

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/12841
8 September 1978

ORIGINAL: ENGLISH

LETTER DATED 8 SEPTEMBER 1978 FROM THE PERMANENT REPRESENTATIVES
OF THE UNITED REPUBLIC OF TANZANIA AND ZAMBIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to enclose herewith the text of the letter dated 8 September 1978, addressed to Your Excellency by the President of the South West Africa People's Organization, Mr. Sam Nujoma. The letter deals with the various aspects of your report submitted pursuant to paragraph 2 of Security Council resolution 431 (1978) concerning the situation in Namibia (S/12827).

We should be grateful if the said letter could be circulated as soon as possible as a document of the Security Council.

(Signed) Salim Ahmed SALIM
Permanent Representative of the
United Republic of Tanzania to
the United Nations

Chairman of the Special Committee on
the Situation with Regard to the
Implementation of the Declaration on
the Granting of Independence to
Colonial Countries and Peoples

(Signed) Gwendoline KONIE
Permanent Representative of
Zambia to the United Nations
President of United Nations
Council for Namibia

Annex

Letter dated 8 September 1978 from the President of the
South West Africa People's Organization addressed to
the Secretary-General

1. Further to the discussion we had with Your Excellency on Tuesday, 5 September 1978, concerning the various aspects of your report contained in document S/12827, I would like, on behalf of the Central Committee of SWAPO and in the name of the oppressed people of Namibia, to place on record the following:
2. The objective of the struggle of the people of Namibia, under their National Liberation Movement, SWAPO, has always been and remains the total liberation of our country. SWAPO, representing the aspirations of our people, has consistently fought for the attainment of this objective. Because of the intransigence and arrogance of the enemy which had blocked all possible peaceful avenues to our country's independence, SWAPO was compelled to resort to the armed struggle in order to attain our objective. In the process, hundreds of our best sons and daughters have sacrificed and are sacrificing their lives.
3. But while carrying out the armed struggle, SWAPO has always maintained the position that whenever possibilities arose for a meaningful negotiated termination to the illegal occupation of our country by the South African racists, SWAPO would not hesitate to lend its support to such efforts. The history of our own movement in this direction is clear and requires no further elucidation. It was SWAPO which encouraged and supported the African States as well as the other supporters of our liberation struggle to promote efforts in the Security Council which culminated in the adoption of Security Council resolution 385 (1976). It has also been SWAPO which has never for one moment hesitated to encourage and support any and all efforts geared towards the implementation of this and other relevant resolutions of the United Nations Security Council and General Assembly.
4. It will be recalled that when the five Western members of the Security Council decided to embark on their initiative with a view to securing the implementation of Security Council resolution 385 (1976), SWAPO was not found wanting in encouraging such efforts. Indeed, as you are aware, Mr. Secretary-General, SWAPO, has been one of the principal parties involved in the negotiations on various occasions and in various places.
5. For more than 15 months now, SWAPO has been directly involved in the diplomatic exercise initiated by the five Western members of the Security Council aimed at finding a basis for a genuine negotiated settlement for Namibia. Our attitude and contribution to this exercise has always been based on good faith, sincerity and an honest desire to help accelerate the process towards Namibia's independence.
6. We have sought to remain firm and unswerving in defence of the inalienable rights, legitimate aspirations and true interests of the oppressed people of

/...

Namibia. At the same time, however, we have demonstrated flexibility and a spirit of compromise in order to ensure that progress is made.

7. It is because of SWAPO's statesmanship and willingness to make the necessary concessions that this exercise has reached the present stage.

8. The joint communiqué issued in Luanda on 12 July 1978 by SWAPO and the representatives of the five Western Governments, marked a significant break-through in this diplomatic exercise.

9. In Luanda, the two delegations were able to agree, for the first time, to proceed to the Security Council so that the decolonization process of Namibia could be started. Had SWAPO rejected the Western proposal because of certain difficulties contained therein, it would have been impossible for the Security Council to have met. Thus, when the Western five took the initiative leading to the Security Council meeting on 27 July 1978, SWAPO supported and encouraged its friends and supporters, Africans and non-Africans, to go along with the adoption of Security Council resolution 431 (1978). Clearly, Mr. Secretary-General, all these efforts by SWAPO were undertaken in the firm conviction that wherever it was possible to attain the objectives for which our people have been fighting with the minimum of bloodshed and sacrifice, that course of action should be embarked upon. This principled position of SWAPO is also in keeping with our firmly held view that negotiation is an indispensable and equally important element of the struggle of any people fighting for its liberation.

10. SWAPO has studied your report contained in document S/12827 submitted pursuant to paragraph 2 of Security Council resolution 431 (1978). We have taken note of the fact that this report was prepared after a survey mission led by your Special Representative, Mr. Ahtisaari. We have also noted the careful and reasoned way in which this report has been written. SWAPO wishes to commend your efforts and those of your Special Representative and his colleagues for having produced this report.

11. In general, SWAPO, having studied this report, wishes to declare its support for the same. However, there are some specific areas of concern which we wish to underline. Our support for this report is therefore based on the understanding that the areas of concern would be overcome.

12. Our major area of concern is the question of registration of voters. We have noted that the Secretary-General's report is silent on this question. At the same time, however, we wish to draw your attention to paragraph 6 of the proposal of the Western five (S/12636) which, inter alia, stipulates that "the implementation of the election process, including the proper registration of voters and the proper and timely tabulation and publication of voting results will also have to be conducted to the satisfaction of the Special Representative". Despite this provision, it is a known fact that the South African racists have continued with the unilateral registration of voters. They have done so despite the opposition firmly expressed by the United Nations. Clearly, therefore, the

/...

South African illegal racist régime began to interfere with the election process long before the anticipated beginning of the transition period. Their unilateral action was a calculated defiance of the United Nations position. It was also a rebuff to the spirit and letter of the Western proposal on this question. But our concern is not only related to the South African defiance because by now the international community has come to expect such systematic acts of defiance. Our concern derives from the fact that in undertaking the unilateral registration of voters, the South African racist authorities have engaged in acts of harassment, intimidation and victimization of many Namibians. They have also engaged in calculated frauds by registering some people who are not Namibians. Clearly, therefore, the South African illegal régime, through the process of unilateral registration, has tried and is trying to create conditions most favourable to its own ulterior designs in Namibia. SWAPO cannot accept this situation.

13. SWAPO, which derives its legitimacy from the overwhelming support of the people of Namibia, has always maintained that we are prepared for free and fair elections in the territory. For such elections to be held, a climate of confidence, free of fraud, intimidation and harassment, must be created. It is on that basis that SWAPO has supported one of the fundamental provisions of Security Council resolution 385 (1976), that is to say, the holding of elections under United Nations supervision and control. And it is for the same reason that we cannot accept a situation where South Africa is trying to create further faits accomplis in the Territory and attempting to pre-empt the legitimate expression of the people of Namibia. We would therefore insist that this question of registration should be looked at afresh and we would prefer that a new registration of voters be undertaken immediately upon the beginning of the transition process.

14. We have studied the sections of the report dealing with the composition, power and functions of UNTAG (paras. 21-34 of your report). We are satisfied with the provisions concerning the military component. We consider, for example, the proposed strength of the force, as contained in paragraph 26 of your report, to be both realistic and sound, considering the special circumstances that prevail in Namibia. We have taken note of the fact that we shall be consulted concerning the composition of this force. We have some definite views which we have already brought to your attention in the course of several meetings that we have had with you.

15. We are concerned with the provision of paragraph 30 in respect of the civil police element of UNTAG. We would like to point out that in not objecting to the provision that the existing police force, which will be provided only with side arms, will be responsible for normal police duties during the period of transition, we took that position on the clear understanding that the United Nations police will effectively monitor the performance of the existing police. Such monitoring would include the assurance that they behave in an acceptable manner so as to ensure that no intimidation, harassment or victimization takes place. In the course of the negotiations, we had been assured by the Western five that United Nations police officers would accompany existing South African police whenever and

/...

wherever the United Nations Special Representative deemed it necessary for them to do so. We therefore believe that in the fulfilment of these responsibilities, the number proposed in your report, that is to say approximately 360 experienced police officers, will not be adequate. We would definitely prefer a significantly higher number. In making this point, we wish to stress once again the need to create a climate of confidence in the Territory so that the people of Namibia can decide for themselves their ultimate destiny, free from the omnipresent harassment, intimidation and victimization by their South African oppressors.

16. Another major area which we wish to address ourselves to is the question of cessation of hostilities (referred to in para. 14 (a) of your report). It should, in this connexion, be noted that the very nature of the South African occupation régime is based on violence against our people and persistent aggression against independent African States. The South African régime has never stopped or relaxed its repressive violence against Namibians internally and its naked aggression against Angola and Zambia. The South African régime must put an immediate end to its murders of Namibians, including women and children, as they did in their massacre at Kassinga. The international community and more particularly the Security Council should see to it that South Africa's notorious lawlessness is brought to a halt.

17. SWAPO has taken up arms to resist the violence and repression of the occupying forces. When conditions can be created for putting an end to that violence, the necessity for the continuation of the armed struggle will no longer be there. You will recall, Mr. Secretary-General, that at our meeting with you on Tuesday, 5 September 1978, we made it very clear that we attach the utmost importance to the scrupulous honouring of the cease-fire. In this connexion, we had proposed that a formal and binding instrument be signed by SWAPO and South Africa. Such a cease-fire agreement is logical and necessary to avoid further confrontations and to ensure a scrupulous observance of the provisions of the cease-fire. We hereby reiterate our readiness to sign the agreement provided that the South African régime does the same. We would also propose that the agreement be authenticated by the Secretary-General. This is a further demonstration of our good faith and commitment to seriously honour and abide by the resolution of the Security Council aimed at implementing the proposal in accordance with resolution 385 (1976).

18. One last area which we wish to place on record is our understanding, in respect of the role, duties and powers of the United Nations Special Representative. We take note that these have been partly defined both in the proposal of the Western five and in your report. The Western five and you, Mr. Secretary-General, know our position on this. We would have preferred that the whole operation leading Namibia to independence be handled by the United Nations. We would have preferred to see the role of the United Nations Special Representative more clearly defined to include that he would see to it that Namibia attains genuine freedom and that during the period of transition it would be his role to ensure the fair and honest preservation of security, law and order. In any case, we wish to stress that it is our understanding that at any time the United Nations Special Representative is not satisfied with any action or measure adopted by the "Administrator-General", that action or measure will not be effected.

/...

19. With the above understanding, SWAPO accepts the Secretary-General's report and pledges its full co-operation for a speedy action by the Security Council. In so doing, SWAPO is conscious that it is fulfilling its historical responsibilities as the legitimate and authentic representative of our people.

20. I should be most grateful if you would arrange for the circulation of this letter as a document of the United Nations Security Council.

(Signed) Sam NUJOMA
President
