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LETTER DATED 25 APRIL 1989 FROM THE PERMANENT REPRESENTATIVE  
OF SOUTH AFRICA TO THE UNITED NATIONS ADDRESSED TO THE  
SECRETARY-GENERAL

Since it would appear that the procedures for establishing permanent observer missions in Namibia are not yet fully appreciated by all the Members of the United Nations, I have the honour to enclose the text of a letter addressed by the South African Minister for Foreign Affairs, Mr. R. F. Botha, to The Hon. G. Chiepe, Minister for External Affairs of Botswana, on 22 April 1989 in which these procedures are set out.

It is in the circumstances appropriate to recall that, with the adoption of resolutions 629 (1989) and 632 (1989), the Security Council authorized Your Excellency to appoint a Special Representative supported by the United Nations Transition Assistance Group (UNTAG) to monitor the holding of free and fair elections with a view to the establishment of a constituent assembly whose task would be that of adopting a constitution for an independent Namibia. At the same time the South African Government, represented by an Administrator-General, was recognized as the Administering Authority of the Territory during this period of transition.

No provision was made in these resolutions or the implementation plan which they incorporate for the establishment of separate monitoring missions. It is of course appreciated that many Member States and other appropriate organizations would have an interest in establishing observer missions during the same period.

The establishment of diplomatic observer missions places certain obligations upon the receiving State to ensure the usual privileges and immunities enjoyed by such missions in terms of established diplomatic practice. Consequently such missions can be brought into being only after the agreement of the receiving State has been sought and obtained, thereby implicitly accepting the obligations placed upon it. In so far as Namibia is concerned, such requests may be made direct to the South African Department of Foreign Affairs or to its diplomatic representatives abroad. Arrangements will be made to process these requests as swiftly as possible.

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I should be grateful if this letter and its annex could be circulated as a document of the Security Council.

(Signed) Jeremy B. SHEARAR  
Ambassador

Annex

Letter dated 22 April 1989 from the Minister for Foreign Affairs  
of South Africa addressed to the Minister for External Affairs  
of Botswana

According to press reports there are plans for you to proceed to Windhoek tomorrow, Sunday, 23 April, at the head of a delegation of southern African States with the object of establishing a permanent monitoring mission there. The Administrator-General of South West Africa/Namibia informs me that there has not been any prior consultation with him in this regard and he has therefore requested me to forward you the letter below:

"It has come to my notice that it is your intention to lead a group of representatives of southern African States to Windhoek tomorrow Sunday, 23 April 1989 with the object, according to press reports, of establishing a permanent monitoring mission in South West Africa/Namibia to monitor the implementation of United Nations Security Council resolution 435 (1978).

"It is a matter of record that the establishment of an Organization of African Unity observer mission in Windhoek would be welcomed and I do not envisage therefore that there could be an objection to the opening of an observer mission by a grouping of southern African States. In order that the establishment of such a mission could proceed in an orderly fashion, it is of course desirable that the standard procedures, which have been observed by other intending observer missions, should be followed, i.e. that prior arrangements for entry, etc. be made through the South African Department of Foreign Affairs. This will avoid any misunderstandings and complications, which is a matter of considerable importance to me in my capacity as Administrator-General.

"In that capacity, as you are aware, the administration of the Territory is currently my responsibility, in terms of resolution 435 (1978). My duties include ensuring that entry to and exit from the Territory are administered in a proper manner and to that end applications for entry are processed by my office.

"Moreover, the function of monitoring the settlement process in the Territory is exclusively entrusted by resolution 435 (1978) to UNTAG. There is no provision in that resolution or any of the related agreements for a monitoring function to be performed by any other entity. I am therefore not in a position to approve the setting up of a separate monitoring mission in the Territory.

L. Pienaar  
ADMINISTRATOR-GENERAL"

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In the circumstances, I would appeal to you to communicate with the Administrator-General regarding your proposed arrival in Windhoek well in advance of your departure and thus to avoid the possibility of placing any additional strains on the smooth implementation of resolution 435 (1978), to whose success I believe you and I are equally committed.

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