

**THE FUTURE OF SOUTH WEST AFRICA/NAMIBIA
A SYMPOSIUM**

John Barratt

Willie Breytenbach

Gerhard Tötemeyer

Lukas de Vries

*With a Statement by the South African Foreign Minister,
the Hon. R.F. Botha, and the Text of UN Security Council
Resolution 385*

OCCASIONAL PAPER

GELEENTHEIDSPUBLIKASIE



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

Mr. John Barratt is Director of the South African Institute of International Affairs. *Dr. Willie Breytenbach* is Head of Research at the Africa Institute of South Africa in Pretoria. *Dr. Gerhard Töttemeyer* is Senior Lecturer in the Department of Political Science at the University of Stellenbosch. *Dr. Lukas de Vries* is President of the United Evangelical Lutheran Church in South West Africa/Namibia.

This paper contains the texts of the four brief introductory statements at a Symposium on "The Future of South West Africa/Namibia", held at Jan Smuts House in Johannesburg on 25 July, 1977. (These statements were followed by a general discussion, to which other participants also contributed, but it has only been possible to include the prepared introductory statements in this paper.) The Symposium was jointly organized by the South African Institute of International Affairs and the Centre for Continuing Education of the University of the Witwatersrand.

In order to provide background information on the positions of the South African Government and the U.N. Security Council, respectively, an Appendix to this paper gives the text of a statement on 20 June, 1977, by the South African Foreign Minister and the text of U.N. Security Council Resolution 385.

It should be noted that, as the Institute is precluded by its Constitution from itself expressing an opinion on any aspect of international affairs, opinions expressed in this paper are solely the responsibility of the authors and not of the Institute.

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A SYMPOSIUM

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ISBN : 0 909239 31 2

The South African Institute of International Affairs
Jan Smuts House
P.O.Box 31596
BRAAMFONTEIN
2017
South Africa

August, 1977

*THE CURRENT NEGOTIATIONS IN THE CONTEXT OF UNITED
NATIONS REQUIREMENTS FOR A NAMIBIAN SETTLEMENT*

John Barratt

My contribution to this symposium will be concerned mainly with the international negotiations at present going on, as a result of the initiatives of the five Western members of the Security Council - U.S., U.K., France, Germany and Canada - the so-called "contact group". Involved in the negotiations with this group are the South African Government, the U.N. Secretary General and SWAPO. The group, or individual members of it, have also had discussions with a wide range of people in the territory and with various African States.

Although these particular negotiations only began effectively in April of this year, with the formal approach to the South African Government, followed by the visit of the group to Cape Town for discussions with Mr. Vorster in May, the origins of the negotiations in the recent past stem from two sources. One was the initiative of Dr. Henry Kissinger as part of the diplomatic efforts which he began in April, 1976, to find negotiated settlements of Southern African conflict issues, after the Angolan débacle. More attention was devoted to Rhodesia in 1976, but in neither case did the American initiatives produce any concrete results by the time Dr. Kissinger went out of office. However, his diplomatic efforts explored the ground between the parties in the Namibian dispute and in a real sense prepared the way for the new round of negotiations this year.

The other source of the current negotiations is in the proceedings of the U.N. Security Council. This is much more important for the purpose of our discussion now, because the Western "contact group" is basing its approach more clearly than Dr. Kissinger did on the decisions of the Security Council. Moreover, these Western states are required (and this would ultimately have been true, even if Dr. Kissinger had still been involved) to report progress to the Security Council - progress which they would hope would be sufficient to satisfy the majority of Council members and thus prevent proposals for more militant international action.

In examining the prospects for the present negotiations, therefore, it is useful to look at the conditions laid down by the Security Council for an internationally acceptable agreement over South West Africa/Namibia. The two most recent resolutions of the Council are relevant in this regard - adopted on 17 December, 1974, and 30 January, 1976. At the risk of a little over-simplification, one can identify five general demands on South Africa contained in these two resolutions, briefly summarised as follows :

- (1) Recognise the territorial integrity and unity of Namibia, and end the homeland policy.
- (2) Take steps to withdraw the South African administration and to transfer power to the people of Namibia, with U.N. assistance.
- (3) Agree to free elections for Namibia as one political entity, under U.N. supervision and control (allowing time for machinery to be established and for political organisation).
- (4) Abolish racially discriminatory laws and practices, and comply with the Universal Declaration of Human Rights.
- (5) Release all Namibian political prisoners and allow all those in exile to return without restriction.

A draft resolution was submitted to the Security Council in October, 1976, which would have imposed a mandatory arms embargo (under Chapter VII of the Charter) on South Africa. But this was vetoed by France, the U.K. and the U.S., and so no further resolution has been adopted (since January, 1976). Apart from the provisions for the arms embargo, this draft resolution contained substantially the same demands as the previous one. (Similar proposals for Security Council action were being considered again earlier this year, but they have not been pressed, pending the outcome of the current negotiations.)

The South African Government has gone a long way to accepting the requirements of the Security Council in the five points listed above. Some of these points were accepted in principle before the current negotiations; others have only been dealt with recently. But there still remain important problems of interpretation and implementation, relating in particular to points (3) and (5). These are :

- (a) How will the proposed elections be organised and supervised?
The requirement for elections in Namibia as one political entity has now been accepted, although previously the South African intention, under the Turnhalle plan, was that elections should be ethnically based. But the question of the degree of United Nations involvement is still unsettled. The South African position, as set out by the Foreign Minister, after the last discussions with the "contact group", is : "A special representative of the Secretary-General to be involved in the elections to ensure that elections are held on a free and fair basis." + The Security Council's position is that these elections should be "under U.N. supervision and control".
- (b) The question of political prisoners is complicated by two issues which apparently are not yet settled. Firstly, there is not agreement as to who are "political prisoners". All other things being equal, this problem should not prove insurmountable, as the South African Government is prepared to accept the decision of a panel of jurists (to quote Foreign Minister Botha) "on whether persons who claim to be political prisoners have in fact been imprisoned because of their political beliefs or actions, or whether they were sentenced after having been found guilty of common-law crimes". +

The second issue may be more difficult, and this relates to the South African demand that Namibians detained in other African countries should also be released, together with those detained by the South African authorities. This concerns Namibians reported to be detained in Zambia and Tanzania for opposing the present leadership of SWAPO, and it would seem that, if the elections are to be free and open, then the Security Council's requirement that all those in exile be allowed to return to Namibia without restriction, should be observed. So far SWAPO has refused, in public statements at least, to consider allowing its own detainees (in fact held by other Governments) to be freed.

The above problems stem from the requirements of the Security Council and, if the Security Council does not introduce new demands or requirements, there is reasonable hope that these practical problems can be overcome - given the political will on all sides for an agreement on an independent Namibia. However, there are some additional complicating factors.

First, one has to remember that, although the Security Council is the body with decisive authority in the U.N. and although the Western "contact group" is basing its initiatives on Security Council decisions, there is also

+ From an address by the Hon. R.F. Botha, Minister of Foreign Affairs, to a seminar in New York on 20 June, 1977.

the U.N. General Assembly where all member states are represented. General Assembly resolutions on Namibia have gone considerably further than those of the Security Council. They have, for instance, requested all states to impose a full arms embargo on South Africa, because of its stand on this dispute. The General Assembly has also given considerably more standing to SWAPO, than has the Security Council, recognising SWAPO as "the sole and authentic representative of the Namibian people", and has even (in its most recent decision of December, 1976) supported "the armed struggle...led by SWAPO".

These decisions of the General Assembly have not received the support of the major Western powers. The latest resolution giving support to the armed struggle, for instance, did not have the support of any of the five members of the "contact group"; they were among 18 states which opposed it or abstained. But 107 member states voted in favour of the resolution, and there is no doubt that the clear trend in the General Assembly, and the main thrust of its resolutions, is to give SWAPO a determining, even decisive, role in any agreement over the future independence of Namibia. In fact, in the resolution of December 1976 the General Assembly decided that any independence talks must be between the South African Government and SWAPO, under U.N. auspices, "for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia". This does not say that power must be transferred by South Africa to a SWAPO government - and this is an important distinction to make - but the implication is that SWAPO would have a veto right over any proposals for elections, the drawing up of the constitution and eventual independence. In other words, SWAPO would have more of a say than the South African Government, whose presence in the territory is regarded as illegal, in U.N. terms.

This leads to the second complicating - and at present unclear - factor, namely the position of SWAPO itself. It remains to be seen now whether SWAPO will simply rely on the overwhelming support it appears to have in the General Assembly to influence the decisions of the Security Council in its favour, or whether it will take into account the practical realities of the present situation in the Territory, where South Africa is in fact still in control, but where there is now a chance of open elections (provided there is agreement about supervision) in which SWAPO and others could fairly test the degree of their support.

The latest statement by Mr. Sam Nujoma, President of SWAPO, on 20 July in Lusaka,⁺ does not indicate that the door is closed to the proposals of the Western "contact group". Mr. Nujoma put emphasis on the requirements of "free elections, no continued detention of political leaders, and freedom of speech in the election campaign". However, he referred to two additional related requirements : a "peace force" during the interim period until independence, and the withdrawal of South African troops from Namibia. The latter demand, namely that the South African army be withdrawn before elections, is not a new one as far as SWAPO is concerned and, although it has not been included in United Nations demands, it is likely to be a serious stumbling block along the road to agreement with SWAPO, on the one hand, and South Africa on the other, about the proposed elections. Some effective compromise will have to be reached on this point.

That there is hope for a compromise on this question and on others, is borne out by Mr. Nujoma's statement on 20 July that SWAPO had requested the five Western countries to make available a document "so that we can study their proposals for settlement negotiations over the problem of Namibia".

⁺ As reported in Beeld (Johannesburg), 21 July, 1977

One must assume that, while Mr. Nujoma must already be aware of most, if not all, of the details of the "contact group's" proposals, he still needs more time to determine SWAPO's position in consultation with African governments. The subject will possibly be discussed during meetings of the "front line" states now taking place in Lusaka.

A final word of caution : Much of what has been going on in the negotiations over the future of Namibia in recent months is not yet known publicly. Our present discussion, therefore, is of necessity limited in scope by having to be based only on what has become known of the course of these negotiations.

THE AFRICAN APPROACH

Willie Breytenbach

Both the United Nations and the Organization of African Unity have so far regarded SWAPO as the sole authentic representative of the people of South West Africa/Namibia, and in most, if not all, matters relating to Southern Africa the UN tends to follow the "directives" of the OAU. It would now appear that this trend has been reversed in recent developments in respect of South West Africa/Namibia. Here the five Western member states of the UN Security Council have made some proposals that were not only accepted by the South African Government (with the concurrence of the Turnhalle), but also by the Political Committee of the OAU.

The Western proposals were made within the framework of UN Security Council resolution 385 and did not call for either the establishment of an interim government in the Territory by the UN Council of Namibia or the prior withdrawal of South African troops. These were two conditions demanded by SWAPO. But in Libreville, Gabon, the OAU recently gave encouragement to the "peace plan" of the five Western powers. This was regarded by many as an unexpected step and even as a "slap in the face" for SWAPO. The question may therefore be asked : Why this acceptance of the Western proposals?

The OAU acceptance of the Western proposals was probably in response to three factors : Firstly, the pressures exerted on moderate African opinion by the Western group, especially the USA; secondly, the growing awareness among moderate African states that conflict situations should be resolved peacefully, in order to stem the tide of Soviet imperialism (as manifested in the recent OAU Summit resolution on the condemnation of imperialism, which for the first time implied Soviet imperialism as well; and, thirdly, the need to "reward" the South African Government for its considerable concessions on the Turnhalle plans, in order to find an accord with the West.

The OAU's acceptance of the Western proposals should not be regarded as an "anti-SWAPO" attitude, but rather as a "pro-peaceful solution" attitude. How this is going to affect the business of the OAU Liberation Committee, which still supports SWAPO, is still not certain. Equally uncertain is the position of the so-called "front-line" states. It is not expected, however, that these states would attempt anything resembling their important role on the Rhodesian issue.

Finally, the OAU's remarkably positive attitude to the Western plan is probably due to the roles played by Mr. Don McHenry and Mr. Andrew Young, both senior black American officials. So, if it were not for them and their acceptance as Blacks in Africa, the Western plan would probably have been shot down as another "Western plot" against African liberation.

*SOME SOCIAL, ECONOMIC AND POLITICAL CHARACTERISTICS
OF NAMIBIA*

Gerhard Töttemeyer

Concerning the future of this country, one has to keep in mind that the brown and black inhabitants have mainly remained the underprivileged in the society. Upwards mobility for them has always had its limits. A distinct class formation connected to colour is definitely discernible in the Namibian society. Colour has also increasingly determined the development of a black identity, black consciousness, awareness of a situation where the blacks so far have remained the inferior. This development generated a longing for effective power, and "Black Power" has become the answer. An increasing resistance against the superior-inferior relationship, and especially against racism, has become a common feature among the black population of Namibia. A pattern of conflict in the form of clashing interests has thus developed.

In course of time this conflict position was manifested in different ways and has grown in intensity. The blacks increasingly identified themselves as the oppressed and the exploited, a state from which they want to liberate themselves. This urge towards liberation, psychological and physical, from any domination has become an irresistible, driving force in the growing restlessness and impatience of the blacks. Their striving for a uniting nationalism, known as Namibiaism, which is in conflict with white nationalism and indigeneous tribalism in Namibia, has become permanent.

The political conflict also has an influence in the economic sphere where a capitalistic approach, as supported predominantly by the white population and the Turnhalle delegations, clashed with a socialistic programme, supported by important, and possibly decisive, black groups in Namibia, which claim majority support. Whether these divergent economic concepts can lend themselves to a synthesis, or whether the one or the other shall dominate in a future independent Namibia, is not yet foreseeable, but very much to the point. One must at least accept that certain reforms in the economic sphere have to be invented. Demands by important black political groups for the enactment of land reform measures, the possible nationalisation of multinational corporations and a growing interest in communalism just cannot be ignored. To a very large extent I agree with Mr. J. de Wet, the Commissioner General for the Indigenous People in South West Africa, when he said a fortnight ago that the economic issue will become the overriding one in Namibia.

However, even in the political field, there are still many issues and problems to be solved. The Turnhalle Constitutional Conference has predominantly concentrated on one aspect only, the constitution-building. But there are other important issues such as nation-building, the process of generating new loyalties and commitments to a new political system, and the whole process of national integration, which so far have been very much neglected.

As can be expected, a marked cleavage can be found between the ideological values and aims of the majority of Blacks and Whites. While the Turnhalle delegations still foster the idea of ethnicities within the concept of a plural cultural society, the majority of the Blacks believe in Namibia as one, and therefore undivided, national entity with a unitary political system. One has to accept that the political development process in Namibia will remain subjected to severe socio-political stresses for some time to come. (I personally doubt the viability of ethnicity as a form of political differentiation in Namibia.)

Looking at the present political parties and bodies in Namibia, they can be divided into three broadly distinctive groups. The first one is the conservative group which comprises the National Party, the Turnhalle delegations and the parties which some of them represent, with an ultra-conservative wing, the H.N.P. This group is noted for its strong conservative political views. It is very much against radical change which could eliminate the ethnic base of any final constitutional dispensation for Namibia.

The second group can be referred to as the middle group. It tries to compromise between the rigid attitudes of the conservative group and SWAPO. This group is characterised by a moderate and mediating approach. It is in favour of a progressive modernisation, but against changes through the use of violence. Ethnicities as a basis for any final constitutional dispensation is not an overriding and principal issue in this group. The middle group is prepared to compromise on political and economic issues. The Federal Party, the National Independence Party and the Namibia National Council form the most important components of this group.

The third group, which comprises the greatest part of SWAPO and SWANU, is a radical progressive group, in which there is less likelihood of compromises. It rejects a constitutional development based on a multi-national pattern and therefore the balkanisation of the country. It is well known that SWAPO rejects any political system which is based on separate development for the various ethnicities and which decentralises power to homelands. In the economic field it follows a socialistic approach within the African context.

Outside these three groups one notices other important institutions which could play a significant role as mediators within an increasing polarisation process. Within the black population this role could be played most effectively by black churches, mainly the United Evangelical Lutheran, the Anglican and the Roman Catholic Churches, representing nearly 70 percent of the total black population. The role of the churches played in the past predestines them to be significant mediators. They have so far been underrated in their influence by the South African Government and the Turnhalle delegations, but not by SWAPO.

In the white population a new group, the Interest Alliance for German-speaking South West Africans, will be formed early in August. This group may be joined by many German speaking Namibians and others who have become dissatisfied with the National Party and the outcome of the Turnhalle proceedings. This group, which at present does not have any intention of forming a political party, but which is very much concerned with the future of Namibia, intends also to play a mediating role between clashing political and economic interests and programmes in Namibia.

This brings me to my conclusions: In the constitutional, political and economic development processes of Namibia a large measure of flexibility and adaptability, especially on the part of the Whites, as well as a substantial amplitude of pragmatism, is necessary. A rigid attitude, by whomsoever, any attempts to perpetuate myths and any tendency to apply obstructive measures, which would restrict the free play of attitudes and opinions, would be counter-productive to a peaceful solution. It would adversely affect such a development and most probably could even cause its failure. In such a case the alternative could be, to quote the well-known words of Mr. Vorster, "too ghastly to contemplate".

*THE POLITICAL SITUATION, THE ROLE OF THE CHURCH
AND THE REQUIREMENTS FOR PEACE*

Lukas de Vries

The period following the start of the initiative of the big five Western powers was characterised by a feeling of new hope for the people of Namibia. Everybody believed that South Africa was ready to give freedom to our beloved country. Very soon this feeling changed and bitter frustration and hopelessness filled the hearts of the people. Why?

By judging the behaviour of the South African-bought politicians, you can judge their master. The Turnhalle constitutional talks went on as if nothing had happened between South Africa and the group of five. Despite agreements reached by the five, the Turnhalle remained the instrument for the "politics of delay". Turnhalle representatives roam the country and are preparing an election, which should have been the task of the newly appointed Administrator General, Mr. Justice Steyn, according to the agreement between South Africa and the five. Homeland governments are established (Damaraland and Rehoboth) according to the constitution of the Turnhalle - which was rejected by the five. As in the past, the politicians of the National Party of South Africa try to convince the Whites that no changes will take place. It is propagated that discrimination has disappeared. But very little is done to "change the hearts" - the basis of a real change.

In the meantime there is a war going on at the border. Nobody of the Turnhalle seems to care to stop the war and save the lives which are being destroyed. Instead, there is a campaign going on, in which only delegates of the Turnhalle are allowed to hold political meetings. Homeland governments do not allow other political parties to be involved in this campaign. It seems that there is the belief that only the Turnhalle will bring peace to the country. But every politician seems to be blind for the fact that, even if the Turnhalle is going to win the elections, the war on the border will not stop.

Does South Africa really care to bring about peace in Namibia? Or is it a sort of a safeguard for South Africa to keep the war going on another man's border? Is South Africa really honest with the promises made to the five and to the people of Namibia?

We know the following about the agreements reached between South Africa and the Western group of five :

- a) An independent Namibia based on the constitution of the Turnhalle will not be acceptable to the international world. Namibia will then become another Transkei, bound to South Africa as before.
- b) An election based on ethnic differences will not get international recognition.
- c) An election without the participation of SWAPO will also not gain international recognition.

Much depends on the election: A really free Namibia means to us a Namibia with international recognition. That would mean to be really free from the bondage of South Africa.

South Africa and its Turnhalle are preparing an election that will lead the country into a catastrophe. A war on the border could continue for years;

it could develop into a situation similar to Vietnam a few years ago; and it could leave Namibia crippled forever. A country with a population of not even one million could not stand a war that goes on for years. Even Angola has not recovered up till now, while people thought that it would be possible to lead a country into independence without all the inhabitants involved.

Since 1971 - the date of the publication of the Open Letter to the Prime Minister - the Churches have played an active role in the socio-political developments for two reasons :

- a) As there was no black political party recognised by South Africa, the Churches became the "voice of the voiceless", as a result of the socio-political responsibility of the Church.
- b) The Churches saw this responsibility as one of the consequences of the Gospel in its service to the whole human being.

The Church collectively has always seen its task as one of mediating between the fronts. This role was practiced both towards South Africa and towards the political parties. As the Church became part of the struggle for freedom, it won the confidence of freedom movements. The Church has been very careful not to choose sides. It will remain a neutral power as long as it will be needed. It may happen that the Church will be forced to take a stand, as it can only practice its role as mediator when both fronts want it. What happened during the recent visit of Mr. Pik Botha, the Foreign Minister (when he did not wish to talk to Church leaders), could create such a situation. The Church can only offer its service as mediator when the South African Government is willing to make use of it.

It is clear that we have ended in a dilemma out of which an escape seems to be impossible. The most vital problem is not an election or a prepared constitution, but the question of how to reach an agreement between the two great forces: SWAPO and South Africa. SWAPO has agreed to negotiate with South Africa. It is clear that compromises should be made to achieve a peaceful solution, for the sake of the suffering people of Namibia. I would wish that this negotiation could be realised, because an interim government under the auspices of South Africa will not be acceptable to the majority of the people of Namibia. Independence should come very soon, in which all the peoples are included.

The Turnhalle tried during the past week to establish a united front against SWAPO, in order to win the elections. At the time of writing, the Constitution Committee of the Turnhalle has not come to a final decision with regard to the ethnic front proposed by the National Party delegation. On the other hand there is the proposal of Dr. B. Africa, concerning the establishment of a "Turnhalle party". The Turnhalle cannot fight the election on two fronts, both a political and an ethnic one. If the one should be decided upon, the other will have to be scrapped.

It seems as if there is no way to convince South Africa that the presence of the South African army will make it impossible for SWAPO to participate peacefully in the elections to come. Recently the Church leaders proposed the withdrawal of the South African troops to make way for a United Nations peace-keeping force. I know the objections to such a UN peace-keeping force, but I can see no possibility other than this, which will ensure that all parties will be allowed to participate in the elections that will lead to the establishment of the constituent assembly which in turn will then prepare for the independence of the country.

It was agreed between South Africa and the five that a representative of Mr. Waldheim, the UN Secretary General, would be appointed to work together with the Administrator General appointed by South Africa. It is not clear what the functions of this UN official will be, but it is said that he should "satisfy himself" about the arrangements for the elections. It depends very much on the legal position of this official as against his South African colleague. If they are not going to have equal powers, there could be some suspicions about the honesty and credibility of the Administrator General. I do not see very clearly what the functions of both are to be, as the South African Government is already implementing parts of the rejected Turnhalle-concept constitution.

A few weeks ago I developed a compromise plan which I thought would help us out of the dilemma. It was just a skeleton, but it is no use going into it here, as the appointment of the Administrator General ruled out this proposed plan.

The situation has become more complicated by South Africa's continuing to establish regional authorities. It is said that South Africa only acts on request of the people themselves. My suspicion is that these "people" are only acting in their own interest and not in the interest of the country.

In order to achieve the peaceful solution the people of Namibia are longing for, the following should be done :

- South Africa should keep its agreement with the group of five and not establish the regional authorities as proposed by the Turnhalle Constitution.
- South Africa should accept that the Turnhalle will not lead the country to a peaceful solution, when it tries to implement proposals that would be unacceptable to the international world.
- South Africa should agree to meet SWAPO and other political movements in order to stop the war on the border.
- South Africa and its Turnhalle should open possibilities for all people to participate peacefully in the political development of the country.
- South Africa and its Turnhalle should stop their attitude of confrontation and campaign against the Churches, as this will lead to more hatred and frustration in the population.
- South Africa should seriously consider the gradual withdrawal of its troops from Namibia and the possibility of a UN peace-keeping force to enable SWAPO to participate in the process of elections.

If these points are not carried out, I see no possibility of a peaceful solution for the country.

APPENDIX

A.

U.N. SECURITY COUNCIL RESOLUTION 385

Adopted unanimously on 30 January 1976

The Security Council,

Having heard the statement by the President of the United Nations Council for Namibia,

Having considered the statement by Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization (SWAPO),

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular, resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

Strongly deploring the militarization of Namibia by the illegal occupation régime of South Africa,

1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa;

2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

3. Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;

4. Demands that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;

5. Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974) of 17 December 1974;

6. Further condemns all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;

7. Declares that in order that the people of Namibia be enabled to freely determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;

8. Further declares that in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time to be decided upon by the Security Council for the purposes of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;

9. Demands that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;

10. Reiterates its demand that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

11. Demands again that South Africa, pending the transfer of powers provided for in the preceding paragraph:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including all those imprisoned or detained in connection with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. Decides to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

B.

STATEMENT BY THE HON. R.F. BOTHA,
MINISTER OF FOREIGN AFFAIRS
ON 20 JUNE 1977 +

The question of South West Africa has been on the agenda of various United Nations bodies since the inception of the United Nations in 1946. For more than three decades South West Africa has been the subject of a number of World Court decisions and many acrimonious debates inside and outside the United Nations. Canvassing the right and wrongs in the history of this long dispute will require a lengthy exposition for which there is no time this evening.

While the debate concerning South West Africa was continuing unabatedly in the United Nations during the past two years, the representatives of the various population groups inside the Territory - Blacks, Whites and Coloureds - were meeting in an open and honest attempt to work out their constitutional future in a peaceful way. They assembled in a building in Windhoek known as the Turnhalle. Recently they agreed on a constitution for the Territory, to which the United Nations took exception. The South African Government was committed to instituting an interim authority based on the Turnhalle constitution. However, as a result of views expressed by the five Western countries represented in the Security Council of the United Nations, the Turnhalle delegates decided on 10 June, 1977, to request the South African Government not to proceed with its undertaking to institute such an authority, but instead to appoint an Administrator-General to carry on the administration of the Territory until elections were held and a government constituted in terms of a constitution decided upon by a constituent assembly to be elected as the first step in the process towards independence.

A bill was passed by the South African parliament last week which will empower the State President to appoint an Administrator-General for the Territory who will be responsible inter alia for the drawing up of election regulations.

The inhabitants of South West Africa are now exercising their right to self-determination, and they have moved to a position where they are substantially in accord with most, if not all, of the requirements which, in the view of reasonable minds in the outside world, are necessary to a settlement of the question of the political and constitutional future of the Territory.

These requirements are :

Every person to have the right to the free development of his personality, in so far as this does not violate the rights of others or offend against the public order and moral code.

The life, the freedom and the inviolability of the person of everyone to be unassailable and only to be encroached upon pursuant to a law.

All persons to be equal before the law. No person to be favoured or prejudiced by reason of his origin, sex, language, race, colour, creed or political convictions.

Freedom of faith to be guaranteed.

Freedom of movement to be guaranteed.

+ Extract from an address delivered at a Seminar in New York, concerning investment in South Africa, organised by SAFTO and Senbank.

Every person to have the right to express his opinion in speech, writing or pictures, in so far as it does not infringe the rights of others or is not harmful to the state.

Freedom of the press to be guaranteed; this right to be limited by the general laws, the protection of the constitutional order of youth and of personal honour and dignity.

The right to ownership, whether individually or collectively, of movable or immovable property to be guaranteed.

South West Africa to be an independent country before 31 December, 1978.

A special representative of the Secretary-General to be involved in the elections to ensure that elections are held on a free and fair basis.

A panel of jurists to settle disputes which might arise in the electoral process.

Persons in exile to be free to return to participate peacefully in the political process. (Indeed a number has already returned.)

Persons detained on political grounds inside and outside South West Africa to be released. (In other words, South West Africans presently being detained in certain African countries must be released, together with those detained by the South African authorities.)

The panel of jurists to decide on whether persons who claim to be "political prisoners" have in fact been imprisoned because of their political beliefs or actions, or whether they were sentenced after having been found guilty of common-law crimes.

The South African Government accepts these principles, because they are acceptable to the inhabitants of South West Africa. It is for the peoples of South West Africa to decide their own internal arrangements and external relations. They will elect a Constitutional Assembly and that Assembly will decide upon a Constitution which in turn will form the basis for elections to constitute a government for the Territory. It will be the responsibility of this Government, in advance of independence, to conduct negotiations with the South African Government on a large number of complicated issues, such as the South African Railways, use of the port of Walvis Bay, debts incurred in respect of developmental plans and projects, communications, trade and finance, as well as administrative, health, social, technical and security services.

All the basic ingredients necessary to bring this long dispute to an end, are now in existence. The basis for an internationally acceptable solution has been established.