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SOUTH AFRICA
QUESTION OF NAMIBIA

SECURITY COUNCIL
Thirty-seventh year

Letter dated 21 January 1982 from the Permanent Representative
of South Africa to the United Nations addressed to the
Secretary-General

At the request of the Minister for Foreign Affairs and Information of South Africa, the Honourable R. F. Botha, I am enclosing the text of a letter he addressed to Your Excellency on 21 January 1982.

I should appreciate it if this letter could be circulated as an official document of the General Assembly, under the items entitled "Policies of apartheid of the Government of South Africa" and "Question of Namibia", and of the Security Council.

(Signed) David W. STEWARD
Permanent Representative

ANNEX

Letter dated 21 January 1982 from the Minister for Foreign Affairs
and Information of South Africa to the Secretary-General

In your letter of 13 January 1982 which you sent in reply to my message to you of 12 January, you state that you will be guided by the principles of the Charter alone. Since it has consistently been the South African Government's standpoint that the business of the United Nations should be conducted in terms of the provisions of the Charter, this would have been an encouraging statement were it not for the glaring contradiction in your public utterances. By Your Excellency's own admission you also acknowledged allegiance to the opinion of the majority of Member States of the United Nations.

Although there ought not to be any incongruity between the Charter provisions and the decisions of the organs of the United Nations, it is a known fact that the majority speaks and acts with contemptuous disregard for the provisions of the Charter. In all future instances, it seems that Your Excellency will be faced with the dilemma of determining whether you are going to be the servant of the Charter or of the majority.

Your Excellency is no doubt aware that the majority has denied South Africa the right of participation in the deliberations of the General Assembly on several occasions in contravention of the Charter. Since this can happen again in future - and not only to South Africa - I submit that Your Excellency will either have to advocate adherence to the provisions of the Charter or acquiesce in the violation of the Charter by the majority.

May I suggest that it is reasonable to expect of the Secretary-General of the United Nations that he remain emotionally unaffected and personally independent of ideological objectives in the

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decisions of the United Nations, especially those of the General Assembly. Your Excellency must know that South Africa is not the only country critical of irresponsible United Nations resolutions and of the conduct of majorities sponsoring such resolutions while they are demonstrably unwilling to finance their own verbal extravaganza. Nor is the South African Government alone in its view that self-interest and ideological objectives, rather than concern for the real ills of the world and its people, often inspire those resolutions.

Likewise Your Excellency's derogatory comment on South Africa, while remaining silent on the events in Poland and Afghanistan, will not go unnoticed.

As I have pointed out in my letter of 27 May 1981 (A/36/290) to your predecessor, mere lip service is being paid to the improvement of living conditions on the African continent while millions are being deprived of the most basic human requirements such as food, shelter, health, education, freedom or expression and security of the person. I would also like to remind Your Excellency again of my letter of 2 January 1981 (A/36/64) in which I stated:

"By transposing its chagrin at its own impotence into fury against South Africa, the General Assembly not only demonstrates its own incompetence to accomplish anything to alleviate the oppressive living conditions of the majority of peoples of the world, but ironically focuses attention on the one country in Africa where progress is marked in every important sphere of life: I challenge the institutionalised bodies of the United Nations to prove statistically that black Africans in the rest of Africa today enjoy more effective political rights, greater stability and security, better

employment opportunities, higher wages, better housing and medical facilities, communications and transport systems, healthier diets, more civil rights that are in practice enforced, better quality education and training than the black peoples of South Africa. A society or country should be judged not by instant superficial impressions, but by the long term direction it is taking and the degree of advancement it is able to generate for all its peoples".

Despite these and related considerations, Your Excellency has deemed it fit to proceed from the distorted premise of so many United Nations resolutions relegating your argument in your letter of 13 January 1982 to a fallacious petitio principii argument. I would like to suggest that if Your Excellency is going to be guided by the principles of the Charter alone, you would have to accept that nearly all the decisions of the General Assembly concerning South Africa are ultra vires the Charter, that they cannot amend that document and that you yourself are in no way bound by such decisions.

There are many initiatives and developments in the economic, social, labour, education and other fields which demonstrate South Africa's determination and ability to confront and resolve its own problems. South Africa's sincere efforts to work towards the establishment of a confederation of states in southern Africa with a view to creating a region of stability, peace and progress are simply brushed aside by the majority in the General Assembly. The vengeful attitude of the majority in that organ has reached such an intensity that it would rather see all the states of southern Africa condemned to economic waste and social degeneration than recognise South Africa's vital role in the development of the region. It is of decisive importance for the stability of southern Africa that political differences and ideological

obsessions be set aside in favour of constructive co-operation. The drift towards confrontation should be arrested, not encouraged. The peoples of southern Africa will be made to suffer the consequences of conflict which the majority in the United Nations actively seeks to provoke. I therefore appeal to you to nourish the seeds of reconciliation and progress in southern Africa and Africa as a whole rather than to fan the flames of disharmony and mistrust by supporting outrageous demands which aggravate the region's problems.

I note in Your Excellency's response of 13 January 1982 to South Africa's reaction to your statement on 7 January 1982 that you recognise that it is essential for the principle of impartiality to be scrupulously observed by all parties. I need not remind Your Excellency of the institutionalised commitment to SWAPO as the "sole and authentic representative" of the people of South West Africa/Namibia by the General Assembly and a majority of its members. It is imperative that Your Excellency dissociate yourself from that majority statement well in advance if you have any intention of demonstrating your impartiality.

Equal treatment of all the political parties, of which SWAPO is but one, is a sine qua non for the successful implementation of any settlement proposal. This has consistently been the position of the internal leaders of South West Africa/Namibia. The South African Government fully shares that view and demands that it be honoured and respected.

It is self-evident that the establishment of the credibility of the referee's impartiality and of his evenhandedness before and during the electoral process, with the concomitant creation of trust and confidence, are prerequisites for the commencement of such implementation. To reverse this order would be farcical and futile. It will not create peace but will lead to an escala-

tion of conflict. Moreover, redress of the bias in favour of SWAPO would have to be genuine, comprehensive and visible. The Geneva Conference, 7 - 14 January 1981, was inconclusive because the United Nations was unable to disengage itself from its extensive pro-SWAPO embrace over many years. Your Excellency's remarks on SWAPO are bound to further reinforce the belief of leaders in South West Africa/Namibia that the United Nations lacks the will and capacity to act impartially in South West Africa/Namibia and that public manifestation of impartiality by the Secretary-General will be exceedingly difficult.

It is expected of the South African Government to convince the internal parties of South West Africa/Namibia of the impartiality of the Secretary-General, his Special Representative and his assistants. Surely this is not possible when the Secretary-General himself is publicly scornful of this image. It should be patently obvious that the onus is now on Your Excellency to dispel those doubts and to furnish proof of such impartiality in this matter, as can be expected of you by the dictates of fairness and the provisions of the Charter.

In the final instance I wish to record my appreciation for the candour of Your Excellency's letter of 13 January 1982 and your intimated preference for constructive dialogue to characterize your future relationship with South Africa. In turn I want to give you the assurance that the South African Government shall continue to avoid efforts to score debating points against the United Nations or any of its organs but shall, as always, bring to your attention considerations and facts which, provided they receive proper consideration, should be conducive to solving the problems which have resulted in the abyss between South Africa and the United Nations.

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Having been assured of frankness in articulating your views, the South African Government now awaits the manifestation of that commitment in the conduct of southern African affairs. In view of past disillusionments I am constrained to introduce a cautionary note of scepticism. Only Your Excellency's actions in the spirit of the Charter can ultimately bring that reassurance.

Please accept, Your Excellency, the assurance of my highest consideration.

R F BOTHA
MINISTER OF FOREIGN AFFAIRS AND INFORMATION
