

DIE SUID-AFRIKAANSE INSTITUUT VAN INTERNASIONALE AANGELEENTHEDE
THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS



Southern
Africa **Record**

Number 23

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Published by the South African Institute of International Affairs. Four issues per year. Subscription rate R10,00 per annum (surface mail). R14,00 per annum (airmail) Africa and Europe. R15,00 US and elsewhere.

Price per copy R2,50 (plus postage for overseas airmail).

Uitgegee deur die Suid-Afrikaanse Instituut van Internasionale Aangeleenthede. Vier uitgawes per jaar. Intekengeld R10,00 per jaar (landpos). R14,00 per jaar (buitelandse lugpos) Afrika en Europa. R15,00 VSA en elders.

Prys per eksemplaar R2,50 (plus posgeld vir buitelandse lugpos).

Southern Africa Record

Number Twenty-three, Junie/June 1981

Contents/Inhoud

Negotiations on SWA/Namibia

- A.** Select statements delivered during the pre-implementation meeting in Geneva, from 7-14 January 1981 page **3**
- (i) *Statement by Mr D.F. Mudge, Chairman of the Democratic Turnhalle Alliance (DTA), on 13 January* page **3**
- (ii) *Statement by Mr K. Kaura, member of the DTA, on 9 January* page **11**
- (iii) *Statement by Mr Sam Nujoma, President of SWAPO, to a working session of the meeting, on 14 January* page **15**
- (iv) *Joint press statement issued on 14 January by the Frontline States, Nigeria and the OAU, at the conclusion of the meeting* page **17**
- B.** Further report of the UN Secretary-General, dated 19 January 1981, concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978). page **18**
- C.** Letter dated 28 January 1981, from the South African Foreign Minister, the Hon. R.F. Botha, to the UN Secretary-General. page **24**
- D.** Statement prepared for delivery (but not delivered) in the General Assembly by the South African Ambassador to the United Nations, Mr J.A. Eksteen, during the debate on the agenda item entitled "Question of Namibia", on 2 March 1981. page **29**
- E.** Letter dated 6 March 1981, from the South African Foreign Minister, the Hon. R.F. Botha, to the UN Secretary-General, concerning the illegal exclusion of South Africa from the General Assembly on 2 March 1981, and other breaches of the UN Charter. page **33**
- F.** Letter dated 10 March 1981, from the South African Foreign Minister, the Hon. R.F. Botha, to the UN Secretary-General concerning the ten resolutions on South West Africa/Namibia adopted by the General Assembly on 6 March 1981. page **41**
- G.** Statement by the South African Foreign Minister, the Hon. R.F. Botha, concerning the discussions with United States Assistant Secretary of State-Designate for African Affairs, Dr Chester A. Crocker, in Pretoria on 16 April 1981. page **44**
- H.** Statement on 21 April 1981, by the South African Foreign Minister, the Hon. R.F. Botha, concerning the request by the DTA to speak in the United Nations Security Council. page **46**
- I.** Further statement dated 22 April 1981, by the South African Foreign Minister on the refusal by the United Nations Security Council to hear the DTA. page **46**
- J.** Extract from the hearing by the United States Senate Foreign Relations Committee on Dr Chester A. Crocker's nomination as Assistant Secretary of State for African Affairs, on 27 April 1981. page **48**

United States and Southern Africa

- A.** Announcement on 31 March 1981, by the Deputy White House Secretary of the visit to Africa by the United States Assistant Secretary of State-Designate for African Affairs, Dr Chester A. Crocker. page **50**

- B.** Statement by Dr Chester A. Crocker before the Foreign Relations Committee of the United States Senate on the occasion of his confirmation hearings as Assistant Secretary of State for African Affairs, 6 April 1981. page **51**

ISSN: 0377 5445

Negotiations on SWA/Namibia

A. Select statements delivered during the pre-implementation meeting in Geneva, from 7-14 January, 1981

*(i) Statement by Mr D.F. Mudge,
Chairman of the Democratic Turnhalle Alliance (DTA),
on 13 January*

Mr Chairman, I thank you for the opportunity of addressing this conference. For the first time since the Western powers took the new initiative during the first quarter of 1977, leaders of the democratic parties from inside Namibia are now given the opportunity to speak for themselves on the substance of the issue. This is real progress. It is nevertheless true that the right to do so was grudgingly yielded and that this conference is far from being a symbol of the impartiality which is the principal subject of discussion. The conference was delayed for ten hours while the simple right of my delegation, and others, to be introduced was debated and contested. Our opponents in the proposed elections would dearly like to keep us nameless, faceless and especially voiceless non-persons, and the United Nations was only with difficulty persuaded to take another view. Since then efforts have been made to keep us muzzled — as has happened for years in UN organs — by expecting us to work in closed sessions only.

Moreover, the indignity was imposed on us much against our will, of having to attend this conference as part of a delegation headed by the Administrator-General, instead of in our own right. But I want you to know that I am a Namibian, not a South African. As a native born Namibian I am present here and address you. And when I speak, I have the interests of all peace-loving Namibians at heart, regardless of ethnic ties or skin colour. This is the land that I cherish.

Furthermore, I speak on behalf of a party that has consistently insisted that South West Africa/Namibia must become independent as soon as possible under a government that recognises and takes account of the

inalienable rights and reasonable aspirations of the inhabitants and under a constitution that assures the protection of their basic rights.

It must also be noted that past negotiations about the future of South West Africa/Namibia were directly between the United Nations or other interested parties and the Republic of South Africa. The democratic parties were not directly and formally invited to express their views on these matters. Can it reasonably be expected of us now to reach a cease-fire date within the course of a few days and to start implementing a plan about which we were formerly only consulted via the back door?

We want to solve this problem ourselves, in the first place, for the sake of our people and not merely to relieve the international community of one of its political headaches. We are not willing to allow external forces or pressure groups, which are very often prepared to support and finance political movements so as to manipulate them for their own purposes, to use our country as a base for a new kind of imperialism.

We have not only campaigned for and agreed to independence but we have, despite severe misgivings, also accepted resolution 435 in so far as it provides for a democratic settlement and elections, supervised by the United Nations.

We are not reassured by the fact that a very large percentage of the members of this organisation and even of countries which, according to tentative arrangements, will be directly involved in supervising this democratic election, do not know what a democratic election means because they do not have, and some have never had, a democratic system themselves.

Resolution 435 should have been implemented in 1979. We urged implementation on the Secretary-General; we urged the acceptance of a cease-fire date of 26 February 1979. If it had been so implemented the issue would by now have been laid to rest. The fact that it was not, was not our fault. The delay was the result of deviations from the original proposals by the Secretary-General, brought about by some as yet inadequately explained intrigue without any consultation, at the *behest* of SWAPO, who wished at all costs to avoid fighting an election. Thus they refused monitoring of their bases and demanded bases in South West Africa, where they had never been able to establish any.

The DTA, being a democratic party, is in favour of a peaceful solution to the problems of our country. But unfortunately moderate parties labour under the disadvantage of obeying rules and subjecting themselves to the law, even laws of which they disapprove. Because democratic parties do not use force and intimidation to achieve their aims and because they are not prepared to kill people cold-bloodedly in the name of a so-called freedom struggle, they tend to be disregarded while a premium is placed on militant violence. A stigma is placed on independence achieved by peace-

ful means while concessions are made to the blackmail that comes through the barrel of a gun.

There is no longer a need for any party to fight for the independence of Namibia, because independence for our country has been agreed upon by all parties concerned, including South Africa. Parties continuing terrorist activities are doing so because they fear elections and are determined to seize power regardless. However, if SWAPO persists with its "armed struggle" SWAPO will be defeated in combat. Indeed, severe defeats are being inflicted on SWAPO. Small wonder SWAPO is eager to sign a cease-fire agreement. But if the choice was ours, we would not continue with a bush war, preferring a peaceful solution. We have nothing to fear from SWAPO in a free and fair election. As a matter of fact, we are looking forward to such an opportunity.

But then this process must be fair and the outcome of this election must not in any way be influenced by external factors. This is one of the crucial elements of the settlement. No party must have psychological advantage. The political process leading towards independence must be based on the elementary rules of democracy and must be supervised by a body whose impartiality stands beyond any doubt.

The second crucial factor is that conditions of peace and absolute security must prevail during the election, for otherwise the victor is fear.

The third essential component is that those who vote must be assured that the government they return will uphold democracy, permit them to vote again and protect their rights — that it will not be a case of "one man, one vote, one time".

What is the issue at this conference? It is not independence for Namibia. That objective has already been agreed by everyone. It is not one man, one vote, or the territorial unity of Namibia, or United Nations supervision of the electoral process. There has been agreement on these fundamental issues for three years. It is not even whether we should proceed rapidly with an election. The DTA is in agreement with all parties concerned that we should proceed with an election at the earliest realistically possible date and that Namibia should take her rightful but long-denied place in the family of nations as soon as can be arranged. But the issue is: can all the parties that contest the election be put in the position of having an equal chance on the day that implementation of the settlement commences? Can extraneous influences on the election be eliminated so that the electorate votes only on the basis of the policies of the parties? The DTA seeks no unfair advantage such as presently enjoyed by SWAPO; only parity. But then this equality of opportunity to win the election must be real, must be comprehensive, must be as nearly complete as attainable. Only then is a free and fair election possible. And only if the United Nations initiates a process calculated to bring this objective about can

trust and confidence be built up in the ability of the organization to act impartially in the role of referee.

The United Nations has a history of unfair and unacceptable bias in favour of SWAPO, stretching back for twenty years; that is undisputed. There is no need for me to tabulate all the advantages SWAPO has enjoyed in and from the United Nations. They are a matter of record and the grossest excesses are well known. To counterbalance SWAPO's enormous psychological and practical but totally unjustifiable advantage, for example, of having enjoyed, by courtesy of the General Assembly, the title of sole authentic representative of the people of Namibia for the past seven years and the status of permanent observer for four years, will require ingenuity, application and consistency by the organization ultimately responsible — the United Nations. Other parties thus far deprived of the right to participate in the General Assembly and Security Council must be conceded that right and if the Council and office of Commissioner for Namibia are not to be abolished as no longer relevant, SWAPO's exclusive influence there must be neutralized. Apart from political favouritism, SWAPO is the recipient of millions of dollars of financial and propaganda support from the United Nations, which would also have to be counteracted before the DTA would be willing to stake its future on an election that could not otherwise be characterized as fair. The DTA would be glad to have a United Nations-financed office in New York. Moreover, the DTA would deem it essential that the emphasis of the propaganda of the Department of Public Information be switched from a pro-SWAPO bias to disseminating in equal degree the viewpoints of other parties. In particular the DPI would need to stress in an intensive long-term campaign the authenticity and equality of all the parties.

While it might be sufficient in some cases for the advantages hitherto enjoyed by SWAPO to be terminated, that would often not be the case. The DTA wants a voice equivalent to SWAPO's in the General Assembly. We are not afraid — rather we would welcome the opportunity — of debating SWAPO in the Assembly — and in the Security Council. Terminating their rights now and continuing to deny the DTA those rights, will not help me unduly. SWAPO has had a voice in the highest United Nations Councils for years. Give me that voice, too, and I can consider it equal and fair. After all, the United Nations is entitled to hear all points of view. Much the same considerations pertain to many of the United Nations support programmes. I ask you to be politically realistic. I ask any political leader to stand in my shoes and settle for less. Who can justifiably allege that by claiming this equality of free speech I am firing the first shots in an election? That argument holds no water. When I start my election campaign, I will tell the voters about DTA policies. Now I am telling the world I want a fair deal, a fair basis for the election.

I do not propose spelling out to you, Sir, how the United Nations can correct the existing imbalance in regard to a myriad of subjects. The United Nations now admits it has been partial. The United Nations now admits it must needs be impartial: that means across the board. Then let the United Nations proceed. It is not for me to supply a shopping list of items that must be corrected. It is for the United Nations to create a balanced situation in all respects. Then the question of mutual trust and confidence will resolve itself.

But trust and confidence is not something that can be switched on and off like an electric light switch. By its very nature it is something that grows organically over a period of time; which needs to be carefully nourished. It is not possible by the mere adoption of a declaration or passing of a resolution to erase from people's minds, or from the concerns of political parties the memories of years of unequal treatment or the fears of duplicity, and to set human hearts beating in unison. It is for the United Nations not only to abandon its old ways but to demonstrate over a reasonable period of time that it can and will consistently behave even-handedly. I declare that in these circumstances the present difficulties of the DTA concerning implementation of the settlement proposal will thaw, much as the snow around this beautiful city will gradually disappear with warmer weather.

Some of our critics assert that these adjustments by the United Nations are not practicably attainable. I defy any political leader worth his salt to say that, in my position, he would not regard them as reasonable. It was not the DTA that caught the United Nations on this particular hook. Why should the DTA's claim to equal treatment now be sacrificed in order to get the United Nations, and other parties involved in this initiative, off that hook?

It is said that what is lacking is political will on our part. Political will is not involved in an invitation to participate in a manifestly unfair election. Where political will is called for is on the side of the United Nations. The United Nations must take the steps which it knows will be unpopular but which are essential to create the conditions for fair elections and thereafter mutual trust and confidence.

Mr Chairman, peace and security are an absolute prerequisite to a free and fair election.

Our country is under attack by SWAPO. It is not a conventional war; their methods are terrorism, violence and intimidation; their victims almost exclusively civilians, almost exclusively black people. It is not a war of our choosing. The alleged objective is independence for Namibia but, as this has already been conceded, the war is pointless, unless the real objective is to impose a tyranny on the Territory. The defence of our countries and ourselves became essential and South Africa therefore assumed

responsibility for that defence. Consequently the judgements and decisions about such *technical matters* as deployment and demilitarized zones, monitoring and troop strengths are not essentially within the province of the DTA's concerns and *I do not intend to deal with them in depth* today. Nevertheless, the DTA is very much concerned about the general principle. We have not forgotten that in 1978 Mr Nujoma said:

The question of black majority rule is out. We are not fighting even for majority rule. We are fighting to seize power in Namibia for the benefit of the Namibian people. We are revolutionaries.

Apart from assassinating outstanding authentic leaders of South West Africa, such as Clemens Kapuuo and Toivo Shiyagaya, SWAPO, during the period 3 July 1978 to 25 June 1980, assassinated 278 civilians by one or other means, seriously injured 227 and abducted 385, the latter mostly school children. SWAPO have never given any reason to believe that they have any intention of desisting from their terroristic activities merely because an election is in progress. They have refused to have their bases monitored by UNTAG, leaving them free to infiltrate through the proposed demilitarized zone,— which, because of its size and harsh terrain, UNTAG has not the slightest hope of monitoring satisfactorily — and to intimidate at will. Additionally, they will be able to build up their forces during the seven-months settlement period, as much as they please so that they can invade Namibia, with its monitored South African troops reduced to 1 500 in two bases, if the election does not go their way. Moreover, SWAPO refuses to return without arms to South West Africa, once the settlement process begins, as they are obliged to do in terms of the settlement. Why?

One of the DTA's major concerns about security is that there is no definition of what would constitute a breach of the agreement. Intimidation by violence or threat must be so regarded, as must sporadic bombing and other tactics of dislocation. It is essential that a method be devised in advance for quantifying and evaluating incidents to determine what constitutes a breach.

What follows on from this concern, and what is much more serious, is that the people of Namibia and the democratic parties are totally without protection or security in the event of SWAPO breaches, or disputes about breaches. This is because their first recourse would be to the Special Representative of the Secretary-General, who happens also to be the Commissioner for Namibia (reappointed in December 1979), one of whose specific functions is to support SWAPO. The last resort of these prejudiced individuals and parties is the Security Council but, even assuming that the five Western powers would put their case in the face of the inevitably hostile political pressure, who here can seriously believe that a resolution condemning SWAPO and calling it to order would obtain the necessary num-

ber of votes in the Security Council; more especially that it would not be Soviet-vetoed? Would SWAPO in any event in any way heed such a resolution? In the meantime SWAPO's illegal activities could well be decisive in determining the course of the election. Where is our protection? The Western Five could fruitfully consider addressing themselves to our very real fears in this regard. I may say that there is nothing in this or my immediately preceding proposal, concerning the possible definition of breaches, which is inconsistent with the Settlement Proposal.

Finally, Mr Chairman, free and fair elections necessarily imply the continuation of the democratic process and the maintenance of political, economic and civil rights after the election, whatever its outcome. This is the basic understanding and unwritten contract which underlies all democratic processes.

Let us cut through all the verbiage and pretence which have characterized this exercise so far and confront the central issue: the people of Namibia are being asked by the international community to participate in an election process which might well lead to the termination of the democratic system in our country and to the end of our civil, political and economic rights. This is not like an election in Western Europe or North America where basic rights are guaranteed indefinitely whatever the outcome. What is at stake in Namibia is the continuation of the human and political rights which the Western Five demand for themselves and profess so vociferously to support.

What we are talking about is the continuation, *inter alia*, of regular elections, the freedom of speech, the freedom to form political parties, a free and independent judicial system and a free economy, with respect for property.

The democratic credentials of my party are there for all to examine. We were not appointed by the General Assembly. We were chosen by 80 per cent of the people of Namibia in elections which over 300 observers and members of the international press judged to be free and fair. We have in all our dealings conducted ourselves in accordance with the best traditions of parliamentary democracy, and we have committed ourselves to continue to do so in the future. We have a legislative record of which we are proud. Under our administration racial discrimination has been virtually eliminated from Namibia. A Bill of Human Rights has been adopted by the National Assembly. For the first time Namibia is being governed by Namibians.

But above all, Mr Chairman, we are a multi-racial party. We are the only Namibian party which has succeeded in attracting the loyalty and expressing the aspirations of all Namibians from the Orange to the Cunene, from the Atlantic to the Zambezi. My delegation which is seated here today bears living testimony of this reality. We are, in short, a demo-

cratic and multi-racial party which has been endorsed by 80 per cent of the people of Namibia. We stand ready to lead our people into independence, freedom and prosperity. We are confident that we would win free and fair elections. But what should happen if SWAPO were to win? Why is it that we doubt their qualifications to maintain democratic standards in Namibia?

Firstly, because SWAPO's avowed platform and philosophy do not admit the possibility of the continuation of basic political, civil and economic freedoms, but predicate the inevitability of a totalitarian one-party state.

Secondly, SWAPO has shown by the conduct of its own internal affairs that it is an undemocratic and dictatorial organization. It has failed to hold regular congresses; it has purged those elements which have not agreed with the dictates of its leadership; it has imprisoned or detained, and even executed, without any judicial process, large numbers of its own followers; it has sought to achieve its political objectives by intimidation and terrorism.

Thirdly, SWAPO is an ethnically-based organisation. It has proved to be intolerant of, and has discriminated against, members who do not belong to the dominant ethnic group — look, for example, at the position of CANU.

Fourthly, SWAPO is excessively dependent on the Soviet Union and its satellites — countries with undeniably totalitarian and repressive systems. SWAPO's dependence on the USSR would seriously jeopardise the independence of Namibia and the basic freedom of its peoples, should SWAPO win the proposed election.

These, Mr Chairman, are the reasons why we do not believe that SWAPO would maintain democratic standards should it win the election. We categorically challenge SWAPO to lay its platform before the electorate, instead of insisting that it should be given a blank cheque. We categorically challenge the United Nations and the Western Five to deny that our concerns are valid.

Yet the Five, who have had such a great deal to say about human rights around the world and in Namibia, expect us, the people of Namibia, to stake all our rights and freedoms on one turn of the electoral roulette wheel. What gives them and the international community the right to gamble in this fashion with our future? As players in this game, where is their stake? What are they prepared to put up to guarantee the rights which they expect us to jeopardise? Nobody, least of all those who profess some belief in democratic standards, can honourably press us to gamble our future in such a fateful fashion without offering us credible assurances that we would not lose all.

Mr Chairman, we have now been at this conference for seven days. In all that time there have been only three or four formal meetings. True,

there has been a good deal of scurrying about behind the scenes and there have been a number of cocktail parties and excursions. But when are we really going to get down to business? When is all this shadow boxing going to end? You are well aware of our general concerns relating to impartiality and security. But it was the United Nations which created these problems and it is the United Nations which will have to solve them. They cannot expect lists and guidance from us. You are all aware of the justifiable concerns of the people of Namibia concerning the continuation of our basic rights. But it is not for us to spell out the details. We came here to give, and to receive assurances. We have given our assurances to the people of Namibia. But what of SWAPO? They have hardly said a word during the conference. Under whose instructions have they maintained their uncharacteristic and impassive silence. Have their coaches perhaps advised them that it is better to keep quiet and be suspected of being totalitarians and tyrants than to open their mouths and leave no doubt about the matter? Or has the United Nations, as usual, been speaking on their behalf?

Mr Chairman, this then is our situation. We are freely chosen representatives of all the Namibian people. We are a multi-racial, national, and democratic party. We dearly wish to lead our people to independence and to take our rightful place in the family of nations. For this reason we accepted resolution 435. For this reason we look forward to elections which would be truly free and fair. But we insist that the elections should be conducted in an atmosphere of peace and security. And we insist that there should be reasonable and credible assurances that after the election the democratic system and basic political, civil and economic rights would continue to be respected.

Mr Chairman, the concerns which I have expressed are valid; by all standards of equity the questions which I have asked are reasonable. It is now for you and the international community to decide whether you will be able to allay our concerns and to answer our questions. It is now for you to decide whether you are prepared to move together with us on this basis to free and fair elections and to a truly independent, multi-racial and democratic Namibia.

*(ii) Statement by Mr K. Kaura,
member of the DTA, on 9 January*

Mr Chairman, it was indicated yesterday in your opening remarks that after each speaker has given a report, the delegates would be availed the opportunity to ask questions. Myself and a few members of the DTA delegation would like to pose a few questions.

Mr Chairman, we have noted with interest the points made in the re-

port of the UN Secretary-General Dr Kurt Waldheim, of November 24, 1980/1715¹ and in particular paragraphs 19, 20 and 24.

In paragraph 19 the Secretary-General's report reads, "One of the main obstacles of progress in the negotiations hitherto has been acute mutual distrust and lack of confidence".

Mr Chairman, those two words "distrust and lack of confidence" go to the heart of the matter, as far as the DTA delegation is concerned, not all the sweet palavers about the deployment of UNTAG and so on. We have read those voluminous reports; we understand them. However, the question is, is there trust and confidence now to implement resolution 435, in view of the fact that the United Nations has through the years, and as late as yesterday, disqualified itself from supervising fair and free elections in Namibia in view of the fact that the United Nations and the office of the Commissioner for Namibia and Special Representatives of the Secretary-General have tainted their credibility by recognising SWAPO as "the sole and authentic representative of the people of Namibia"?

The question of the United Nations' impartiality has been placed under close scrutiny and the people of Namibia have no confidence in the UN as an impartial arbiter. They have no confidence in the UN, an organisation which donates about 15 million dollars annually to SWAPO, an organisation composed of Russian stooges, lackeys, neo-revisionist racist murderers. The people of Namibia lack trust and confidence in an organisation which has chosen SWAPO as the sole and authentic representative of the people of Namibia in the absence of an election in which the people of Namibia expressed their preferences.

The people of Namibia lack trust and confidence in Mr Ahtisaari whose functions include "support of the activities of SWAPO, the national liberation movement of Namibia, which is recognised by the United Nations as the authentic representative of the Namibian people". (A/34/6 Vol 1, p. 175). Mr Ahtisaari was talking in the first person yesterday: "I would do this, and I would do that. I am going to satisfy myself as to the fairness of the election and report to the Secretary-General".

Mr Chairman, the people of Namibia must be satisfied first before Mr Ahtisaari is satisfied, and at this point they are not satisfied with Mr Ahtisaari whose function is to support SWAPO activities, an organisation of school children kidnapers, rapist thugs and bandits. It staggers the imagination and we in Namibia wonder whether we are considered that intellectually shallow that we are expected not to see the glaring abuses and the one-sidedness of the UN.

Take for example:

1. The office of the Commissioner for Namibia — its budget supports SWAPO activities;

¹ See *Southern Africa Record*, No 22, December 1980, pp.41-48.

2. The Department of Political Affairs, Trusteeship and Decolonisation — supports SWAPO financially;
3. The Department of Public Information — does extensive propaganda work for SWAPO;
4. The Institute for Namibia in Lusaka — is totally controlled by SWAPO. In terms of article VI of the Charter of the Institute three of the fourteen members of its senate must be SWAPO members;
5. Aid channelled through UNDP goes to SWAPO;
6. Operative paragraph 2 of General Assembly resolution 3111 of 12 December, 1973, recognizes SWAPO as the sole and authentic representative of the people of Namibia;
7. Operative paragraph 2 of General Assembly resolution 31/146 again recognizes SWAPO as the sole and authentic representative of the people of Namibia;
8. (in) General Assembly resolution 31/152 of December 10, 1976, SWAPO was granted "Permanent Observer status";
9. *Security Council*. Since 1971 the Security Council has been inviting only SWAPO members to participate in Council meetings on SWA/Namibia under rule 39 of the provisional rules of procedure.

They invited the following:

- (a) Mr S. Nujoma — 1971, 1975, 1978
- (b) Mr Peter Mushilange — 1974
- (c) Mr Mishake Muyonga — 1973
- (d) Mr Moses Garoeb — 1976

Mr Chairman, I cannot continue to tabulate the United Nations abuses, you know them; they are even getting boring to me. However, the question remains; with your sense of fairness, do you sincerely believe that the UN and Mr Ahtisaari have not prejudiced their credibility in view of these abuses?

Do you sincerely feel that resolution 435 can be implemented by the UN, when SWAPO is going to be one of the parties to contest the election? As far as the DTA is concerned, the UN and Mr Ahtisaari have disqualified themselves and resolution 435 cannot be implemented in the absence of trust and confidence.

Mr Chairman, we of the DTA feel cheated that the press is excluded from these proceedings. We of the DTA believe in a free press and have nothing to hide. Maybe you have a lot to hide because you know that the question of the impartiality of the UN was going to be brought up, and you did not like the truth to go out, but the truth cannot be hidden forever. We would like to go on record that we want an open session with

the press present, and if not we want a cogent explanation why it should be excluded.

Mr Chairman, in paragraph 20 of the Secretary-General's report, he reiterates the point by saying, "a means of facilitating agreements and of creating the necessary climate of confidence and understanding would be a pre-implementation multi-party meeting in which the parties concerned in the envisaged election would be included". Here, Mr Chairman, I am not going to talk about "confidence and understanding", what is confusing and where we want clarification is on what is meant by a multi-party meeting.

Yesterday, after the Administrator-General of Namibia introduced the Namibian parties, the Secretary-General continued to refer to the Namibian delegation as the South African delegation. What was the exact reason for that? Did the honourable Secretary-General really think that we are representing South Africa? Or has the Secretary-General of the UN joined the SWAPO bandwagon of categorising us as puppets of the South African Government? If that is the case, then even the Secretary-General of the UN has disqualified himself as a liar and impartial judge of the Namibian issue.

Now, ladies and gentlemen, where do we go from here? In paragraph 24 of the Secretary-General's report he states, "The basis of the meeting would conform to the formula agreed upon during bilateral discussions held earlier this year on the question of 'direct talks'. Accordingly South Africa and SWAPO have been contacted concerning the composition of the respective delegations that would participate in the meeting".

This is a contradiction, Mr Chairman — two delegations to a multi-party conference, SWAPO and South Africa. What about the internal parties of Namibia? Who contacts them? South Africa? Or perhaps they simply do not matter? Or they are South African puppets anyway, they will constitute the South African delegation.

This, of course, was made very clear by the Secretary-General. The Administrator-General is leading a South African delegation. Maybe the election is going to be fought between SWAPO and South Africa: these are the two multi-parties to participate in the discussions. These paradoxes, Mr Chairman, are confusing in view of the fact that all these intellectual acrobatics are written in an alien language.

Mr Chairman, we of the DTA have come here as part of the "multi-parties" of Namibia to participate in a multi-party conference and if that is not the case, we are sorry. We would also like to go on record that as far as we are concerned, resolution 435 is dead, because we cannot find a fair judge.

If the UN wants to regain the confidence of the Namibian people, she must first do the following:

1. Rescind General Assembly resolution 3111 of 1973 and 31/146 of 1976 which stipulate that SWAPO is the "sole and authentic representative of the people of Namibia".
2. Stop immediately the financial assistance to SWAPO through the office of the Commissioner for Namibia.
3. Withdraw SWAPO's Permanent Observer status in the General Assembly.
4. The Security Council must desist from consulting SWAPO only on matters touching Namibia.
5. The SWAPO Institute in Zambia must be resorted to its original purpose, that of serving all Namibians.
6. The SWAPO representative in New York, and his cohorts, must be removed from direct participation in matters of the Office of the Commissioner for Namibia.
7. Aid channelled through the UN's Specialised Agencies to SWAPO must cease immediately.

This must be done far in advance of the implementation of resolution 435. The people of Namibia must be satisfied of the UN's impartiality. If that is done, then we shall have hope for a fair and free election in Namibia. It is now for you, Mr Chairman, to take this back to the UN and convince the General Assembly that this is what the people of Namibia invariably want.

As far as the terrorist war is concerned, we shall simply say, "aluta continua". We are prepared to defeat those SWAPO thugs either at the ballot box or in the battlefield and they know it. We are prepared to fight those impostors, lackeys and running dogs of the Kremlin and beat them at their own game. We are going to repair those water pipes which take water to the village where Mr Nujoma's mother lives, blown up by the SWAPO gangsters.

This organisation to which authenticity is given, has killed more innocent Owambo and Herero women, children and male civilians in both Owambo and Koakoland through the indiscriminate laying of land mines than they have killed South African troops or even our own Namibian combatants. These impostors do all this with the blessings of the UN and its funds. However, we are going to fight until a free and equitable dispensation is brought about in Namibia, and a non-racial society is established.

(iii) Statement by Mr Sam Nujoma,

President of SWAPO, to a working session of the meeting, on 14 January

Mr Chairman . . . Since this is the first time that the SWAPO delegation is taking the floor in the closed session of this meeting, I would like, on behalf of my delegation, to thank you, Mr Chairman, for the

commendable manner in which you have been conducting the meeting. I wish to assure you again at this late stage of our readiness to co-operate with you in the efforts of the United Nations to bring about genuine independence in Namibia, through speedy and unfettered implementation of Security Council resolutions 435 (1978) and 439 (1978).

Mr Chairman, during the open session, when I had the privilege of introducing the SWAPO delegation, I stated that we have come to Geneva to discuss the modalities concerning the dates for the signing of a cease-fire agreement and the emplacement of the United Nations Transition Assistance Group (UNTAG) in Namibia, thus opening the way for the process of implementation.

I have reiterated, over and over again and yesterday in my press conference, to the world public opinion that SWAPO is ready to proceed at this very meeting to sign a cease-fire and to agree to a target date for the arrival of UNTAG in Namibia, so that peace may come to our embattled country.

Regrettably, Mr Chairman, at no point throughout this meeting, and not even now, has the South African delegation made a similar firm commitment regarding Pretoria's readiness to sign a cease-fire and agree to a firm date for the beginning of the implementation process. Instead, this august meeting has been subjected to the most intemperate attacks and vilifications by members of the South African delegation to the work of this meeting.

Mr Chairman, in the face of South Africa's manifest intransigence and prevarications, this meeting cannot escape the obvious conclusion, namely, that this meeting, like all the other previous efforts by the international community to find a peaceful solution to the Namibian problem, has failed to achieve this noble objective. Consequently, the oppressed people of Namibia are left with no other alternative but to continue with the liberation struggle until final victory.

We are confident that Namibia will be free. No people have ever been kept in permanent oppression. The question is: at what cost? The responsibility for the continued loss of life and suffering lies with the Pretoria regime. We are certain of one thing, and that is, SWAPO enjoys the overwhelming support of the oppressed people of Namibia, whose yearning for freedom will continue to inspire the combatants of the People's Liberation Army of Namibia (PLAN) to persevere in the armed liberation struggle until final victory. In this context, we return to our operational bases to increase and intensify our efforts on all fronts of the struggle.

It follows also that the international community is left with no other choice than to continue to render all-round support and assistance to the Namibian patriots who are resisting the illegal occupation and colonial oppression in Namibia.

To this end, the United Nations has a unique and special responsibility for Namibia and its people and to ensure that genuine independence is achieved in the Territory. On this basis, the General Assembly must, during its forthcoming resumed session, make appropriate recommendations on Namibia to the Security Council. The Security Council should, once again, be called upon, as a matter of urgency, to impose comprehensive mandatory sanctions, including an oil embargo, on South Africa in order to compel the Pretoria regime to relinquish its illegal and oppressive occupation of Namibia.

In conclusion, we wish to re-affirm our readiness to continue our cooperation with the United Nations and with all those who are making maximum efforts to bring about the early independence of Namibia.

*(iv) Joint Press Statement issued on 14 January
by the Frontline States, Nigeria and the OAU,
at the conclusion of the meeting*

From 7-14 January, 1981, a pre-implementation meeting on the question of Namibia took place here in Geneva. The direct participants to this meeting were South Africa and SWAPO under the Chairmanship of the United Nations.

From the outset it must be emphasised that this meeting is the direct consequence of the successful liberation armed struggle being waged by SWAPO. Therefore, if SWAPO agreed to attend the Geneva meeting, it is because they had hoped for results which are going to be achieved after the completion of the ongoing armed struggle. Throughout that struggle Africa has always been and continues to be behind SWAPO. On behalf of independent African states, we take this opportunity to pay special tribute to the gallant fighters of SWAPO for the successes scored in the battlefield that have made this conference possible.

The main purpose of the Geneva meeting was to agree on the implementation of the United Nations plan on the independence of Namibia in accordance with Security Council resolution 435 (1978). This included an agreement for a date on ceasefire, and a date for the emplacement of UNTAG.

SWAPO declared during this meeting their readiness to sign a ceasefire agreement and to reach an agreement on the date for the implementation of the UN Plan for the independence of Namibia. South Africa, on the other hand, has characteristically exhibited its usual obstinacy and intransigence by rejecting the UN plan on the independence of Namibia. From the beginning, it was clear to the Frontline States, Nigeria and the OAU that South Africa was stalling for time by diverting this conference from discussing its main objective — the implementation of Security Council resolution 435 (1978). It was clear from the beginning that South Africa

was here to wreck the meeting by provoking SWAPO through the most intemperate and sometimes outright crude language used by certain members of the South African delegation. The SWAPO leadership demonstrated to the world their statesmanship by refusing to respond in kind, and thereby making it possible for the conference to last as long as it has. We therefore hold the South African regime responsible for the collapse and failure of this meeting. SWAPO and ourselves came to this conference in the hope that an agreement on the modalities for the implementation of the Security Council resolution would be attained. That is why this meeting was expected to be the last one before the emplacement of UNTAG. SWAPO came here to conduct serious negotiations. They had hoped for positive results from this meeting. The same can also be said of the Frontline States, Nigeria and the OAU. Regrettably, the racist regime of South Africa used this meeting to buy time to prolong her illegal occupation of Namibia.

Now that the Geneva meeting has failed to produce the desired results, due to the usual South African contempt and disregard of the international community, we are left with no other alternative but to support the escalation and intensification of the armed struggle heroically being waged by SWAPO. In this regard the OAU member states as a whole pledge their full backing for SWAPO. Africa pledges increased material and financial assistance to SWAPO until final victory and the total liberation of Namibia. The United Nations, and indeed the international community as a whole, must feel as rebuffed as Africa has been. We therefore call upon the international community to understand our motives and rise to the occasion and adopt effective measures against the apartheid regime of South Africa, including economic sanctions as called for under Chapter VII of the Charter of the United Nations.

Texts for items (i)-(iv) supplied by the South African Department of Foreign Affairs and Information.

B. *Further report of the UN Secretary-General, dated 19 January 1981, concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978)*

1. In my report of 24 November, 1980, to the Security Council (S/14266),¹ I stressed the vital importance of Namibia achieving independence in accordance with Security Council resolution 435 (1978),² in 1981. I

1. See *Southern Africa Record*, No. 22, December 1980, pp. 41-48.

2. Op. cit. No. 14, December 1978, p. 43.

added that, in order to achieve that aim, a date for the cease-fire and a start of implementation should be set in the early part of 1981. As a means of facilitating agreement, I stated the intention to hold a pre-implementation meeting under the auspices and Chairmanship of the United Nations.

2. The proposed meeting was held at the Palais des Nations in Geneva from 7-14 January, 1981. In accordance with paragraph 24 of my report of 24 November, 1980, South Africa and the South West Africa People's Organization (SWAPO) were contacted concerning the composition of the respective delegations that would participate in the meeting. The Front-Line States and Nigeria, the Organization of African Unity (OAU) and the contact group of the Western Five were also contacted about the sending of observers.

3. The two delegations participating in the meeting were led respectively by the South African Administrator-General of Namibia, Mr Danie Hough, and by the President of SWAPO, Mr Sam Nujoma. The observer delegations were represented at a high level, including some at the Ministerial level. OAU was represented by its Secretary-General, Mr Edem Kodjo. In addition, the Minister of State of Foreign Affairs of Sierra Leone attended the meeting on behalf of the President of Sierra Leone, the current Chairman of OAU, Mr Siaka Stevens.

4. In view of the importance that I attached to the meeting, I personally chaired the opening sessions held on 7 and 8 January, 1981. The working sessions were thereafter chaired by Mr Brian Urquhart, Under-Secretary-General for Special Political Affairs.

5. In my opening statement on 7 January 1981, I reiterated the central purpose of the meeting as set out in my report of 24 November, 1980. I emphasized that a very large area was already covered by a general consensus and noted that the problems remaining related in one way or another to confidence, and especially to confidence in the future. I expressed the hope that the courage and vision that had brought the participants to Geneva would carry them over that obstacle, as well. I reiterated that our main aim was to get a firm agreement on a date for a cease-fire and the start of implementation of the proposal which would allow for the achievement of Namibian independence before the end of 1981. It was made clear that basic agreement on the proposal and the demilitarized zone had already been reached and that there could be no question of re-negotiating those fundamental arrangements or of going back on agreements previously reached.

6. In a meeting on 8 January 1981, following consultations, I called upon the leaders of the two delegations to introduce those members of their delegations whom they wished to introduce.

7. Mr Hough, the Administrator-General, whom South Africa had des-

igned to lead the delegation, introduced his personal staff and the delegation led by him, "pursuant to paragraph 24 of the report of the Secretary-General (S/14266) and consisting of parties who are present here to discuss with the United Nations and to participate in the conference, on an equal basis with those who would take part in the elections, the implementation of Security Council resolution 435 and other practical proposals". I thereupon recalled the precise wording of paragraph 24 of my report of 24 November, 1980, indicating that it was on that basis alone that the meeting had been convened.

8. Mr Nujoma, President of SWAPO, in introducing his delegation, stated that some of its members were still in prison, not having been released by the South African Government. Mr Nujoma reiterated acceptance by SWAPO of Security Council resolution 435 (1978) and added that SWAPO was "ready to sign a cease-fire with the delegation of South Africa, so that peace can come to Namibia" and to "co-operate with UNTAG, both military and civilian components, in order to ensure implementation of Security Council resolution 435 (1978)".

9. Working sessions with the two delegations, in the presence of the observers, commenced on 8 January. In his opening statement, the Chairman, Mr Urquhart, recalled the framework within which the meeting was being held. He described the wide area of agreement which had been reached with the Government of South Africa during more than two years of consultations in connexion with the implementation of Security Council resolution 435 (1978). He stated that the United Nations believed that the technical issues relating to implementation had essentially been resolved and that none existed which could possibly justify any failure to decide to go forward. The Chairman reiterated that the meeting had not been called to re-negotiate matters already agreed. He pointed out that in any conflict situation or prolonged dispute there was inevitably a legacy of distrust and lack of confidence among the parties. To overcome such a legacy a high degree of statesmanship was called for. It was not only the future of Namibia that was at stake, it was also the future of the entire region and the prospects for peace and progress in Africa as a whole.

10. On 8 and 9 January, detailed presentations were made on behalf of the United Nations regarding the manner in which the Special Representative for Namibia of the Secretary-General, appointed under Security Council resolution 431 (1978)³ and the United Nations Transition Assistance Group (UNTAG), would fulfill their various responsibilities under the Settlement Proposal as approved in Security Council resolution 435 (1978). In the course of those presentations the over-all structure of UNTAG and the Special Representative's duties, the functions of the office of the High Commissioner for Refugees, the election supervisory role

3. See *Southern Africa Record*, No. 13, September 1978, p. 1.

of UNTAG, the tasks and deployment of UNTAG, police monitors and the tasks and deployment of the UNTAG military component were described by Mr Martti Ahtisaari, Special Representative of the Secretary-General, Mr Poul Hartling, High Commissioner for Refugees, General Prem Chand, Commander-Designate of the UNTAG military component, and other senior United Nations officials. Points of clarification arising from those presentations were dealt with during a working session held on 10 January.

11. A number of statements were also made by members of the delegation led by the South African Administrator-General. It was asserted, *inter alia*, that the United Nations had disqualified itself from supervising free and fair elections in Namibia, in particular, by recognizing SWAPO as the sole and authentic representative of the people of Namibia and by its attitude towards other political parties in the Territory. The general tenor of many of those presentations was that only after an unspecified period, in which the United Nations would demonstrate its impartiality, would a definite date for implementation be acceptable. Anxiety was also expressed as to the nature of the laws and related arrangements which would govern the Territory in the future.

12. At the meeting on Saturday, 10 January, the Chairman made a number of general comments on the statements heard from the delegation led by the South African Administrator-General during the previous meetings. In particular, he referred to the context in which the United Nations had been involved in the Namibia problem and to the central purpose of the meeting, namely, the setting of a firm date for the cease-fire and the commencement of implementation of resolution 435 (1978).

13. In referring to the questions that had been raised about the "impartiality" issue and the need to create trust and confidence, the Chairman pointed out that this seemed to be putting the problem the wrong way around and that, in any case, the matter of trust and confidence was a two-way street. He explained that it was precisely because the decisions of the United Nations concerning Namibia, dating back as far as 1947, had not been heeded that the situation had reached the present pass. He pointed out that the fundamental aim of the membership of the United Nations was to enter a new phase, in which all concerned would co-operate with the international community to attain the goal of independence of Namibia through an act of self-determination. The key was a definite agreement to proceed on a specific date with the implementation of resolution 435 (1978), at which time a number of things would have to change, because there would be a completely different situation. At that time, both South Africa and the United Nations would require to make the necessary arrangements for the impartial discharge of their respective responsibilities under the Settlement Proposal.

14. The Chairman concluded his statement by urging the participants not to be distracted from the main objective of the meeting, namely, in the words of the Secretary-General's report of 24 November, to attain the independence of Namibia in 1981, in accordance with resolution 435 (1978) and to achieve this aim, to set a date for the cease-fire and a start of implementation in the early part of 1981.

15. In intensive consultations after the meeting on Saturday, 10 January, a course of action was discussed which was designed to lead, at the conclusion of the meeting, to a declaration of intent by the parties to the cease-fire. This would have provisionally established a cease-fire at an early date — 30 March, 1981, was suggested — to be confirmed in writing by 10 February, 1981. It was also suggested that in the meantime, specific measures could be taken to ensure — and to reflect in public decisions — the impartiality of the United Nations, as well as South Africa, from the time of agreement on the implementation date.

16. It became clear, from a statement by the South African Administrator-General in the meeting on 13 January, that it would not be possible to achieve such a declaration of intent at the meeting in Geneva. In that meeting, the Administrator-General stated that, in the light of the proceedings thus far, it was clear that the questions raised in paragraph 19 of the report of the Secretary-General (S/14266) had not been resolved, and it would therefore be premature to proceed with the discussion on the setting of a date for implementation.

17. At the closing meeting on 14 January, the leader of the SWAPO delegation, Mr Nujoma, reiterated that SWAPO was ready to proceed, at the meeting in Geneva, to sign a cease-fire and to agree to a target date for the arrival of UNTAG in Namibia. Since South Africa had not agreed, SWAPO had no alternative but to continue with the liberation struggle.

18. In his closing statement, the Chairman reviewed the developments at the meeting and commented that it was clear that the date for the commencement of the implementation of resolution 435 (1978) still remained to be agreed upon. His concluding statement contained the following remarks:

In the light of all that has taken place during our meeting, the question arises whether the obstacle is the matter of trust and confidence which the South African Government informed us in Pretoria last October was the core issue affecting the setting of a date. If that is so, I am sure few will challenge the fact that this meeting has provided the participants not only with a better understanding of the international effort for a settlement of the Namibia question, but also valuable opportunities for contact and discussion. In my view, this has been a most unusual meeting. An enormous effort has been made, in many forms and at many levels, to demonstrate good faith,

reasonableness, a will to co-operate in the future and an understanding of the preoccupations and anxieties of others. It is a matter for regret that these extraordinary efforts have not yet succeeded in facilitating an agreement on a date for implementation and that a great opportunity has thus been missed . . . I believe that all participants and observers here will wish to consider urgently the events of the last few days and the course which must be taken to expedite the attainment of the objective we have set ourselves. In particular, and on behalf of the Secretary-General, I appeal to those who have been unable so to assent to the proposals made by the Secretary-General to reconsider their position at the earliest possible time.

The Secretary-General has been kept fully informed on the efforts made at, and on the outcome of, this meeting. He sincerely hopes that means will soon be found to go forward, as we had intended to do, to the early implementation of resolution 435 (1978), so that our time and efforts here will prove to have made a positive contribution to the solution of the question of Namibia.

Although it has not proved possible here to secure agreement on a cease-fire date and on the commencement of the implementation of resolution 435 (1978), the United Nations will not relax its efforts to *ensure for the people of Namibia their right to self-determination and independence through free and fair elections under United Nations supervision and control.*

Observations

19. The pre-implementation meeting which concluded in Geneva on 14 January did not succeed in achieving the objective set for it in my report of 24 November 1980, namely, the setting of a date for the cease-fire and a start of implementation in the early part of 1981. It became clear in the course of the meeting, that the South African Government was not yet prepared to sign a cease-fire agreement and proceed with the implementation of resolution 435 (1978).

20. The meeting was, nevertheless, important in many ways. Participants were informed in detail of the manner in which the United Nations would discharge its responsibilities during the implementation process. Further, through contacts and exchanges at a variety of levels, a remarkable effort was made to demonstrate good faith and reasonableness, with a view to proceeding towards implementation in a spirit of co-operation and understanding. I wish, in this connexion, to express my particular appreciation to OAU, represented in Geneva by its Secretary-General and by the Minister of State of Foreign Affairs of Sierra Leone, to the Front-Line States, Nigeria and the contact group of the Western Five.

21. I believe that the outcome of the meeting in Geneva must give rise

to the most serious international concern. Members of the Security Council, and all those concerned, will wish to consider the proceedings and the situation which has now arisen. I wish urgently to appeal to the Government of South Africa to review, with the utmost care, the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) at the earliest possible time.

S/14333.

C. Letter dated 28 January 1981,
from the South African Foreign Minister,
the Hon. R.F. Botha, to the UN Secretary-General

1. It was with disillusionment that I read Your Excellency's report (S/14333) on the recently held conference in Geneva. The immediate impression the report leaves is that, as far as the United Nations is concerned, the internal parties in South West Africa/Namibia do not exist and that they never participated in the proceedings in Geneva. This overt omission of any reference to them and the attempt to expunge their remarks from official documents of the United Nations are indeed serious. On the other hand, prominence is given to the few remarks uttered by SWAPO. I commend for your Excellency's attention the following attached statements* delivered during the closed sessions of the conference by:

- (a) Mr D.F. Mudge, Chairman of the DTA, on 13 January 1981.
- (b) Mr K. Kaura, member of the DTA, on 9 January 1981.
- (c) Adv. E. van Zijl, member of ACTUR, on 13 January 1981.

The omission is not confined to the contribution made by the internal parties, but important observations by the Administrator-General were ignored too. In this regard may I remind Your Excellency of the following remarks the Administrator-General had to address to you after Mr Nujoma's reference, fully reported in paragraph 8 of your report, to some of SWAPO's members who "were still in prison, not having been released" by the South African Government:

Mr Secretary-General, may I address you just for once to put one matter straight as far as the record is concerned. Mr Sam Nujoma deemed it fit to make mention of certain people who are in prisons. He made mention of Robben Island and he also made mention of Windhoek. We should just like to place on record that there are many other people whom we should like to have here in this dele-

*Only statements (a) and (b) reproduced in this issue. See items (i) and (ii).

gation this afternoon with us who cannot be here — many who are killed, many who are in graves, many who are in camps and in other places we do not even know of.

Your Excellency cannot be ignorant of the assassinations, murders and abductions perpetrated by SWAPO since the settlement proposal was submitted in 1978. These acts of terror have been brought to your attention on a regular basis as the official records of the Security Council will bear out. Up to this day SWAPO has not been condemned outrightly by Your Excellency nor by the Security Council. Instead the South African Government, responsible for the security of the Territory and the safety of its inhabitants, has been subjected to vicious attacks in the Security Council and to uncalled for and unjustified criticism by yourself.

2. As Your Excellency is aware, the South African Government has throughout maintained that the successful implementation of the settlement proposal or of any proposal designed to achieve a peaceful solution will continue to be seriously jeopardized if all the parties are not treated on an equal basis. I stressed this particular point in my letter addressed to Your Excellency on 29 August 1980 (S/14139)¹ by concluding:

The people of South West Africa/Namibia, with the support of the South African Government, have consistently demanded fair and equal treatment impartially applied. The South African Government accordingly deems it essential that Your Excellency henceforth include the leadership in the Territory in all future consultation on the setting in motion of the implementation of Security Council resolution 435 (1978) or on any other matter which would facilitate the achievement of an internationally acceptable solution.

3. As far as the involvement of the internal parties is concerned Your Excellency will recall that in my letter of 12 May 1980² I stated that you:

... will be aware of the extreme concern which exists regarding impartiality of the United Nations, a prerequisite to free and fair elections. Moreover, it has consistently been the South African Government's position that equal treatment should be extended to all political parties participating in the political process. You will recall that the representatives of the political parties in South West Africa/Namibia found it possible to agree to travel to Geneva for the simultaneous consultations conducted there in November 1979 on the Demilitarized Zone, when you were able to assure them that they would have equal access to your representatives. They interpreted this reaction on your part as an acknowledgement of their equal interest in deliberations affecting their future.

4. It was against this background that Your Excellency's representative

1. See *Southern Africa Record*, No. 21, October 1980, pp. 5-12.

2. *Op. cit.* No. 20, August 1980, pp. 24-26.

visited South Africa in October 1980. Your report (S/14266) on that visit which preceded the conference in Geneva, again illustrated the South African position clearly. In his statement to a session of the Conference on 9 January 1981 the Administrator-General dealt with this particular matter. His statement reads as follows:

Mr Chairman,

Before representatives of the political parties address themselves to the statements made yesterday and today, I wish at the outset to stress the importance of the deliberations which lie before us.

The political parties from SWA/Namibia have over the years expressed their views on the question of equal treatment. Their concern has always been that they are not being provided opportunities to state their case on questions affecting the future of their country. They have been denied those privileges which have been granted to SWAPO. The record of the preferential treatment accorded to SWAPO by the United Nations speaks for itself. Ever since the Western initiative which culminated in the adoption of Security Council resolution 435 (1978), these parties have played a constructive role. They remain, however, concerned about the United Nations' partiality towards SWAPO and the lack of equal treatment of the political parties. Closely linked to the question of partiality is the creation of trust and confidence. Presently they do not have confidence in the United Nations supervising and controlling free and fair elections to which all parties are committed.

During the visit to South Africa by the United Nations team in October 1980, it became evident that implementation of Security Council resolution 435 (1978) can only be possible after a solution to the problem of lack of confidence and trust and impartiality has been found. The political parties themselves emphasized to the United Nations team that that problem remained an obstacle to implementation. In his Report to the Security Council on 24 November 1980 (S/14266) the Secretary-General stated:

One of the main obstacles to progress in the negotiations hitherto has been acute mutual distrust and lack of confidence.

And that

. . . this problem in itself affects the setting of a date for implementation.

In the same Report the Secretary-General proposed this meeting as a means of facilitating agreement and of creating the necessary climate of confidence and understanding . . .

The political parties from SWA/Namibia stand ready to engage in constructive discussions during this meeting on Security Council resolution 435 (1978) and other practical proposals. They are present

here to discuss directly with the United Nations all those issues which they feel should be addressed before implementation of Security Council resolution 435 (1978) can begin.

Mr Chairman, we have reached a milestone in the history of South West Africa/Namibia in that at long last we have succeeded in bringing the South West Africa/Namibia democratic political parties and other movements involving themselves in the Territory together under one roof to speak for themselves about the future.

It is my hope that it will be possible to remove the existing doubts and that the desired trust and confidence can be established. This is the crucial test that lies ahead.

5. From the above statement and also from statements made by the internal parties it is clear what they considered to be the objective of the Conference in Geneva. Had any attention been paid to the genuine concerns of these parties, as expressed in their statements at Geneva, it would have been realized that the question of the creation of trust and confidence, which is so closely linked to the question of impartiality and to the equal treatment of parties, was of paramount importance and that that had to be overcome or resolved if a date for implementation was to be seriously considered.

They were disappointed that no real steps were taken to remove the blemish of partiality from the United Nations and to restore the necessary trust and confidence. It was beyond their comprehension to understand how it could reasonably be expected from them to agree to proceed at this stage with implementation after the United Nations had failed in Geneva to correct the ills of the past — ills for which the United Nations is responsible as a result of the political, moral, financial and propaganda support for SWAPO over the years by the General Assembly and the Specialized Agencies. It was because of this failure that the Administrator-General had to make the following concluding statement on 13 January 1981:

In the light of the proceedings thus far it is clear that the questions raised in paragraph 19 of the Report of the Secretary-General (S/14266) have not been resolved. It would therefore be premature to proceed with a discussion of the setting of a date for implementation.

6. Your Excellency refers to the remarkable effort which was made to demonstrate good faith and reasonableness with a view towards implementation. I wish to agree that from their side the internal parties displayed a high degree of good faith and reasonableness and that they made a substantial effort themselves to address those issues which went to the very heart of the settlement plan — equality in the electoral process and faith in an impartial referee. It is self-evident that those issues had to be resolved prior to implementation — not the other way round.

It is astonishing that the United Nations and all those working to establish a date for implementation, failed to see the necessity of first creating a climate of trust and confidence. No one could have expected real progress without that basic objective having been achieved. No one could have been under any illusion as to its importance. On this very point Your Excellency reported on 24 November 1980 (paragraph 19 of S/14266):

The mission was informed by the South African Government that this problem in itself affects the setting of a date for implementation.

The United Nations has painted itself into a corner by improper bias in favour of SWAPO for years. The United Nations itself must find a way of rectifying the position. It cannot expect the internal parties — or the South African Government — to accept United Nations promises of action at a later date or to accept a mere token redress of the SWAPO bias. The actions required must eliminate SWAPO's unfair advantage and must be seen to do so.

7. I feel constrained to remark that a promising opportunity was missed by the United Nations in Geneva, in the first place, to encourage SWAPO, who remained mute virtually throughout, to engage in a constructive, confidence-building dialogue, and secondly, to address the concerns of the internal parties, who have to contest the election in South West Africa/Namibia. At Geneva the internal parties were not satisfied that it would not be a case of one man, one vote, once. In addition, their concerns for solid guarantees regarding freedom of speech, the freedom to form political parties, a free and independent judiciary, a free economy, and respect for property — concepts basic to the democratic process envisaged in the settlement plan — were not addressed. It can only be hoped that due regard will be had by all concerned to the legitimate anxieties of the democratic parties of South West Africa/Namibia.

8. May I express the hope that the United Nations, if it wishes to pursue ways of finding an internationally acceptable solution, will give serious attention to my appeal to acknowledge the role of the internal parties in all deliberations on the political and constitutional future of their country.

May I take this opportunity to renew to Your Excellency the assurance of my highest consideration.

S/14346.

D. Statement prepared for delivery (but not delivered)
in the General Assembly
by the South African Ambassador
to the United Nations, Mr J.A. Eksteen,
during the debate on the agenda item
entitled "Question of Namibia",
on 2 March 1981

South Africa is participating in the Assembly's consideration of the South West African/Namibian question for a number of reasons:

Firstly because it is our right as a member of the United Nations to be here,

Secondly because the people of South West Africa/Namibia urgently wish to proceed to an internationally recognized independence and South Africa has an indispensable role to play in this process — a role which South Africa can only play if she is granted the opportunity to state her views,

Thirdly because South Africa regards it as her right and duty to emphasize that the democratically elected representatives of the people of the Territory and the democratic parties of the Territory have never been afforded any opportunity to present their views in this Assembly, while one particular group through one-sided action of this body has been given preferential treatment, and to demand that this be rectified.

On 25 April 1978¹ South Africa accepted the Western proposal for the independence of South West Africa/Namibia, in conformity with our fundamental approach, that they should be allowed to determine their own future in a procedure which would be manifestly free and fair. We have not deviated from these principles.

For those who are not acquainted with the democratic process which underpins the Western settlement, let me spell out what it entails:

A free and fair expression of the will of the people must take place in conditions of peace and security. The assassination of political opponents, the maiming of civilians, the abduction of school children, the burning of villages and shops and the destruction of property cannot be regarded as part of the democratic process. Accordingly one of the foundations of the original Western proposal was that a condition of visible peace should prevail in the Territory. The people of the Territory, however, now entertain grave doubts in the light of developments since the original proposal was formulated, and in the light of the continuous terrorism of SWAPO, that this condition is attainable. SWAPO recognises that it cannot win an election under circumstances where peace has been established and intimidation eliminated, thus raising legitimate concern that it has no intention of

1. See *Southern Africa Record*, No. 12, May 1978, pp. 32-33.

ending its campaign of terror and intimidation and instead will continue with its well-established tradition of violence. The democratic political parties do not believe that the United Nations can and will take effective steps to counter this.

A free and fair test of the will of the people must be monitored by an impartial entity. This means that all the parties which will participate in the election must be treated with scrupulous equality by the United Nations. The United Nations should accordingly be seen to be impartial before the process leading to independence is set in motion. It is not good enough to hint at undefined and conditional assurances to the parties that impartiality would begin once the plan is implemented. It is not good enough to construct ambiguous formulae aimed at giving tenuous reassurance to the democratic parties while avoiding any public proclamation of impartiality which might displease SWAPO and their supporters in this Assembly. The remarkable degree to which the United Nations has assisted and identified itself with SWAPO is a matter of record, as is the manner in which it has denigrated and rejected the equal status of the other parties. For example, the latest draft resolutions on South West Africa/Namibia claim that there are only two parties in the dispute over South West Africa/Namibia — South Africa and SWAPO. What about the democratic parties which represent the overwhelming majority of the people of the Territory? What about the reasonable request of the DTA and the other parties to be accorded the same status and privilege which SWAPO enjoys in the United Nations? Quite clearly the General Assembly is seeking to ignore them and to deny them a role in determining their own future. On the other hand, the same draft resolutions make it quite clear that the General Assembly has already decided who the representatives of the Territory should be. Why then bother to hold elections at all, since the United Nations has apparently already decided who the victors should be? These same draft resolutions once again extend large-scale material and political assistance to SWAPO and in direct violation of the central purpose of this organisation, support its so-called armed struggle, which is directed almost solely against the people of the Territory. And these attitudes are not confined to this Assembly as is so often claimed. They permeate the whole United Nations system with the result that the United Nations and SWAPO have become synonymous in world forums and, more especially, among the people of the Territory. They are utterly inconsistent with the idea of free and fair elections.

The idea of free and fair elections necessarily implies the continuation of the democratic process and satisfactory assurances that individual and minority rights would continue to be respected after the election, whatever its outcome. This perception underlies every democratic process. Without it the proposed elections would simply be a prelude either to tyranny or to

civil war. This point was repeatedly raised by the democratic political parties at Geneva and specifically addressed at Geneva to SWAPO who never responded.

These, then, are the major premises which are central to the concept of free and fair elections. They remain the basis for a peaceful settlement of this vexatious question.

The democratic parties of South West Africa/Namibia and South Africa had hoped that the Geneva meeting would have addressed the understandable concerns which have arisen among the people of the Territory. Similarly their hopes that questions, such as security, impartiality and equal treatment would be resolved, proved to have been unfounded. Little or nothing was done to give reassurances concerning the question of how the interests of the inhabitants of South West Africa/Namibia would be protected in the event of the continuation of intimidation and violence or in the event of a major breach of the settlement plan.

On the question of impartiality, the Secretary-General's introductory statement at Geneva and his Report (S/14333) on that conference bear testimony to the true disposition of the United Nations towards the democratic parties of South West Africa/Namibia. For, in that report, and despite the central role which they had played, the Secretary-General somehow managed to make no direct acknowledgement of their existence or their participation in the proceedings. Can anyone wonder why they are concerned about impartiality?

Despite the fact that the legitimate concerns of the people of South West Africa/Namibia have been conveyed to the United Nations on numerous occasions, this organization has demonstrated a total unwillingness to address this problem, which is fundamental to finding an equitable solution. This was also the case at Geneva.

My Foreign Minister dealt with the Secretary-General's Report in his letter of 29 [sic] January 1981 (S/14346) and all the points raised therein need no repetition here. I wish, however, to draw attention to the following excerpt from that letter since it forms the cornerstone of South Africa's approach to the question of South West Africa/Namibia:

I feel constrained to remark that a promising opportunity was missed by the United Nations in Geneva, in the first place, to encourage SWAPO, who remained mute virtually throughout, to engage in a constructive, confidence-building dialogue, and secondly, to address the concerns of the internal parties, who have to contest the election in South West Africa/Namibia. At Geneva the internal parties were not satisfied that it would not be a case of one man, one vote, once. In addition, their concerns for solid guarantees regarding freedom of speech, the freedom to form political parties, a free and independent judiciary, a free economy and respect for property —

concepts basic to the democratic process envisaged in the settlement plan — were not addressed. It can only be hoped that due regard will be had by all concerned to the legitimate anxieties of the democratic parties of South West Africa/Namibia.

May I express the hope that the United Nations, if it wishes to pursue ways of finding an internationally acceptable solution, will give serious attention to my appeal to acknowledge the role of the internal parties in all deliberations on the political and constitutional future of their country.

It is a sad moment for the forces of reason, understanding and moderation. A climate of uncompromising intolerance has been nurtured in this Organisation by unbridled invective. Political opportunism and moral abdication have been presented as virtues. In view of the protracted assault over the years on the principles of fairness and justice in this Assembly the ability and will to resist these abuses have been eroded to the point of passive submission by the majority. We are witnessing the logical consequence of this decay today: tactical manoeuvring and manipulation have produced a juggernaut that cannot be stopped by reason and moderation.

For, how else can one account for the proposal to support the imposition of sanctions against South Africa on the question of South West Africa/Namibia? If ever there were a prime example of loaded dice it had to be this proposal with the predetermined vindictive decision. The complete disregard of facts and reality constitutes a travesty of justice of the worst magnitude. The issue of sanctions against South Africa has become a cause, an obsession, to the extent that it is supported regardless of the consequences in human suffering that are certain to follow.

If the concept of fairness still meant something, some fundamental truths in respect of the South West African/Namibian issue should be pondered. What are the basic truths?

The people of SWA/Namibia refuse to be recolonised through a process which subverts their right of self-determination while it is being given the appearance of democratic trappings. SWA/Namibia is an African country. Does no one in this Assembly realise that in the minds of the democratic parties of SWA/Namibia the UN stands branded as a partner of a terrorist group in the destruction of an African country with a promising future? My Government stands ready to withdraw from the Territory but not in a way which must inevitably lead to the imposition of violence and intimidation as the decisive factors in determining the future government of the country.

Compared with the rest of Africa, SWA/Namibia has developed remarkably well. The country has efficient infrastructures despite the formidable obstacles posed by its severe climatic conditions and geographical limitations. It is one of only three countries on the African continent

exporting food: the other two being the Republic of South Africa and Bophuthatswana. SWA/Namibia has an efficient and modern transport and telecommunications system, modern hospitals, clinics and schools with the prospect of further development and progress if stability could be secured in southern Africa and foreign interference terminated. My Government cannot remain uninvolved in watching the legitimate aspirations of the people of SWA/Namibia turn into despair; their country transformed into a landscape of devastation, famine and poverty. Eventually it will amongst others be my country which will have to bear the consequences of retrogression in our region of Africa. Those who dictate solutions for the problems of southern Africa do not accept responsibility for the results of their solutions. The peoples themselves eventually pay the price. Tolerance and understanding are required in deliberations on the future of SWA/Namibia -- not threats by the UN or any other entity. The imposition of sanctions on any country in southern Africa will of necessity be self-defeating. There is no way in which a single country in our region can be singled out for sanctions without causing untold hardship in all the others. Not only will sanctions make it more difficult to find peaceful solutions to the problems of our sub-continent; but they will in fact destroy the basis of co-operation which still exists and which is essential if southern Africa is to survive economically.

South Africa has not deviated from its commitment of granting genuine independence to the people of South West Africa/Namibia and will keep on insisting that they obtain independence in such a manner that it will in fact be through a free and fair procedure setting in motion a continuing process of democracy, thus ensuring the realization of their right to self-determination.

Text released by the South African Department of Foreign Affairs and Information.

- E. Letter dated 6 March 1981,
from the South African Foreign Minister,
the Hon. R.F. Botha,
to the UN Secretary-General,
concerning the illegal exclusion
of South Africa from the General Assembly
on 2 March 1981, and other breaches
of the UN Charter

Your Excellency. When future generations analyse the demise of the United Nations Organization, the reckless disregard by the General Assembly, one of the principal organs of the UN, of its own rules of pro-

cedure and of the Charter of the UN itself, will be singled out as one of the major contributing factors which precipitated that demise.

It is also a certainty that the unjust treatment which South Africa had continually suffered at the hands of the General Assembly and its institutional collaborators, will be cited as the best example of the disregard, which had become so characteristic of the General Assembly's actions, for the most fundamental rules of simple justice and the legal instrument from which the UN derives its existence.

In this context reference will be unavoidable to the regrettable events which occurred on 2 March 1981 during the 102nd and 103rd Plenary Meetings of the General Assembly at its Thirty-fifth Regular Session.

In the interest of leaving a clear record and in acknowledgement of the position of the few nations which steadfastly observed the dictates of law as opposed to considerations of political expediency, I wish to refer to what happened on that occasion and to set out my government's standpoint.

As you know, the debate concerned the South West African/Namibian issue, a matter in which South Africa is not only directly involved but in which it has a fundamental interest — a fact which is equally well recognised by the various organs of the UN, including the Secretariat. In view of this vital interest and of the important contribution that South Africa could make to the debate, and indeed was obliged because of her responsibilities to make, so that the international community should have the benefit of a balanced viewpoint, South Africa decided to participate in the debate. South Africa's credentials, nominating her delegation to participate in the proceedings of the 35th General Assembly, were then submitted to you. They were not submitted earlier for two very good complementary reasons, and not with ulterior motives as subsequently alleged by the *President of the General Assembly*. The first reason is that South Africa's decision to participate was taken in the light of the most recent prevailing circumstances — the date of the debate and of the resumed General Assembly Session itself had been fixed at short notice — and secondly South Africa is well aware, from bitter experience, of the hostile manoeuvring that inevitably follows any advance notice of a decision by her to participate.

In terms of the operating procedures of the General Assembly, a member of the South African delegation consequently requested the conference clerk to place South Africa's name on the speakers' list. This he refused to do. This was the first violation of South Africa's rights as a member state.

In the meantime the personnel of the President of the General Assembly were informed that the credentials naming the South African delegation to participate in the proceedings of the 35th General Assembly had been submitted to you, that South Africa intended to place its name on the speak-

ers' list and that South Africa would want to address the General Assembly, should the South African delegation's presence in the General Assembly Conference Hall be queried on a point of order. They were requested to inform the President accordingly.

Very shortly after the members of the South African delegation had taken their seats, the Ambassador of the United Republic of Cameroon raised a point of order, drawing attention to what he described as the "illegal presence" of the South African delegation. He then requested the President to advise the delegation to leave the Hall and to instruct the Credentials Committee of the General Assembly to convene and report to the General Assembly as soon as possible.

Despite the South African delegation's clearly-expressed wish to address the point of order raised by Cameroon, not only already relayed as described above, but also by vigorously seeking to attract his attention visually and aurally, in the customary manner, the President steadfastly, in the words of the *New York Times* of 3 March 1981, "ignored" them and proceeded to request the Credentials Committee to convene specifically to consider South Africa's credentials only, and then adjourned the General Assembly.

In the light of the illegal and unwarranted treatment meted out to South Africa, and not as subsequently alleged by the President of the General Assembly, in terms of some prior strategy, the South African Permanent Representative requested the Chairman of the Credentials Committee to meet with him or to allow him to address that Committee, an eminently reasonable request, which he copied to the President of the General Assembly. Without responding to the Permanent Representative's letter the Chairman of the Credentials Committee proceeded to preside over a meeting of the Committee which found South Africa's credentials not to be in order by a vote of 6 to 1, with 2 abstentions, despite the fact that the credentials submitted complied with the requirements of the Rules of Procedure of the General Assembly and your report on them to the Committee did not fault them. The Permanent Representative also addressed a letter to the President of the General Assembly requesting him to allow South Africa to make a statement in the General Assembly, when the report and recommendation of the Credentials Committee should come before it, i.e. immediately after the resumption of the General Assembly debate. He addressed a further letter to the President in which he protested at the latter's refusal to grant South Africa the opportunity of addressing the Assembly on Cameroon's point of order. All of these letters flowed from the President's high-handed and unconstitutional actions.

Prior to the resumption of the Assembly debate, the Deputy South African Permanent Representative personally requested the President to allow South Africa to address the Assembly. The President undertook to in-

form the former of his decision but subsequently refused to do so. It is common cause that after the resumption of the General Assembly debate, Cameroon proposed, on a point of order, that the South African representative not be granted the opportunity to address the Assembly before the Assembly had dealt with the report of the Credentials Committee. This proposal was put to the vote and supported by all but a limited number, albeit important, states, and South Africa was consequently once again refused the floor. The Credentials Committee's rejection of South Africa's credentials was thereafter endorsed by the General Assembly and the South African delegation had no choice but to leave the Conference Hall.

The course of events which I have related above involved very serious transgressions of the Rules of Procedure of the General Assembly and the provisions of the Charter. The government of the Republic of South Africa certainly has no intention of simply ignoring these transgressions and of accepting them resignedly. On the contrary South Africa places on record its firm condemnation and rejection of these blatant illegalities which make a mockery of any UN claims to be a responsible organization commanding respect. These lamentable failures of the Organization will not be erased by the mere passage of time but will remain a blot on its reputation.

I now propose to deal with these transgressions *seriatim*, not because I expect that this will persuade the United Nations to abandon its chosen course of illegality and irrelevance but because we do not want to afford those with ulterior motives the opportunity to interpret our silence as constituting consent or resignation.

1. The refusal of the Conference Clerk to put South Africa's name on the speakers' list was, to say the least, irregular. This is a function entrusted to him in terms of the General Assembly's operating procedures. By refusing inscription, the clerk, apart from other considerations, became directly involved in a political issue before the Assembly. It should be noted that Article 100(1) of the Charter *inter alia* provides as follows:

They (the Secretary-General and his staff) shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

In the light of the wrongs that have been perpetrated against my country, I may refer you also to the provisions of Article 100(2):

Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

South Africa has a legal right to have its name included in the

speakers' list. In this connection I refer you to the provisions of Rule 29 of the General Assembly's Rules of Procedure:

Any representative to whose admission a member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the General Assembly has given its decision.

If one bears in mind the provisions of the Charter relating to the powers and functions of the General Assembly (articles 10 to 17) it must surely be quite clear that states have a right to address the General Assembly and therefore a corresponding and implied right to be included in the Speakers' list. No member of the staff of the Secretary-General has the right to deny a member state that basic right to which it is entitled in terms of the Charter and the rules of procedure.

In view of these considerations you are now formally requested to determine whether the conference clerk acted on his own authority or not, and if not, on whose authority he acted, and to inform me accordingly. You are also requested to inform the South African Government of the steps that you intend taking to rectify the matter and to prevent a recurrence.

1. The refusal of the President of the General Assembly to allow South Africa to address the Assembly on a point of order, was a manifest violation of the express provisions of the Charter and the rules of procedure, to say nothing of the fundamental principles of justice recognised by civilized nations. You are referred to the fact that South Africa was, as of right, entitled to request information and clarification regarding the point of order raised by the Permanent Representative of Cameroon. This right is explicitly recognized in paragraph 79 of the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. To allow South Africa the opportunity to request such clarification was not only the President's duty, it would also have been equitable and just.

You are also informed that once the President had made a ruling on the point of order, South Africa wished, and had a right, to appeal against that ruling in terms of rule 71 of the rules of procedure.

It reads as follows:

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and

the President's ruling shall stand unless overruled by a majority of the members present and voting . . .

You are again referred to the provisions of rule 29 which make it quite clear that despite the fact that South Africa's presence in the General Assembly had been questioned, South Africa was nevertheless entitled to the same rights as other states.

Despite this South Africa was not permitted to speak to the point of order questioning her own right to participate, nor to appeal against the President's ruling on the matter. South Africa had the same undiluted rights when the second point of order was raised when the General Assembly resumed.

In view of these considerations it is submitted that the President's actions were not only arbitrary and irregular, but that they were also unworthy of the high office he holds, unfair, discriminatory and a renunciation of the sense of justice which is expected of him. His actions are therefore rejected by the South African Government as having been *ultra vires* and unpardonable.

3. Previous experience leaves no doubt that convening the credentials committee and its predictable but none the less deplorable recommendation, was simply a device to deprive South Africa of its right to participate in the proceedings of the General Assembly. The fact that it is not novel or original does not detract from the fact that it is patently unlawful. As you know, your own legal counsel pronounced on the illegality of this method as long ago as 11 November 1970. The decision of the credentials committee is as invalid today as it was in 1974.

The *bona fide* purpose of the credentials committee is to examine the credentials of delegations and to report to the General Assembly on whether or not they are, on the face thereof, formally in order. I submit that it is common cause that South Africa's credentials have never been anything else but formally in order, as your reports to the credentials committee have testified.

For these reasons I now reaffirm my Government's standpoint that the recommendation of the credentials committee and the subsequent acceptance thereof by the General Assembly were *ultra vires* those organs and are consequently rejected as being null and void.

4. In effect, the underhand method by which South Africa has been denied the right to participate in the discussions of the General Assembly and as a consequence thereof, its subsidiary organs, encompasses several other violations of the Charter as well as the spirit of that document.

The first provision of the Charter which has a direct bearing on

the circumstances I am concerned with here, is contained in Article 2(2). It determines that all members of the United Nations, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter. (It is common cause and trite law that in law the word "shall" has a mandatory meaning, resulting in a legal obligation). The General Assembly resolution to deny South Africa participation in its deliberation is clearly a breach of this Article since South Africa is being denied what is perhaps the most fundamental right of membership, namely, the right to be heard.

Another provision which is being violated is postulated in Article 9(1), which determines that the General Assembly shall consist of all the members of the United Nations. By virtue of the fact that South Africa became a member in accordance with the relevant provisions of Article 3, read with Article 110, and is consequently an original member of the United Nations, and by virtue of the use of the word "shall" in Article 9(1), South Africa clearly has a legal right to participate in the proceedings of the General Assembly.

Furthermore, Article 18(1) states that each member of the General Assembly shall have one vote. It is therefore obvious that any actions — other than those provided for in the Charter — which are designed to deny a member state the right to vote, would be in contravention of the unambiguous provisions of the Charter.

The Charter does in fact provide for the suspension of the rights and privileges of membership. Article 5 lays down that a member state against which preventive or enforcement action has been taken by the Security Council, may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. However, the procedure provided for in this Article was not followed when the General Assembly *de facto* suspended South Africa's rights and privileges. It is submitted that, in accordance with the well-known canon of construction, *inclusio unius, exclusio alterius*, the fact that the Charter expressly provides for a specific procedure to be followed in order to suspend a member's rights and privileges, leads to the conclusion that no other procedure — especially not a procedure which contravenes other provisions of the Charter — may be followed to achieve the same or a similar result. It would be fair comment to say that Article 5 was deliberately designed to make it difficult to suspend a member's rights, for very sound reasons, *inter alia* those postulated in the preamble and Article 1. Simply to disregard this Article and to achieve the result it was designed for, by different means, is legally untenable.

As regards the requirements contained in Article 5, it is axiomatic, and publicists on International Law are *ad idem* on this score, that a Security Council recommendation is a *conditio sine qua non* for a General Assembly resolution in terms of this Article. This view is supported by the fact that the Article also determines that the Security Council, by itself, can restore the suspended rights and privileges and consequently does not require the co-operation of the General Assembly. (Even extreme teleological methods of construction require a point of departure. To regard Article 5 as the point of departure for an argument which leads to the conclusion that the General Assembly resolution pertaining to South Africa falls within the ambit of Article 5, would be to disregard all fundamental rules of construction).

It is furthermore submitted that, not only were the procedures that were followed to reduce a member state to something less than observer status contrary to the provisions of the Charter, but the reasons for doing precisely that, are also not catered for in the Charter.

It should be readily appreciated that the General Assembly resolution amounts not only to a contravention of the Charter *vis-à-vis* South Africa, but also to a contravention as against the Security Council, since the latter's rights have been usurped, as well as against those member states which, in accordance with considerations of law are opposed to considerations of political expediency, have opposed the measures against South Africa.

It is often not appreciated that the Charter is both the Constitution of the United Nations, as well as a multi-lateral treaty. Contraventions of its provisions are, therefore, also breaches of the treaty obligations it imposes on the signatories thereof. Thus the organization *qua* organization acted unconstitutionally when it suspended South Africa's rights, and the individual members which initiated or supported the measures against South Africa committed a breach of their treaty obligations *vis-à-vis* South Africa and the states, members of the United Nations, which opposed those measures.

When a member's right to participate in meetings of the General Assembly is impaired, the fact necessarily also deprives that member, *inter alia* of the right to:

- (a) participate in the election of the President of the General Assembly in accordance with the provisions of Article 21;
- (b) participate in the election of the non-permanent members of the Security Council in accordance with the provisions of Article 23;
- (c) bring a dispute to the attention of the General Assembly in accordance with the provisions of Article 35(1);

- (d) participate in the election of members of the Economic and Social Council in accordance with the provisions of Article 61;
- (e) participate in proceedings to amend the Charter in accordance with the provisions of Article 108;
- (f) participate in the election of members of the International Court of Justice in accordance with the provisions of the Statute of the Court.

It must also be appreciated that the very reason which gave rise to the suspension of South Africa's rights also gave rise to the denial of other rights which should come into play when a particular set of circumstances prevail.

It should be apparent to the unbiased legal mind, as well as to that of the layman that, for more reasons than one, the General Assembly's resolution to deny South Africa the right to participate in its deliberations was, and still is, beyond a shadow of doubt, *ultra vires* that body and consequently null and void *ab initio*. Coupled with the fact that the action perpetrated against South Africa also violates one of the most fundamental rules of all civilized systems, *viz audi alteram partem*, it must surely amount to one of the most blatant incidents of disregard for what is not only unquestionably right, but what is indeed law, ever perpetrated by an institution with an already disastrous track record.

You are requested to circulate this letter as an official document of the General Assembly.

May I take this opportunity of renewing to you the assurances of my highest consideration.

A/35/802; S/14395

F. Letter dated 10 March 1981,
from the South African Foreign Minister,
the Hon. R.F. Botha,
to the UN Secretary-General,
concerning the ten resolutions
on South West Africa/Namibia
adopted by the General Assembly on 6 March 1981

Excellency. On 6 March 1981 the General Assembly at its resumed thirty-fifth session adopted ten resolutions on South West Africa/Namibia. South Africa was illegally excluded from that session. In addition the

democratic parties of South West Africa/Namibia were prevented from addressing it, although SWAPO was afforded that opportunity. In rejecting these resolutions, the South African Government wishes to make the following comments:

Firstly, the resolutions clearly have no force or validity since they were adopted by a process which is *ultra vires* the Charter. In any event resolutions of the General Assembly except for certain minor procedural matters, are not binding on any member state. South Africa, although a founder member, was unconstitutionally prevented from addressing the Assembly, despite the clear provisions of the Charter and of the Rules of Procedure, as well as visible efforts to do so, on a matter in which South Africa has a vital interest and in respect of which South Africa has a contribution to make. Moreover, she was denied the basic right, in terms of the Charter, of participation in the proceedings of the Assembly. The irresponsibility of the United Nations in proceeding with the institutionalization of its illegal actions and the spawning of confrontational resolutions, in pursuit of a vindictive and capricious campaign against a single member state, has undermined its status and authority. South Africa's position has been set out in my letter of 6 March 1981 (A/35/802, S/14395).

Secondly, the steps proposed against South Africa, the negative statements in the debate and the voting on the resolutions taken together add up to a politically motivated and orchestrated campaign in which the merits of the issue and the interests of the people of the Territory are of little importance while a considerable behind-the-scenes role is played by the Soviet Union working on the emotions of Third-World countries with its own global objectives in mind. It is of significance that, in contrast with the many states who are willing to associate themselves with this campaign, the few who are not so willing, as shown by their recent voting record, are, according to a recent survey, responsible for approximately 80 per cent of all contributions to the United Nations and to its associated agencies and aid projects. This is a prime example of the political irresponsibility of a numerical majority.

Thirdly, the United Nations through one of its principal organs continues to ignore the fundamental realities of South West Africa/Namibia, namely that the future of the Territory is for decision, not by the United Nations nor by outside forces, but by the people themselves. It is not possible to obtain the solution which all desire if the democratic internal parties are excluded from the decision-making process. The more the General Assembly in particular, and the United Nations in general, continues to favour one political movement only, and at that one whose proclaimed methods of violence and terror are in conflict with the Charter, the more the United Nations disqualifies itself from serious consideration as an organization with a meaningful role to play in the settlement process. The

General Assembly has read the message of Geneva incorrectly. Instead of making a real effort to meet the concerns of the people of South West Africa/Namibia, as represented by the democratic parties, and to create impartiality, mutual trust and an atmosphere of good faith, with equal treatment for all, it has reiterated and reinforced its prejudices and its bias, further jeopardizing an internationally acceptable solution. I note, for example, that in the current series of resolutions SWAPO is described as the "sole and authentic representative of the Namibian people" no fewer than fifteen times, while its armed struggle is supported and encouraged on five occasions. No fewer than thirty-four references in the resolutions directly favour SWAPO. Four indirect references to the democratic parties are all negative and seek to deny the role they must rightly play in determining the political and constitutional future of their country.

Fourthly, the militant, punitive approach of the General Assembly reflected in the resolutions adopted on 6 March 1981 is the wrong one, if a genuine independence for South West Africa/Namibia is sincerely held to be the real objective. Threats will accomplish nothing other than strengthen the determination not to permit an unfair solution to be foisted on the Territory. They will merely reinforce opposition to any process which employs unfair means, false pretences and subterfuge to subject the people of the Territory to an "independence" which is in reality a rule of tyranny, oppression and economic retrogression which they will never have an opportunity of changing by democratic processes. A cool and clear-headed approach is needed now, more than ever. Confrontation should be avoided. Realistic methods of implementing the independence of the Territory in such a way that the United Nations can divest itself of the suspicion currently attaching to it because of its ambiguous dual role should be explored. South Africa stands ready to play a constructive role in securing a peaceful, internationally recognized settlement in South West Africa/Namibia and, with this objective in mind, to assist in looking for positive ways forward.

Fifthly, threats of sanctions are singularly inappropriate, specifically in the southern African context. For various unsuspecting countries of southern Africa and farther afield — which may well not yet have considered the implications — the consequences are unpredictable but will certainly be far-reaching. South Africa will not take sanctions lying down but will certainly consider all her options and react appropriately to safeguard her own interests. Sanctions against South Africa will in effect amount to sanctions against southern Africa, because the economies of a number of independent countries are so closely interlinked with the South African economy that they, not in the first instance South Africa, will undoubtedly be the foremost to suffer, and it would inevitably be the poor in these countries who would suffer most. South Africa's trade with the rest

of Africa during the past year has grown to well over US dollars one point five billion and a considerable volume of transit trade passes through South Africa to African destinations further north.

The ripple effect of sanctions if ever applied would, therefore, be substantial. At this time more than ever, it is not sanctions that are called for in Africa — a continent which United Nations and OAU reports are unanimous in declaring to be economically ailing — but increased economic co-operation between South Africa and the rest of the continent. South Africa is willing to co-operate in such a venture on a basis of equality, dignity and non-interference.

It is clear from the above that the General Assembly is attempting to act out a tragedy of possibly considerable proportions. If the Assembly, and indeed the United Nations as a whole, does not change course and take cognisance of reality, not only will the future of South West Africa/Namibia be in the balance but even more so the economic situation in southern Africa. Economic turmoil could then possibly be followed by political turbulence and strife, in wide areas of southern Africa and Africa as a whole, with the danger of outside involvement greatly enhanced. Sanctions would clearly be an unmitigated disaster. The road upon which the United Nations is embarked is not the way of peace but of conflict.

May I avail myself of this opportunity of renewing to Your Excellency the assurances of my highest consideration.

Text supplied by the South African Department of Foreign Affairs and Information.

G. *Statement by the South African Foreign Minister, the Hon. R.F. Botha, concerning the discussions with United States Assistant-Secretary of State-Designate for African Affairs, Dr Chester A. Crocker, in Pretoria on 16 April 1981*

Useful discussions lasting five and a half hours were held yesterday and today between Dr Chester Crocker, US Assistant-Secretary of State-Designate for African Affairs, and Mr A. Keys of the State Department, on the one hand, and myself and the Minister of Defence, the Hon. Magnus Malan, on the other hand. Simultaneous discussions were held between the Director-General of Foreign Affairs and Information, Mr B.G. Fourie, and officials of the Department, and US Ambassador, Mr W. Edmondson, and officials of the visiting US Mission and the US Embassy. The talks, during which the more important aspects of the problems of

southern Africa and the future prospects of the region were addressed, were of an exploratory nature and brought about a much clearer understanding of the reciprocal viewpoints of the two sides.

I conveyed the position of the South African Government concerning the problems facing Africa in general and southern Africa in particular in the crucial struggle for economic development. I sketched South Africa's vision of a constellation of states in southern Africa where all will cooperate in the economic field to achieve the economic progress which is essential to the well-being of all.

I emphasised that there is no possibility of protecting and developing the rights of the individual in the region if there is no peace and that it is illusory to think that any form of solution from which anyone at all, white or black, will benefit can be forced on the region by military means. No southern African state would be able to escape the destructive effect of a major military clash in the region. It is therefore imperative for all the states of southern Africa to prevent subversive activities being organised in their territories against neighbouring states. I expressed the conviction of the South African Government that all leaders of southern Africa, black or white, who have the interests of their people and of the region at heart, support the unavoidable conclusion that only through co-operation and tolerance will the desired objective of stability, progress and prosperity be achieved.

Another vital factor is the recognition of the right of self-determination of each of the peoples of southern Africa.

In respect of South West Africa/Namibia, the discussions centred on the problems which stand in the way of a peaceful settlement. I emphasised that a settlement would not be achieved unless (a) equal treatment of all the parties was assured; (b) the rights of minority groups were protected and guaranteed; (c) the fundamental principles of democracy were ensured for the future. The South African Government had, moreover, to be guided by the wishes of the democratic leaders of the Territory and it would not be possible to force a solution on them. A healthy economy would moreover be a prerequisite to a stable future for South West Africa/Namibia.

I have reported the gist of the discussions to the Administrator-General of South West Africa/Namibia with the request that the internal parties be informed.

H. Statement on 21 April 1981,
by the South African Foreign Minister, the Hon. R.F. Botha,
concerning the request by the DTA to speak
in the United Nations Security Council

The request of the representatives of the DTA to put their case to the Security Council is developing into a serious emotional clash at the United Nations. The Africa Group is expected to meet at 22h00 South African time, to determine its attitude in this regard. In the event that the Security Council should refuse to hear the DTA, yet allow SWAPO to address the Council, a situation will have been created which has far-reaching implications for any further substantive role for the United Nations in the *implementation of an international settlement plan*.

I am continuously in touch with the South African delegation and our representatives anticipate that events in New York will move in one direction or the other within the next twelve hours.

Text supplied by the South African Department of Foreign Affairs and Information.

I. Further statement dated 22 April 1981,
by the South African Foreign Minister,
on the refusal by the United Nations Security Council
to hear the DTA

Mrs Kirkpatrick of the USA made a firm statement in the Security Council to the effect that the Council can prove its impartiality only by according equal treatment to all the parties. It is encouraging that not only the USA, Britain and France but also Ireland, Spain and Japan were in favour of DTA participation in the debate. Nevertheless, this decision of the Security Council is an emotional provocation of the democratic parties of South West Africa. If the Security Council was really interested in a neutral arbiter's role for the United Nations, it had its opportunity of demonstrating this by permitting the DTA to state its case. The decision of the Council is a further form of intimidation aimed at the democratic parties of South West Africa and is a blatant favouring of SWAPO.

A few weeks ago, when the General Assembly of the United Nations took a similar direction, by refusing South Africa the right of addressing the Assembly, I warned that the UN was on a course of confrontation. I also warned at that time that the Security Council might follow the same course. My objective was to prevent the disappearance altogether of the *already fading chances of an internationally acceptable settlement*. After

this decision of the Security Council it can hardly be expected that the internal democratic parties of South West Africa can have any faith in the neutrality of the UN as arbiter in the implementation of any settlement plan.

The events in New York have serious implications for the whole of southern Africa. If the seizure of political power by intimidation and violence is to be tolerated all governments of southern Africa are vulnerable. The countries of southern Africa are confronted by a serious situation. A choice will have to be made between the free exercise of the right of self-determination and the seizure of power by force.

South Africa is not, however, closing the door to further discussions with countries that are genuinely interested in a just solution, in terms of which the democratic parties of South West Africa will all be given equal consideration. In spite of the atmosphere of confrontation created by the Security Council, there is nevertheless in my opinion a positive side, and that is that there are indeed countries which stand firm on the principle that all the democratic parties of South West Africa must be impartially treated and should be heard. That is progress.

A settlement plan that does not proceed from the position that all the parties of South West Africa must be treated impartially, has no chance of success. The South African Government will under no circumstances deviate from this fundamental point of departure. We would rather accept the potentially damaging consequences of this position than disappoint the faith of leaders in our integrity. It is of greater importance to us that mutual trust and co-operation between the peoples of southern Africa should come about than to try to win short-lived international popularity.

I anticipate a proposal to enforce sanctions against South Africa will be introduced, but I also expect that such a proposal will be defeated by one or more veto votes. The radical elements in the United Nations will doubtless then have recourse to the General Assembly in order to have the sanctions proposal adopted there. I expect that they will succeed in that attempt. They shall not, however, succeed in intimidating South Africa, or divert us from our position that justice must be done to all in South West Africa without intimidation from abroad.

South Africa does not fear sanctions. Moreover there have recently been encouraging signs from some of our neighbours that they are also of the opinion that sanctions would be harmful for all the countries of southern Africa.

I have instructed the South African delegation to put South Africa's case fully in the Security Council. If the President of the Council adheres strictly to the list of speakers, the South African representative should be given the floor at approximately 19h00 today (South African time). The United Nations and the world should take note that this country will not

allow itself to be blackmailed. We shall continue calmly and firmly to work for the freedom, security and prosperity of all the peoples of South Africa.

Text supplied by the South African Department of Foreign Affairs and Information.

J. Extract from the hearing
by the United States Senate Foreign Relations Committee
on Dr Chester A. Crocker's nomination
as Assistant Secretary of State for African Affairs,
on 27 April 1981

The purposes of this trip I would describe as follows: *First*, to explain and communicate first-hand with the senior leadership of African states, particularly in southern Africa, and focus primarily on the issues of conflict in southern Africa and the problem of Namibia.

Secondly, to explore some preliminary, some initial ideas of ours which we felt might lead to an internationally recognized settlement of the Namibian problem — a goal to which, we have said repeatedly, that we are committed. I would emphasize that these were preliminary ideas, that we did not take with us an American plan, and that we would not presume to do so until we have had a chance to communicate and consult with all parties.

Thirdly, to make clear the US Government's commitment to the security and the development of southern Africa and to the goal of seeking Namibian independence.

Fourthly, to listen to others and to get their views as to how we might put forward the stalled negotiations concerning Namibia.

And then, *fifthly*, to bring our conclusions, our preliminary conclusions, back into the context of the Western contact group, which was the purpose of our final two days of meetings in London with our four partners — Britain, France, Germany and Canada.

Mr Chairman, I think we have substantially accomplished the purposes of this mission. We have made very clear what our concerns are. We now have a much clearer picture of the concerns of other interested parties. We have a sense, if you will, of the parameters within which a settlement of the Namibia problem must take place.

We are now working once again in a strong co-operative framework with our contact group allies and in this connection I think it might be useful with your permission if I were to read the communiqué that was issued from London on 23 April signed by the Western Five, that is, the contact group. And I quote:

Senior officials of the five Western governments (Canada, France, Federal Republic of Germany, United Kingdom, United States) met in London 22-23 April, 1981, to review the situation concerning Namibia. They received a complete report from Dr Chester Crocker, US Assistant Secretary-Designate for African Affairs, on his visit to 12 African states, including the African front-line capitals, South Africa, Nigeria, Zaïre, Kenya, Swaziland and Congo.

The five agreed that it was of the utmost importance to bring Namibia to independence at the earliest possible date and reiterated their commitment to an internationally acceptable settlement. In that context, they also agreed that Security Council resolution 435 continues to provide a solid basis for a transition to independence in Namibia. They considered possibilities for strengthening the existing plan, and agreed that expeditious progress toward a settlement would be enhanced by measures aimed at giving greater confidence to all of the parties on the future of an independent Namibia.

The representatives agreed that it was necessary to develop more specific proposals for discussion with the concerned parties. It was decided that intensive consultations among the contact group representatives would continue, and it is intended that the five foreign ministers will consider the issue further when they meet in Rome on 4 and 5 May.

I would conclude my brief report, Mr Chairman, by indicating that we believe that there is tacit and, in some cases, open understanding on two basic points concerning the future of the Namibia question.

Point number one: that the South African government is a key actor and that it is essential to obtain a clear reading from the South African government on its position on the issue and of those steps which would make it possible for that government to take a decision that would lead to Namibia's independence.

Second is that the African states to the north will take their own decisions in the UN context in New York but will listen to us and are prepared to listen to us when we have specific proposals to put forward.

United States and Southern Africa

- A. Announcement on 31 March 1981,
by the Deputy White House Secretary
of the visit to Africa
by the United States Assistant Secretary of State-Designate
for African Affairs, Dr Chester A. Crocker

Assistant Secretary of State-Designate for African Affairs, Chester A. Crocker, will leave next month for an extensive round of consultations with African governments concerning the problems of southern Africa. He will report to Secretary Haig when he returns.

The President believes it is important to make clear the Administration's objectives in southern Africa. The broad objective we seek is to strengthen the security of southern Africa, a region of growing importance to our interests. The United States strongly supports negotiated solutions to the problems of this region. The path of violence serves no one's interest except that of our global adversary. We seek a peaceful solution of the Namibian problem leading to a genuinely independent and democratic Namibia recognized by the international community. To this end, we will work with all interested parties.

This Administration intends to maintain and strengthen ties with the states of Africa. We wish to strengthen mutual understanding and co-operation between the United States and all African states. There can be no question of American support for apartheid which is repugnant to our multiracial and democratic society. We intend to make our views plainly known, not in a spirit of confrontation, but of constructive help.

Transcript text supplied by the United States International Communications Agency,
Pretoria.

B. Statement by Dr Chester A. Crocker
before the Foreign Relations Committee of the United States Senate
on the occasion of his confirmation hearings
as Assistant Secretary of State for African Affairs, 6 April 1981

Mr Chairman, I am honored to appear before this Committee today as President Reagan's nominee for Assistant Secretary of State for African Affairs. With your permission, I will read a brief statement and am prepared to answer any questions which the Committee may have.

I believe that this Administration has a unique opportunity to implement a successful foreign policy in Africa as elsewhere. As stated by Secretary Haig, three principles should govern our foreign policy — consistency in the pursuit of US interests, reliability as a force for peace and stability, and balance in our approach to individual issues and in the orchestration of policy. Africa is becoming increasingly important to the United States in pursuit of our global objectives; hence I consider it critical that this Administration begin with a clear delineation of what US interests in Africa are, namely:

- Supporting regional security, without which social and economic progress cannot take place.
- Ensuring for the United States and our allies fair commercial access to essential petroleum and non-fuel minerals.
- Promoting US trade and investment in Africa, both to correct a mushrooming imbalance of trade and to develop substantial economic links between expanding American and African economies.
- Fostering basic human liberties in keeping with both our principles and our long-term interests and objectives.
- And co-operating with our Western allies and friends in Africa to deter aggression and subversion by our adversaries.

Mr Chairman, as the Reagan Administration moves forward on developing policies to pursue our interests in Africa, I am convinced that we begin with an enormous advantage. Africa and Africans are already oriented largely to the West. They believe that the West can deliver. We must show that we can. This Administration intends to do just that. We will work for continued and strengthened links between the United States and Africa.

It is clear, however, that our interests in Africa are increasingly threatened by political instability, external intervention, economic malaise and declining economic performance. We recognize full well that the sources of Africa's problems are both regional and external in their origin, and that the policies we pursue must seek to address both sources. While we are neither a dominant external power in Africa nor Africa's key economic partner, we are nevertheless a critical — and often indispensable — actor on a continent where our strategic, political and economic interests are growing, and we intend to play our proper part.

We live in an age when choices cannot be avoided. American foreign assistance resources are finite, and there is a clear requirement for a sense of priorities in our assistance programs. For both regional and global reasons, it has become essential that we define carefully our interests and commitments and then back them up in credible ways. This Administration believes it is important to stand together with proven friends in Africa, not to run for the high ground when they experience economic or political difficulties. We intend to work with our African and other friends to address the sources of Africa's instability.

At the same time, we have another important priority: to enlarge that group of nations in Africa whose development policies produce economic progress and to expand the number of countries with flourishing democratic institutions. It is not utopian to believe that more African nations can, like Nigeria, become a practicing democracy that no longer needs US assistance. We are not ashamed to back winners; on the contrary, we are proud to do so.

However, in large parts of Africa these goals are far from fulfilment and the outlook for stable development is bleak. Declining per capita food production, soaring energy costs, and ecological crises threaten to undo the slender base of national economies. Too often these problems are compounded by the pursuit of doctrinaire or short-sighted policies and by external manipulation of local tensions and conflict. In such circumstances, it is not surprising that Africa is sad witness to burgeoning refugee populations, severe hunger problems and deteriorating living conditions. As befits America's ideals and our historic links with the peoples of Africa, this Administration is committed to a leading role in meeting Africa's humanitarian crises. We note, as Africans also increasingly observe, the sharp contrast between our response and that of our global adversary to Africa's desperate needs. We also believe it is clearly in our national interest to find new ways to work with African governments in grappling with the economic slide characterizing too much of the continent. For if it continues, this trend will lead not only to aggravated poverty but also to heightened African instability.

In pursuing our economic links with the African continent, we must be able to tailor our policies and garner our resources — through trade, aid and investment — in order to meet both our and Africa's needs. The American and Western comparative advantage in contributing to Africa's economic development exists only if we make use of it by coherently organizing all available economic and technological tools. Here in the US we need an orchestrated approach to incorporate the skills, know-how and financial assets of the private sector with the resources available through the United States Government. Our aid dollars are too precious to be disbursed without attention to priorities, delimitation of objectives,

and concern for their co-ordination with our overall foreign policy goals. Yet we must also retain the flexibility in resource allocation to respond to opportunities that may arise, for even a minimal response can offer the United States a political entrée in countries seeking to break away from Eastern Bloc influence. The indeterminate quality of African politics should keep us alert to such opportunities.

Our political relations with Africa must be guided by our interests, both global and regional. Day-to-day working relations require patient diplomacy and a deep comprehension of local power realities. It is time, however, that the United States be known in Africa as a reliable partner and a consistent friend. To hesitate in supporting proven friends is to encourage those who would deny us our — and Africa's — objectives: peace and stability, economic progress and the expansion of human liberties.

We have no mandate to be the policeman of Africa, but neither does any other nation. It would clearly be unwise to rule out military instruments of our policy in Africa or anywhere else. Africa's security problems, like its economic problems, cannot be solved in the short run; the challenge to US policy is to acquire and retain a level of influence commensurate with our interests, strategic, political and economic.

That challenge, spurred by growing threats to Western and African access to Persian Gulf oil, led the United States to seek access to military facilities in Somalia and Kenya. We recognize that Africa is an integral part of a global political area, and this Administration has no intention of adopting a unilateral self-denying ordinance when Western strategic interests are at stake. Nor do we believe these interests to be incompatible with African regional security. Therefore, if we understand correctly Africa's role in international politics, there is no reason to apologize for or downplay the agreements we have signed. Our goal in the Horn of Africa, as elsewhere on the continent, remains the same: to seek the means to decrease regional tensions and play our part in resolving Africa's security problems. In this connection, we see the presence of Cuban troops in Ethiopia as inimical to our objectives and to African interests.

Challenges to the pursuit of US interests face us elsewhere in Africa. Libya's military presence in Chad makes a mockery of cherished African principles of territorial integrity and independence, flies in the face of the actions of the Organization of African Unity, and threatens the security of neighboring states, like Sudan, where we and our allies have even greater interests at stake. Libyan actions, both in Africa and elsewhere, strike at the very heart of US and Western objectives.

Southern Africa

This Administration will also give high priority to resolving conflicts in southern Africa, a region of strategic, political and economic importance

to the United States and the Western world. Together with Zaïre, southern African countries play an important role in meeting US, European and Japanese requirements for such critical minerals as chrome ore, cobalt, industrial diamonds, manganese, platinum, vanadium, copper, tin, asbestos — and the list goes on. Southern Africa is a region of great potential, and the Western world must remain engaged there during periods of strife and uncertainty if that potential is to be realized.

The challenge this Administration accepts is to develop policies throughout southern Africa that enhance our interests and impede opportunities for our adversaries. We support the objective of an early transition to internationally-recognized independence for Namibia, and are committed to play our proper role in creating a context for successful negotiations toward that goal. As far as Angola is concerned, it will not be possible for the United States to consider diplomatic relations with that nation as long as there is a Cuban combat troop presence. It is the task of the Western world to encourage purposeful, evolutionary change in South Africa towards a nonracial society, capitalizing upon the current fluidity there which, while not making meaningful change certain, does make it possible. As President Reagan recently said, "As long as there's a sincere and honest effort being made . . . we should be trying to be helpful". The President asked rhetorically whether we could abandon South Africa. I can only warn that if we do, Western interests and those of all South Africans will suffer. At a time when some important movement away from legally entrenched apartheid is apparent, the US role is to encourage actively this process. We intend to do so, but by supporting those who seek to build a future in which opportunity in all fields of human activity is not determined on the basis of race. This is the only course consistent with America's fundamental ideals as a multiracial democratic society. It is also the only approach that is responsive to our economic and strategic interests as a global power in a changing Africa.

Mr Chairman, if confirmed I want to assure this Committee that I will consult with both Houses of Congress in the development and implementation of our policy towards Africa. Together, I believe we can make considerable progress in projecting to the people of the United States and the people of Africa a foreign policy that is clear, comprehensible, and consistent.

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