



General Assembly

Distr.  
GENERAL

A/46/711  
29 November 1991

ORIGINAL: ENGLISH

Forty-sixth session  
Agenda item 37

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 29 November 1991 from the Permanent Representative  
of South Africa to the United Nations addressed to the  
Secretary-General

I have the honour to attach a letter from the Minister of Foreign Affairs, Mr. R. F. Botha, regarding developments in South Africa.

I should be grateful if the present letter and its attachment could be circulated as a document of the General Assembly under agenda item 37.

(Signed) V. R. W. STEWARD  
Ambassador  
Permanent Representative

ANNEX

Letter dated 29 November 1991 from the Minister of Foreign Affairs of South Africa addressed to the Secretary-General

The Government of South Africa has taken note of the decision once again to devote part of the General Assembly's agenda to South Africa. Without prejudice to the South African Government's reservations about such action, it is necessary and appropriate that recent developments in South Africa should once again be brought to the Assembly's attention as evidence that the political changes initiated by the Government towards a new democratic and representative constitution are fundamental, profound and irreversible.

All the major parties in South Africa are committed to peaceful negotiations towards a democratic future. It is essential that these parties should be permitted to proceed unhindered and without outside interference with the task of negotiating a constitutional solution that will accommodate the just aspirations of all sections of the population. It is, as the General Assembly has itself acknowledged, for South Africans to find solutions to their problems and I would urge it most earnestly to refrain from actions which might compromise that acknowledgement. The South African Government welcomes the widest possible participation in the multi-party conference: any grouping with a proven constituency has the right to participate.

In your report of 4 September 1991 (A/45/1052), you stated that the process towards the ending of apartheid in South Africa, although halting, remained on course and that the most important development in this regard was the removal of the basic apartheid laws, namely, the Group Areas Act, the Lands Acts, the Population Registration Act and the Development of Black Communities Act. On 17 June, when these laws were finally abrogated, the State President told Parliament: "The year 1991 will become known in history as the year in which South Africa finally removed statutory discrimination - apartheid - from its system".

In the past year more than 100 discriminatory laws and regulations have been withdrawn. Massive socio-economic initiatives have been undertaken to alleviate adverse conditions and to create opportunities for the less privileged communities. One such initiative was a special allocation of R 4,000 million (\$US 1,400 million), over and above the normal budgetary provision for education, housing and special projects designed to improve the quality of life of these communities. The newly created Independent Development Trust - as its name suggests, an institution independent of government control - was allocated R 3,000 million of this special allocation for the uplifting of the poorer sector of South Africa's community.

On 12 February 1991, the Government and the African National Congress (ANC) agreed to the D. F. Malan Accord, which clarified differences of interpretation of the preceding Groote Schuur and Pretoria Minutes and led to ANC undertaking not only to end all armed action and threats of armed action,

but to stop the infiltration of members of its military wing and matériel into South Africa, and the training of such personnel inside South Africa. The Accord, concurrent with the creation of additional release mechanisms by the Government, also enabled the more comprehensive handling of the return of exiles and the release of prisoners according to procedures already agreed upon, by declaring additional categories of offenders as qualifying for indemnity.

The South African Government is convinced that all prisoners with a legitimate claim to political status within the meaning and spirit of the Groote Schuur and Pretoria Minutes have now been released. Despite this a mutually agreed mechanism has been created to address individual cases falling outside the guidelines, but the Government's participation in these further discussions does not detract in any way from the fact that it has already fully implemented the provisions of the Pretoria Minute of 6 August 1990. Under the terms of the agreement, 1,187 prisoners had been released as at 15 November 1991. Furthermore, up to 30 October 1991, 8,571 applications for indemnity out of a total of 9,422 had been approved by the Government. Only 229 were rejected.

The prospects for the return of expatriates were significantly improved on 16 August 1991 when an agreement was concluded in Geneva with the United Nations High Commissioner for Refugees on the voluntary repatriation and reintegration of South African returnees. A Memorandum of Understanding was formally signed at Geneva on 4 September 1991 and a Status Agreement on 2 October 1991. This Agreement is now being implemented. In addition to the above, 9,972 applications for Extraordinary Travel Certificates have been received and approved to date.

The climate for negotiation has been further successfully addressed in that no organizations are at present banned, proscribed or restricted and no restrictions or conditions are being imposed on any persons released from prison or detention in terms of the agreements. Peaceful and orderly demonstrations and protest actions are freely tolerated, subject only to normal municipal regulations. All troops have been withdrawn from the townships and may only be temporarily deployed in certain areas where the police require assistance to maintain order and combat violence. The Government, which had earlier undertaken to review existing security legislation, introduced a bill, which was subsequently passed by Parliament, to amend the Internal Security Act of 1982 in such a manner as to obviate any limitation on the democratic process. It should be noted that the amendments brought about by the Internal Security and Intimidation Amendment Act, 1991 (Act No. 138 of 1991) indicate only the beginning of the process of reform of security legislation.

The incidence of violence in several areas, coupled with political intimidation of hundreds of thousands of people, has posed a serious threat to free negotiations and contributed to the delay in the convening of the multi-party conference. In an effort to curb the ongoing violence in these areas the State President, Mr. F. W. de Klerk, has taken a number of

initiatives, which culminated in the signing of the Peace Accord. It is now up to those leaders who have committed themselves to the terms of the Peace Accord to impress on their followers that its terms have to be observed. Similarly those who allege security force involvement in the violence have been requested to submit whatever evidence they may have, for the Government is determined that anyone found guilty of such involvement shall be duly punished. The Government will scrupulously fulfil its responsibilities in this regard.

The Government has also established a Commission of Inquiry regarding the Prevention of Public violence and Intimidation comprised of eminent people in the legal profession. It will serve as an impartial instrument with adequate powers to evaluate Government actions as well as to test the impartiality of actions by the security forces.

The Commission shall:

"(a) Inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein;

"(b) Inquire into any matter which, in the opinion of the State President, relates to any matter referred to in paragraph (a) and which the State President may refer to it for the purpose of inquiry;

"(c) Inquire into any steps that should be taken in order to prevent public violence and intimidation;

"(d) Make recommendations to the State President regarding:

"(i) The general policy which ought to be followed in respect of the prevention of public violence and intimidation;

"(ii) Steps to prevent public violence or intimidation;

"(iii) Any other steps it may deem necessary or expedient, including proposals for the passing of legislation, to prevent a repetition or continuation of any act or omission relating to public violence or intimidation;

"(iv) The generation of income by the State to prevent public violence and intimidation as well as the compensating of persons who were prejudiced and suffered patrimonial loss thereby;

"(v) Any other matter which may contribute to preventing public violence and intimidation."

The Government is not opposed to the concept of transitional arrangements but they must be negotiated and agreed by the multi-party conference. While it is accepted that the present constitution may be flawed, a constitutional vacuum cannot be permitted to develop whilst a new constitution is being drafted.

The Government does not accept the premise that pressure, including so-called positive pressure, is required. There is no justification for continued economic and financial sanctions which serve the narrow interests of specific political movements only and delay economic growth and development. Punitive sanctions affect all the people, especially the poor, and the lifting recently of certain economic and person-to-person sanctions by for example the United States of America, the European Community, the Commonwealth, Japan and other countries will assist the efforts of the Government and the private sector for the socio-economic development of the whole country. The maintenance of the United Nations sanctions in various fields and the continued isolation of South Africa are particularly inappropriate in the light of the generally acknowledged real, profound and irreversible changes that have taken place in South Africa. The key to future political stability lies in the regeneration of the economy at the earliest possible moment.

The Government is committed to removing imbalances and remaining backlogs for which a climate of free economic activity and interchange is necessary. Statements on nationalization and the non-repayment of international loans, and continued support for sanctions only inhibit the much-needed socio-economic progress in South Africa. It is inconsistent to complain about lack of economic growth, high unemployment, poverty and socio-economic backlogs while at the same time advocating measures that constrain the economy and inhibit sustainable economic growth. In the circumstances, it would be appropriate for the General Assembly to turn its attention from policies that inhibit growth in South Africa to those which stimulate it, particularly as the economy of South Africa is also inexorably interrelated with those of other southern African States. Retarding economic growth in South Africa will inevitably have a negative impact on the entire region.

(Signed) R. F. BOTHA

-----