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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Letter dated 30 December 1988 from the Chargé d'affaires a.i. of the  
Permanent Mission of South Africa to the United Nations Office at  
Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to refer to Commission resolutions 1988/8 and 1988/10  
as well as resolution 1988/5 of the Sub-Commission on Prevention of  
Discrimination and Protection of Minorities.

Attached please find a copy of an address by the Foreign Minister of the  
Republic of South Africa, Mr. R. F. Botha on the occasion of the signature of  
the Trilateral Agreement between the People's Republic of Angola, the Republic  
of Cuba and the Republic of South Africa in the Economic and Social Council  
chamber in New York on 22 December 1988.

This Agreement paves the way for the independence of South West  
Africa/Namibia. South Africa has made a major contribution to a comprehensive  
settlement in south-western Africa, and it would be appreciated if this could  
be duly noted by participating Member States in the forthcoming session of the  
Commission on Human Rights.

I would be grateful if this letter and its attachment could be circulated  
as an official document of the forthcoming session of the Commission on Human  
Rights.

(Signed) T. G. VISSER  
Chargé d'affaires a.i.

Annex

STATEMENT DELIVERED IN THE ECONOMIC AND SOCIAL COUNCIL CHAMBER AT UNITED NATIONS HEADQUARTERS BY THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA, MR. R.F. (PIK) BOTHA ON THE OCCASION OF THE SIGNATURE OF THE TRILATERAL AGREEMENT BETWEEN THE PEOPLE'S REPUBLIC OF ANGOLA, THE REPUBLIC OF CUBA AND THE REPUBLIC OF SOUTH AFRICA WITH THE UNITED STATES OF AMERICA AS MEDIATOR, RELATING TO A COMPREHENSIVE SETTLEMENT IN SOUTH-WESTERN AFRICA

Mr. Secretary-General, before proceeding, I would like to express condolences to all those who lost loved ones, relatives and friends in the tragic Pan American aircraft crash over Scotland yesterday. We learned with sorrow that Mr. Bernt Carlsson, the United Nations Commissioner for Namibia, was among those who lost their lives.

The signing of this Agreement is a special moment for many countries of the world, for the United Nations, but in particular for the peoples of southern Africa. Eventually, after 40 years of dispute and acrimony, of growing confrontation and conflict, we have reached a peaceful settlement, at least on paper, both in respect of the Namibian question as well as on the withdrawal of the Cuban troops from Angola.

The Agreement that has just been signed by Angola, Cuba and South Africa comprises only 642 words spread over 2 pages. The signing ceremony took a matter of minutes. But the historical import of the moment should not be lost.

Agreements and treaties in any form and between whatever States, amount to no more than words on pieces of paper bearing signatures. Unless the good faith of all parties involved prevails to cement observance and implementation, the words of a treaty become meaningless. What is crucial in the months ahead of us is that the parties do not, by their actions on the ground, nullify what has been agreed upon. It is equally important that the parties should also honour the tacit understandings reached in Cairo, Brazzaville, New York, Geneva and elsewhere, which involve elements such as mutual trust, good will, restraint, tolerance and refraining from any action which could lead to a heightening of tension or jeopardizing of the implementation of the various agreements.

It would be remiss of me on this occasion not to mention briefly the salient features of the quest to arrive at this Agreement. The United Nations has been intimately involved since its inception in this endeavour.

We in South Africa held the view that the mandate had lapsed with the dissolution of the League of Nations. But the majority in the United Nations held the opposite view.

The United Nations started allocating significant amounts of funds towards the South West Africa/Namibia item in 1966.

Although many of the figures are hidden within the broader framework of United Nations allocations and undisclosed contributions to specific projects, we estimate that close to a billion dollars have been spent by the United Nations on this item since 1966.

The General Assembly has taken up the issue of South West Africa/Namibia every year since 1946 in various committees and sub-committees.

Five committees or sub-committees have been formed to concentrate on the South West Africa/Namibia issue. These include the Council for Namibia (established in 1967), the Office of the Commissioner for Namibia, the 1970 Ad Hoc Sub-Committee of the Security Council, the 1953 Committee on South West Africa and the 1950 five-member Ad Hoc Committee on South West Africa.

There have been 24 Security Council debates on the South West Africa/Namibia issue, 34 resolutions have been adopted.

There have been 43 General Assembly omnibus resolutions passed on South West Africa/Namibia since 1960.

The United Nations arranged for at least seven major special missions to visit South West Africa/Namibia, Angola and the Republic of South Africa in order to investigate aspects of the South West Africa/Namibia problem. These included the Arden-Clarke visit, the Carpio/de Alva saga, the visits by Secretaries-General Waldheim and Pérez de Cuéllar, and visits in the context of the United Nations Transition Assistance Group for Namibia (UNTAG). Numerous smaller missions to visit Angola and neighbouring countries at the request of the Council for Namibia were also arranged.

The International Court of Justice has been seized of the matter on five occasions including four advisory opinions in 1950, 1954, 1956 and 1971 and the long-drawn-out case brought by Liberia and Ethiopia and decided in 1966.

The proliferation of United Nations related bodies which became involved in one way or another with the Namibian question graphically demonstrates the extent and complexity of the issue of Namibia. At this time the following United Nations bodies have been involved with the question of Namibia:

Office of the Secretary-General

Office of the Under-Secretaries-General for Special Political Affairs

Office for Special Political Questions

Department of Political Affairs, Trusteeship and Decolonization

Office of Legal Affairs

Department of Political and Security Council Affairs

United Nations Centre on Transnational Corporations

Office of the United Nations Commissioner for Namibia

Centre for Human Rights

United Nations Environment Programme

International Law Commission

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

Special Committee against Apartheid

United Nations Council for Namibia

Committee on the Elimination of Racial Discrimination

Security Council

Economic and Social Council

United Nations High Commissioner for Refugees

United Nations Children's Fund

United Nations Development Programme

United Nations Institute for Training and Research

International Court of Justice

Food and Agriculture Organization of the United Nations

International Atomic Energy Agency

International Labour Organisation

International Maritime Organization

International Monetary Fund

United Nations Educational, Scientific and Cultural Organization

World Health Organization

World Intellectual Property Organization

Just as the Namibian question became a major preoccupation within the United Nations, it was no less important to the nations of southern Africa and of course to the Republic of South Africa. For decades the Namibian question has been a major foreign policy issue for the South African Government and not a single parliamentary session has taken place in which the issue was not the subject of serious debate. South Africa's growing contribution to the budget of the Territory, which in recent years exceeded 4 billion rand, demonstrates the vital interest and commitment of South Africa in the well-being of the Territory and its people. Namibia represents an onerous financial burden on the taxpayer of South Africa.

In addition, the Territory has for many years been able to benefit from the vast technical knowledge of South Africa which was freely available and which has given rise to the existence of a relatively sophisticated infrastructure in the Territory.

Namibia stands on the threshold of independent nationhood. It is well provided for with modern transport and telecommunication systems. Throughout

the Territory, clinics and hospitals, schools and other facilities catering for the medical, cultural and social needs of its scattered population have been established, which places it in a uniquely privileged position as a developing nation of the world. It is hoped that Namibia will take its rightful place in this very Organization in the near future according to the envisaged timetable for its independence.

Mr. Secretary-General, if you will allow me, I would like to mention that on several occasions I addressed the Security Council in my capacity as South Africa's Permanent Representative to the United Nations on the subject of Namibia. I well remember one occasion shortly after South African troops had entered Angola in an attempt to halt the advance of Cuban troops to the South, after I had levelled certain accusations against the Soviet Union, the Soviet Ambassador struck the table with such force that the electrical installations were temporarily disrupted.

Mr. Secretary-General, dramatic developments have taken place in the interim. This signing ceremony is a momentous occasion which deserves global recognition. Today is not a day for acrimonious remarks or recriminations. We have come a long way along a hazardous path on which we had to negotiate complex and difficult problems. We should not seek scapegoats on this occasion and all participants in the process share the victory and achievement. However, the people of the region have the most to gain. We all know the immense problems which confront Africa, particularly in the area of economic development. Being an African country, South Africa is directly affected by what occurs on our continent. We have a vested interest in creating stability and peace in our region and beyond.

Indeed peace and stability are a sine qua non for development in the region. South Africa stands ready to contribute to regional economic development. The signing of this Tripartite Agreement creates the opportunity for increasing co-operation and interaction between my country and the rest of southern Africa. South Africa is already playing an increasingly important role in development projects in southern Africa. We have African know-how which we are prepared to share for the benefit of all the peoples of the continent.

The acceptance of the Tripartite Agreement is in the interest of Africa as a whole. It has opened a new opportunity for communication and co-operation between all the countries of Africa and in particular the countries of southern Africa. It is no secret that South Africa trades with virtually every State in Africa and that ties between our countries are steadily expanding into other spheres. Co-operation in the fields of health, agriculture and food production and the development of natural resources, for example, already exists and can be pursued to the benefit of all our people.

African leaders played an encouraging and important role in the negotiation process which led to the Tripartite Agreement signed in New York today. It is my impression that the whole of Africa welcomes the creation of peace and stability in south-western Africa and that a momentum has been created to bring about this objective which will not be easily thwarted.

It is a vindication of the view held by many African States that African solutions must be found for Africa's problems. Today's ceremony also illustrates the triumph of negotiation between parties directly affected by a

given problem over prescription from outside. Without the imposition from abroad of solutions which were not in the interest of the people of the region, the Governments themselves proved that they had the capacity to find the way to a peaceful solution. We have always believed that the leaders of the region should be encouraged to determine their own future.

This has consistently been our approach to the Namibia situation. South Africa has repeatedly called upon the world community to recognize the right of the inhabitants of the Territory to determine their own future without interference from outside.

The South African Government would like to express its appreciation to fellow African countries which have made a contribution to bringing about this Agreement. President Sassou Nguesso repeatedly extended hospitality to the negotiating teams in Brazzaville where the first meeting of the parties on the African continent took place and which was the venue for numerous subsequent meetings. President Mobutu Sésé Séko provided valuable advice at critical stages to participants and President Chissano similarly played an important mediating role. President Houphouët-Boigny, too, took certain initiatives which undoubtedly were most helpful. Similarly President Banda made an important contribution as did the leaders of other African States.

At a critical stage when a virtual impasse had been reached between the three parties, President Mubarak of Egypt offered Cairo as a venue for a critical meeting and brought influence to bear which enabled progress to be made in the negotiating process.

On behalf of the State President and the Government of South Africa, I would like to express sincere appreciation to all those Governments which made a constructive contribution to the negotiation process, including the United Kingdom, Switzerland and the Soviet Union. In particular I would wish to take this opportunity to express appreciation for the central role played by the United States Government in the negotiations which led to the stage where we can now contemplate the independence of Namibia and an end to hostilities in south-western Africa.

At the same time, I must pay tribute to the Secretary-General of the United Nations, Dr. Pérez de Cuéllar, who has committed his office to impartiality in the process ahead of us. The South African Government appreciates that the Secretary-General interrupted a busy schedule to visit several countries in southern Africa, including South Africa, at a critical moment in the negotiation process. I wish to thank him for his personal contribution to what has been achieved today.

Those who are familiar with the complexities of the dispute regarding Namibia would agree with me today that all the debates, confrontations and conflict surrounding the dispute did not, in the end, bring any solution to the problem. The solution came about when we heeded the instruction in the Charter of the United Nations which requires that disputes be settled peacefully. Seldom in the history of this Organization has there been such an example of the efficacy of this injunction. The Charter makes no distinction on ideological or political lines; it simply requires that disputes be settled by peaceful means. When we set aside our differences and complied with the letter and spirit of the Charter we embarked on the road leading to this achievement.

Let it be said that each of the parties had to bring itself to this important decision, abandoning the futile pursuit of selfish objectives by means of force. Peace cannot be achieved through the barrel of a gun which is the central theme running through the network of agreements comprising the comprehensive settlement in south-western Africa. It is a sobering lesson.

This also applies to the process which will now lead to Namibia's independence. Only parties which are prepared to participate peacefully will be allowed to participate in the envisaged elections. It is the earnest hope of the South African Government that this fundamental concept, the abandoning of violence, and the commitment to peaceful negotiation, ought to form the basis for resolving other conflicts in southern Africa and beyond. I would like to express the hope that what has happened here today will serve as an encouragement to all the leaders in southern Africa to resolve the problems of the region in a peaceful manner.

South Africa will remain a willing neighbour prepared to make a constructive contribution and to assist the fledgling State of Namibia. However, it can no longer be expected of the South African taxpayer to bear the brunt of the financial requirements of Namibia alone. I would today make a plea to the international community to recognize the need for tangible assistance to be provided to Namibia as it joins the community of nations.

It is now time for a matching commitment from the United Nations and the international community. There exists a heavy responsibility on the part of the United Nations to earn the respect of history by demonstrating clear impartiality as regards those matters that the parties have called upon the United Nations to monitor and verify, namely total Cuban troop withdrawal from Angola, and implementation of United Nations Security Council resolution 435 (1978) leading to Namibian independence.

Namibia is a huge, arid Territory with a sparse population. It has a history of considerable bloodshed in the last century during a painful colonial period in which the Herero and Nama people were virtually decimated. The inhabitants of the Territory deserve to receive their independence through the freely expressed wish of all Namibians. The instruments have been created to bring about independence, but it will still require good faith and understanding to achieve the envisaged objective.

In the same way in which we have today endorsed an African solution to an African problem, my country stands ready to address its challenges in an African mode, and we look forward to assuming our rightful place in Africa amongst the nations of Africa.

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