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SECURITY COUNCIL
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Letter dated 22 May 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 Minister for Foreign Affairs of South Africa,
the Honourable R. F. Botha, I am enclosing the text of a letter he addressed to
Your Excellency on 22 May 1979.

I would appreciate it if this letter and its annex could be circulated as an
official document of the General Assembly, under agenda item 27, and of the
Security Council.

(Signed) J. Adriaan EKSTEEN
Chargé d'affaires

ANNEX

LETTER DATED 22 MAY 1979 FROM THE MINISTER FOR FOREIGN AFFAIRS
OF SOUTH AFRICA TO THE SECRETARY-GENERAL

The preoccupation of the General Assembly with the question of South West Africa/Namibia at this stage is inappropriate and unwarranted. The resumed session in particular is uncalled for. It will contribute further to the decline of the credibility of the General Assembly because members know that no justification exists for the Assembly to meet at this time, least of all for the evident purpose of censuring South Africa. After three decades of acrimony and dispute over the question of South West Africa/Namibia, an agreement was reached, as contained in the proposal of the Five Western Powers circulated on 10 April 1978 (S/12636), on all the substantive elements involved in this issue and for the implementation of Security Council resolution 385 (1976). My Government has not deviated from this settlement plan accepted by it on 25 April 1978 and endorsed by the Security Council in resolution 435 (1978) on 29 September 1978. Nothing that is said or will be done in this resumed session can alter the truth involved in the events which purportedly gave rise to the holding of it.

I wish to emphasize, as I had to do on a previous occasion, that the present difficulties have arisen in spite of the fact that all the elements which formed the basis of so many years of dispute and acrimony between South Africa and the United Nations have been eliminated.

Over the years it has been demanded of South Africa that we grant immediate independence to South West Africa/Namibia on the basis of:

- (a) A unitary State;
- (b) One-man, one-vote;
- (c) The removal of discrimination on the basis of colour;
- (d) The holding of free and fair elections to the satisfaction of the United Nations; and
- (e) The right of all South West Africans to return to participate peacefully in the political process.

South Africa has committed itself to doing all this and has already gone a long way towards making possible the realization of these goals.

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The settlement plan provides for:

- (a) A comprehensive cessation of all hostile acts as a prerequisite for implementation, including in particular the reduction of South African troops and, therefore, for a practical plan of implementation based on the proposal;
- (b) The restriction to base of all forces of South Africa and the South West Africa People's Organization (SWAPO) and such restrictions to be monitored by the United Nations Transition Assistance Group (UNTAG);
- (c) The release of all South West Africans wherever detained, including those detained in the United Republic of Tanzania and Zambia; and
- (d) Consultation, inter alia, with the South African Government on the composition of UNTAG.

Neither South Africa, nor the people of South West Africa/Namibia, have ever retreated from their agreement to the original proposal. Indeed, South Africa insists that the original proposal, as approved in its final and definitive form by Security Council resolution 435 (1978), be implemented without delay.

From 12 to 22 January 1979, the Secretary-General's Special Representative visited South West Africa/Namibia and South Africa with a view to discussing the final implementation details. Upon his departure from South Africa, Mr. Ahtisaari and I agreed that the road to implementation of the settlement plan was open. At that stage there was not the slightest suggestion, and never had been, that SWAPO would be given bases in South West Africa/Namibia and at the same time be exempted from monitoring across the border.

The Special Representative then visited the Front-Line States from 28 January to 10 February 1979. During this tour, he also held consultations with the President of SWAPO, Mr. Sam Nujoma, in Luanda on 9 and 10 February 1979. It was during these discussions that SWAPO demanded that 2,500 fully armed SWAPO terrorists be permitted to cross over into South West Africa/Namibia. SWAPO was prepared to allow its troops to be confined with their arms - at five widely dispersed bases in major centres - under United Nations monitoring. The monitoring of SWAPO forces outside South West Africa/Namibia by UNTAG, as stipulated in the settlement proposal, was rejected.

Subsequent to the Special Representative's visit to the Front-Line States, Your Excellency, on 26 February 1979, reported to the Security Council on the implementation of the settlement proposal (S/13120). In paragraphs 11 and 12 of this report, Your Excellency in effect conceded the demands made by SWAPO by providing specifically for the exemption from monitoring by UNTAG of SWAPO outside South West Africa/Namibia and for the establishment of armed SWAPO personnel at "designated locations" inside the Territory. These paragraphs constitute a violation of the terms of the settlement proposal.

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The strategy of SWAPO in introducing these outrageous new demands was to sabotage the implementation of the original proposal and thus avoid free elections, which it knew it would lose. At the same time it wanted to shift the blame onto South Africa by forcing her to reject the deviations and then represent her as the culprit.

In support of the contention that SWAPO should be exempt from monitoring outside South West Africa/Namibia by UNTAG, the spurious claim is now being made that the proposal makes no specific provision for such monitoring. However, item 3 of the annex to the original proposal states categorically under the heading "UN" that:

"UN military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troop restrictions" (S/12636, annex, p. 1).

(Underlining added)

At the same item, under the heading "South African Government" and "SWAPO", the annexure states that all South African forces and SWAPO personnel are to be restricted to base. The proposal, therefore, clearly places the monitoring of South African and SWAPO restrictions to base on a par and places a positive obligation on UNTAG to monitor both.

SWAPO has never had and does not now have any bases inside the Territory. It follows, therefore, that SWAPO troop restrictions can be monitored only at their bases outside South West Africa/Namibia, wherever these may be.

Moreover, it was pointed out to South Africa by the Five Powers during the negotiations that, in terms of paragraph 12 of the proposal, the neighbouring countries were 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" (S/12636).

In the annexure to the proposal, the assigned duties of the United Nations personnel are clearly stated to be, inter alia, the monitoring of both SWAPO and South African troop restrictions to base.

In paragraph 13 of Your Excellency's report of 29 August 1978 (S/12827), you again made an unambiguous reference to the monitoring of the restriction to base of SWAPO forces in the neighbouring countries.

In addition, you yourself emphasized the importance of paragraph 12 of the proposal in your letter to me dated 1 January 1979 (S/13002) when, in reply to my categorical remark concerning the monitoring of SWAPO bases in neighbouring States, you stated:

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"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."

SWAPO's claims that its armed personnel are mobile and that they have no permanently structured bases clearly support South Africa's case that SWAPO has never had bases in South West Africa/Namibia. There can be no doubt, particularly not in the minds of any of the representatives of the Five Western countries, that when, during the long months of negotiations which preceded final agreement, the monitoring of SWAPO bases was under discussion, the bases referred to were bases outside South West Africa/Namibia.

If no UNTAG monitoring of SWAPO troop restrictions in neighbouring countries was intended, there would have been no justification for the monitoring of South African troop restrictions either. The clear understanding on the part of South Africa and the South West Africans that SWAPO troop restrictions, like South African troop restrictions, would be monitored by UNTAG, was an important element in the acceptance of the proposal by the leaders of the democratic parties in the Territory.

A further objectionable element of Your Excellency's report concerns the establishment of an armed SWAPO presence inside the Territory at bases, euphemistically designated "locations" in your report. The settlement proposal contains no such provision whatsoever. This is not a legalistic argument; it is a simple fact. The relative paragraph constitutes an open invitation to SWAPO to infiltrate in large numbers from base camps in neighbouring countries across the 1,500-kilometre-long northern border into South West Africa/Namibia prior to, or within a few hours after, the cease-fire. At the commencement of the cease-fire, the infiltrators would simply come forward and demand to be assigned, under arms, to "designated locations" inside the Territory.

Contrary to the deviations introduced by Your Excellency's report, the language of the proposal clearly indicates that SWAPO personnel inside the Territory at the time of the cease-fire are required to return to their bases, where they will be restricted under UNTAG monitoring. If, thereafter, they wish to come back, provision is made for them to be repatriated peacefully from across the border, under United Nations supervision, through designated entry points. Thus, item 5 of the annex to the proposal, under the heading "SWAPO", states that:

"Restriction to base continues. Peaceful repatriation under UN supervision starts for return through designated entry points."

The democratic political parties in South West Africa/Namibia claim that the establishment of armed SWAPO personnel inside the Territory would amount to SWAPO having its own private army inside the Territory. They object to this arrangement and claim the same right to such private armies, should this be allowed.

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The deviations in Your Excellency's report of 26 February 1979 are clear capitulations to SWAPO's demands. It is indisputable that the issues which form the subject of paragraphs 11 and 12 of the report (S/13120) are of major consequence. If there were any doubt about the clarity of the original proposal in this regard, it was incumbent on the parties to consult with South Africa.

In recent months South Africa has brought to Your Excellency's attention some 350 incidents of physical violence and intimidation by SWAPO against the people of South West Africa/Namibia. The attention of the Government of the People's Republic of Angola and of the Republic of Zambia has also repeatedly been invited to these acts of violence emanating from inside their countries. SWAPO cannot claim a free hand to continue its acts of subversion and aggression against the Territory and its people. SWAPO should not be allowed to rely on the General Assembly to provide a protective shield, if not encouragement, for perpetrating these heinous acts. SWAPO should not be afforded sanctuaries by members of the United Nations from where it can launch attacks on South West Africa/Namibia.

A proposal which provides for a peaceful settlement and for the holding of free and open elections in the Territory now exists. Why does SWAPO continue to murder, maim, abduct and intimidate civilians? SWAPO never intended to participate in a peaceful process. It knows that it does not enjoy the support of the majority of the people of the Territory - contrary to what the General Assembly is proclaiming in this regard. It can only hope to achieve power through brutal force.

The proposal for a settlement of the 30-year-old South West African problem developed from a joint initiative of the Five Western countries, South Africa and others in April 1977. What was the essential ingredient that made these negotiations possible? What was the factor around which the whole negotiation process had to pivot? What was the sole indispensable link between all the parties? Clearly it was the element of good faith. South Africa trusted the Five Powers to conduct the negotiations impartially and relied on them to ensure that agreements and understandings arrived at between the Five Powers and South Africa would be safeguarded when translated into United Nations reports and Security Council decisions. There was no other way. It was likewise assumed that the Front-Line States would negotiate in good faith, that their objective would be the achievement of a settlement, and not a manoeuvre to put SWAPO in power at all costs, failing which to force a breakdown in the negotiations and blame South Africa, seeking to bring it into maximum discredit.

Yet what has been the history of the negotiations? Security Council resolution 432 (1978) of 27 July 1978 on Walvis Bay was very far from what South Africa has from the beginning been led to expect. The call for an UNTAG military component of 7,500 men, without consultation, in Your Excellency's report (S/12827) of 29 August 1978, was more than double the figure that had ever been considered in the preceding discussions. With South Africa adopting a reasonable

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and responsible attitude, these crises were overcome, only for Your Excellency, again without consultation, to include in your report (S/13120) of 26 February 1979 paragraphs 11 and 12, which would allow SWAPO bases in South West Africa and exempt SWAPO from monitoring across the border, both in direct violation of the clear and indisputable terms of the proposal. This serious misrepresentation of fact was grave enough, but it was overshadowed by information reaching South Africa from an impeccable source as to the events preceding the formulation of these clauses. They are clearly derived from SWAPO's demands for the return of 2,500 SWAPO forces across the border, to be contained in bases in South West Africa/Namibia, as set out in the fourth draft of Your Excellency's report of 26 February 1979. Moreover, the two offending clauses were included in a letter and its annexure sent in Your Excellency's name, almost a week before your report appeared, to 12 Heads of State or Government (the Five Powers, the five Front-Line States, Nigeria and the Sudan).

How can the people of South West Africa/Namibia be expected to have confidence in the impartiality of the United Nations under these circumstances?

Once the incorporation of those clauses into official United Nations documentation had been contrived, an impasse was inevitable. Next they were exploited by the Front-Line States at a meeting with SWAPO in Luanda on 3 and 4 March 1979 (S/13141 and Corr.1). At that meeting, whose minutes have now been made public, both the President of Angola and Mr. Sam Nujoma were determined to wreck the settlement plan, because they recognized that impartial democratic elections in the Territory, which SWAPO had no chance of winning, would spell the end of SWAPO's existence. The break would be accomplished by SWAPO rejecting the composition proposal by Your Excellency for UNTAG, and also certain other components of the United Nations plan. However, this course was abandoned in favour of the tactic of fully embracing the two deviant proposals in paragraphs 11 and 12 of Your Excellency's report and using them to force South Africa to disassociate herself from the settlement plan. South Africa would then be castigated and discredited for "causing" the collapse of the negotiations. Mr. Nujoma was persuaded not to sabotage the negotiations himself so that the maximum negative propaganda could be directed against South Africa.

Where is the good faith? How can a solution crystallize out of these conditions? And what are the credentials of the General Assembly for meeting under these circumstances to discuss South West Africa/Namibia? If it fails to take the foregoing facts into account, the General Assembly will be meeting under false pretences, enveloped by a cloud of hypocrisy. If the General Assembly should choose to censure South Africa despite the facts as they are now known, it will be a travesty of justice and a conspiracy against decency and honesty. There is no way in which the General Assembly can escape the truth.

As indicated above, South Africa, supported by the overwhelming majority of the people of South West Africa, has agreed to everything demanded in respect of the Territory for years by the United Nations.

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South Africa will continue to respect the interests and wishes of the people of the Territory, which are paramount. South Africa cannot be a party to persuading the people to accept proposals which will render them vulnerable to a take-over by threat and force. As stated by the South African Prime Minister in the House of Assembly on 6 March 1979:

"If South Africa is to be punished and victimized for its honourable and firm commitment to its assurances and undertakings toward the inhabitants of a neighbouring State, it is prepared to accept the consequences of its viewpoint rather than follow the path of dishonour and be branded by the nations of southern Africa as an unreliable neighbour prepared to place its own transitory salvation above the interests of the other nations of the region" (S/13148, p. 1).

South Africa reserves the right to address the General Assembly, if it should be deemed necessary to expand on this exposition.

R. F. BOTHA
Minister for Foreign Affairs
