



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/14346
29 January 1981

ORIGINAL: ENGLISH

LETTER DATED 28 JANUARY 1981 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF
SOUTH AFRICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

At the request of the South African Minister of Foreign Affairs and Information,
the Honourable R. F. Botha, I am enclosing the text of a letter he has addressed
to Your Excellency on 28 January 1981.

I should appreciate it if this letter could be circulated as a document of
the Security Council.

(Signed) D. W. STEWARD
Deputy Permanent Representative

Annex

Letter dated 28 January 1981 from the Minister of Foreign Affairs and
Information of South Africa addressed to the Secretary-General

1. It was with disillusionment that I read Your Excellency's report (S/14333) on the recently held conference in Geneva. The immediate impression the report leaves is that, as far as the United Nations is concerned, the internal parties in South West Africa/Namibia do not exist and that they never participated in the proceedings in Geneva. This overt omission of any reference to them and the attempt to expunge their remarks from official documents of the United Nations are indeed serious. On the other hand, prominence is given to the few remarks uttered by SWAPO. I commend for Your Excellency's attention the following attached statements delivered during the closed sessions of the conference by:

- (a) Mr. D. F. Mudge, Chairman of the DTA, on 13 January 1981.
- (b) Mr. K. Kaura, member of the DTA, on 9 January 1981.
- (c) Adv. E. van Zijl, member of Actur, on 13 January 1981.

The omission is not confined to the contribution made by the internal parties but important observations by the Administrator-General were ignored too. In this regard may I remind Your Excellency of the following remarks the Administrator-General had to address to you after Mr. Nujoma's reference, fully reported in paragraph 8 of your report, to some of SWAPO's members who "were still in prison, not having been released" by the South African Government:

"Mr. Secretary-General, may I address you just for once to put one matter straight as far as the record is concerned. Mr. Sam Nujoma deemed it fit to make mention of certain people who are in prisons. He made mention of Robben Island and he also made mention of Windhoek. We should just like to place on record that there are many other people whom we should like to have here in this delegation this afternoon with us who cannot be here - many who are killed, many who are in graves, many who are in camps and in other places we do not even know of."

Your Excellency cannot be ignorant of the assassinations, murders and abductions perpetrated by SWAPO since the settlement proposal was submitted in 1978. These acts of terror have been brought to your attention on a regular basis as the official records of the Security Council will bear out. Up to this day SWAPO has not been condemned outrightly by Your Excellency nor by the Security Council. Instead, the South African Government, responsible for the security of the territory and the safety of its inhabitants, has been subjected to vicious attacks in the Security Council and to uncalled for and unjustified criticism by yourself.

2. As Your Excellency is aware, the South African Government has throughout maintained that the successful implementation of the settlement proposal or of any proposal designed to achieve a peaceful solution will continue to be seriously

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jeopardized if all the parties are not treated on an equal basis. I stressed this particular point in my letter addressed to Your Excellency on 29 August 1980 (S/14139) by concluding:

"The people of South West Africa/Namibia, with the support of the South African Government, have consistently demanded fair and equal treatment impartially applied. The South African Government accordingly deems it essential that Your Excellency henceforth include the leadership in the Territory in all future consultation on the setting in motion of the implementation of Security Council resolution 435 (1978) or on any other matter which would facilitate the achievement of an internationally acceptable solution."

3. As far as the involvement of the internal parties is concerned Your Excellency will recall that in my letter of 12 May 1980 I stated that you

"will be aware of the extreme concern which exists regarding impartiality of the United Nations, a prerequisite to free and fair elections. Moreover, in has consistently been the South African Government's position that equal treatment should be extended to all political parties participating in the political process. You will recall that the representatives of the political parties in South West Africa/Namibia found it possible to agree to travel to Geneva for the simultaneous consultations conducted there in November 1979 on the demilitarized zone, when you were able to assure them that they would have equal access to your representatives. They interpreted this reaction on your part as an acknowledgement of their equal interest in deliberations affecting their future."

4. It was against this background that Your Excellency's representative visited South Africa in October 1980. Your report (S/14266) on that visit which preceded the conference in Geneva, again illustrated the South African position clearly. In his statement to a session of the conference on 9 January 1981 the Administrator-General dealt with this particular matter. His statement reads as follows:

"Mr. Chairman,

"Before representatives of the political parties address themselves to the statements made yesterday and today, I wish at the outset to stress the importance of the deliberations which lie before us.

"The political parties from South West Africa/Namibia have over the years expressed their views on the question of equal treatment. Their concern has always been that they are not being provided opportunities to state their case on questions affecting the future of their country. They have been denied those privileges which have been granted to SWAPO. The record of the preferential treatment accorded to SWAPO by the United Nations speaks for itself. Ever since the Western initiative which culminated in the adoption of Security Council resolution 435 (1978), these parties have played

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a constructive role. They remain, however, concerned about the United Nations partiality towards SWAPO and the lack of equal treatment of the political parties. Closely linked to the question of partiality is the creation of trust and confidence. Presently they do not have confidence in the United Nations supervising and controlling free and fair elections to which all parties are committed.

"During the visit to South Africa by the United Nations team in October 1980, it became evident that implementation of Security Council resolution 435 (1978) can only be possible after a solution to the problem of lack of confidence and trust and impartiality has been found. The political parties themselves emphasized to the United Nations team that that problem remained an obstacle to implementation. In his report to the Security Council on 24 November 1980 (S/14266) the Secretary-General stated:

'One of the main obstacles to progress in the negotiations hitherto has been acute mutual distrust and lack of confidence.'

and that

'this problem in itself affects the setting of a date for implementation.'

In the same report the Secretary-General proposed this meeting as

'a means of facilitating agreement and of creating the necessary climate of confidence and understanding ...'

"The political parties from South West Africa/Namibia stand ready to engage in constructive discussions during this meeting on Security Council resolution 435 (1978) and other practical proposals. They are present here to discuss directly with the United Nations all those issues which they feel should be addressed before implementation of Security Council resolution 435 (1978) can begin.

"Mr. Chairman, we have reached a mile-stone in the history of South West Africa/Namibia in that at long last we have succeeded in bringing the South West Africa/Namibia democratic political parties and other movements involving themselves in the Territory together under one roof to speak for themselves about the future.

"It is my hope that it will be possible to remove the existing doubts and that the desired trust and confidence can be established. This is the crucial test that lies ahead."

5. From the above statement and also from statements made by the internal parties it is clear what they considered to be the objective of the conference in Geneva. Had any attention been paid to the genuine concerns of these parties, as expressed in their statements at Geneva, it would have been realized that the question of the creation of trust and confidence, which is so closely linked to the

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question of impartiality and to the equal treatment of parties, was of paramount importance and that that had to be overcome or resolved if a date for implementation was to be seriously considered.

They were disappointed that no real steps were taken to remove the blemish of partiality from the United Nations and to restore the necessary trust and confidence. It was beyond their comprehension to understand how it could reasonably be expected from them to agree to proceed at this stage with implementation after the United Nations had failed in Geneva to correct the ills of the past - ills for which the United Nations is responsible as a result of the political, moral, financial and propaganda support for SWAPO over the years by the General Assembly and the specialized agencies. It was because of this failure that the Administrator-General had to make the following concluding statement on 13 January 1981:

"In the light of the proceedings thus far it is clear that the questions raised in paragraph 19 of the report of the Secretary-General (S/14266) have not been resolved. It would therefore be premature to proceed with a discussion of the setting of a date for implementation."

6. Your Excellency refers to the remarkable effort which was made to demonstrate good faith and reasonableness with a view towards implementation. I wish to agree that from their side the internal parties displayed a high degree of good faith and reasonableness and that they made a substantial effort themselves to address those issues which went to the very heart of the settlement plan - equality in the electoral process and faith in an impartial referee. It is self-evident that those issues had to be resolved prior to implementation - not the other way round.

It is astonishing that the United Nations and all those working to establish a date for implementation, failed to see the necessity of first creating a climate of trust and confidence. No one could have expected a real progress without that basic objective having been achieved. No one could have been under any illusion as to its importance. On this very point Your Excellency reported on 24 November 1980 (para. 19 of S/14266):

"The Mission was informed by the South African Government that this problem in itself affects the setting of a date for implementation."

The United Nations has painted itself into a corner by improper bias in favour of SWAPO for years. The United Nations itself must find a way of rectifying the position. It cannot expect the internal parties - or the South African Government - to accept United Nations promises of action at a later date or to accept a mere token redress of the SWAPO bias. The actions required must eliminate SWAPO's unfair advantage and must be seen to do so.

7. I feel constrained to remark that a promising opportunity was missed by the United Nations in Geneva, in the first place, to encourage SWAPO, who remained mute virtually throughout, to engage in a constructive, confidence-building

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dialogue, and secondly, to address the concerns of the internal parties, who have to contest the election in South West Africa/Namibia. At Geneva the internal parties were not satisfied that it would not be a case of one man, one vote, once. In addition, their concerns for solid guarantees regarding freedom of speech, the freedom to form political parties, a free and independent judiciary, a free economy and respect for property - concepts basic to the democratic process envisaged in the settlement plan - were not addressed. It can only be hoped that due regard will be had by all concerned to the legitimate anxieties of the democratic parties of South West Africa/Namibia.

8. May I express the hope that the United Nations, if it wishes to pursue ways of finding an internationally acceptable solution, will give serious attention to my appeal to acknowledge the role of the internal parties in all deliberations on the political and constitutional future of their country.

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Enclosure I

Statement by Mr. D. F. Mudge on 13 January 1981

Mr. Chairman,

I thank you for the opportunity of addressing this conference. For the first time since the Western Powers took the new initiative during the first quarter of 1977, leaders of the Democratic parties from inside Namibia are now given the opportunity to speak for themselves on the substance of the issue. This is real progress. It is nevertheless true that the right to do so was grudgingly yielded and that this conference is far from being a symbol of the impartiality which is the principal subject of discussion. The conference was delayed for 10 hours while the simple right of my delegation, and others, to be introduced was debated and contested. Our opponents in the proposed elections would dearly like to keep us nameless, faceless and especially voiceless non-persons, and the United Nations was only with difficulty persuaded to take another view. Since then efforts have been made to keep us muzzled - as has happened for years in United Nations organs - by expecting us to work in closed sessions only.

Moreover, the indignity was imposed on us much against our will, of having to attend this conference as part of a delegation headed by the Administrator-General, instead of in our own right. But I want you to know that I am a Namibian, not a South African. As a native born Namibian I am present here and address you. And when I speak, I have the interests of all peace-loving Namibians at heart, regardless of ethnic ties or skin colour. This is the land that I cherish.

Furthermore, I speak on behalf of a party that has consistently insisted that South West Africa/Namibia must become independent as soon as possible under a Government that recognizes and takes account of the inalienable rights and reasonable aspirations of the inhabitants and under a constitution that assures the protection of their basic rights.

It must also be noted that past negotiations about the future of South West Africa/Namibia were directly between the United Nations or other interested parties and the Republic of South Africa. The democratic parties were not directly and formally invited to express their views on these matters. Can it reasonably be expected of us now to reach a cease-fire date within the course of a few days and to start implementing a plan about which we were formerly only consulted via the back door?

We want to solve this problem ourselves, in the first place, for the sake of our people and not merely to relieve the international community of one of its political headaches. We are not willing to allow external forces or pressure groups, which are very often prepared to support and finance political movements so as to manipulate them for their own purposes; to use our country as a base for a new kind of imperialism.

We have not only campaigned for and agreed to independence but we have, despite severe misgivings, also accepted resolution 435 in so far as it provides for a democratic settlement and elections, supervised by the United Nations.

We are not reassured by the fact that a very large percentage of the members of this organization and even of countries which, according to tentative arrangements, will be directly involved in supervising this democratic election, does not know what a democratic election means because they do not have, and some have never had, a democratic system themselves.

Resolution 435 should have been implemented in 1979. We urged implementation on the Secretary-General. We urged the acceptance of a cease-fire date of 26 February 1979. If it had been so implemented the issue would by now have been laid to rest. The fact that it was not, was not our fault. The delay was the result of deviations from the original proposals by the Secretary-General, brought about by some as yet inadequately explained intrigue, without any consultation, at the behest of SWAPO, who wished at all costs to avoid fighting an election. Thus they refused monitoring of their bases and demanded bases in South West Africa, where they had never been able to establish any.

The DTA, being a democratic party, is in favour of a peaceful solution to the problems of our country. But unfortunately moderate parties labour under the disadvantage of obeying rules and subjecting themselves to the law, even laws of which they disapprove.

Because democratic parties do not use force and intimidation to achieve their aims and because they are not prepared to kill people cold-bloodedly in the name of a so-called freedom struggle, they tend to be disregarded while a premium is placed on militant violence. A stigma is placed on independence achieved by peaceful means while concessions are made to the blackmail that comes through the barrel of a gun.

There is no longer a need for any party to fight for the independence of Namibia, because independence for our country has been agreed upon by all parties concerned, including South Africa. Parties continuing terrorist activities are doing so because they fear elections and are determined to seize power regardless. However, if SWAPO persists with its "armed struggle" SWAPO will be defeated in combat. Indeed, severe defeats are being inflicted on SWAPO. Small wonder SWAPO is eager to sign a cease-fire agreement. But if the choice was ours, we would not continue with a bush war, preferring a peaceful solution. We have nothing to fear from SWAPO in a free and fair election. As a matter of fact, we are looking forward to such an opportunity.

But then this process must be fair and the outcome of this election must not in any way be influenced by external factors. This is one of the crucial elements of the settlement. No party must have psychological advantage. The political process leading towards independence must be based on the elementary rules of democracy and must be supervised by a body whose impartiality stands beyond any doubt.

The second crucial factor is that conditions of peace and absolute security must prevail during the election, for otherwise the victor is fear.

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The third essential component is that those who vote must be assured that the Government they return will uphold democracy, permit them to vote again and protect their rights - that it will not be a case of "one man, one vote, one time".

What is the issue at this conference? It is not independence for Namibia. That objective has already been agreed by everyone. It is not one man, one vote, or the territorial unity of Namibia, or United Nations supervision of the electoral process. There has been agreement on these fundamental issues for three years. It is not even whether we should proceed rapidly with an election. The DTA is in agreement with all parties concerned that we should proceed with an election at the earliest realistically possible date and that Namibia should take her rightful but long-denied place in the family of nations as soon as can be arranged. But the issue is: can all the parties that contest the election be put in the position of having an equal chance on the day that implementation of the settlement commences? Can extraneous influences on the election be eliminated so that the electorate votes only on the basis of the policies of the parties? The DTA seeks no unfair advantage such as presently enjoyed by SWAPO. Only parity. But then this equality of opportunity to win the election must be real, must be comprehensive, must be as nearly complete as attainable. Only then is a free and fair election possible. And only if the United Nations initiates a process calculated to bring this objective about can trust and confidence be built up in the ability of the organization to act impartially in the role of referee.

The United Nations has a history of unfair and unacceptable bias in favour of SWAPO stretching back for 20 years. That is undisputed. There is no need for me to tabulate all the advantages SWAPO has enjoyed in and from the United Nations. They are a matter of record and the grossest excesses are well known. To counterbalance SWAPO's enormous psychological and practical but totally unjustifiable advantage, for example, of having enjoyed, by courtesy of the General Assembly, the title of sole authentic representative of the people of Namibia for the past seven years and the status of permanent observer for four years, will require ingenuity, application and consistency by the organization ultimately responsible - the United Nations. Other parties thus far deprived of the right to participate in the General Assembly and Security Council must be conceded that right and if the Council and office of Commissioner for Namibia are not to be abolished as no longer relevant, SWAPO's exclusive influence there must be neutralized. Apart from political favouritism, SWAPO is the recipient of millions of dollars of financial and propaganda support from the United Nations, which would also have to be counteracted before the DTA would be willing to stake its future on an election that could not otherwise be characterized as fair. The DTA would be glad to have a United Nations-financed office in New York. Moreover, the DTA would deem it essential that the emphasis of the propaganda of the Department of Public Information be switched from a pro-SWAPO bias to disseminating in equal degree the viewpoints of other parties. In particular the DPI would need to stress in an intensive long-term campaign the authenticity and equality of all the parties.

While it might be sufficient in some cases for the advantages hitherto enjoyed by SWAPO to be terminated, that would often not be the case. The DTA wants

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a voice equivalent to SWAPO's in the General Assembly. We are not afraid - rather we would welcome the opportunity - of debating SWAPO in the Assembly - and in the Security Council. Terminating their rights now and continuing to deny the DTA those rights, will not help me unduly. SWAPO has had a voice in the highest United Nations Councils for years. Give me that voice too and I can consider it equal and fair. After all, the United Nations is entitled to hear all points of view. Much the same considerations pertain to many of the United Nations support programmes. I ask you to be politically realistic. I ask any political leader to stand in my shoes and settle for less. Who can justifiably allege that by claiming this equality of free speech I am firing the first shots in an election? That argument holds no water. When I start my election campaign I will tell the voters about DTA policies. Now I am telling the world I want a fair deal, a fair basis for the election.

I do not propose spelling out to you, Sir, how the United Nations can correct the existing imbalance in regard to a myriad of subjects. The United Nations now admits it has been partial. The United Nations now admits it must needs be impartial. That means across the board. Then let the United Nations proceed. It is not for me to supply a shopping list of items that must be corrected. It is for the United Nations to create a balanced situation in all respects. Then the question of mutual trust and confidence will resolve itself.

But trust and confidence is not something that can be switched on and off like an electric light switch. By its very nature it is something that grows organically over a period of time; which needs to be carefully nourished. It is not possible by the mere adoption of a declaration or passing of a resolution to erase from people's minds, or from the concerns of political parties the memories of years of unequal treatment or the fears of duplicity, and to set human hearts beating in unison. It is for the United Nations not only to abandon its old ways but to demonstrate over a reasonable period of time that it can and will consistently behave even-handedly. I declare that in these circumstances the present difficulties of the DTA concerning implementation of the settlement proposal will thaw, much as the snow around this beautiful city will gradually disappear with warmer weather.

Some of our critics assert that these adjustments by the United Nations are not practicably attainable. I defy any political leader worth his salt to say that, in my position, he would not regard them as reasonable. It was not the DTA that caught the United Nations on this particular hook. Why should the DTA's claim to equal treatment now be sacrificed in order to get the United Nations, and other parties involved in this initiative, off that hook?

It is said that what is lacking is political will on our part. Political will is not involved in an invitation to participate in a manifestly unfair election. Where political will is called for is on the side of the United Nations. The United Nations must take the steps which it knows will be unpopular but which are essential to create the conditions for fair elections and thereafter mutual trust and confidence.

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Mr. Chairman, peace and security are an absolute prerequisite to a free and fair election.

Our country is under attack by SWAPO. It is not a conventional war. Their methods are terrorism, violence and intimidation; their victims almost exclusively civilians, almost exclusively black people. It is not a war of our choosing. The alleged objective is independence for Namibia but, as this has already been conceded, the war is pointless, unless the real objective is to impose a tyranny on the Territory. The defence of our countries and ourselves became essential and South Africa therefore assumed responsibility for that defence. Consequently the judgements and decisions about such technical matters as deployment and demilitarized zones, monitoring and troop strengths are not essentially within the province of the DTA's concerns and I do not intend to deal with them in depth today.

Nevertheless, the DTA is very much concerned about the general principle. We have not forgotten that in 1978 Mr. Nujoma said:

"The question of black majority rule is out. We are not fighting even for majority rule. We are fighting to seize power in Namibia for the benefit of the Namibian people. We are revolutionaries."

Apart from assassinating outstanding authentic leaders of South West Africa, such as Clémens Kapuuo and Toivo Shiyagaya, SWAPO, during the period 3 July 1978 to 25 June 1980, assassinated 278 civilians by one or other means, seriously injured 227 and abducted 385, the latter mostly school children. SWAPO have never given any reason to believe that they have any intention of desisting from their terroristic activities merely because an election is in progress. They have refused to have their bases monitored by UNTAG, leaving them free to infiltrate through the proposed demilitarized zone - which, because of its size and harsh terrain, UNTAG has not the slightest hope of monitoring satisfactorily and to intimidate at will. Additionally, they will be able to build up their forces during the seven-months settlement period, as much as they please so that they can invade Namibia, with its monitored South African troops reduced to 1,500 in two bases, if the election does not go their way. Moreover, SWAPO refuses to return without arms to South West Africa, once the settlement process begins, as they are obliged to do in terms of the settlement. Why?

One of the DTA's major concerns about security is that there is no definition of what would constitute a breach of the agreement. Intimidation by violence or threat must be so regarded, as must sporadic bombing and other tactics of dislocation. It is essential that a method be devised in advance for quantifying and evaluating incidents to determine what constitutes a breach.

What follows on from this concern, and what is much more serious, is that the people of Namibia and the democratic parties are totally without protection or security in the event of SWAPO breaches, or disputes about breaches. This is because their first recourse would be to the Special Representative of the Secretary-General, who happens also to be the Commissioner for Namibia (reappointed in December 1979), one of whose specific functions is to support SWAPO. The last

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resort of these prejudiced individuals and parties is the Security Council but, even assuming that the Five Western Powers would put their case in the face of the inevitably hostile political pressure, who here can seriously believe that a resolution condemning SWAPO and calling it to order would obtain the necessary number of votes in the Security Council; more especially that it would not be Soviet-vetoed? Would SWAPO in any event in any way heed such a resolution? In the meantime SWAPO's illegal activities could well be decisive in determining the course of the election. Where is our protection? The Western Five could fruitfully consider addressing themselves to our very real fears in this regard. I may say that there is nothing in this or my immediately preceding proposal, concerning the possible definition of breaches, which is inconsistent with the settlement proposal.

Finally, Mr. Chairman, free and fair elections necessarily imply the continuation of the democratic process and the maintenance of political, economic and civil rights after the election, whatever its outcome. This is the basic understanding and unwritten contract which underlies all democratic processes.

Let us cut through all the verbiage and pretence which have characterized this exercise so far and confront the central issue: the people of Namibia are being asked by the international community to participate in an election process which might well lead to the termination of the democratic system in our country and to the end of our civil, political and economic rights. This is not like an election in Western Europe or North America where basic rights are guaranteed indefinitely whatever the outcome. What is at stake in Namibia is the continuation of the human and political rights which the Western Five demand for themselves and profess so vociferously to support.

What we are talking about is the continuation, inter alia, of regular elections, the freedom of speech, the freedom to form political parties, a free and independent judicial system and a free economy, with respect for property.

The democratic credentials of my party are there for all to examine. We were not appointed by the General Assembly. We were chosen by 80 per cent of the people of Namibia in elections which over 300 observers and members of the international press judged to be free and fair. We have in all our dealings conducted ourselves in accordance with the best traditions of parliamentary democracy, and we have committed ourselves to continue to do so in the future. We have a legislative record of which we are proud. Under our administration racial discrimination has been virtually eliminated from Namibia. A Bill of Human Rights has been adopted by the National Assembly. For the first time Namibia is being governed by Namibians.

But above all, Mr. Chairman, we are a multiracial party. We are the only Namibian party which has succeeded in attracting the loyalty and expressing the aspirations of all Namibians from the Orange to the Cunene, from the Atlantic to the Zambezi. My delegation which is seated here today bears living testimony of this reality. We are, in short, a democratic and multiracial party which has been endorsed by 80 per cent of the people of Namibia. We stand ready to lead our people into independence, freedom and prosperity. We are confident that we would win free and fair elections. But what should happen if SWAPO were to win? Why is it that we doubt their qualifications to maintain democratic standards in Namibia?

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Firstly, because SWAPO's avowed platform and philosophy do not admit the possibility of the continuation of basic political, civil and economic freedoms, but predicate the inevitability of a totalitarian one-party state.

Secondly, SWAPO has shown by the conduct of its own internal affairs that it is an undemocratic and dictatorial organization. It has failed to hold regular congresses. It has purged those elements which have not agreed with the dictates of its leadership; it has imprisoned or detained, and even executed, without any judicial process, large numbers of its own followers; it has sought to achieve its political objectives by intimidation and terrorism.

Thirdly, SWAPO is an ethnically based organization. It has proved to be intolerant of, and has discriminated against, members who do not belong to the dominant ethnic group - look, for example, at the position of CANU.

Fourthly, SWAPO is excessively dependent on the Soviet Union and its satellites - countries with undeniably totalitarian and repressive systems. SWAPO's dependence on the USSR would seriously jeopardize the independence of Namibia and the basic freedom of its peoples, should SWAPO win the proposed election.

These, Mr. Chairman, are the reasons why we do not believe that SWAPO would maintain democratic standards should it win the election. We categorically challenge SWAPO to lay its platform before the electorate, instead of insisting that it should be given a blank cheque. We categorically challenge the United Nations and the Western Five to deny that our concerns are valid.

Yet the Five, who have had such a great deal to say about human rights around the world and in Namibia, expect us, the people of Namibia to stake all our rights and freedoms on one turn of the electoral roulette wheel. What gives them and the international community the right to gamble in this fashion with our future? As players in this game, where is their stake? What are they prepared to put up to guarantee the rights which they expect us to jeopardize? Nobody, least of all those who profess some belief in democratic standards, can honourably press us to gamble our future in such a fateful fashion without offering us credible assurances that we would not lose all.

Mr. Chairman, we have now been at this conference for seven days. In all that time there have been only three or four formal meetings. True, there has been a good deal of scurrying about behind the scenes and there have been a number of cocktail parties and excursions. But when are we really going to get down to business? When is all this shadow boxing going to end? You are well aware of our general concerns relating to impartiality and security. But it was the United Nations which created these problems and it is the United Nations which will have to solve them. They cannot expect lists and guidance from us. You are all aware of the justifiable concerns of the people of Namibia concerning the continuation of our basic rights. But it is not for us to spell out the details. We came here to give, and to receive assurances. We have given our assurances to the people of Namibia. But what of SWAPO? They have hardly said a word during the conference. Under whose instructions have they maintained their uncharacteristic and impassive silence? Have their coaches perhaps advised them that it is better to keep quiet and be

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suspected of being totalitarians and tyrants than to open their mouths and leave no doubt about the matter? Or has the United Nations, as usual, been speaking on their behalf?

Mr. Chairman, this then is our situation. We are freely chosen representatives of all the Namibian people. We are a multiracial, national, and democratic party. We dearly wish to lead our people to independence and to take our rightful place in the family of nations. For this reason we accepted resolution 435. For this reason we look forward to elections which would be truly free and fair. But we insist that the elections should be conducted in an atmosphere of peace and security. And we insist that there should be reasonable and credible assurances that after the election the democratic system and basic political, civil and economic rights would continue to be respected.

Mr. Chairman, the concerns which I have expressed are valid, by all standards of equity the questions which I have asked are reasonable. It is now for you and the international community to decide whether you will be able to allay our concerns and to answer our questions. It is now for you to decide whether you are prepared to move together with us on this basis to free and fair elections and to a truly independent, multiracial and democratic Namibia.

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Enclosure II

Statement by Mr. K. Kaura on 9 January 1981

Mr. Chairman, it was indicated yesterday in your opening remarks that after each speaker has given a report, the delegates would be availed the opportunity to ask questions. Myself and a few members of the DTA delegation would like to pose a few questions.

Mr. Chairman, we have noted with interest the points made in the report of the United Nations Secretary-General, Dr. Kurt Waldheim, of 24 November 1980 (S/14266) and in particular paragraphs 19, 20 and 24.

In paragraph 19 the Secretary-General's report reads "one of the main obstacles of progress in the negotiations hitherto has been acute mutual distrust and lack of confidence".

Mr. Chairman, those two words "distrust and lack of confidence" go to the heart of the matter, as far as the DTA delegation is concerned, not all the sweet palavers about the deployment of UNTAG and so on. We have read those voluminous reports. We understand them. However the question is, is there trust and confidence now to implement resolution 435 in view of the fact that the United Nations has through the years and as late as yesterday disqualified itself from supervising fair and free elections in Namibia in view of the fact that the United Nations and the office of the Commissioner for Namibia and special representatives of the Secretary-General have tainted their credibility by recognizing SWAPO as "the sole and authentic representative of the people of Namibia".

The question of the United Nations impartiality has been placed under close scrutiny and the people of Namibia have no confidence in the United Nations as an impartial arbiter. They have no confidence in the United Nations, an organization which donates about 15 million dollars annually to SWAPO - an organization composed of Russian stooges, lackeys, neo-revisionist racist murderers. The people of Namibia lack trust and confidence in an organization which has chosen SWAPO as the sole and authentic representative of the people of Namibia in the absence of an election in which the people of Namibia expressed their preferences.

The people of Namibia lack trust and confidence in Mr. Ahtisaari whose functions include "support of the activities of SWAPO, the national liberation movement of Namibia, which is recognized by the United Nations as the authentic representative of the Namibian people" (A/34/6, vol. 1, p. 175).

Mr. Ahtisaari was talking in the first person yesterday. I would do this and I would do that. I am going to satisfy myself as to the fairness of the election and report to the Secretary-General.

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Mr. Chairman, the people of Namibia must be satisfied first before Mr. Ahtisaari is satisfied and at this point they are not satisfied with Mr. Ahtisaari whose function is to support SWAPO activities, an organization of school children kidnappers, rapist thugs and bandits.

It staggers the imagination and we in Namibia wonder whether we are considered that intellectually shallow that we are expected not to see the glaring abuses and the one-sidedness of the United Nations.

Take for example:

1. The office of the Commissioner for Namibia - its budget supports SWAPO activities.
2. The Department of Political Affairs, Trusteeship and Decolonization - supports SWAPO financially.
3. The Department of Public Information - does extensive propaganda work for SWAPO.
4. The Institute for Namibia in Lusaka - is totally controlled by SWAPO - in terms of Article VI of the Charter of the Institute three of the fourteen members of its Senate must be SWAPO members.
5. Aid channelled through UNDP - goes to SWAPO.
6. Operative paragraph 2 of General Assembly resolution 31/146 again recognizes SWAPO as the sole and authentic representative of the people of Namibia.
7. By General Assembly resolution 31/152 of 10 December 1976, SWAPO was granted "permanent observer status".
8. Security Council

Since 1971 the Security Council has been inviting only SWAPO members to participate in Council meetings on South West Africa/Namibia under rule 39 of the Provisional Rules of Procedure.

They invited the following:

- (a) Mr. S. Nujoma - 1971, 1975, 1978
- (b) Mr. Peter Mushilange - 1974
- (c) Mr. Mishake Muyonga - 1973
- (d) Mr. Moses Garoeb - 1976

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Mr. Chairman, I cannot continue to tabulate the United Nations abuses, you know them. They are even getting boring to me. However, the question remains - with your sense of fairness, do you sincerely believe that the United Nations and Mr. Ahtisaari have not prejudiced their credibility in view of these abuses?

Do you sincerely feel that resolution 435 can be implemented by the United Nations, when SWAPO is going to be one of the parties to contest the election. As far as the DTA is concerned, the United Nations and Mr. Ahtisaari have disqualified themselves and resolution 435 cannot be implemented in the absence of trust and confidence.

Mr. Chairman, we of the DTA feel cheated that the press is excluded from these proceedings. We of the DTA believe in a free press and have nothing to hide. Maybe you have a lot to hide because you know that the question of the impartiality of the United Nations was going to be brought up, and you did not like the truth to go out. But the truth cannot be hidden forever.

We would like to go on record that we want an open session with the press present and if not we want a cogent explanation why it should be excluded.

Mr. Chairman, in paragraph 20 of the Secretary-General's report, he reiterates the point by saying "a means of facilitating agreements and of creating the necessary climate of confidence and understanding would be a pre-implementation multi-party meeting in which the parties concerned in the envisaged election would be included".

Here, Mr. Chairman, I am not going to talk about "confidence and understanding". What is confusing and where we want clarification is on what is meant by a multi-party meeting.

What is meant with a multi-party meeting?

Yesterday, after the Administrator-General of Namibia introduced the Namibian parties the Secretary-General continued to refer to the Namibian delegation as the South African delegation.

What was the exact reason for that? Did The Honourable Secretary-General really think that we are representing South Africa? Or has the Secretary-General of the United Nations joined the SWAPO bandwagon of categorizing us as puppets of the South African Government?

If that is the case, then even the Secretary-General of the United Nations has disqualified himself as a liar and impartial judge of the Namibian issue.

Now, Ladies and Gentlemen, where do we go from here?

In paragraph 24 of the Secretary-General's report he states "the basis of the meeting would conform to the formula agreed upon during bilateral discussions

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held earlier this year on the question of direct talks. Accordingly South Africa and SWAPO have been contacted concerning the composition of the respective delegations that would participate in the meeting".

This is contradiction Mr. Chairman, - two delegations to a multi-party conference, SWAPO and South Africa.

What about the internal parties of Namibia? Who contacts them? South Africa or perhaps they simply do not matter? Or they are South African puppets anyway, they will constitute the South African delegation.

This of course was made very clear by the Secretary-General. The Administrator-General is leading a South African delegation. Maybe the election is going to be fought between SWAPO and South Africa. These are the two multi-parties to participate in the discussions. These paradoxes, Mr. Chairman, are confusing in view of the fact that all these intellectual acrobatics are written in an alien language.

Mr. Chairman, we of the DTA have come here as part of the "multi-parties" of Namibia to participate in a multi-party conference and if that is not the case, we are sorry.

We would also like to go on record that as far as we are concerned, resolution 435 is dead, because we can't find a fair judge.

If the United Nations wants to regain the confidence of the Namibian people, she must first do the following:

1. Rescind General Assembly resolution 3111 of 1973 and 31/146 of 1976 which stipulates that SWAPO is the "sole and authentic representative of the people of Namibia".
2. Stop immediately the financial assistance to SWAPO through the office of the Commissioner for Namibia.
3. Withdraw SWAPO's permanent observer status in the General Assembly.
4. The Security Council must desist from consulting SWAPO only on matters touching Namibia.
5. The SWAPO institute in Zambia must be restored to its original purpose that of serving all Namibians.
6. The SWAPO representative in New York and his cohorts must be removed from direct participation in matters of the Office of the Commissioner for Namibia.
7. Aid channelled through the United Nations specialized agencies to SWAPO must cease immediately.

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This must be done far in advance of the implementation of resolution 435. The people of Namibia must be satisfied of the United Nations impartiality. If that is done, then we shall have hope for a fair and free election in Namibia.

It is now for you Mr. Chairman, to take this back to the United Nations and convince the General Assembly that this is what the people of Namibia invariably want.

As far as the terrorist war is concerned, we shall simply say "a luta continua". We are prepared to defeat those SWAPO thugs either at the ballot box or in the battlefield and they know it.

We are prepared to fight those impostors, lackeys and running dogs of the Kremlin and beat them at their own game. We are going to repair those water pipes which take water to the village where Mr. Nujoma's mother lives, blown up by the SWAPO gangsters.

This organization to which authenticity is given, has killed more innocent Owambo and Herero women, children and male civilians in both Owambo and Koakoland through the indiscriminate laying of land-mines than they have killed South African troops or even our own Namibia combatants.

These impostors do all this with the blessing of the United Nations and its funds.

However, we are going to fight until a free and equitable dispensation is brought about in Namibia, and a non-racial society is established.

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Enclosure III

Statement by Adv. E. van Zijl on 13 January 1981

In presenting our case last Friday, we very deliberately refrained from raking over the past, except for referring to resolutions still in force and aid measures still being carried out committing the United Nations indisputably to the sole cause of SWAPO whilst, at the same time, offering itself as the impartial umpire prepared to sit in judgement in the dispute between SWAPO and the peaceful South West African parties. Despite the fact that we had our misgivings and reservations about resolution 435, we confined ourselves to the merits of the practical matters concerning the implementation thereof - matters that go to the very root of the case. In order to put things right we made certain very reasonable demands, the object of which was to place parties on an equal footing at the same time affording the United Nations the opportunity (perhaps undeserved?) to prove its so frequently lauded impartiality. We could have resorted to technical matters: we could have referred to the fact that South West Africa, being a C-mandate, was never supposed by the international community to become independent: we could have referred to the fact that General Smuts conducted a plebiscite in 1946 conforming with international standards whereby we, the inhabitants of South West Africa, exercised our right to self-determination, but that the United Nations stopped us from implementing that decision on the ground that the population was not ripe to exercise its inalienable right - thereby causing an international dispute about South West Africa; we could have referred to earnest attempts to resolve the said dispute such as the Arden-Clarke Commission whose recommendations the United Nations refused to implement, the Carpio Commission whose report landed in the wastepaper baskets of the United Nations, the South African offer during the International Court proceedings in 1970/71, to hold a plebiscite under the supervision of the International Court which offer was rejected, the invitation to the Secretary-General in 1972 leading to an agreement between South Africa and the Secretary-General's Special Representative (Dr. Escher), the implementation of which agreement some people sitting here today were involved with, but which was ignored by the United Nations. We could have made all these allusions and many more. We did not. We confined ourselves to the point in issue. It was consequently an unexpected and unqualified disappointment to hear how the Chairman, without even referring to our reasonable demands, specifically tried to exculpate the United Nations, to hide behind flimsy excuses and to make South Africa the sole scapegoat for the problem. We are not here to defend South Africa or to try to justify the approach they have adopted over the years. We are here in an attempt to find a solution to the problem of our country. We want to do so seriously and constructively. We are not interested in a ping-pong game between South Africa and the United Nations on matters such as legality, etcetera, while South West Africa has to pay the price.

We raised the question of impartiality and equal chances for participating parties, which we consider not only to be cardinal but also in limine. Once agreement has been reached on these vital issues, and impartiality seen to be applied, one can tackle such immense difficulties such as intimidation, the DMZ,

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the impartiality and ability of individual officials, UNTAG, its composition, numbers, activities, etc. But we do not make any progress. We are taken to the palace for a meeting. On our arrival we find that we have to wait for up to an hour before commencing. Shortly after having come together, the meeting is adjourned again.

While all these things are taking place, South West Africa is going through a very difficult phase: Ovamboland is war-ridden, large parts of the country are subject to a severe drought, unemployment has shot up to about 10 per cent, money is leaving the country. Stability and confidence in the future must be restored - and restored as soon as possible.

We are concerned about our country and not about our personal positions. We come to the conclusion that this conference is a futile exercise because there is no earnest attempt on the part of the United Nations or SWAPO to get to the heart of the problem.

In the circumstances we are left with no option but to go home and to try and work out solutions to the problems set out earlier, and to work out those solutions with all those who really have our interests at heart and who are genuinely prepared to co-operate with us.
