolution as adopted on April 10, which as I understand it, constitutes the basis for the ultimate proposal of the Secretary General. This was—correct me if I'm wrong—adopted by the Security Council. Then it was subsequently accepted by both South Africa and SWAPO. In the annex, point No. 3 says, describing what the United Nations is supposed to do, "As soon as possible, UNSR and staff, UNTAG, arrive in Namibia to assume duties. U.N. military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troop restrictions."

The South African Government seems to be saying since references in the report to SWAPO troop restrictions indicate that they're supposed to be restricted at the base, and since everybody acknowledges they do have bases in Angola and Zambia, leaving aside for the moment the question of whether they have bases in Namibia, that this reference to U.N. military personnel commencing monitoring of both South African and SWAPO troop restrictions, clearly refers to the monitoring by U.N. forces of the SWAPO bases outside of the country.

Now, if that is not the case, it would be helpful if you could explain why it isn't.

Ambassador McHENRY. The record does not support the South African position on this. Neither does that provision of the annex. The annex states, if you read the whole thing, "As soon as possible, UNSR and staff arrive in Namibia." At no place in the annex is there any reference whatsoever to the presence of UNTAG operating outside of Namibia. As a matter of fact, the background to that is that we did discuss with the South Africans and we did discuss with the neighboring countries the possibility of having UNTAG located in those countries to do monitoring of SWAPO bases.

Very early, there was an opening or a willingness on the part of some of the countries, of Angola and Zambia, I think we're talking about principally, to consider the possibility. It became clear that this was not acceptable to either of the countries, that you could not get UNTAG present in those countries.

Now, this was before the proposal was formally cabled, before it was accepted by the South African—

Mr. SOLARZ. Was the unwillingness of the neighboring countries to accept UNTAG forces made clear to the South African Government before the adoption of this resolution by the Security Council on April 10?

Ambassador McHENRY. Yes; it had been, on the 5th of March 1978. Our Ambassadors met with the South African Foreign Ministry officials and made it very clear to them that this was a provision which was unacceptable to the neighboring countries. Then again on March 14, again before the proposal, the Ambassadors again met with the South Africans and made it clear that that would not be needed.

Mr. SOLARZ. I think this is an important point. I want to make sure I fully understand your testimony. Your contention is that in this annex, point No. 3, where in the first sentence it begins, "As soon as possible, UNSR"—what is UNSR?

Ambassador McHENRY. The U.N. Special Representative.

Mr. SOLARZ. Yes; U.N. Representative and staff, UNTAG—that is the military?

Ambassador McHENRY. That is the transitional assistance group which includes the military and the civilians.

Mr. SOLARZ. "Will arrive in Namibia to assume duties." And then your contention is that a second sentence, which talks about U.N. military personnel, that is not UNTAG or UNSR?

Ambassador McHENRY. That is a part of UNTAG.

Mr. SOLARZ. So in other words, when you are referring to UNTAG, you are referring also to military personnel?

Ambassador McHENRY. That is right.

Mr. SOLARZ. In the second sentence you are saying the references to military personnel commencing to monitor cessation of hostile acts and commencing to monitor both South African and SWAPO troop restrictions were clearly meant to refer to U.N. activities in Namibia by virtue of the reference to Namibia in the first sentence?

Ambassador McHENRY. Not just by virtue of reference to Namibia in the first sentence, but the entire negotiating history, which also makes it clear.

Mrs. FENWICK. Will the gentleman yield?

Mr. SOLARZ. I'll be happy to yield to the American chairwoman of the Friends of Chief Chirau. [General laughter.]

It turned out that the chief had more support in Washington in our committee than he had in Zimbabwe. [General laughter.]

Mrs. FENWICK. I wanted to ask, where are the SWAPO bases in Namibia?

Ambassador McHENRY. I think this is the second point—

Mrs. FENWICK. Where are they, I mean?

Ambassador McHENRY. In a real sense, there aren't any bases.

Mrs. FENWICK. That is why it is pertinent to what you are talking about because it says "monitoring both South African and SWAPO troop restrictions," so if they have any bases in Namibia, they would refer to the ones outside Namibia.

Ambassador McHENRY. It says SWAPO troop restrictions. It doesn't say bases. I think where troop restrictions come in is in the second point, which I tried to refer to earlier.

Could I say this? I think the important point, if I may, is to indicate that both the proposal in itself and the record make clear—if I may, I would like to read to you—

Mrs. FENWICK. Reading on: "Make necessary arrangements for coordination with neighboring countries concerning provision of transitional arrangements."

Ambassador McHENRY. Yes; that is true, but there are other transitional arrangements involved in neighboring countries, such as the return of refugees and the release of political prisoners. That sentence refers to those arrangements, and not to the other.

Mrs. FENWICK. You mean the neighboring countries are holding political prisoners?

Ambassador McHENRY. There is a contention by the South Africans that they do. They deny it, but the proposal calls for the release of any who might be.

Mr. SOLARZ. I want to see if we can proceed in an orderly and sequential way here. You were about to refer to some document which you say speaks to the negotiating on this point of monitoring the bases outside the country?

Ambassador McHENRY. Yes. I think it is both conversations with the South Africans in March 1978 before the proposal was made public and March 14, 1978, again before the proposal was made public. It was made explicitly clear to the South Africans that however desirable it might be to have monitoring in these neighboring countries, it was found unacceptable to them.

Mr. SOLARZ. I think part of the problem here, Mr. Ambassador, and I'm not necessarily challenging your assertion and interpretation, is that you refer to in effect what appears to be a private negotiating record and South Africa refers to a public document which presumably embodies the agreements that were reached.

I think what we have to do is establish what we mean by the public documents, and what they actually are.

What is your interpretation of what it means when you say the U.N. military personnel will commence monitoring SWAPO troop restrictions? What did that mean?

Ambassador McHENRY. Again, I think what is there is the hidden second point which is the point of contention here. That is, what do

you do with SWAPO military forces which are inside the territory at the time of the cease-fire? I do not believe that the proposal excludes the possibility of having the United Nations present in the neighboring territories. It does not exclude it.

Mr. SOLARZ. But your contention is that both the reference to Namibia in the first sentence, as well as the discussions which we had with South Africa prior to the adoption of this report, which they ultimately accepted, made it clear that the references here are to U.N. military monitoring within Namibia itself?

Ambassador McHENRY. Yes. I think that no participant in the negotiations would come up with anything else.

Mr. SOLARZ. On the question of the merits of the refusal on the part of the Frontline States Committee to allow a U.N. military monitoring presence in those countries, they have taken a position, I gather, that this is an infringement of their sovereignty. In a certain sense I suppose it is, but there are many countries in the world which in the interest of peace and reconciliation have accepted U.N. forces. You have them in Cyprus. You have them in Syria. You have them in Egypt. You have them in Lebanon. There may be other countries where they exist also. I haven't seen the latest list.

If these countries could accept U.N. troops on their soil, why is it so difficult for Angola and for Zambia, which generally get along well with the United Nations and whose position on this dispute the United Nations is generally supporting, to accept U.N. troops there?

Ambassador McHENRY. Congressman, I can't speak for those countries. The only thing I can say is that historically the United Nations has not been able to move to any country without the agreement of that country. And second, that in both instances, Angola and Zambia, we discussed with them the possibility of having an UNTAG presence of monitoring persons. Neither was receptive to it. They have not been as negative as that might sound. The Secretary General did propose to them the presence of a liaison group in the territories to maintain the necessary contact with the Special Representative and the Secretary General.

At this point, Botswana and Zambia have accepted that proposal. Angola has not, but I think the Angola absence of a response is probably due to other factors.

Mr. SOLARZ. What does that proposal entail?

Ambassador McHENRY. That at this stage is not clear to me. Mr. Waldheim has proposed the establishment of liaison offices so that in the event there are activities in those countries which would place UNTAG at risk, he would be able to communicate directly with them through established channels.

Mr. SOLARZ. He is not talking about having U.N. Representatives or officials located at the SWAPO bases themselves or in that vicinity, is he? Or is he?

Ambassador McHENRY. I don't think he has gone that far. I think at this stage he is talking about having liaison in the capitals. I might say that many avenues tend to be closed off because of the controversy that develops. I suspect that that kind of liaison probably could have been developed had it not been—had the South Africans not tried to force it on the countries.

Mr. SOLARZ. The frontline states, I gather, have undertaken to give assurances that they will make sure the SWAPO forces remain in their bases, is that correct?

Ambassador McHENRY. Yes. They look upon it as a matter of honor. They say they have undertaken to see that SWAPO lives up to the agreement and they will see that SWAPO lives up to the agreement, and you don't have to have the U.N. there.

Mr. SOLARZ. I think that is a welcome statement. I don't dispute the sincerity of their intentions. Let's assume they're being perfectly sincere in their determination to see that these arrangements are lived up to. Given the fact that you have a major insurgency in the southern part of Angola which would require some foreign assistance to control, and given the extent to which there have been reports that Patriotic Front forces in Zambia have engaged in intermittent depredations against the citizens of Zambia itself which the government in Lusaka appears to completely control, how meaningful are these assurances from Angola and Zambia that they can in fact see that these arrangements are adhered to, assuming perfect sincerity on their part? Do they in fact have the capacity to make sure the SWAPO forces remain confined to base in their country?

Ambassador McHENRY. I think all the points which you point out are perfectly valid. I think the thing that is important to remember, however, is that in no instance are we talking about an assurance that SWAPO remains—what we're talking about is monitoring someone to blow the whistle, someone to say that the provisions of the agreement are not being fulfilled.

Even if UNTAG were there in the manner in which South Africa proposes, it would be blowing a whistle. I think this is the effectiveness of the United Nations peacekeeping operation, not necessarily the forcefulness of it.

Mr. SOLARZ. Blowing a whistle with respect to what kinds of behavior?

Ambassador McHENRY. Any provision which would be inconsistent with the requirement of the proposal; for example, the proposal to have SWAPO restricted to base, if SWAPO were acting in a manner inconsistent with that. If there were movements toward Namibia, these would be brought to the attention of the United Nations.

Mr. SOLARZ. Just one or two questions and I will yield to my colleagues and then come back later, but on this question on the bases in Namibia itself, South Africa's contention once again is, if you look at No. 3 in the annex to the Security Council proposal, the resolution of April 10, it says under SWAPO, "General cessation of hostile acts comes under U.N. supervision, restriction to base."

Their contention seems to be that since there are no existing SWAPO bases in Namibia, it would be inappropriate to permit the establishment of new bases which don't now exist, since that would in fact give SWAPO something it doesn't have now—a base in the territory.

You make the interesting argument that if all of the SWAPO forces were obligated to leave the territory to turn in their arms, it would deprive SWAPO of something it does have now, which is the military presence in the territory, whereas South Africa contends if you put them in one or two bases, you're giving them something which they don't have, which is the base.

What is your response to this argument when it says "restriction to base"? It is an understanding that if they have a base, that is what they're restricted to, but if they don't have a base, it makes no provision for the establishment of bases which don't exist.

Ambassador McHENRY. Mr. Chairman, I think as I tried to indicate earlier, what one is faced with here is a practical problem. A base for an established military organization in the sense of a formal force is one kind of operation. A base for a guerrilla force is another kind of operation.

The proposal is not clear. It does not go on to define what a base is. It does not have in it, for example, a move to existing bases which would have, although still would have left unclear what a base is, it would have given you some kind of indication. South Africa's stand in referring to this is to say that it has to be to existing bases, those which are already in existence.

The fact is that no such word precedes the word "base." At one point in the negotiations, the word "established" did precede "base." For some reason it was removed, so we don't even have that kind of guidance.

Mr. Waldheim was faced in this connection with a very simple practical question: What do I do with people who are inside of this territory at the time of the cease-fire and who are armed? What he tried to do is to differentiate in such a way as to handle those who are outside in one manner and those who are inside in another manner, to try to assure that this would not affect the political process, and also try to assure that it was something which was going to be reasonably acceptable, given the number of people we are talking about.

Mr. SOLARZ. I have been given to understand the NNF has claimed that they were given explicit and unequivocal assurances by representatives of the Western five on March 31, which was about 11½ weeks prior to the adoption of this resolution, that no SWAPO bases would be permitted within Namibia.

Was this contention correct?

Ambassador McHENRY. By the way, if I may correct one thing which was earlier, the proposal was tabled on the 10th of April, not adopted. It was adopted much, much later.

Mr. SOLARZ. When was it adopted?

Ambassador McHENRY. It was adopted the 27th of July. SWAPO does cite—or the NNF does cite conversations which took place in New York between representatives of SWAPO and representatives of the five at the time of the first proximity talks. These were informal discussions. We had no record of them.

I have no reason to question what they believe they were told. I do not believe that it still gets us to the practical question. The practical question is not the establishment of a military presence of SWAPO in the territories. The practical question is how do we handle the present military presence which is there? That is what Mr. Waldheim has been trying to do. How do you handle the military presence which is there?

The alternative is, if you do not accept the alternatives which SWAPO couldn't take them, South Africa suggests safe passage out of the territory or disarmament, the alternative is to allow underground in the same places a military presence over which we have absolutely no control.

I think that this question of arguing about what you do with the several hundred SWAPO people is turned on its head. I would think that the South Africans would be the ones wanting to know where the SWAPO forces are and have them surface and be in one place. They would want to know that, even if they cynically had no intention of going through with the proposal and wanted to get them in one place so they could clobber them at some time in the future.

By the same token, I would think that SWAPO would be the one which does not want to bring its people together in one place because it is a great disadvantage for a guerrilla force to try to resume its activities having done that.

Instead of having these parties take the positions which logic would make it seem that they would take, they're taking the opposite position. I would expect in part the situation is complicated by South Africa's fear that what the Secretary General really wants is to establish a place where he can march in 2,500 people and put in five SWAPO bases.

That is not what the Secretary General has done. He has made it absolutely clear that he proposes to have very strict control. So there is this differentiation between these two groups of people.

Mr. SOLARZ. At the time this language was adopted, which says "restriction to base," was it clear that there were no SWAPO bases in Namibia?

Ambassador McHENRY. No. Even then I think there was this iceberg which was below the surface, and no one dealt with, or perhaps should have dealt with more forcefully, the question of what do you do with the SWAPO people who are inside the territory.

Mr. SOLARZ. But my question was, was there an understanding that there were no SWAPO bases on April 10 in Namibia?

Ambassador McHENRY. Again, the question is, what is a base? At that time, we did not seek to define a base. No one did seek to define a base.

Mr. SOLARZ. Mrs. Fenwick.

Mrs. FENWICK. It seems to me understandable that the neighboring countries, particularly Angola and the situation in which it finds itself, would not want to have independent observers hanging around. I think it is a good thing that although this was envisioned in the beginning, the South African Government has agreed, as I understand it, to let that point go.

But I'm not at all clear. I'm looking here at NNF, page 3, "a fundamental breach of an explicit and unequivocal undertaking given NNF by representatives of the five Western powers on the 31st of March 1978 to the effect that no SWAPO bases would be permitted within Namibia."

That is quite clear as to what NNF thinks. Now we go to what SWAPO-D thinks. SWAPO-D is quite clear. "We firmly reject all proposals which permit the establishment of 2,500 armed guerrillas at five special bases inside Namibia." This is contrary to the U.N. plan and does not allow the setting up of such bases.

We all know what a base is, Mr. McHenry, Mr. Ambassador. A base is a place where armed people are gathered together and form a power nucleus, and that is what a base is, and bases in foreign countries, we all know what they're talking about.

Further, SWAPO-D goes on to say, "We make known our dissatisfaction"—they warn that if they establish these bases of armed guerrillas or SWAPO has five bases inside Namibia, if contrary to the U.N. plan, "we wish to point out the elections would take place"—it says—"to allow any political group to have a body of armed men stationed inside Namibia during the election period would only encourage other groups," and he speaks of Black SWA. I don't know what that is, and WWB. These must be groups which he fears. "We would not support the emergence of these white rightwing groups. We are perturbed the authorities do not find it necessary to condemn their activities, but they're being encouraged by the establishment of these bases."

It seems to me that there are two points of contention: one, monitoring outside; two, any establishment of bases within.

SWAPO-D goes on to say, "We wish to make known our dissatisfaction with the attitude of Dr. Waldheim who continues to resolve the dispute as a continuing matter of SWAPO on one side and South Africa on the other. He ignores all of us in this country. It is deplorable that there's no doubt that we're in the majority. It is time that Dr. Waldheim recognizes that all of us who are living and working in this country are interested in the implementation of the U.N. plan."

Indeed, it does seem to me—I've written down some of the questions that our chairman as usual has drawn. Where are these bases? They're nonexistent. There are political activities operating all through. When you say that they removed the word "established" before the word "base," where is that now? Where is that section that refers to base, for which "established" was removed?

Ambassador McHENRY. Right before you see the word "base"—

Mr. SOLARZ. Would the gentlewoman repeat the entire question? [Laughter.]

Mrs. FENWICK. In other words, I do think, Mr. Ambassador, your very excellent statement does not seem to take into account some of the documents here.

Now, point C of the letter that was signed by Barton LePrett and Ambassador Young on the 10th contains, on the third page, the demobilization of the citizen forces, would certainly suggest anything that is armed within the country is going to be disarmed.

Ambassador McHENRY. Could I please try and answer some of the things which you have given us? In the first place, I think that the material from which you have read is part of what makes the task of unscrambling this thing very difficult. I indicated to you that at one point SWAPO sought to get in the implementation that which it could not get in the negotiations, that it did propose the establishment after the cease-fire of five bases with 2,500 men in them marching into the territories, 2,500 men, five bases.

I would suggest to you that much of the reaction, negative reaction, particularly from NNF, particularly from SWAPO-D, particularly from the churches, was in response to that proposal of SWAPO.

Mrs. FENWICK. Well, when was that made?

Ambassador McHENRY. It was made to Mr. Ahtisaari, privately. I might say, to Mr. Ahtisaari in Angola somewhere around the 12th of February of this year. This was an effort of SWAPO to get in the implementation that which we could not get in the negotiation.

Now, what the Secretary General said, I will have no part of that. I will not allow you after the cease-fire to march in 2,500 people and put them in five places. On the contrary, anyone outside the territory at the time of the cease-fire is to stay outside the territory at the time of the cease-fire. Those inside the territory at the time of the cease-fire, I want to bring together under conditions which I can control.

Now the SWAPO-D and the NNF statements which you read to us refer to a rejected SWAPO proposal, rejected by the Secretary General, and it should be made clear and understood that that is not what the Secretary General was talking about.

Mrs. FENWICK. That is what they're talking about.

Ambassador McHENRY. With their understanding and as a result of discussions in New York, SWAPO-D, as I indicated in my statement, now understands the difference between the two and believes that the Secretary General should go ahead with the proposal as he outlined it.

Mr. SOLARZ. On this point, if the gentlewoman would yield, the difference between the two presumably is that SWAPO wanted five bases—which was presumably up to 2,500 people—whereas the Secretary General's report, as modified or as amplified after the round of discussions afterward, refers to up to two bases with presumably no more than a few hundred in each base.

Ambassador McHENRY. No, I think there was a fundamental difference before then. I want to get this clear. The Secretary General is trying to deal with the situation which he finds at the time of the cease-fire. SWAPO, in its proposal, wanted to march into the territory 2,500 men and put them into five bases. They wanted to do this after the cease-fire took place.

The Secretary General said no. When the cease-fire takes place, anyone outside the territory remains outside the territory. Anyone inside the territory, in other words, under the conditions which have been going on for years, will remain inside the territory but I want to know where they are. I want to bring them together.

Mrs. FENWICK. But Mr. Ambassador, that is what he wants, but that is not what the people of Namibia want. It seems to me quite clear that SWAPO wanted 2,500 marched in after the cease-fire and that was too much, so then they tried for half a loaf, which is to get some bases inside, all armed and ready to go.

I don't know why the Secretary General looks more kindly on that. It seems to me that both are contrary to the understandings that Mr. Young, Ambassador Young finds, the demobilization of citizen forces at the command structure. That would apply to the rightwing and all armed groups.

Ambassador McHENRY. With respect, I do not believe this is the Secretary General's effort to come up with half a loaf in the first place.

Mrs. FENWICK. No, it is SWAPO's idea.

Ambassador McHENRY. SWAPO did not make this proposal. The Secretary General did, and he made it as a way of trying to handle the very practical question that he had. I don't believe we're talking about very many people. I think we're talking about a relatively small number of people.

Mrs. FENWICK. We're trying to live up to an agreement. We've got to have some kind of rule of responsible people sticking to what they

said, and what they said was they would stay on their bases, and they said they would monitor and they can't monitor, so let's skip it. But it also said that the demobilization and dismantling of the people in the country, not proposing that we set up two bases, all armed.

Ambassador McHENRY. If you look at the points which are made with regard to another group that you are raising, which is the citizen forces, the commandoes and the ethnic forces, it does indeed call for demobilization or the breakup of their command structure and so forth, but I regret to say that it does not call for the disarmament of some of those. As a matter of fact, one of the difficulties which we have in the proposal is that the citizen forces and commandoes remain very armed. It was very difficult for us in the negotiations to get the South Africans to agree to having those individuals turn in those weapons which had been issued to them as a result of their being in the citizen forces and the command base.

Mrs. FENWICK. Mr. Ambassador, may I ask you, has the South African Government lived up to that agreement, withdrawn all but 1,500 South African troops within 12 weeks? Did they do that?

Ambassador McHENRY. No, because the proposal—they haven't had to. The proposal hasn't gone into effect.

Mrs. FENWICK. I guess my time has expired, but it seems to me that it is not sufficiently clear in these papers, but it is far more clear in these papers than what has been signed by the ambassadors, that there aren't supposed to be armed bases in that district.

Ambassador McHENRY. Again, I think one has to ask the practical questions, and the practical question is, what is the alternative? I'm not talking about the establishment of armed bases and I don't think Mr. Waldheim was talking about that. What he is trying to ask is what could we do with these people who are armed in the territory.

We cannot, as a practical political matter, get them out. They are not going to disarm. Maybe they will at some point, but the question is, how do you handle it?

Mrs. FENWICK. Are you going to do the same with the rightwing groups? Are you going to have established things for the Black SWA and the WWB or whatever they're called? Because right is right and fair is fair. Are you going to have bases for all the SWAPO to be lined up in bases, or are there going to be provisions for everybody. If they're all armed, as you say they are by the African Government, why don't we have them for everybody, bases for every group?

Ambassador McHENRY. I really believe that you are making this larger than it is. We're not talking about all of SWAPO. You're talking about the number of guerrilla forces who operate an extremely small base in that territory.

Mrs. FENWICK. I'm talking about trying to get an agreement and you can't get an agreement if people think, as they seem to, that Waldheim is not satisfactory to SWAPO-D, that it doesn't pay any attention to the people locally, that he is only willing to deal with SWAPO in South Africa because they are strong or something. They have no respect for law and order or agreements. This kind of pragmatic approach is very difficult, that we have to let them have what they want.

I don't think that's going to work because you won't get an agreement.

Ambassador McHENRY. Again, I think your statements from the NNF are somewhat old. They were issued on the basis of information which was inaccurate and which they have subsequently acknowledged.

Mrs. FENWICK. SWAPO-D is dated February 28, 1979.

Ambassador McHENRY. Yes, I understand that.

Mrs. FENWICK. And our dissatisfaction is February 28, 1979.

Mr. SOLARZ. Your testimony is that SWAPO-D is now in favor of accepting the Secretary General's report?

Ambassador McHENRY. We will supply you with their latest statements if you wish.

Mrs. FENWICK. I would indeed.

Mr. SOLARZ. The gentleman from Pennsylvania has been waiting patiently in the wings.

Mr. GRAY. That is quite all right, Mr. Chairman. I am enjoying the questions of the gentlewomen from New Jersey.

Mr. Ambassador, one of the incentives for South Africa to negotiate the status of Namibia was the implied threat of U.N.-imposed sanctions. Is that a real threat? Is there a possibility that that is a real threat?

Ambassador McHENRY. In our negotiations with South Africans, we have refrained from trying to negotiate under the gun of a threat. We have felt that and we have continued to believe that their interests are best served by a settlement.

Now, as a practical matter, we have been over the last several years and will be now faced with proposals in the United Nations for the institution of sanctions if the South Africans do not agree. Now whether they would be practical and effective is another question.

Mr. GRAY. So if there isn't a settlement that the South Africans would agree to, it is your opinion that the U.N. would perhaps move to acquire some type of sanction?

Ambassador McHENRY. I think there would be proposals for it, and I think the record is such that there would be a great deal of support for it. Whether they would be instituted or not is something which I cannot say.

Mr. GRAY. If that occurred, is the administration prepared to impose sanctions, recommend it to the Congress, on South Africa?

Ambassador McHENRY. We have not at this stage taken a position on this matter. We have informed the South Africans that we support the proposals before them. We think they are practical. We think it's important that they support the implementation of them. We have not made a decision on it.

Mr. GRAY. What do you think the impact of the election of a new British Government will be upon the current negotiations taking place with regard to Namibia?

Ambassador McHENRY. It is too early to tell. We have had a number of statements from various spokesmen of the new government during the political campaign, but we have had no official statement as yet.

I believe that the new government will find, once it reads the record and faces the situation, that the negotiations, the problems, the way of handling them has not been as outlandish as some would have them believe. The British civil service, as you know, goes much higher in their foreign office than ours does. Those civil servants will not change,

and I doubt seriously if there will be very much difference with regard to this question.

Mr. GRAY. Thank you, Mr. Chairman.

Mr. SOLARZ. Thank you, Mr. Gray.

I have several other questions. I want to get this straight now for the record. Your position is that SWAPO-D now accepts the Secretary General's report and is prepared to accept up to two SWAPO bases in Namibia and an absence of U.N. monitoring of the SWAPO bases outside of Namibia? Is that your testimony?

Ambassador McHENRY. Yes, that is my testimony. I'm not saying that they accept it enthusiastically, but they do.

Mr. SOLARZ. Right. They would rather see the plan go forward with that than to have the plan disrupted?

Ambassador McHENRY. That is right.

Mr. SOLARZ. Although I suppose if they had their own preference, they would prefer not to see SWAPO bases in the territory. They would like to see monitoring of bases outside their territory. But if the question is either you proceed with that or you don't proceed, they would rather proceed, is that correct?

Ambassador McHENRY. That is correct. If I may read the two points from their statement which was issued, first, "the Waldheim report provides at this time the only viable and acceptable basis for peaceful and internationally acceptable transition in Namibia. While SWAPO-D is still not entirely satisfied with the arrangements for the creation of SWAPO bases, monitored locations inside Namibia and with the arrangements for the monitoring of SWAPO bases in neighboring territories, we nevertheless believe that we can accept these procedures in the interest of progress."

Mrs. FENWICK. Who writes that?

Ambassador McHENRY. This is SWAPO-D.

Mr. SOLARZ. You indicate in your testimony that the NNF, and I'm now quoting, "tends toward acceptance of the Secretary General's report." What does "tends" mean?

Ambassador McHENRY. I phrase it in that way because the NNF statement was issued on Saturday. We have no personnel there. We have not read the statement itself, and therefore I don't want to be categorical in describing their statement.

It was for that reason that I described it as I did. I don't know exactly what it says, and I will not before the day is over.

Mr. SOLARZ. Your contention is, the phrase "restriction to base" in the annex of the Security Council's resolution was ambiguous, that it did not necessarily refer to existing bases, but could be interpreted to refer to bases that would be established for the purpose of restricting the movement of SWAPO members.

Ambassador McHENRY. I think that it does not clearly deal with the question of what do you do with SWAPO armed personnel inside Namibia, and what the Secretary General sought to do was to deal with this question in as pragmatic a fashion as he could, and to do so under controls.

Mr. SOLARZ. How do you deal with the assertion that by recommending that up to two bases be established he is giving SWAPO something which it does not have at the present time—formal military bases inside the country?

Ambassador McHENRY. I think it probably is a legitimate point to say that one is bringing together in one place or two places SWAPO personnel where they are not now. That must be weighted against the alternative, which is allowing no SWAPO personnel to continue to float around the territory.

Mr. SOLARZ. As you indicate in your testimony, it would appear that SWAPO gets relatively little advantage from having its men confined in these camps. It certainly renders them vulnerable should South Africa decide to act duplicitously. Not that South Africa would do so, but given the lack of trust between both sides, I think that is a possibility SWAPO doesn't completely preclude. They are identified. They're out in the open. They're vulnerable to sudden and swift action by South African forces. They're also out of action for purposes of the campaign.

I would think if I were Sam Nujoma, I would rather have these fellows out doing the equivalent of ringing doorbells in the bush than sitting on their haunches in a camp while the campaign is going on.

I also understand that some of the frontline states question the wisdom, from SWAPO's point of view, of having their people in these vulnerable locations for political action as well.

Given all of this, is there any possibility, assuming South Africa remains adamant in its refusal to proceed so long as there is a provision for SWAPO bases in the country, of prevailing upon SWAPO or the frontline states to reconsider their insistence on the establishment of such bases in Namibia on the grounds that it is in their interest not only to have an internationally accepted transition, but also not to have their people locked up in bases?

Ambassador McHENRY. I don't know what the possibility is on this particular point. I think the possibilities have been greatly reduced by the very public and controversial manner in which this has been handled. It does seem to me, as I've indicated, the positions of the two sides are the opposite of what they really ought to be. It does seem to me that it may be at the point where SWAPO itself has no intention of corralling any of its people but believes that this is a political point to be made. I don't know.

Mr. SOLARZ. If either the United States or the United Kingdom recognized the internal settlement in Rhodesia and moved to lift sanctions against that country, from your point of view would that also preclude the possibility of a negotiated agreement with Namibia by encouraging the South Africans to move forward with the internal settlement there also?

Ambassador McHENRY. I believe it would have disastrous effects for the negotiations in Namibia because it would encourage this internal settlement. I believe that frankly, one of the reasons why we haven't been able to move ahead in the last month on Namibia has been the uncertainty of events in Rhodesia, added to the uncertainty of events in the United Kingdom.

Mr. SOLARZ. So your judgment would be for all intents and purposes, recognition of the internal settlement in Rhodesia by the United States and the United Kingdom would tend to preclude the possibility of a successful negotiation in Namibia?

Ambassador McHENRY. It would greatly adversely affect it.

Mr. SOLARZ. Conversely, would a successful negotiation in Namibia and an agreement between SWAPO and South Africa in any way

significantly advance the prospects for a similar kind of arrangement with Zimbabwe of an internationally acceptable transition to majority rule in that country?

Ambassador McHENRY. It could set an example of how one can solve things peacefully. I'm not one of those who believe that it would greatly affect the situation in Rhodesia. I say that because the situation in Rhodesia is very far down the line, and many of the things which we're trying to do in Namibia would be very difficult to persuade parties to accept in Rhodesia.

A case in point is this very quick question of what do you do with these armed forces? We are having difficulty now in Namibia with what to do with several hundred people. In the Rhodesian situation, it is a question of what do you do with a score of thousands of people.

My fear is that if we do not resolve the Namibia situation now, and if we get hung up on what to do with several hundred, that a year from now when we try to resolve it, it will be what do we do with several thousand, and there is the difficulty. It is for that reason that it seems to me that one ought not to pay as much attention to this question as is being paid to it.

Mr. SOLARZ. One final question on this. Are we prepared in principle to support at the United Nations some form of sanctions against South Africa if South Africa should ultimately refuse to accept the Namibian proposals?

Ambassador McHENRY. That is a decision which has to be made, as I tried to indicate to Mr. Gray, which has not been made. I think the administration—there have been a number of discussions on this, but no final decisions were made.

Mr. SOLARZ. Before yielding to my friend from Michigan, since we have four members here right now, I would like, because I think it is not a particularly controversial matter, to take up for consideration H.R. 3897, a bill which each of the members should have a copy of. Let me just take it up and then we might have questions.

As my friend knows from his experience in this committee in the past, when one gets as many members as we now have, one takes advantage of the opportunity and moves forward. We had a very well-known political leader in Tammany Hall in the old days in New York by the name of George Washington Plunkett, who was made famous by saying that he had seen his opportunities and he took them. And I see four members here and we will move forward.

This is a bill which would provide for the Presidential waiver of the prohibitions in the 1979 foreign aid legislation against economic and humanitarian aid to Uganda in light of the recent developments in that country and the very productive hearing we had last week. We had Secretary Keeley and the subsequent reports from Kampala. I would hope that the subcommittee could report this bill out.

I think one of the great scourges of human history has been eliminated in that country. There's every reason to believe that the new government is determined to proceed with the reconstruction of the country in such a way as to end the abuse of the human rights of the people there, and I think that they desperately need help. The economic fabric of the country was completely destroyed by Amin. The economy is in shambles. They desperately need help, and I would hope that we could provide it to them.

Mrs. FENWICK. I'm heartily in favor, as our chairman knows. The remarks of the new president are heartening and inspiring, and a model which I think could be followed more often as to the moral and spiritual needs of the people, as well as economic. But I worry that with only four—don't we have to have five for a quorum? I wouldn't want this to be jeopardized in any way.

Do you have a proxy?

Mr. SOLARZ. I have a proxy of Mr. Buchanan.

Mrs. FENWICK. Oh, all right. Can that be counted?

Mr. SOLARZ. Unless someone raises an objection. I don't hear anybody raising an objection.

Mr. GRAY. I have a concern, Mr. Chairman. I have just a question, Mr. Chairman, and that is, what is the difference between 3897 and 3716? As I understand it, one would make it repeal the trade embargo completely. The other one would be based on human rights violations.

Mr. SOLARZ. The gentleman's distinction is absolutely correct. I had thought it would be prudent to wait a little while on 3716, the trade embargo, for two reasons. First, because we do have testimony from the administration that the Presidential waiver provided for in the trade embargo, which they expect the President to issue any day now, completely obviates the existence of the embargo. In other words, it is not a temporary waiver. After he waives it once, the interpretation of the Department as it was given to us last week is that it wipes it in effect off the books.

If that is true, there is really no need for legislation ending the trade embargo, and we wanted to get a definitive legal judgment on that point.

The second point that we wanted to determine from the parliamentarian, and we haven't yet gotten a definitive judgment on it was whether the adoption of the legislation to end the trade embargo against Uganda might facilitate amendments on the floor concerning other countries against which we have embargoes, which could entangle this issue and other issues that we wouldn't want to see entangled.

Clearly with respect to Rhodesia, we will be having hearings and I'm sure the House will have the opportunity at some point to work its will, but I think the two issues of Rhodesia and Uganda could intertwine; so we want to get some further data on that, and if it looks appropriate, then we will take the trade legislation up.

Mr. GRAY. So basically 3897 permits the President to immediately move forward based upon human rights. If there are no human rights violations by the new government, then of course he can go all the way at a later date to remove all embargoes. This in effect, doesn't it, removes all embargoes?

Mr. SOLARZ. H.R. 3897 removes embargoes for fiscal 1979 to Uganda. In the existing legislation already on the books the President has the right to waive the embargo on trade with Uganda. We expect he will do that in the next few days, but he doesn't have the right to waive the prohibitions on foreign aid, which is what this bill does.

Mrs. FENWICK. I move the adoption of the bill.

Mr. DIGGS. I have one question. I haven't checked this out, but is this bill subject to possible amendment of legislation?

Mr. SOLARZ. This is something that will be determined. If it is, I think we could bring it up on suspension, but I want to assure the gentleman—

Mr. DIGGS. You are checking this out? You're asking the parliamentarian?

Mr. SOLARZ. Absolutely. Our tentative judgment from the parliamentarian is it is not, but I want to assure the gentleman that we will not lend ourselves to an effort to confuse this issue with other issues.

The gentlewoman from New Jersey moves the adoption of legislative bill H.R. 3897. All those in favor say "aye."

[Chorus of "ayes."]

Mr. SOLARZ. Opposed, say "nay."

[No response.]

Mr. SOLARZ. Hearing none, the Chair rules that H.R. 3897 is adopted and reported to the full committee.

Coming back now to Namibia, if you are still with us, the gentlewoman from New Jersey.

Mrs. FENWICK. I think it would be useful for this committee and for the record: (a) The Waldheim report provides that at this time the only viable acceptable basis for peaceful internationally acceptable transition and independence—this is a telegram concerning SWAPO-D's reaction:

While SWAPO-D is not entirely satisfied with the arrangement for SWAPO bases in locations inside Namibia and with the arrangements for the monitoring of SWAPO bases in neighboring countries, we nevertheless feel we can accept these procedures in the interest of progress. We are hoping these demands will be acceptable to the people in Namibia and that they will therefore say no to the implementation of the U.N. plan. In our opinion, those who call for the creation of these bases are not in favor of a peaceful solution to the problem. We've refused to be trapped by this obstructive strategy.

What we seem to hear from this group is a rather desperate cry overlooked by Waldheim. Nobody talks to them. According to what you have told us, Mr. Ambassador, there are only a few hundred SWAPO's around in the country, and yet everything seems to be directed toward what they want. That is a most curious, it seems to me, method of operation.

"The risks, you see, are enormous, and we face these risks daily," He goes on, "We accept these bases on locations but those who insist on placing guerrillas in these camps will bear the full burden of responsibility for the cease-fire breakdown."

Then, speaking about their prisoners, their political prisoners held in detention camps in Zambia, apparently those neighboring countries are so sympathetic to SWAPO that they have been imprisoning the SWAPO-D people. What a terrible situation.

Ambassador McHENRY. Mrs. Fenwick, I think in my remarks I tried to cover the range of difficulties that we face in trying to get a settlement in Namibia. There is no question but that there are differences among the various groups, and there is no question but that in all of their statement, each will take statements which it will take me a half hour to discuss with you.

There is a great deal of difference between SWAPO-D and SWAPO. It has a history which goes far back. They are not lovers of one another.

I would suggest to you that some of the statements which they make and which in a sense you make are either, (a) covered in the proposal, or (b) no longer applicable. There is no indication whatsoever that Mr. Waldheim or the Secretary General are not willing to talk to SWAPO-D or any other Namibian group. The SWAPO-D people met with the Secretary General when they were here for the proximity talks.

Mrs. FENWICK. I was only relating what they feel.

Ambassador McHENRY. There is no question that they feel that based on the past and based on the tendency of those outside to believe that all Namibian groups who are inside are puppets, the SWAPO-D people and the NNF all believe that they do not get the standing and status which they wish. That is their feeling, their belief. There is nothing we can do about it.

What we can, however, do, is to insure that in the implementation of the proposal, there is no differentiation among the parties, that they all have an opportunity to participate in the election, and that the election is free and fair.

I think there is no accusation which has been made by any of them with regard to provisions of the proposal in that respect.

Mrs. FENWICK. What troubles me about this is that there were two arrangements. One was that they were to be monitored in their bases outside the country, and the other was that they were not going to have any bases in the country.

Now both of those have been overturned.

Ambassador McHENRY. With respect, I must disagree with you.

Mrs. FENWICK. That is what the document said.

Ambassador McHENRY. I'm sorry, the documents do not state, nor does the negotiating history support any statement that there was a provision for UNTAG, for monitoring by UNTAG, by the United Nations outside the territory, but there is a provision for the neighboring states to insure that provisions are carried out with regard to their states. But at no point in that proposal and at no point in the document is there support that UNTAG is outside.

If I may, could I read to you—

Mrs. FENWICK. "Commence monitoring—"

Ambassador McHENRY. Could I read to you the formal statement which was given to the South African Government on this point? This was a month before they accepted. It was made by the five ambassadors on the 14th of March, and I quote—

Mr. SOLARZ. The 14th of March of what year?

Ambassador McHENRY. Of 1978.

Mr. SOLARZ. This was before they accepted the Security Council resolution?

Ambassador McHENRY. Yes; and I read this to you.

Mrs. FENWICK. Now what is this?

Ambassador McHENRY. This is the formal position of the five on the question of outside monitoring, on monitoring outside the territory.

Mrs. FENWICK. Only?

Ambassador McHENRY. Only. I want to make this clear because there has been enough of this—the senseless accusations about the changes because there wasn't one here. I'm not talking about your senseless accusations.

[Laughter.]

Mrs. FENWICK. It doesn't bother me one bit.

[Laughter.]

Mr. SOLARZ. The gentlewoman has been called many things in her day, but never senseless.

[Laughter.]

Ambassador McHENRY. But I think it is very easy in something which is very complicated to put out a great deal of information on a very complicated question and to make it sound as if there was agreement when there wasn't.

Now the people who have been involved in this, and they have been involved in it for 2 years, have day and night negotiations—

Mrs. FENWICK. I can only read—

Ambassador McHENRY. It is not you. It is the people who make the charges which I'm after.

Mrs. FENWICK. I'm not charging anything; I'm just trying to read them.

[Laughter.]

Ambassador McHENRY. I know, but you are basing it—we said to them in a formal statement, in paragraph 12 of our proposal:

Neighboring countries are requested to insure that the provisions of the transitional arrangements are respected and to afford the necessary facilities to the U.N. Special Representative to carry out his assigned functions. Questions of national sovereignty will clearly arise, however, if we sought explicitly to expend the applicability of our proposal to the countries outside Namibia.

As you know, we're talking to the South Africans—the Angolans have heretofore shown themselves reluctant to consider the permanent stationing of U.N. officials in Angola, while indicating that what they call a no-go area is not excluded. We intend to continue our discussions with the Angolans on these matters. Whatever the arrangement to which the Angolan government might be willing to consent, however, they could not form an integral part of our proposal.

Comprehensive U.N. monitoring of all activity inside Namibia and of the border area remains, however, an essential element in our proposal.

Now, I did this because I think there's nothing inland which would support the statements about the presence of UNTAG outside Namibia.

Mr. SOLARZ. Would the gentleman yield? I think you have made a very convincing case concerning the negotiating history involving the point in dispute with respect to the monitoring of the SWAPO bases outside of Namibia, but I'm not sure that I fully understand or appreciate the position with respect to the negotiating record involving the SWAPO bases in Namibia.

I presume in the course of the negotiations this was a significant point, and I am interested in finding out why there is a latent ambiguity on the phrase, "restriction to base." It doesn't say existing base. It could very easily be interpreted to mean existing bases, but it could conceivably be interpreted to mean the establishment of bases—that the people who are in the country will be restricted to a base and conceivably that that could be a newly established base. I think you could make arguments on both sides, and I think the language would admit a wider interpretation.

I am more interested in the negotiating history. During the course of the negotiations, there must have been discussions about what this meant—whether it meant existing bases or whether there were or were not existing bases.

Did the South Africans at any point simply say, look, there are no SWAPO bases in the country right now. We know it and you know it. We can't permit them to establish bases. So by this language we interpret it to mean bases outside the country, because there are no bases inside. And if it refers to existing bases which are outside, somehow or other was this point inexplicably overlooked by everybody? I don't understand. What went on in the discussions?

Ambassador McHENRY. The question of how to handle the SWAPO armed personnel inside the territory did arise on a number of occasions in the negotiations. On one occasion, in the proposal initiated, as I recall, by the South Africans, there was the South African that said that they be allowed safe passage out of the territory. I do not remember that there was any detailed discussion of this.

The question of establishing bases arose at one point in the discussions. It is clear from the discussion that the response of the five was that some provision had to be in the proposal which would handle SWAPO personnel within the territory at the time of the cease-fire.

This question also arose in January when Mr. Ahtisaari and Major General Phillipe were at SWAPO and later in Capetown for discussions with the South Africans. At that point it is not clear to me what the nature of that discussion was, but the question of bases does appear in the document which surfaced as a result of those discussions.

I think it is fair to say that there was not the detailed discussion of how you handle these personnel, that it would have been preferable to have. There was discussion even with SWAPO of where their personnel were. But again, I come back to, and because there was no detailed discussion, because we are dealing with established forces and guerrilla forces, I come back to the practical question——

Mr. SOLARZ. If I could just pursue this for one second, was there a clear understanding at the time these discussions were taking place that there were no SWAPO bases in Namibia, or was that in dispute as well?

Ambassador McHENRY. I don't think anyone ever addressed the question of are there SWAPO bases in Namibia. You see, at points, the South Africans have given us several positions. There are no SWAPO armed personnel in Namibia, they have said. On other occasions they say that there are some, but they're there just overnight. On other occasions they say that there are several hundred there.

We did not try, in writing the proposal, to get into that detail.

Mr. SOLARZ. At any point in these discussions, did the South Africans, prior to the Waldheim report, say that they could not accept the establishment of SWAPO bases in Namibia where such bases did not exist prior to the cease-fire? Did South Africa explicitly convey that position prior to the Waldheim report?

Ambassador McHENRY. I don't know that we ever had that kind of detailed discussion. At least I don't remember it.

Mrs. FENWICK. Who was the representative of the five Western Powers who on March 31, 1978 gave an explicit and unequivocal, according to NNF, undertaking that there would be no SWAPO bases to be permitted within Namibia? Who was that on March 31, 1978? Who gave that——

Ambassador McHENRY. That sounds to me, Mrs. Fenwick, to be discussions which took place at the time of the proximity talks, the first

round of proximity talks, where the NNF people met with various officials. I don't know which ones they were. I do know that they did not have a meeting with the Foreign Ministers who were at that time—

Mrs. FENWICK. There was at that time a critical undertaking given that there would be no SWAPO bases, and then they go on to say the Western proposal provides for the restriction of SWAPO's according to base. This clearly implies that a base restriction would apply. However, the Secretary General propose the designation of bases inside Namibia to which armed SWAPO forces would be moved. This is unacceptable to the NNF and constitutes an entire admission that no such bases exist, if they have to be moved to them.

In other words, bases were discussed, this is March 1978, a year before anything was signed.

Ambassador McHENRY. That discussion to which they refer took place at the time of the proximity talks. The proximity talks took place in January or February of that time.

Mrs. FENWICK. March 31 of that year.

Ambassador McHENRY. They were at two levels. There was a series of talks between the Foreign Ministers, and the Foreign Minister of South Africa, as I recall, and with SWAPO and the frontline states.

At the same time, as I indicated in my statement, we tried to keep the NNF—SWAPO—D did not exist at that time and a number of others informed.

I think what they refer to there is one of those information sessions which was done with frankly lower level personnel. It was not a negotiating session with the NNF. It is not a formal statement. I'm not in a position to say it wasn't said because I simply don't know.

Mrs. FENWICK. That is very impressive.

Ambassador McHENRY. It may have been said. I simply do not know.

Mr. SOLARZ. Mr. Ambassador, what is your answer to the argument which the South Africans and I gather the DTA and some of the other people in the territory have been making, to the effect that the establishment of even two SWAPO bases would give SWAPO an undue psychological and political advantage in the forthcoming election, that it would create the impression of a mighty military force, and would put the other parties at a disadvantage; and that therefore leaving aside the security considerations, from a purely political point of view, this would represent something which is unacceptable.

Ambassador McHENRY. I suspect that this is the crux of the argument. That is, what is the political effect of the presence of these SWAPO personnel in one place? It is not the security effect, because in the first place, we are talking about an arrangement which is isolated, reasonably isolated, monitored by the United Nations, and we're not talking about very many in the way of personnel because we are talking about only those who have been able to survive 25,000 South African soldiers.

Mr. SOLARZ. What about the possibility of a massive infiltration between the time the announcement was made and the actual cease-fire itself, which I gather is about 10 days. Assuming they only have a few people in the territory at this moment, what assurances are there that in that 10-day period they won't send hundreds, if not thousands, across the border?

Ambassador McHENRY. That possibility assumes that the South African would stop their actions before the cease-fire, and I can't imagine that they would. The South African soldiers remain, and remain active until the effective date of the cease-fire.

If SWAPO has not been able to get more than what it has in there up until now, I doubt seriously if they'll be able to infiltrate any large numbers at that point.

Mr. SOLARZ. You go on to talk about the political implications. Does this have merit?

Ambassador McHENRY. I might add that it is also contrary to the SWAPO assurances.

On the political point, I suspect that SWAPO indeed wishes to be able to say that we have our men in a place or two places, and there is some political—there is undoubtedly some political advantage to that. This has to be weighed against the same kind of activity which the South African Government has carried on in trying to give some kind of political advantage to the DTA, the whole idea of the elections which were held last December.

The DTA is the major body there. They are the ones who meet and have the advantage of having been elected in elections which were boycotted by the others.

I have not been able to assign complete virtue to any party in these negotiations.

Mr. SOLARZ. There is one last question about these bases. My understanding is the plan provides that 10 days after the elections, the remaining South African contingents are supposed to be removed from the country, but there appears to be no provision, at least that I am aware of, for the disposition of the SWAPO forces in the two bases in Namibia itself.

Are there in fact any parallel arrangements for these forces?

Ambassador McHENRY. I think so. I think one of the problems—two of the problems we have on handling this question are, (a) the confusion between what Mr. Waldheim proposed and the SWAPO outlandish idea of introducing 2,500 men to the territory.

I think second, Mr. Waldheim's stated principles—he did not go into the details on how he was going to handle these things. Therefore, a great deal of speculation arose as to whether or not this was really a cover.

Subsequently, since it was so clear that you cannot do anything without giving the details, he has indicated how he would plan to handle it, and obviously he has faced the question of what do you do with these people at the time of certification. He has made it very clear that these places do—these are to be closed, and that the arms are to remain there with UNTAG.

Mr. SOLARZ. When you say closed, when will they be closed?

Ambassador McHENRY. At the time of the elections.

Mr. SOLARZ. After the elections are over?

Ambassador McHENRY. At the time of the elections, the two things would happen.

Mr. SOLARZ. They would move in a parallel manner?

Ambassador McHENRY. Yes.

Mr. SOLARZ. And the SWAPO forces in the two bases would presumably turn in their arms and go out?

Ambassador McHENRY. I would assume that many of the SWAPO people will do so even before then. Again, we're not taking about a large number of people.

Mr. SOLARZ. But the point is, you're saying at the same time the 1,500 South African forces leave Namibia with their arms, the SWAPO forces in the camps will be disarmed as well?

Ambassador McHENRY. They will leave their arms with UNTAG and take up their role as John Q. Citizen of Namibia.

Mr. SOLARZ. One final question. There is talk about proceeding with the establishment of an interim government, I gather, in Namibia. What would be the implications of that for these negotiations?

Ambassador McHENRY. They would not be at all helpful to the negotiations. It does not look at this point as if the South Africans will proceed along those lines. I think they would have proceeded along those lines had there been more support from NNF and SWAPO-D, but those groups have not supported it. They prefer the settlement. They believe the settlement, with its flaws, is better than an interim settlement.

Mr. SOLARZ. I was struck by the fact, when I was in Namibia, that there were a lot of DTA people and South Africans who felt that one of the reasons DTA was likely to win the supervised elections was that since they control constituent assemblies in the interim period, they would have an opportunity to do away with petty apartheid and other kinds of discriminatory legislation for which they would presumably get the political credit, and this would be in their favor when the election was held.

My understanding, however, was that most of the oppressive rules, regulations, laws, et cetera, will remain on the books. I understand the DTA has not undertaken to do what they presumably intended to do back in January. I would like to know whether this is in fact the case, and if so, why haven't they moved in that direction?

Ambassador McHENRY. I suspect they haven't moved because of the great deal of controversy which has surrounded this whole question, do you go forward or don't you go forward? It is likely that the South African Government will consent to some kind of transformation of this constituent assembly to some kind of assembly which will act on some of these questions and they will move to do something on apartheid and discrimination, in part so that they can get the political credit for having done so.

I think that these actions, if they take them, will be actions which they can point to quite positively, and they are political things which in the political contest, rolls right along with the military contest, which we might regret, but nevertheless are taking place. I would think it would be better if they would all stop all of their activity, and let's get on with the settlement, but what we have is the constant jockeying back and forth, whether in the military field or in the political field, which complicates the discussions a great deal.

Mr. SOLARZ. Mr. Wolpe, do you have any questions you'd like to ask?

Mr. WOLPE. No.

Mr. SOLARZ. Mr. McHenry, just to finally clear the record, I should ask this question: There have been allegations on the part of the South African Government that you have acted in a duplicitous fashion. That wasn't necessarily their word, but I think it was the thrust of it,

that you have acted in bad faith, that there were secret wheelings and dealings going on through which you somehow or other personally conspired or connived to bring about changes in previously agreed upon understandings.

I'm not using the exact language. I have the file in front of me detailing what they said, but I think there were some very personalized accusations of your role in this matter.

Now, I tried to get to the bottom of this when I was in South Africa because when a sovereign government makes such allegations against our diplomat, I think we have a clear responsibility to at least look into them, without in anyway casting aspersions on the credibility or the character of our representatives. I would say personally my dealings with you have always been of the highest order and I have great respect for you as a person and as a diplomat, and as a representative of our country. I think we will be proud of what you have accomplished.

I asked for evidence and I got a great deal of analysis of how the Western five and the Secretary General had asked South Africa to do things that they hadn't agreed upon, but I never got anything specifically involving your role.

I wonder whether you could let us know whether you were even given any specific indications of what it was you had allegedly done that was so offensive to the South Africans, and if so, what your response to these allegations was.

Ambassador McHENRY. Well, Mr. Solarz, the South African response to me and my participation in these discussions has been very much like a seesaw. On the day on which I was appointed and proceeded to South Africa to participate in these negotiations, there were a number of newspaper stories about it is the worst thing that could have happened. This was before anyone heard me say one word.

Subsequently, it was the best thing that ever happened. Then it has been the worst and the best, and now it is the worst again.

So there has been some change as we have gone along. There have been a number of allegations which have been made, some of them very serious, very serious because they were made. They would be even more serious if they were true.

Secretary Vance has taken them very seriously. He asked the South Africans to produce the information on which they based these charges. They have been unable to do so. They have been answered, and what they did produce was answered in detail.

I can only characterize them by saying that at least on one of them which I was supposed to be guilty of, which was not only controlling the five Western governments, five frontline state governments and the Secretary General, but on one occasion I had so much control that I created a snowstorm in New York so that I could produce a statement of the Secretary General behind everybody's back while everybody was either snowed in or snowed out of New York. The only problem that it was the only day in 2 years that I was flat on my back at home sick. I don't have the power to create a snowstorm, and I certainly couldn't have done so from there.

I think the charges are based on other things and for other reasons. I regret them. I think they are reckless. I don't believe they contribute to the resolution of the question. They won't deter me from trying as best I can to do what I can to help resolve this problem.

Mr. SOLARZ. Well, if you think it is appropriate, I would like to leave the record open for the inclusion of whatever relevant documents there are in this regard, if that would not result in a breach of diplomatic confidentiality. I will leave that to you. You might just feel that that is a useful way of setting the record straight, since obviously the transcript of this hearing will at some point be published, and I suspect there will be several Ph. D. dissertations written in the years ahead about the Namibian negotiation. [Laughter.] And at some point, your role in this will be if not a chapter, at least a footnote. [Laughter.] You don't have to make a decision on that. You might want to give it some thought. Now let me say I think this has been a very good hearing. I think you have been very responsive to the questions and concerns of the committee.

I think the gentlewoman has one more question.

Mrs. FENWICK. Just one last thing. By the way, I've never heard anything against you, only against the Secretary General. [Laughter.] We're all very proud of your work, Mr. Ambassador.

Ambassador McHENRY. Thank you very much.

Mrs. FENWICK. Now, listen. The NNF say that they propose that all armed members of SWAPO who may be physically present in Namibia at the time of the establishment of the physical UNTAG presence in the country be granted a prescribed period of time to report with their arms to the nearest UNTAG presence.

Now, did I understand you correctly to say that at that time when the 1,500 South African forces would be leaving, at that same time, if there are bases in Namibia for SWAPO's, that they will be required to hand over their arms to the United Nations?

Ambassador McHENRY. Yes and no, because I think you have telescoped two sets of events there. The NNF—

Mrs. FENWICK. Yes; I know. I agree. I'm just saying that is what they said. Now, am I correct in what you said that at the time when the 1,500 troops will leave, the SWAPO troops and their base, if that is finally agreed upon, will be required to hand over their arms to the U.N. Forces?

Ambassador McHENRY. Under the Secretary General's proposal, he plans to dismantle the SWAPO bases at that point, and they would leave with out their arms, and the disposition of their arms would be up to the new Government of Namibia.

Mrs. FENWICK. But that is part of the Secretary General's general offering, so to speak?

Ambassador McHENRY. That is right.

Mrs. FENWICK. That there shall be one or two bases, and that those who are on that base at the time of the South African troops leaving will be required to hand over their arms?

Ambassador McHENRY. That is right.

Mr. SOLARZ. May I say in conclusion, Mr. Ambassador, that we very much hope you will be able to succeed in your efforts to get an agreement, not only because we want to bring the bloodshed to an end there, but because we want to avoid the international conflict, not only because we want the people of Namibia to have an internationally acceptable transition and majority rule, but also because I'm very much looking forward to going with the gentlewoman from New Jersey as a member of the official American delegation to Independence Day

ceremonies in Windhoek, at which time I plan to take her out to dinner at the Fursthofer Hotel, which is one of the most delightful hostelrys in all of Africa.

Mrs. FENWICK. It sounds wonderful.

Mr. SOLARZ. And then maybe we'll go up to Swakopmund to open an American consulate there. Then, if we're really brave, we'll spend a week on the Skeleton Coast. [Laughter.]

The hearing is adjourned.

[Whereupon, at 12:35 p.m., the hearing was adjourned.]

