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LETTER DATED 6 MARCH 1979 FROM THE CHARGE D'AFFAIRES OF THE
PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I wish to request Your Excellency to circulate as a document of the Security Council my letter to Your Excellency on 5 March 1979 transmitting a letter of that date from the South African Minister of Foreign Affairs, the Honorable R. F. Botha.

(Signed) J. Adriaan EKSTEDEN
Chargé d'Affaires

Annex

Letter dated 5 March 1979 from the Chargé d'Affaires a.i. 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 addressed to Your Excellency on 5 March 1979.

(Signed) J. Adriaan EKSTEEN
Chargé d'Affaires

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Enclosure I

LETTER DATED 5 MARCH 1979 FROM THE MINISTER OF FOREIGN AFFAIRS
OF SOUTH AFRICA ADDRESSED TO THE SECRETARY-GENERAL

Shortly after receipt of Your Excellency's Report (S/13120) on 26 February 1979 the South African Government conveyed its contents to, and discussed it with, the political parties in the territory committed to a peaceful solution.

As you know, it has consistently been the policy of the South African Government to consult fully with the people of South West Africa. Their interests are at stake. They must decide on their future. This procedure was followed on all occasions when serious issues arose in connexion with the negotiations and consultations. For example: in April 1978 before accepting the Western Proposal in its final and definitive form, and also in December 1978 before informing Your Excellency of the South African Government's decision to co-operate in the expeditious implementation of Security Council resolution 435 (1978).

Leaders of the various political parties also held meetings over the past weekend with representatives of the five Western Powers involved in the negotiations. These political parties have made their position clear to the South African Government indicating how in their opinion the whole envisaged process is being influenced by the introduction of new elements in document S/13120.

The leaders of the people of South West Africa, as represented in the Constituent Assembly, formulated their position in a motion adopted today by the Constituent Assembly. I attach a copy.

They emphasized the serious deviations in Your Excellency's report of 26 February 1979 as compared with the settlement plan (S/12636) relating, inter alia, to the establishment of SWAPO bases in the Territory and the monitoring of SWAPO bases in neighbouring countries. They expressed the belief that should these deviations be accepted, the fairness of the envisaged election would be affected seriously and the safety of the inhabitants jeopardized.

In a statement issued on 1 March 1979 the Executive of the NNF stated, inter alia, that the establishment of an armed SWAPO force within South West Africa would constitute a fundamental breach of an explicit and unequivocal undertaking given to the NNF by representatives of the five Western Powers on 31 March 1978, to the effect that no SWAPO bases would be permitted within South West Africa.

SWAPO (D) has also indicated that it is not prepared to accept an arrangement allowing only one of the parties participating in the election to have an armed force restricted to bases in the Territory.

Before receipt of Your Excellency's Report (S/13120), I indicated in my letter to you on 20 February 1979 (S/13105) that in the view of the South African Government there were no outstanding issues of such a nature as to prevent the

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commencement of the implementation of the settlement plan. I could foresee no impediment to the conclusion of the status agreement. It would have been more satisfactory and also more practicable if our latest suggestion in regard to jurisdiction had been accepted. The South African Government did not and does not wish to make this an obstacle to the implementation of the settlement plan. I am convinced that the status agreement could now be formally completed.

The question of composition likewise could be solved without undue difficulty, bearing in mind the reasonable and flexible attitude that had been adopted by the South African Government.

In view of the most recent developments in regard to composition, I feel that I should once again record South Africa's position on this matter. Over many months of negotiations with the five Western Powers and later with you yourself, South Africa has been assured that its views on composition would be taken into account fully provided only the principle of equitable geographical distribution would be observed.

We were also informed that the practice of consultation on composition was based on long-standing United Nations precedents, recognizing the views of the host country. It was emphasized that practicalities and the importance of ensuring the co-operation of the receiving country ruled out the emplacement of specific contingents without its agreement. To avoid any future misunderstanding the South African Government wishes to reiterate our intimations that it would not be willing to accept countries which had in the past identified themselves too closely and actively with the aims and activities of SWAPO. Such forces could not be expected to act with absolute impartiality.

Your Excellency will recall that in our recent contacts with you and your personnel on the question of composition, we lent over backwards to be accommodating.

In the course of our contacts South Africa proposed several African countries, none of which was accepted. It also suggested several Asian, Latin American and Western European countries - all of our suggestions falling within the pattern of equitable geographical distribution - and yet again none was accepted.

In spite of all this, the South African Government as a token of our own desire to be accommodative, would still be prepared to consider the UNTAG composition announced by you on 1 March 1979, on the understanding that

- (a) the settlement proposal in its final and definitive form is not changed;
- (b) the composition as announced by Your Excellency, unfavourable as it is from the South West African and South African point of view, is not altered to the further detriment of the South West African parties committed to a peaceful solution; and
- (c) South Africa can reasonably accept the two further countries to be added to the list.

In regard to the "two further countries", it is significant that the list of countries to provide infantry forces announced by you on 1 March 1979, omits Canada, a country included in the original working model and accepted by South Africa. Is this because Canada is a member of NATO, SWAPO having in the meantime made clear its attitude as far as NATO countries are concerned? If this is the case, how can South Africa be expected to accept a member of the Warsaw Pact countries?

As you know, the South African Government has consistently indicated that "the moment SWAPO undertakes to stop violence and in fact carries out its undertaking, action against SWAPO by the South African Forces would cease" (S/12854). On that basis, I can confirm that South Africa is in agreement with Your Excellency's proposal that at 0000 hours on 15 March 1979 a comprehensive cessation of all hostile acts should take effect. This naturally implies that Your Excellency would let me know in good time whether in fact SWAPO has also accepted the cease-fire proposal.

The position of the South African Government on implementation of the settlement proposal remains unaltered. The proposal was accepted by my Government in its final and definitive form. If there are others who deviate from it, they must bear the consequences. My Government stands by the proposal which means:

(a) SWAPO armed personnel, like the South African forces, are to be restricted to existing bases. The restriction to base is to be monitored by UNTAG as is unambiguously provided for in the proposal and confirmed in Your Excellency's reply to me dated 1 January 1979 (S/13002). This was also made clear to you in my letter of 20 February 1979 (S/13105).

(b) SWAPO would have no right to create bases or be designated bases in South West Africa. The settlement proposal contains no provision directly or indirectly, expressly or implied that SWAPO forces who may accidentally or for a short duration be in the Territory for the purpose of sabotage are entitled suddenly to come forward on the day of the cease-fire with a claim to be assigned to camps which do not exist and in so doing achieve the establishment of bases in South West Africa.

(c) As stated in Your Excellency's letter of 1 January 1979, "a comprehensive cessation of all hostile acts" is an essential prerequisite to the implementation of resolution 435.

(d) In regard to the envisaged election date of not later than 30 September 1979 which, in terms of Your Excellency's letter of 1 January 1979, you considered to be "consistent with the proposal", I wish to recapitulate my plea so often conveyed to you since December 1978 that time was running out. In particular, I wish to draw Your Excellency's attention to my letter of 20 February 1979 (S/13105), in which I stated, inter alia,

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"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".

(e) That political detainees in neighbouring countries be allowed to return to South West Africa and to participate in the election process.

It will be observed that the views expressed by the political parties in South West Africa committed to a peaceful solution are in essence consistent with the South African Government's attitude as outlined above.

R. F. BOTHA
MINISTER OF FOREIGN AFFAIRS

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Enclosure II

TEXT OF MOTION ADOPTED BY THE CONSTITUENT ASSEMBLY
OF SOUTH WEST AFRICA ON 5 MARCH 1979

The Assembly,

Takes note of the report of the Secretary-General dated 26 February 1979 concerning the implementation of Security Council resolution 435 (1978) and of the letter from the Western countries dated 28 February 1979 to the Minister of Foreign Affairs of South Africa.

- Cognizant (a) Of the fact that SWAPO has made certain new demands in recent statements;
- (b) Of the fact that the Secretary-General, as a result, consulted only with the Five Western countries and then took the decisions in paragraphs 8 to 18 of his report of 26 February 1979;

Is convinced that certain decisions contained in that report deviate seriously from the provisions of the Report of the Secretary-General as accepted in resolution 435. In particular the Assembly focuses attention on the following:

(a) Paragraph 11, which makes provision for the restriction of SWAPO armed forces which happen to be in South West Africa at the time of the cease-fire, to bases at places which will be determined by the Special Representative of the Secretary-General, after consultation, and the fact that the movement of the SWAPO armed forces to these bases will not be regarded as a tactical movement in terms of the cease-fire agreement;

(b) Paragraph 12, in which it is alleged that there is no specific provision for the monitoring of SWAPO bases in neighbouring States.

Confirms,

- (a) That there are no SWAPO bases inside South West Africa;
- (b) That SWAPO armed forces which happen to be in South West Africa at the time that the cease-fire agreement takes effect, must return to their existing bases, in terms of the original proposal;
- (c) That these bases, which are situated in the neighbouring States, must be effectively monitored by UNTAG. In this connexion, reference is made to:

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- (i) The following provision in the annexure to Security Council document S/12636 of 10 April 1978 - "As soon as possible United Nations Special Representative and staff (UNTAG) arrive in Namibia to assume duties. United Nations military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troop restrictions";
- (ii) Paragraph 13 of the Secretary-General's report S/12827 of 29 August 1978, which reads as follows: "To monitor the cessation of hostilities effectively, to maintain surveillance of the territory's vast borders and to monitor the restriction to base of the armed forces of the parties concerned, the co-operation and the support of the neighbouring countries will be necessary. Such co-operation will be most important particularly during the early stages".

Is of the opinion that, should the latest deviating proposals of the Secretary-General be accepted, the fairness of the election will be seriously affected and the safety of the inhabitants will be endangered.

Is shocked by the letter from the Five Western Powers dated 28 February 1979, in which they support the latest decisions of the Secretary-General and describe them as fair and reasonable: "It reflects a positive approach and makes practical proposals which we support." In this way, their inability to defend and abide by agreements and understandings which they themselves have reached with the parties concerned is again demonstrated. As a result, the inhabitants of South West Africa are losing their confidence in the Five Western Powers as a contact group.

Requests the South African Government to:

- (a) Make no concessions whatsoever in respect of paragraphs 11 and 12 of the Secretary-General's report of 26 February 1979;
- (b) Ensure that the election for a Constituent Assembly in terms of resolution 435 is held not later than 30 September 1979;
- (c) Insist that political detainees in neighbouring States be allowed to return to their country to participate in the election process;
- (d) Allow no withdrawal of the South African Defence Force to take place until a situation of visible peace reigns in the territory.

Decides, in the event that the settlement plan has not been initiated by 15 March 1979, and in the light of the desire of the inhabitants of South West Africa to achieve independence for South West Africa as quickly as possible, to convene this Assembly on 2 April 1979 to consider the steps necessary to lead South West Africa to independence.