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QUESTION OF NAMIBIA

SECURITY COUNCIL
Forty-second year

Letter dated 9 November 1987 from the Permanent Representative
of South Africa to the United Nations addressed to the
Secretary-General

I have the honour to enclose a copy of a press release, issued by the Foreign Minister of South Africa on 7 November 1987 regarding South West Africa/Namibia (see annex).

I should be grateful if this letter, together with its annex, could be circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(Signed) A. Leslie MANLEY
Ambassador

ANNEX

Press release dated 7 November 1987 issued by the Minister for Foreign Affairs of South Africa, in response to the adoption of the resolutions by the General Assembly on 6 November 1987

Asked to comment on the resolution adopted by the General Assembly to the effect that South Africa's presence in South West Africa was illegal and that South Africa had to remove its administration from the Territory, as well as that SWAPO was the sole representative of the people of the Territory, the Minister for Foreign Affairs rejected the resolution. The Minister said that the resolution of the General Assembly conflicted directly with Security Council resolution 435 (1978). In Security Council resolution 435 (1978), specific functions and responsibilities are entrusted to the South African Government should the resolution be implemented.

How the General Assembly's resolution regarding South Africa's alleged illegalities in the Territory can be reconciled with the above, is beyond comprehension. Secondly, the understanding between the South African Government and the Western Five, reached during the negotiations that led to the adoption of Security Council resolution 435 (1978), was that the whole question regarding the legality of South Africa's administration of the Territory should be set aside.

In the light of the General Assembly's resolution, the Minister pointed out that the South African Government denied emphatically that there was any legal basis upon which it could be argued that South Africa's administration of the Territory was illegal. There was for instance no binding International Court of Justice Judgment to support this point of view. Also the General Assembly of the United Nations does not have the competence to rule in this regard.

Thirdly, the Minister said, it would be interesting to learn from members of the Security Council of the United Nations how they view the categorical favouritism and support of SWAPO expressed in the resolution of the General Assembly and whether this could be reconciled with the assurances given that Security Council resolution 435 (1978) envisaged equal treatment of all the parties in South West Africa.
