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LETTER DATED 20 FEBRUARY 1979 FROM THE CHARGE D'AFFAIRES OF THE  
PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS  
ADDRESSED TO THE SECRETARY-GENERAL

At the request of the South African Minister of Foreign Affairs, the Honourable R. F. Botha, I am enclosing the text of a letter he has sent to Your Excellency on 20 February 1979 in response to Your Excellency's letter contained in document S/13098.

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

(Signed) J. Adriaan EKSTEEN  
Chargé d'affaires

Annex

Letter dated 20 February 1979 from the Minister of Foreign Affairs  
of South Africa addressed to the Secretary-General

I have the honour to acknowledge Your Excellency's letter dated 17 February 1979 and received by me on 19 February 1979 (S/13098).

Your reaffirmation of the fundamental importance of an atmosphere of peace and tranquillity during the current stage is reassuring. I subscribe to Your Excellency's view that a comprehensive cessation of all hostile acts is an essential prerequisite to the implementation of Security Council resolution 435 (1978). It is precisely for this reason that, in my letter of 14 February 1979 (S/13083), I brought to Your Excellency's attention the malicious and unprovoked attack by SWAPO on a security base in South West Africa on 13 February 1979. SWAPO's attack is a "hostile act" of severe proportions. It violates the spirit of the settlement plan. Indeed SWAPO's treacherous attack at a time when it was generally assumed the implementation of the settlement plan was about to commence, makes a mockery of the whole project, of our positive achievements and of our hopes and expectations of a peaceful resolution of this decades old problem. In the circumstances I find the description of the SWAPO attack as "not helpful" to be inappropriately generous. The attack should be condemned for what it patently is, an artifice to undermine and prevent the implementation of the settlement.

Your Excellency refers to your undertaking, in your letter of 1 January 1979 (S/13002), to propose at the appropriate time, a procedure for the commencement of a cease-fire. In the light of the real danger of an escalation in violence the period that has elapsed since 1 January is considerable. It is not unreasonable to have expected finality by now, particularly in the light of Your Excellency's urgent request to me during our talks in New York at the end of November 1978 to determine a date for the emplacement of UNTAG. You will recall that you suggested at that time that irrespective of the date chosen, you would be in a position to proceed with the emplacement rapidly and with a minimum time lapse.

Your Excellency states that your Special Representative, Mr. Ahtisaari, during his recent mission to Africa, established that the parties give different interpretations to a number of important aspects of the settlement proposal. I must emphasize, however, that South Africa cannot be one of these parties now placing an interpretation on the settlement plan which differs from the plan. In the view of the South African Government, there are no outstanding issues of such magnitude as to present insuperable obstacles. There are no outstanding issues of such a nature as to prevent the commencement of the implementation of the settlement plan. Such clarifications as were necessary on the question of the size of UNTAG, the role of the United Nations in regard to the Police and the principle of consultation have been completed for some time now. I foresee no impediment to the satisfactory completion of a status agreement on the basis of the proposal currently under discussion by your and my officials. The same applies to the question of the

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composition of UNTAG, where we have bent over backwards to be accommodating. The flexible attitude adopted by South Africa should make it possible to make a start on the envisaged date with the emplacement of those units which will in any case have to proceed to South West Africa first.

Relatively speaking the two issues still under consideration must therefore be considered of secondary importance and can be finalized without undue difficulty. As Your Excellency is aware on both these issues I await a response from you, having communicated to you our views both on the status agreement and on composition on 12 February 1979.

Following the visit of Mr. Ahtisaari to South Africa in mid-January 1979 it appears, after detailed discussions between your military experts and the South African military authorities, that no serious problems should arise during implementation of the agreement. Agreement on the practical programme of implementation has accordingly also been reached.

In stark contrast to South Africa's attitude, fully explored with Mr. Ahtisaari during his recent visit to South Africa and South West Africa, are SWAPO's outrageous demands recently stated in Luanda by Mr. Nujoma. They include the establishment of five armed bases inside South West Africa, the complete withdrawal of South African troops and the refusal to place SWAPO forces under United Nations monitoring. There is clearly no basis in the western proposal or, for that matter in your report on implementation to the Security Council (S/12827) dated 29 August 1978, for these claims by SWAPO. As such they represent nothing less than diversionary tactics deliberately aimed at delaying and wrecking the entire initiative for a peaceful settlement. On such a basis the emplacement of UNTAG would be out of the question. The clear language of the proposal on the restriction to base of SWAPO is not susceptible to more than one interpretation. Paragraph 8 of the proposal (S/12636) reads in part:

"A comprehensive cessation of all hostile acts shall be observed by all parties in order to ensure that the electoral process will be free from interference and intimidation. ... these provisions call for:

A. A cessation of all hostile acts by all parties and the restriction of South African and SWAPO armed forces to base."

The relevant part of section 3 of the annex of the proposal reads:

"SWAPO: General cessation of hostile acts comes under United Nations supervision. Restriction to base.

"U.N. ... United Nations military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troops restrictions." (Underlining added).

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Furthermore, paragraph 21 of your report to the Security Council, dated 29 August 1978 (S/12827), states:

"21. The functions which will be performed by the military component of UNTAG are set out in paragraph 8 of document S/12636 and in the annex thereto. These include, in particular:

"(a) Monitoring the cessation of hostile acts by all parties, the restriction of South African and SWAPO armed forces to base ...".

SWAPO has never had a base inside South West Africa and reference to SWAPO bases can therefore apply only to those outside the Territory.

Moreover, in my letter to you of 22 December 1978 (S/12983, annex I, p. 1), conveying South Africa's decision to co-operate in the implementation of Security Council resolution 435 (1978), I wrote:

"3. ... Special reference is made to paragraph 12 of the settlement plan accepted by the South African Government on 25 April 1978 with a view to monitoring of SWAPO bases in neighbouring states."

Paragraph 12 reads as follows:

"Neighbouring countries shall be requested to ensure to the best of their abilities that the provisions of the transitional arrangement, and the outcome of the election, are respected. They shall also be requested to afford the necessary facilities to the United Nations Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquillity in the border areas."

In Your Excellency's reply dated 1 January 1979 (S/13002), to my letter of 22 December 1978, you stated:

"Certainly paragraph 12 of the settlement proposal is a very important element, and I have been assured by representatives of the States which border on Namibia that they will co-operate fully with the United Nations in ensuring that UNTAG is able to carry out its mandate." (Underlining added)

In Your Excellency's letter under reply you refer to the decision of my Government "unilaterally to hold elections in Namibia without United Nations supervision and control". In this regard I wish to remind Your Excellency that you were fully informed of the reasons why the elections in question were held. Moreover consultations with Your Excellency and the five members of the Security Council continued without interruption throughout the electoral campaign and no time was lost as a result of the elections. In fact, within two weeks of the announcement of the election results, on 3 January 1979, I received Your Excellency's letter of 1 January 1979 (S/13002) in which you informed me of your decision to despatch Mr. Ahtisaari to South West Africa and South Africa "to complete consultations on operational requirements for the deployment of UNTAG".

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The expectations of the people of South West Africa were raised by the very language of the western proposal which provides in paragraphs 3 and 11 for the installation of an independent government of Namibia during 1978. Moreover the peremptory language of the last section of the time-table annexed to the proposal read:

"By 31 December 1978, at the latest: Independence."

As explained to Your Excellency at the time South Africa took into consideration, inter alia, this clear commitment when it decided to hold the elections on 4 December 1978. In this light I am surprised that Your Excellency now again raises this issue.

South Africa has consistently honoured its commitments in terms of the proposal and the negotiations which preceded it. You will recall, for example, that on 2 December 1978, South Africa undertook to conclude consultations during December 1978 with the leaders of South West Africa to be elected during the elections of 4 to 8 December 1978. (Your supplementary report in S/12950, p. 3.) To honour this commitment, the Prime Minister and I travelled to Windhoek on 21 December 1978, the earliest possible opportunity, and used our best efforts, in the end with success, to persuade these leaders seriously to consider ways and means of achieving international recognition through the good offices of your Special Representative and the Administrator-General. The positive result was conveyed to you by letter on 22 December (S/12983, annex I). Your Special Representative reached South Africa for further consultations three weeks later.

During Mr. Ahtisaari's visit to Cape Town, I proposed, as a practical suggestion, to start the settlement mechanism with a view to commencing implementation on 20 February 1979. On the understanding that he was dealing ad referendum he in turn proposed 26 February 1979 to which I immediately agreed. I must once again appeal to Your Excellency now to do your utmost to initiate that stage with the greatest urgency, by announcing the date and the arrangements for a cease-fire. It is imperative that implementation commence this month, as you envisaged in your letter to me of 1 January 1979. This will fit in with the envisaged holding of elections not later than 30 September 1979, which, as you noted in that letter, "is consistent with the proposal". The United Nations cannot any more than South Africa countenance a deteriorating economic and political situation and increasing instability and conflict in the Territory. The people of South West Africa have long been promised the right to decide their own future. This has been South Africa's policy over the years and is also the objective of the United Nations. Their aspirations of independence by 31 December 1978 having been thwarted, the people will tolerate no further delay and my Government has an obligation to concede them what is their right. It will not be possible for the South African Government to associate itself with any move to delay the elections beyond the end of September 1979 and thus further postponing or denying the people of South West Africa the right to independence.

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Neither the United Nations nor the South African Government can afford to allow them to be held to ransom by an organization of violence which, as recently as last week, has plainly demonstrated by its truculent attack that it intends to install itself in power by force and terror. It has as recently as this year on more than one occasion indicated in statements that this indeed is its chosen path.

I give due weight to Your Excellency's request that all concerned should in the meantime refrain from actions or statements which might jeopardize the outcome. I would draw to your attention that in referring from time to time to the proposal and related matters, I have based myself on the provisions and language of the proposal, Security Council resolutions and similar documentation. You will not, however, expect me to acquiesce through silence in statements by others which violate, contradict or repudiate the clear provisions of the proposal.

Unlike SWAPO the South African Government carries the responsibility for the administration and the maintenance of law and order in South West Africa and it cannot just ignore statements or actions which have a bearing on the future of the Territory.

R. F. Botha  
Minister of Foreign Affairs