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THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS**

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EXTRACTS FROM A SPEECH BY THE PRESIDENT OF THE UNITED STATES, MR JIMMY CARTER, IN LAGOS ON 1 APRIL 1978

Our nations, and our continents, are bound together by strong ties that we inherit from our histories.

We also share three basic commitments to the future of Africa:

- We share with you a commitment to majority rule and individual human rights.
- In order to meet the basic needs of the people, we share with you a commitment to economic growth and human development.
- We share with you a commitment to an Africa that is at peace, free from colonialism, free from racism, free from military interference by outside nations and free of the inevitable conflicts that can come when the integrity of national boundaries is not respected . . .

These three commitments shape our attitude towards your continent.

You have been among the leaders of international efforts to bring the principles of majority rule and individual rights into reality in Southern Africa. During the past year, we have worked closely with your Government and the other front line States in the quest to achieve these goals in Namibia and Rhodesia. Our efforts have now reached a critical stage.

On Namibia there has been some progress with the parties showing some flexibility. It is important that accommodation be now reached. This past week, we and the other Western members of the United Nations Security Council have presented to the disputing parties our proposals for an internationally acceptable agreement based on free elections. These proposals provide the best hope for a fair and peaceful solution that will bring independence to Namibia in a manner consistent with Security Council Resolution 385. No group is favoured at the expense of another. They protect the rights of all. They should be accepted without further delay.

The tragic assassination of Chief Kapuuo should not lead to an era of violence and recrimination, but to an internationally supervised choice by the people of Namibia to elect leadership that will unite that country in peace, and not divide it in war.

On Rhodesia, Great Britain and the United States have put forward a plan for a solution based on three fundamental principles:

- Firstly, fair and free elections;
- Secondly, an irreversible transition to genuine majority rule

and independence; and

- Thirdly, respect for the individual rights of all the citizens of an independent Zimbabwe.

This plan provides the best basis for agreement. It is widely supported within the international community and by the presidents of the front line nations which surround Zimbabwe itself.

Its principles must be honoured. Let there be no question of the commitment of the United States to these principles or our determination to pursue a just settlement which brings a ceasefire and an internationally recognized legal government.

The present challenge to our diplomacy and to yours is to help all the parties get together, based on the Anglo-American plan, and build on areas of agreement. Only a fair arrangement with broad support among the parties can endure.

The transition to independence of a new Zimbabwe must ensure an opportunity for all parties to compete in the democratic process on an equal footing. The path must lead irrevocably to majority rule and a future in which the rights of each citizen of Zimbabwe are protected regardless of tribal or ethnic origin or race. That is our nation's position. We will not depart from it.

The hour is late, with regard both to Rhodesia and Namibia. The parties must choose. They can choose the path of agreement, and be remembered as men of vision and courage, who created new nations, born in peace. Or, they can insist on rigid postures that will produce new political complications, generating new conflicts, growing additional bloodshed, and delay the fulfillment of their hopes.

We in the United States remain committed, as do the people of Nigeria, to the path of genuine progress and fairness, for the sake of all the nations of the region, and for the sake of international peace. In the name of justice, we also believe that South African society should, and can, be transformed progressively and peacefully with assured respect for the rights of all. We have made it clear to South Africa that the nature of our relations will depend on whether there is progress towards full participation for all her people in every aspect of the social and economic life of the nation and an end to discrimination, an end to apartheid based on race or ethnic origin. We stand firm in that message, as well.

I grew up in a society struggling to find racial harmony through racial justice. Though our problems were different, I know that progress can best be found if the determination to see wrongs righted is matched by an understanding that the prisoners of injustice include the privileged as well as the powerless.

I believe that we should therefore combine our determination to support the rights of the oppressed people of South Africa with

a willingness to hold out our hands to the white minority if they decide to transform their society and to do away with apartheid and the crippling burdens of past injustices.

I also believe that progress can be made. As Andrew Young said here in Lagos last August, a belief in dreams for the future is not naive if we are ready to work to realize those dreams. Our concern for human rights extends throughout this continent and throughout the world. Whatever the ideology or the power or the race of a government that abuses the rights of its people, we oppose those abuses.

.....

Progress towards economic development requires the pursuit of our third goal as well, again which we share with you — a peaceful Africa free of military intervention — for economic progress is best pursued in times of peace. Africans themselves can best find peaceful answers to African disputes through the Organization of African Unity, and when needed, with the help of the United Nations.

We support your efforts to strengthen the peacemaking role of the OAU, and we share Nigeria's belief in the practical contributions the United Nations can make. UN peace-keeping forces are already today playing a crucial role in the Middle East. They can help in bringing independence and majority rule in peace to Namibia and to Zimbabwe. The military intervention of outside powers, or their proxies in such disputes, too often makes local conflict even more complicated and dangerous and opens the door to a new form of domination or colonialism. We oppose such intervention by outside military sources. We must not allow great power rivalries to destroy our hopes for an Africa at peace.

.....

Nothing can make me doubt that this continent will win its struggle for freedom:

- Freedom from racism and the denial of human rights.
- Freedom from want and suffering.
- And freedom from the destruction of war and foreign intervention.

RHODESIAN SETTLEMENT INITIATIVES:

A. Anglo/American proposals for a settlement in Rhodesia, September 1977

FOREWORD

The British Government, with the full agreement of the United States Government and after consulting all the parties concerned, have drawn up certain proposals for the restoration of legality in Rhodesia and the settlement of the Rhodesian problem. These proposals are based on the following elements:

1. The surrender of power by the illegal regime and a return to legality.
2. An orderly and peaceful transition to independence in the course of 1978.
3. Free and impartial elections on the basis of universal adult suffrage.
4. The establishment by the British Government of a transitional administration, with the task of conducting the elections for an independent government.
5. A United Nations presence, including a United Nations force, during the transition period.
6. An Independence Constitution providing for a democratically elected government, the abolition of discrimination, the protection of individual human rights and the independence of the judiciary.
7. A Development Fund to revive the economy of the country which the United Kingdom and the United States view as predicated upon the implementation of the settlement as a whole.

A full account of the proposals is attached. The first of the Annexes¹ to the proposals outlines the principal points of the proposed Independence Constitution; the second Annex deals with the Constitutional arrangements during the transition period; and the third Annex relates to the Development Fund. The precise provisions of the Independence Constitution will have to be elaborated in further detailed discussions with the parties and in due course will be considered at a Constitutional Conference to be held during the transition period.

It is impossible at this stage to lay down an exact timetable: but it is the intention of the British Government that elections should be

1. For Annexes (which have been omitted from this issue), see: UK White Paper, Cmnd. 6919, September 1977.

held, and that Rhodesia should become independent as Zimbabwe, not later than six months after the return to legality. To achieve this it will be necessary to proceed as quickly as possible after the return to legality to the registration of voters, the delimitation of constituencies, the detailed drafting of the Constitution and its enactment under the authority of the British Parliament.

PROPOSALS FOR A SETTLEMENT IN RHODESIA

1. On 10 March 1977 the British and United States Governments agreed to work together on a joint peace initiative to achieve a negotiated settlement in Rhodesia. The objective was an independent Zimbabwe with majority rule in 1978.

2. To succeed, any settlement must command the support of those people of goodwill of all races and creeds who intend to live together in peace as citizens of Zimbabwe. Amongst these people there are now many conflicting interests and views. There is an atmosphere of deep distrust. The armed struggle has led to the loss of many lives and to much human suffering. The economy has been gravely weakened. But there is surely one overriding common interest, that peace should be restored and that government with the consent and in the interest of all the people should be established.

3. In April the British Foreign and Commonwealth Secretary, Dr Owen, toured the area and met all the parties to the problem as well as the Presidents of the five Front-Line States, the Prime Minister of South Africa and the Commissioner for External Affairs of Nigeria. He set out the elements which, taken together, could in the view of the two Governments comprise a negotiated settlement, as follows:

- (a) A Constitution for an independent Zimbabwe which would provide for —
 - (1) a democratically-elected government, with the widest possible franchise;
 - (2) a Bill of Rights to protect individual human rights on the basis of the Universal Declaration of Human Rights. The Bill would be "entrenched" so that amendment of it would be made subject to special legislative procedures and it would give the right to an individual who believed his rights were being infringed to seek redress through the courts;
 - (3) an independent judiciary.
- (b) A transition period covering the surrender of power by the present regime, the installation of a neutral caretaker

administration whose primary role, in addition to administering the country, would be the organisation and conduct of elections in conditions of peace and security and the preparation of the country for the transition to independence. This period, it was envisaged, would be as short as possible, and in any case not more than six months.

(c) The establishment of an internationally constituted and managed development fund (the Zimbabwe Development Fund).

4. Following that tour, Dr Owen and the United States Secretary of State, Mr Vance, met in London on 6 May and agreed to carry forward their consultations with the parties on the basis of these proposals. To this end they established a joint consultative group. The group met all the parties on a number of occasions in London and in Africa and carried out detailed technical discussions with them. In parallel, the Governments of interested countries have been kept informed generally of the progress of the consultations.

5. On the basis of these consultations the British Government, in full agreement with the United States Government, have now decided to put firm proposals forward, covering the three aspects of the problem described in paragraph 3 above. In doing so they emphasise that the three aspects are intimately linked and must be judged as a whole. It is impossible for every single aspect of a settlement to be acceptable to everyone. The best, if not the only, hope for a settlement is a balanced and fair package in which, though no one may achieve all their aims, everyone can see hope for the future.

The Constitution

6. It is proposed that the Independence Constitution should provide that Zimbabwe would be a sovereign republic. Provision would be made for democratic elections on the basis of one man, one vote and one woman, one vote, for a single-chamber National Assembly. Elections would be on the basis of single-member constituencies. Detailed constitutional proposals are set out at Annex A. The proposals should not necessarily be taken as excluding alternative possibilities in certain areas which do not go to the heart of the Constitution: *e.g.* provision is made for an executive President with a Vice-President, but there might instead be a constitutional President and a Prime Minister, in which case many of the powers which it is proposed to vest in the President would be vested in the Prime Minister or would be exercised by the President on the advice of the Prime Minister.

7. Discrimination would be forbidden by a Bill of Rights protecting the rights of individuals. As described above (para. 3(a)(2)), this Bill of Rights would be entrenched in the Constitution and

would be justiciable so that aggrieved individuals could enforce their rights through the courts. The Bill of Rights would permit the Government of Zimbabwe to introduce measures of land reform while guaranteeing the right to private property. The Constitution would also establish an independent judiciary and an independent Public Service Commission to ensure an efficient and non-political civil service.

8. The Government of Zimbabwe would inherit the assets and debts of the Government of Southern Rhodesia and would take over past and present pensions obligations in the public sector, the rights of the pensioners being guaranteed by the Constitution. The Constitution would contain the basic provisions regulating Zimbabwe citizenship and these would be entrenched. The question whether there should be any restrictions on the possession of dual citizenship and, if so, whether there should be an extended period during which the choice would have to be made would be a matter for further discussion with the parties.²

9. The Commonwealth Governments in London expressed the unanimous hope that Zimbabwe would soon become a member of the Commonwealth. The British Government will do everything to facilitate this.

The Transition

10. It is a basic premise of the British and United States Governments that the present illegal regime will surrender power so that the transitional administration may be installed peacefully. The two Governments will take such steps as seem to them appropriate to secure the transfer of power by Mr Smith (or his successor) on a day to be agreed.

11. The British Government will place before the Security Council their proposal for the Independence Constitution (Annex A) and also their proposal for the administration of the territory of Rhodesia during the transition period leading up to independence. The latter will comprise the following elements:

- (a) The appointment by the British Government, either under existing statutory powers or under new powers enacted for the purpose, of a Resident Commissioner and a Deputy. The role of the Resident Commissioner will be to administer the country, to organise and conduct the general election which, within a period not exceeding six months, will lead to independence for Zimbabwe, and to take command, as Commander-in-Chief, of all armed forces in Rhodesia, apart from the

2. Any citizen of the United Kingdom and Colonies who surrenders his citizenship in order to retain or acquire the citizenship of another member of the Commonwealth is entitled to regain United Kingdom citizenship subsequently under the British Nationality Act 1964.

- United Nations Zimbabwe Force (see below).
- (b) The appointment by the Secretary-General of the United Nations, on the authority of the Security Council, of a Special Representative whose role will be to work with the Resident Commissioner and to observe that the administration of the country and the organisation and conduct of the elections are fair and impartial.
 - (c) The establishment by resolution of the Security Council of a United Nations Zimbabwe Force whose role may include:
 - (1) the supervision of the cease-fire (see below);
 - (2) support for the civil power;
 - (3) liaison with the existing Rhodesian armed forces and with the forces of the Liberation Armies.

The Secretary-General will be invited to appoint a representative to enter into discussions, before the transition period, with the British Resident Commissioner designate and with all the parties with a view to establishing in detail the respective roles of all the forces in Rhodesia.

- (d) The primary responsibility for the maintenance of law and order during the transition period will lie with the police forces. They will be under the command of a Commissioner of Police who will be appointed by and responsible to the Resident Commissioner. The Special Representative of the Secretary-General of the United Nations may appoint liaison officers to the police forces.
- (e) The formation, as soon as possible after the establishment of the transitional administration, of a new Zimbabwe National Army which will in due course replace all existing armed forces in Rhodesia and will be the army of the future independent State of Zimbabwe.
- (f) The establishment by the Resident Commissioner of an electoral and boundary commission, with the role of carrying out the registration of voters, the delimitation of constituencies and the holding of a general election for the purposes of the Independence Constitution.

On the agreed day on which power is transferred to the transitional administration (para. 10 above), a cease-fire will come into effect within Rhodesia and measures will be taken to lift sanctions.

12. An outline of the Transitional Constitution is at Annex B.

The Zimbabwe Development Fund

13. The Zimbabwe Development Fund, jointly sponsored by the British and United States Governments, will have as a target a minimum approaching US\$1,000 million and a maximum rather

less than US\$1,500 million to which Governments in many parts of the world will be asked to contribute. Its purpose will be to provide funds for the economic stability and development of an independent Zimbabwe through assistance to various sectors and programmes such as rural development, education, health, social and economic infrastructure, and resettlement and training schemes for Africans, including those affected by the present conflict. The operations of the Fund would help to ensure that the obligations of the Zimbabwe Government under the settlement will not inhibit economic development in Zimbabwe for lack of foreign exchange and would thereby also help to reassure those who might fear that the new Government might be unable to carry out these obligations. The establishment and continued operation of the Fund are predicated upon the acceptance and implementation of the terms of the settlement as a whole. A more detailed account of the proposed Fund is at Annex C.

Conclusion

14. The British and United States Governments believe that the above proposals provide for all the citizens of the independent Zimbabwe security, but not privilege, under the rule of law, equal political rights without discrimination, and the right to be governed by a government of their own choice. They also believe that the proposed arrangements for the transfer of power are calculated to ensure a quick, orderly and peaceful transition to independence. They have agreed to use their joint influence to the full to put the proposals into effect. But a lasting settlement cannot be imposed from outside: it is the people of Zimbabwe who must achieve their own independence. These proposals offer them a way. The two Governments urge them to seize the opportunity.

As presented to the United Kingdom Parliament by the Secretary of State for Foreign and Commonwealth Affairs. Cmd. 6919, September 1977.

B. Statement by the United Kingdom Foreign Secretary, the Rt Hon. David Owen, in Salisbury, Rhodesia, on 1 September 1977, explaining the Anglo/American proposals as set out in the White Paper CMND 6919

1. The British Government, with the full agreement of the United States, have published today the White Paper: *Rhodesia, Proposals for a Settlement*. The White Paper is presented in the belief that it could provide the basis for negotiation for a cease-fire and for an internationally acceptable settlement which is in the best interest of all Rhodesians.

2. As a result of consultations on the White Paper in London and in Washington and now here in Africa by myself and Ambassador Young, it is clear that the crucial issue now is law and order during the transition period and during independence.

3. It is a fundamental principle and generally agreed by the parties that on Independence Day the independent Government of Zimbabwe should have under its command one unified army, loyal to the people of Zimbabwe and their duly elected Government. On this principle there can be no compromise.

Objectives

4. Our objectives must therefore be:
- (a) to organise the maintenance of law and order during the transition period, and
 - (b) to create the single army of Zimbabwe.

Basic Proposals

5. In the White Paper it is stated in paragraph 11 sub-paragraph (d), that primary responsibility for the maintenance of law and order during the transition period will lie with the Police Force. This will be under the command of a new Commissioner of Police appointed by, and responsible to, the Resident Commissioner.

It is also envisaged that the Special Representative of the Secretary General of the United Nations may appoint Liaison Officers to the Police Forces.

6. It is also stated in the White Paper in paragraph 11, sub-paragraph (c), that the role of the UN Zimbabwe Force may include:

- i) The supervision of the cease-fire;
- ii) Support for the civil power;
- iii) Liaison with the existing Rhodesian Armed Forces and with the forces of the Liberation Armies.

Implementation

7. In the White Paper, at paragraph 11, sub-paragraph (c), it is stated that the Secretary-General of the United Nations will be invited to appoint a representative to enter into discussions, before the transition period, with the British Resident Commissioner-Designate and with all the parties with a view to establishing in detail the respective roles of all the forces in Rhodesia. In these negotiations it must be accepted by the parties and by the military commanders subordinate to them that the objective is a general cease-fire which will take effect at the beginning of Transfer Day, *i.e.* when the Resident Commissioner assumes office. The British Government will not enact and the

British Parliament will not approve the transitional constitution which is necessary for the formal appointment of the Resident Commissioner, nor will there be a return to legality in Rhodesia through the transitional constitution unless the British Government and the British Parliament are satisfied not only that there will be an effective cease-fire, but that the outcome of the negotiations on the matters described above is generally acceptable to the parties concerned and will provide a climate in which free and fair elections can be held and a stable independent Government of Zimbabwe can be formed within six months from the return to legality.

8. The Resident Commissioner will take office on the agreed day when the cease-fire comes into effect. He will at once appoint new officers to any key posts in the Rhodesian Army and the Rhodesian Air Force which are thought to be appropriate as well as the new Commissioner of Police. He will give instructions for the disbandment of certain units such as the Selous Scouts. In addition urgent steps will be taken to arrange for the discharge of those non-Rhodesians who have entered Rhodesia in order to join the Rhodesian Defence Forces.

The Role of the Various Forces

9. In pursuance of its role of supervising the cease-fire it is envisaged that elements of the UN Zimbabwe Force will be attached to both the remaining Rhodesian Defence Forces and the Liberation Forces.

10. As stated above, the primary duty to deal with any civil disturbance will rest with the police. In addition the UN Zimbabwe Force will be available under its role in paragraph 6, (ii) above. Should any situation appear to be getting beyond the power of the police to control, the Resident Commissioner, in consultation with the Commissioner of Police, the UN Special Representative and others as appropriate, will, through the UN Special Representative, call in the first instance upon the UN Zimbabwe Force to support the Police Force in the maintenance of law and order.

11. Supervision of the cease-fire by the UN Zimbabwe Force in support of the authority of the Resident Commissioner would be provided for in the mandate approved for it by the Security Council. The Resident Commissioner will retain the right to call on any of the forces under his command in the exercise of his ultimate responsibility for the maintenance of security and law and order.

Zimbabwe National Army

12. With a view to creating one unified army loyal to the people

and Government of Zimbabwe, it is stated in the White Paper, at paragraph 11, sub-paragraph (e), that legal provision will be made for the formation of a new body to be called the Zimbabwe National Army. Enrolment in this army will be open to all citizens, but it will be based on the Liberation Forces: it will also include acceptable elements of the Rhodesian Defence Forces. The organisation, recruitment, and training of this army will be the responsibility of the Resident Commissioner in consultation with the parties concerned. It is self-evident that this army must be loyal to whoever is elected President and whoever forms the new Government of Zimbabwe, a government chosen on the basis of universal suffrage by an electorate of some three million voters, in contrast to the existing situation. Following the elections and prior to independence, the President-elect will make the decisions on the final structure and composition of the Zimbabwe National Army.

UN Zimbabwe Force

13. The agreed results of the discussions on the cease-fire, on the transition period and on the Zimbabwe National Army will be brought before the Security Council of the United Nations by the British Government to secure the necessary mandate for the establishment of the UN Zimbabwe Force. It is our hope that the Security Council, by providing for the UN role in Zimbabwe, will at the same time endorse the agreements reached and thus put the weight of the international community behind them.

14. The British and US Governments, while not underestimating the intense difficulties that still need to be faced, believe that it is possible to achieve an internationally accepted negotiated settlement on the basis of the White Paper and intend to go forward on this basis.

Text as supplied by the British Information Services, Johannesburg.

C. Statement on Rhodesia by the United Kingdom Foreign Secretary, the Rt Hon. David Owen, in the House of Commons on 2 February 1978

Together with Ambassador Andrew Young of the United States and the Resident Commissioner designate, Lord Carver, I held talks in Malta with leaders of the Patriotic Front from the 30th of January to the 1st of February. Lieutenant General Prem Chand, the representative designated by the United Nations Secretary General, also took part.

The purpose of my talks with the Patriotic Front was, in accordance with Security Council resolution 415, to enter into discussions concerning the military and associated arrangements

necessary to effect the transition to majority rule in Rhodesia. Whereas discussions on these matters had been held since September with other nationalist leaders and with the regime, we had not been able to have detailed talks with the Patriotic Front prior to the Malta meeting. We achieved a much greater understanding of each other's position and have agreed to consider the points made and to meet again at a time and a place to be decided.

In all these meetings I made clear that Her Majesty's Government, supported by the United States Government, have never wavered in their view that the proposals contained in Command Paper 6919 represent the best route to independence for Rhodesia and the surest guarantee of peace and stability there. On the basis of these proposals we are prepared to accept responsibility for bringing the territory to independence following elections and are resolutely committed to ensure that those elections would be manifestly free and impartial. If we are to shoulder that responsibility we must have an assured and supervised cease-fire and, in co-operation with the United Nations, the control necessary to ensure maintenance of peace and good order during the electoral process.

The Anglo/US initiative depends on the willingness of the parties to the dispute to compromise on their past and present positions, and to allow the people of Zimbabwe as a whole, through fair and free elections, to determine their future. At present the necessary measure of compromise between the parties is lacking and, tragically and regrettably, it appears inevitable that the armed struggle will for the present continue. The British Government, despite all the obvious difficulties, will continue to work with all the parties, within the framework of the Anglo/US initiative, for a peaceful settlement.

Text as issued by the British Information Services, Johannesburg.

D. Rhodesian Constitutional Agreement, 3 March 1978

An agreement which will give Rhodesia a one-man-one-vote majority rule government by the end of 1978 was signed in Salisbury on Friday 3 March.

The signatories were the Prime Minister, Mr Ian Smith, and three Nationalist leaders — Bishop Abel Muzorewa, United African National Council; the Rev. Ndabaningi Sithole, African National Council (Sithole); and Senator Chief Jeremiah Chirau, Zimbabwe United People's Organization.

The following is the full text of the agreement document:

For statement by the Rhodesian Government announcing plans for internal talks, 23 November 1977, see: *Southern Africa Record*, no. 11, p.20

Whereas the present constitutional situation in Rhodesia has led to the imposition of economic and other sanctions by the international community against Rhodesia and to armed conflict within Rhodesia and from neighbouring territories.

And whereas it is necessary in the interests of our country that an agreement should be reached that would lead to the termination of such sanctions and the cessation of the armed conflict.

And whereas, in an endeavour to reach such an agreement, delegates from the Rhodesian Government, African National Council (Sithole), United African National Council and Zimbabwe United People's Organization have met during the last two months in Salisbury and, having discussed fully the proposals put forward by the various delegations, have reached agreement on certain fundamental principles to be embodied in a new Constitution that will lead to the termination of the aforementioned sanctions and the cessation of the armed conflict.

Now therefore:

- A. It is hereby agreed that a Constitution will be drafted and enacted which will provide for majority rule on the basis of universal adult suffrage on the following terms:
 1. There will be a Legislative Assembly, consisting of one hundred members and the following provisions will apply thereto:
 - (a) There will be a common voters' roll with all citizens of eighteen years and over being eligible for registration as voters, subject to certain recognized disqualifications.
 - (b) Seventy-two of the seats in the Legislative Assembly will be reserved for blacks who will be elected by voters who are enrolled on the common roll.
 - (c) Twenty-eight of the seats in the Legislative Assembly will be reserved for whites (i.e. Europeans as defined in the 1969 Constitution) who will be elected as follows:
 - (i) Twenty will be elected on a preferential voting system by white voters who are enrolled on the common roll.
 - (ii) Eight will be elected by voters who are enrolled on the common roll from sixteen candidates who will be nominated, in the case of the first Parliament, by an electoral college composed of the white members of the present House of Assembly and, in the case of any subsequent Parliament, by an electoral college composed of twenty-eight whites who are members

of the Parliament dissolved immediately prior to the general election.

- (d) The reserved seats referred to in (c) above shall be retained for a period of at least ten years or two Parliaments, whichever is the longer, and shall be reviewed at the expiration of that period, at which time a Commission shall be appointed, the chairman of which shall be a judge of the High Court, to undertake this review. If that Commission recommends that the arrangements regarding the said reserved seats should be changed:
 - (i) An amendment to the Constitution to effect such change may be made by a Bill which receives the affirmative votes of not less than fifty-one members.
 - (ii) The said Bill shall also provide that the seventy-two seats referred to in (b) above shall not be reserved for blacks.
 - (e) The members filling the seats referred to in (c) above will be prohibited from forming a coalition with any single minority party for the purpose of forming a Government.
2. There will be a justiciable Declaration of Rights which will protect the rights and freedoms of individuals and, *inter alia*, will provide for protection from deprivation of property unless adequate compensation is paid promptly, and for protection of pension rights of persons who are members of pension funds.
 3. The independence and qualifications of the Judiciary will be entrenched and judges will have security of tenure.
 4. There will be an independent Public Services Board, the members of which will have security of tenure. The Board will be responsible for appointments to, promotions in, and discharges from, the Public Service.
 5. The Public Service, Police Force, Defence Forces and Prison Service will be maintained in a high state of efficiency and free from political interference.
 6. Pensions which are payable from the Consolidated Revenue Fund will be guaranteed and charged on the Consolidated Revenue Fund and will be remittable outside the country.
 7. Citizens who at present are entitled to dual citizenship will not be deprived of their present entitlement.
 8. The above-mentioned provisions will be set out or pro-

vided for in the Constitution and will be regarded as specially entrenched provisions which may only be amended by a Bill which receives the affirmative votes of not less than seventy-eight members.

- B. It is hereby also agreed that, following the agreement set out above, the next step will be the setting up of a Transitional Government. The prime function of the Transitional Government will be:
- (a) To bring about a ceasefire.
 - (b) To deal with related matters such as:
 - (i) The composition of the future military forces, including those members of the nationalist forces who wish to take up a military career, and the rehabilitation of others.
 - (ii) The rehabilitation of those affected by the war.
- C. It is also hereby agreed that it will be the duty of the Transitional Government to determine and deal with the following matters:
- (a) The release of detainees.
 - (b) The review of sentences for offences of a political character.
 - (c) The further removal of discrimination.
 - (d) The creation of a climate conducive to the holding of free and democratic elections.
 - (e) The drafting of the new Constitution in terms of this Agreement.
 - (f) Procedures for registration of voters with a view to the holding of a general election at the earliest possible date.
- D. It is also hereby agreed that the Transitional Government will comprise an Executive Council and a Ministerial Council and the following provisions will apply thereto:
- I. *Executive Council*
 - (a) *Composition*
The Executive Council will be composed of the Prime Minister and three black Ministers, being the heads of those delegations engaged in the negotiations. The members will take turns in presiding as chairman of the Executive Council in such sequence and for such period as that Council may determine. Decisions of the Executive Council will be by consensus.
 - (b) *Functions*
 - (i) The Executive Council will be responsible for ensuring that the functions given to, and the duties

imposed on the Transitional Government by the constitutional agreement are dealt with as expeditiously as possible. It will take policy decisions in connection with the preparation and drafting of the new Constitution and the other matters set out in Sections B and C of this agreement and with any other matters which may arise.

- (ii) The Executive Council may refer the matters set out in Sections B and C of this agreement, or any other matter, to the Ministerial Council for examination and recommendation.
- (iii) The Executive Council will review decisions or recommendations of the Ministerial Council and may confirm such decisions or recommendations or refer them back to the Ministerial Council for further consideration.

2. Ministerial Council

(a) Composition

The Ministerial Council will be composed of equal numbers of black and white Ministers. The black Ministers will be nominated in equal proportions by the heads of those delegations engaged in the negotiations. The white Ministers will be nominated by the Prime Minister. The chairmanship of the Ministerial Council will alternate between black and white Ministers. The Prime Minister will nominate which white Minister shall take the chair and the heads of those delegations engaged in the negotiations will nominate which of the black Ministers shall take the chair in the sequence and for the period determined by the Ministerial Council.

(b) Functions

- (i) The Ministerial Council will operate on the Cabinet system. For each portfolio, or group of portfolios, there will be a black and a white Minister who will share responsibility.
- (ii) The Ministerial Council will be responsible for initiating legislation and for supervising the preparation of such legislation as may be directed by the Executive Council.
- (iii) The Ministerial Council will make recommendations to the Executive Council on all matters referred to it by the Executive Council and on any other matter it thinks fit.
- (iv) Decisions of the Ministerial Council will be by

majority vote and subject to review by the Executive Council.

3. *Parliament*

- (a) Parliament will continue to function during the life of the Transitional Government and will meet for the following purposes as and when the Executive Council considers it should be summoned:
- (i) To pass a Constitution Amendment Act, enabling Ministers who have not been elected to Parliament to serve for periods in excess of four months.
 - (ii) To pass legislation for the registration of voters.
 - (iii) To pass the 1978/79 Budget.
 - (iv) To enact any legislation or deal with any other matter brought forward by the Transitional Government (*e.g.* for the further removal of discrimination).
 - (v) To enact the new Constitution.
 - (vi) To nominate 16 whites for election by voters on the common roll to eight of the seats reserved for whites.
- (b) The work of the various Select Committees and of the Senate Legal Committee will proceed as normal.

E. It is also hereby agreed that Independence Day shall be the 31st December, 1978.

Signed at Salisbury this third day of March, 1978.

Text as issued by the Rhodesian Information Office, Washington.

E. Broadcast to the nation by the Rhodesian Prime Minister, the Hon. Ian D. Smith, on 12 March 1978

Many words have been written and spoken about the constitutional agreement which the three black leaders and I signed on 3 March. This evening I wish to put into perspective some aspects of the agreement against the background of the circumstances facing our country.

In September last year we were presented with a set of proposals by the British Foreign Secretary, Dr Owen. These required our abject and unconditional surrender to the British Government which, in our entire history, has never exercised authority in

Rhodesia. The British Government proposed to assume complete dictatorial power but, at the same time, they made it clear that they would accept no physical responsibility for the defence of our country, for the protection of the population or the maintenance of law and order. They would not even permit us, white and black Rhodesians, to continue defending ourselves. They insisted that our military units should either be disbanded or confined to barracks and disarmed, to be replaced by a new force based on the terrorists. In the meantime, however, they proposed to send into Rhodesia thousands of United Nations troops drawn from a number of countries, including communist countries. What a certain recipe for chaos! What arrogance! What sheer ignorance of the character of our people.

Despite the failure of the Anglo-American initiative, the need to reach a constitutional settlement in Rhodesia remained paramount, in order to bring an end to the war and to restore normal trading relations. These were our two overriding objectives, but it would have been pointless to attempt to achieve them on any basis which destroyed the confidence of white Rhodesians on the one hand, or which failed to meet black aspirations on the other. It was with this clear understanding on the part of all the participants that we commenced our negotiations three months ago.

They were tough negotiations, as demanding as any I have participated in. There was much straight talking but there was an underlying friendliness and good humour and, above all, there was a determination not to let these talks break down as so many had done in the past. One of the most significant decisions was taken at the start when we agreed that the chairmanship should rotate instead of bringing in an outside chairman. This arrangement was so successful that it is being carried forward to the Executive Council.

Before looking at the future let me analyse briefly the main features of the agreement:

Firstly, there is the clear commitment to majority rule on the basis of adult suffrage. Whether or not we like this arrangement; whether or not we believe in the advantages of a qualified franchise; the cold and inescapable fact remains that without this commitment on our part we would have been unable to commence the negotiations, let alone to reach finality. However, this commitment on our part was contingent upon the inclusion of adequate safeguards to retain white confidence, without which the future of the country would be bleak. We found that this principle of retaining white confidence and encouraging white Rhodesians to remain was readily accepted by the black negotiators, many of whom have either lived and worked, or else travel-

led, outside Rhodesia and have been able to make comparisons between conditions here and elsewhere in Africa where the remaining whites are almost entirely expatriates on contract with no real stake in the country.

It has been stated that these safeguards are merely to protect white interests. This is quite incorrect. The Bill of Rights, the impartiality of the judiciary, the armed forces, the police and the civil service, the protection of pension rights, and citizenship, are all matters which should be entrenched in any constitution, and they are just as important to blacks as to whites. These entrenched provisions will be strongly protected, for any proposal to amend them will require 78 affirmative votes out of 100 in Parliament.

I now turn to the Transitional Government, which I hope will take office in the next week or two. It will be in essence a coalition government and if the objectives are to be achieved the black and white Ministers will have to work together in the same spirit of compromise which enabled our conference to reach a successful conclusion. I have no doubt of the determination of all the parties to make it succeed.

The prime task of the Transitional Government will be to bring about a de-escalation of the fighting, leading to a cease-fire. This will not be easy but we will tackle it with determination and with realism. The Patriotic Front are dedicated to wrecking both the internal agreement and the Transitional Government. At present their efforts are largely concentrated at the United Nations, but we must be prepared for another effort to intensify the terrorist war. Let no one be in any doubt that our security forces are perfectly capable of dealing with such intensification and that they will continue to hit back at the aggressors as effectively as they have done in the past. Our rights of self-defence are inviolate.

I hope that the Western powers, and Britain and America in particular, are giving careful consideration to the factual situation which confronts us. Let me analyse it briefly for them. Black leaders who represent between them the overwhelming majority of black Rhodesians — and this is freely acknowledged by both Britain and America — have reached an agreement with the elected white leaders. They are together forming a Transitional Government with a majority of black ministers which will take the country through to majority rule. All four of us (the three black leaders and myself) have stated that anyone who is outside the country is free to return in peace and take part in the process — particularly the electoral process. I wonder what more Britain and America could ask of black and white Rhodesians?

In the light of our remarkable achievement, the four leaders were surely entitled to expect a measure of praise and support for

our efforts to bring peace to our country by removing the causes of the fighting. So far, however, we have had little more from Britain and America than a grudging acknowledgement that their own disbelief in our ability to reach an agreement was unfounded. This is because these two Governments are still beholden to the Patriotic Front in spite of the latter's adherence to the doctrine of Marxism.

They have not yet learned the lessons of Geneva and Malta and, although they feign otherwise, they are still according the right of veto to the men who want to seize power through the gun. We must accept, therefore, that we shall get little help from them in the short term, at any rate. However, this is nothing new. We are used to going it alone. Nevertheless, we will continue our efforts to convince them of the necessity to change their attitudes and adopt a more realistic assessment of the Rhodesian situation and the forces at play. After all, the agreement is in accord with what the British and American Governments have consistently demanded of us. What more do they want?

There have recently been some conflicting statements made by Dr Owen and his American colleague, Mr Young, and there appears to be a certain amount of confusion between them. However, yesterday I received a copy of the latest statement made by Dr Owen, in which he speaks of making a fresh attempt to bring together all the parties to the Salisbury and Malta talks. So far I have received *no official communication*. Once again, however, it does seem as though all of the other parties have rejected Dr Owen's latest idea. I must make it very clear that any decision to attend such discussions would be taken jointly by the four leaders who signed what I might call the Salisbury Agreement. I believe that the four of us would have to be satisfied that the purpose would *not be to re-open discussion on matters on which we had already reached agreement*. That would be a fruitless waste of valuable time which we would prefer to devote to implementing our agreement.

Dr Owen's statement goes on to criticize aspects of the transitional arrangements, particularly the control of law and order, which he says *must not be left in the hands of the present Government*. He must surely be aware, however, that in terms of the agreement, this will be the *joint responsibility of a black and a white Minister who will themselves be under the policy direction of the Executive Council*. One wonders what more he could want, unless he is veering towards acceptance of the Patriotic Front demand that they should be in control. I find his latest statement and his criticism to be in sharp contract to his remarks on BBC TV on 2 March when he said *the acceptability of the agreement would be tested in Salisbury and not in Whitehall or Washington*. He also

conceded in that same interview that there would be no role for the British Government in the transitional administration. It is this kind of inconsistency which makes it almost impossible for us to assess the true views of the British Government.

One of the major functions of the Transitional Government will be to supervise the arrangements for the registration of voters and delimitation of constituencies. This is a mammoth task, but there is complete agreement amongst us that it must be carried out thoroughly and that the whole electoral process must be seen to be scrupulously fair and free from any possibility of malpractice. This is of vital importance in relation to the acceptability of the settlement by the outside world. We have nothing to hide, and observers will be welcome. It will be readily appreciated that to carry out this whole exercise will require considerable additional manpower resources and that progress will depend on the security situation in the tribal areas where the great majority of voters live.

The drawing up of the new constitution will be carried out under the general supervision of the Executive Council. Many of its provisions are covered by Section A of the Constitutional Agreement but a number of political decisions will have to be taken on other matters. These will be discussed by the Transitional Government and the necessary decisions made.

As you know, the Government is committed to holding a referendum of European voters on the new constitution and this will be done at the appropriate time. It has been suggested that there should also be a black referendum to establish acceptance by the population as a whole. At first sight this might appear attractive but it would immeasurably complicate the whole procedure. From the time factor alone, it would considerably delay the completion of the electoral process and the holding of the first election. When one considers the fact that there is no sign of any objections from blacks within Rhodesia, it is difficult to justify the need or the desirability for such a referendum.

To carry out a detailed explanation of the agreement would be an involved and drawn-out exercise, which I feel would be out of place this evening. However, it is the intention of myself and other members of my Government to travel through the country, holding as many meetings as possible. At this stage let me emphasize that what we have achieved so far is in complete accord with what we promised at the last general election, namely that we would try to bring the internal black political leaders to the negotiating table, and that we would negotiate the best settlement deal which we could. Messages have come in from our friends in all parts of the world congratulating us on our achievement so far. No doubt there are people about who are telling you that they

could have done better. What they do not tell you is that they would not have obtained the agreement of black Rhodesians — in other words, there would be no settlement.

However, I remind you that our task is not yet complete, and much still remains to be done, by the Transitional Government. I am satisfied that during this transitional period we will have sound, responsible government, with black and white leaders working together, and making decisions which are mutually agreed. This is written into the agreement.

It is our hope that the leading countries of the Free World will give us credit for, and recognize our achievement in helping to bring true democracy and freedom to Rhodesia. We know that the Communists will continue in their efforts to frustrate us. This is not the only part of the African continent where they are attempting, by using the gun and the bomb, to establish their puppet regimes.

I would say to you that even if we fail to obtain the concurrence of the rest of the Free World to support our request for their co-operation to help us in this new effort to bring peace to our country, our internal position can only begin to improve. For the first time in many years we have an agreement between our white and black leaders to work together for the mutual benefit of all our people. Let us appeal to all Rhodesians, whatever their race, colour or creed, to do likewise, to dedicate themselves to completing the task in such a way that this country will remain for all time, a land in which it will be worth while to continue to live and to build for the future.

NEGOTIATIONS ON SOUTH WEST AFRICA/NAMIBIA

A. Extract referring to South West Africa/Namibia, from a statement in Parliament by the South African Prime Minister, the Hon. B.J. Vorster, on 30 January 1978

As far as South West Africa is concerned, I have no doubt at all in saying to this House that as far as the various political elements are concerned, there is nothing on the part of South Africa which is still outstanding and which still has to be done.

Over the years we have adopted the standpoint that the people of South West Africa will decide their own future, and that we shall accept decisions on their part even though they are contrary to our own views or policy. Over the years they have assembled and adopted a standpoint; we in our turn have accepted those standpoints as they decided on them. Over the years it has been demanded from South Africa that the Territory should become independent as a whole. The Territory will become independent as a whole. It has been demanded from us that the Territory should become independent on the basis of "one man, one vote". The people of South West Africa have decided that this should be done.

As far as South Africa is concerned, therefore, we do not stand in the way of a single decision. But I do want to make it very clear that South Africa is not prepared to negotiate with SWAPO in this regard, and is not prepared either, in accordance with the resolutions of the General Assembly — nor of the Security Council — to hand South West Africa over to the adventurer Nujoma with his Marxist SWAPO organization . . .

Recently, as from last year, we have been holding talks with the five Western countries that are members of the Security Council. I want to state candidly here that we could have made further progress than we have done with those talks. It is not South Africa's fault that we did not make further progress. It is true that my colleague, the hon. the Minister of Foreign Affairs, will hold talks within the foreseeable future with the Foreign Ministers of the five Western countries that are members of the Security Council.

These are talks on a very high level, and we are going to participate in those talks in the hope and trust that we shall now reach finality and settle the issue, because South West Africa will and must become independent this year, and if South West Africa is to become independent this year, the proclamation of the first election which has to lead to that independence can no longer be

delayed for too long. In fact, that date should already have been announced. It has only been held in abeyance for the sake of these talks and because we went out of our way last year already, with the knowledge and co-operation of the people of South West Africa, to obtain international recognition for their independence. We shall attempt once again with these talks to obtain that international recognition for the people of South West Africa. There is a need for haste in regard to this matter, and I can quite understand that resentment is already beginning to be felt in South West Africa in regard to this matter. I can also understand — for there are various political organizations in South West Africa — that there is resentment among those organizations at the fact that the Western world is going out of its way to hold talks with SWAPO and Nujoma and not with the other organizations in South West Africa as well. It is a pity that there still seem to be certain representatives even today who are being prohibited by their Governments from going to South West Africa. If that is so, it can only serve a good purpose if that attitude is changed.

Certain demands are being made on us by SWAPO. We are not prepared to comply with those demands, for not only are we responsible for law and order in South West Africa, but also for the protection of the lives and property of the people and the protection of the country itself. Our security forces are there at the invitation of the existing Governments there and in accordance with the injunction which we have to protect the territory, an injunction which is inherently contained in the mandate itself. If you ask me: "What about South West Africa finally?" Then I say: "We are in honour bound to the people of South West Africa to make them independent this year and we shall discharge our obligations in that regard in consultation with the people of South West Africa."

South Africa (Republic). *House of Assembly Debates*, no. 1, 1978, cols. 68-70

B. Letter dated 10 April 1978, from the Representatives of Canada, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, addressed to the President of the Security Council

On instructions from our Governments we have the honour to transmit to you a proposal for the settlement of the Namibian situation and to request that it be circulated as a document of the Security Council.

The objective of our proposal is the independence of Namibia in accordance with resolution 385 (1976), adopted unanimously

by the Security Council on 30 January 1976. We are continuing to work towards the implementation of the proposal.

(Signed) William H. BARTON
Permanent Representative of Canada
to the United Nations

M. Jacques LEPRETTE
Permanent Representative of France
to the United Nations

Rüdiger von WECHMAR
Permanent Representative of the
Federal Republic of Germany to
the United Nations

James MURRAY
Deputy Permanent Representative of the
United Kingdom of Great Britain and
Northern Ireland to the United Nations,
Chargé d'Affaires, a.i.

Andrew YOUNG
Permanent Representative of the
United States of America to the
United Nations

PROPOSAL FOR A SETTLEMENT OF THE NAMIBIAN SITUATION

I. *Introduction*

1. Bearing in mind their responsibilities as members of the Security Council of the United Nations, the Governments of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States have consulted with the various parties involved with the Namibian situation with a view to encouraging agreement on the transfer of authority in Namibia to an independent government in accordance with resolution 385 (1976), adopted unanimously by the Security Council on 30 January 1976.

2. To this end, our Governments have drawn up a proposal for the settlement of the Namibian question designed to bring about a transition to independence during 1978 within a framework acceptable to the people of Namibia and thus to the international community. While the proposal addresses itself to all elements of resolution 385 (1976), the key to an internationally acceptable transition to independence is free elections for the whole of Namibia as one political entity with an appropriate United Nations role in accordance with resolution 385 (1976). A resolution will be required in the Security Council requesting the Secre-

tary-General to appoint a United Nations Special Representative whose central task will be to make sure that conditions are established which will allow free and fair elections and an impartial electoral process. The Special Representative will be assisted by a United Nations Transition Assistance Group.

3. The purpose of the electoral process is to elect representatives to a Namibian Constituent Assembly which will draw up and adopt the Constitution for an independent and sovereign Namibia. Authority would then be assumed during 1978 by the Government of Namibia.

4. A more detailed description of the proposal is contained below. Our Governments believe that this proposal provides an effective basis for implementing resolution 385 (1976) while taking adequate account of the interests of all parties involved. In carrying out his responsibilities the Special Representative will work together with the official appointed by South Africa (the Administrator-General) to ensure the orderly transition to independence. This working arrangement shall in no way constitute recognition of the legality of the South African presence in and administration of Namibia.

II. *The electoral process*

5. In accordance with the Security Council resolution 385 (1976), free elections will be held, for the whole of Namibia as one political entity, to enable the people of Namibia to freely and fairly determine their own future. The elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral process, the elections themselves, and the certification of their results, the United Nations Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect. Moreover the Special Representative may himself make proposals in regard to any aspect of the political process. He will have at his disposal a substantial civilian section of the United Nations Transition Assistance Group, sufficient to carry out his duties satisfactorily. He will report to the Secretary-General of the United Nations, keeping him informed and making such recommendations as he considers necessary with respect to the discharge of his responsibilities. The Secretary-General, in accordance with the mandate entrusted to him by the Security Council, will keep the Council informed.

6. Elections will be held to select a Constituent Assembly which will adopt a Constitution for an independent Namibia. The Con-

stitution will determine the organization and powers of all levels of government. Every adult Namibian will be eligible, without discrimination or fear of intimidation from any source, to vote, campaign and stand for election to the Constituent Assembly. Voting will be by secret ballot, with provisions made for those who cannot read or write. The date for the beginning of the electoral campaign, the date of elections, the electoral system, the preparation of voters rolls, and other aspects of electoral procedures will be promptly decided upon so as to give all political parties and interested persons, without regard to their political views, a full and fair opportunity to organize and participate in the electoral process. Full freedom of speech, assembly, movement and press shall be guaranteed. The official electoral campaign shall commence only after the United Nations Special Representative has satisfied himself as to the fairness and appropriateness of the electoral procedures. The implementation of the electoral process, including the proper registration of voters and the proper and timely tabulation and publication of voting results will also have to be conducted to the satisfaction of the Special Representative.

7. The following requirements will be fulfilled to the satisfaction of the United Nations Special Representative in order to meet the objective of free and fair elections:

A. Prior to the beginning of the electoral campaign, the Administrator General will repeal all remaining discriminatory or restrictive laws, regulations, or administrative measures which might abridge or inhibit that objective.

B. The Administrator General shall make arrangements for the release, prior to the beginning of the electoral campaign, of all Namibian political prisoners or political detainees held by the South African authorities so that they can participate fully and freely in that process, without risk of arrest, detention, intimidation or imprisonment. Any disputes concerning the release of political prisoners or political detainees shall be resolved to the satisfaction of the Special Representative acting on the independent advice of a jurist of international standing who shall be designated by the Secretary-General to be legal adviser to the Special Representative.

C. All Namibian refugees or Namibians detained or otherwise outside the territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment. Suitable entry points will be designated for these purposes.

D. The Special Representative with the assistance of the United Nations High Commissioner for Refugees and other appropriate international bodies will ensure that Namibians remaining outside of Namibia are given a free and voluntary choice whether to return. Provision will be made to attest to the voluntary nature of decisions made by Namibians who elect not to return to Namibia.

8. A comprehensive cessation of all hostile acts shall be observed by all parties in order to ensure that the electoral process will be free from interference and intimidation. The annex¹ describes provisions for the implementation of the cessation of all hostile acts, military arrangements concerning the United Nations Transition Assistance Group, with withdrawal of South African forces, and arrangements with respect to other organized forces in Namibia, and with respect to the forces of SWAPO. These provisions call for:

A. A cessation of all hostile acts by all parties and the restriction of South African and SWAPO armed forces to base.

B. Thereafter a phased withdrawal from Namibia of all but 1500 South African troops within 12 weeks and prior to the official start of the political campaign. The remaining South African force would be restricted to Grootfontein or Oshivello or both and would be withdrawn after the certification of the election.

C. The demobilization of the citizen forces, commandos, and ethnic forces, and the dismantling of their command structures.

D. Provision will be made for SWAPO personnel outside of the territory to return peacefully to Namibia through designated entry points to participate freely in the political process.

E. A military section of the United Nations Transition Assistance Group to make sure that the provisions of the agreed solution will be observed by all parties. In establishing the military section of UNTAG, the Secretary-General will keep in mind functional and logistical requirements. The Five Governments, as members of the Security Council, will support the Secretary-General's judgement in his discharge of this responsibility. The Secretary-General will, in the normal manner, include in his consultations all those concerned with the implementation of the agreement. The Special Representative will be required to satisfy himself as to the implementation of all these arrangements and will keep the Secretary-General informed of developments in this regard.

1 Annex, detailing provisions in tabular form, omitted from this issue.

9. Primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police forces. The Administrator General to the satisfaction of the United Nations Special Representative shall ensure the good conduct of the police forces and shall take the necessary action to ensure their suitability for continued employment during the transition period. The Special Representative shall make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their duties. The police forces would be limited to the carrying of small arms in the normal performance of their duties.

10. The United Nations Special Representative will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter.

11. Immediately after the certification of election results, the Constituent Assembly will meet to draw up and adopt a Constitution for an independent Namibia. It will conclude its work as soon as possible so as to permit whatever additional steps may be necessary prior to the installation of an independent Government of Namibia during 1978.

12. Neighbouring countries shall be requested to ensure to the best of their abilities that the provisions of the transitional arrangements, and the outcome of the election, are respected. They shall also be requested to afford the necessary facilities to the United Nations Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquillity in the border areas.

S/12636

C. Extract referring to South West Africa/Namibia, from a statement in Parliament by the South African Prime Minister, the Hon. B.J. Vorster, on 13 April 1978

As far as South West Africa is concerned, I am in the difficult position — which hon. members will appreciate — that the people involved, namely, the different parties and nations in South West Africa, have not yet adopted a final standpoint in connection with the proposals by the Western powers. It would therefore be premature for South Africa to express a viewpoint in this connection before the people primarily concerned — the people whose country it is, and whose future is at stake — have expressed their view on the matter. A large group of these people spoke to the hon. the

Statement made during discussion of the Prime Minister's budget vote.

Minister of Foreign Affairs, and for a time to me, too, this morning. I feel bound to tell the House that I was deeply impressed by the responsible manner in which these delegates — both white and black — approached the problem. Not only was I impressed by the responsible manner in which they approached the problem, but I also want to say in this House that I was impressed — and after speaking to these gentlemen this morning, that impression was strengthened — by the self-control and responsibility with which they acted after the atrocious murder of Chief Clemens Kapuuo. All of them, the Hereros in particular, deserve credit for the manner in which they acted.

I want to say that that responsible attitude which they displayed, augurs particularly well for the future of South West Africa. I would not hesitate to leave South West Africa in the hands of such whites — not only those who were here this morning, but also those who were not present — and the black people whom I saw this morning. I should have liked to take the House into my confidence, but I am in a difficult position, and at this stage this is not possible, because the people of South West Africa have still to adopt their standpoint in this connection.

There are, however, three points I should like to state in passing on this occasion. They are matters with which the South African Government is intimately concerned and which I am therefore able to discuss at this stage.

The first is the question of Walvis Bay. I have stated very clearly, in Bloemfontein and elsewhere, that Walvis Bay belongs to South Africa and that I am by no means prepared to discuss the question of Walvis Bay in connection with a settlement in South West Africa. It is South African territory, and until this Parliament decides otherwise, it will, as far as I am concerned, remain South African territory. If there are people who think that they can claim Walvis Bay, and if SWAPO adopts the attitude that unless Walvis Bay is part of the agreement, they will have no part in it, then my reply is that in that case they need not take part in it, because Walvis Bay will not be part of the settlement agreement.

In the second place, South Africa is responsible for law and order in the territory. The South African Police have through the years, and very often in difficult circumstances, maintained law and order there. Whatever may be said in that connection, it is the standpoint of the South African Government — and we owe this to the inhabitants of South West Africa — that the South African Police will maintain law and order in South West Africa until independence. If demands are made, as in the past, that the South African Police must withdraw now, we will say that we are not prepared to meet or comply with those demands.

In the third place, our troops, our security forces, are not in the Territory because South Africa is claiming the Territory for itself and because they are to take the Territory for South Africa. On the contrary. They are in that Territory to protect life and property against people who come from beyond the borders to damage property and to take the lives of innocent men, women and children. They are there at the invitation of elected Governments. It has been demanded in the past that they should leave the Territory, but I want to make it clear that until such time as it is absolutely clear that there will be no more violence and bloodshed, South Africa will not reduce its security forces in the area, let alone withdraw them. I am not saying this because I want to be provocative or because I want to wreck or undermine the settlement. I am merely stating as a plain fact that if violence does not come to a halt, it is obvious that the number of troops cannot be reduced. The two are closely related. It stands to reason that my colleagues would like to withdraw the troops — in fact, all of us would like to do that. If the Western World, like us, would like to achieve that result, it is not asking too much of them that they should see to it that the violence comes to a halt. They have the contacts. They, and not we, talk to the people who commit those irresponsible acts. They therefore have the excellent opportunity to see to it that those acts are no longer committed.

Those are the three principles with which the Government and I are concerned and for that reason I can express my views on them. If therefore, I do anything on this occasion, it is to appeal to so-called world opinion, the so-called world community of nations: if they want peace in that Territory, it is in their hands, and it is for them to induce those people who commit the violence in South West Africa, to change their views. Only the future will show us what the developments in that connection will be.

I conclude by saying that until such time as the different parties in South West Africa have conveyed their decision to the Administrator-General, the Government cannot, by itself, adopt a final standpoint on these settlement proposals, and I regret that the debate on my Vote took place at a time when a decision on that matter was not yet possible.

South Africa (Republic). *House of Assembly Debates*, no. 10, 1978, cols. 4626-4629

D. South African Government's response of 25 April 1978 to the Western proposals submitted to the Security Council on 10 April 1978

You will recall that our main preoccupation with your proposals for a settlement for the South West Africa situation centered on

paragraph 8B of your proposals, in particular the provision that the remaining South African forces would be withdrawn one week after the certification of the election of the Constituent Assembly. In the light of your clarification conveyed to the Minister of Foreign Affairs on Monday, 24 April 1978, we are now giving the people of South West Africa the assurance that we will be guided by the wishes of the Constituent Assembly in regard to this very important matter.

Bearing in mind also our discussions last week in Pretoria, we are now satisfied that the role of the Administrator-General as all along envisaged remains unimpaired, namely that he will head the administrative structure of the Territory. Furthermore that the Special Representative of the Secretary-General in carrying out his responsibilities will work together with the Administrator-General to ensure the orderly transition to independence.

My Government, in coming to its decision, has also been influenced decisively by the provision that there should be a complete cessation of hostilities (including, *inter alia*, minelaying, killings, abductions, *etc.*) before any reduction in the South African forces takes place, that primary responsibility for maintaining law and order during the transitional period shall rest with the existing Police forces and that the issue of Walvis Bay is not included in the proposals.

Having now been advised by the Administrator-General that he has consulted the various political parties and Church organizations in the Territory and that he is satisfied that the proposals are acceptable to the majority, he has recommended acceptance by the South African Government.

Bearing this in mind, and also the assurance by the five Western powers on the Security Council, that their proposals are now in a final and definitive form, and that the Five are giving them their unreserved backing, the South African Government accepts these proposals.

In accepting them we are not placing the maintenance of law and order and the security of the people of South West Africa in jeopardy. You yourselves emphasized that the transitional period should be stable and peaceful.

The people of South West Africa are anxiously and impatiently awaiting their independence which has been promised them not later than the end of this year. We assume we can rely on the co-operation of the five Western powers as well as others concerned to move rapidly in order to realize this goal.

RELATIONS BETWEEN TRANSKEI AND SOUTH AFRICA

A. Extract referring to the Independence of Transkei, from a Statement in Parliament by the South African Prime Minister, the Hon. B.J. Vorster, on 20 April 1976 (During discussion of the Prime Minister's budget vote)

In October the Transkei will become independent in terms of the policy of separate development. Will the hon. member say to the outside world that this, too, is discrimination? Just imagine, we are now discriminating against the Transkei by making it independent. We are saddled with the problem, and I have no illusions about this, I have said this before and I have said this to Chief Minister Matanzima — that the Transkei might not be recognised by certain Western countries, except if it declares war against us on the eve of its independence! Then they may recognise it the following day. But to do so in a peaceful way will probably not entail recognition for it. And it is not difficult to seek the reason for this.

Unfortunately the policy of separate development has been presented quite out of context, and suspicion has been cast on it, by hon. members on the opposite side of this House, by certain newspapers and certain commentators. One has already read in the Western world press that there are now certain countries that adopt the standpoint that recognition of the Transkei will inevitably mean recognition of the Government's policy of separate development; while in this regard the two in fact have nothing to do with one another, except that without the policy of separate development I personally cannot see how it could have been possible for an independent Transkei to have been established.

B. Extract from a Statement by the Prime Minister of Transkei, Dr the Hon. Kaiser Matanzima, at the Fifteenth Congress of the Transkeian National Independence Party, on 14 March 1978

International relations between Transkei and South Africa will depend on two principal factors, namely:

- The settlement of the land claims is a matter which is presently *sub judice*, and it would be unfair to prejudice its outcome. Nevertheless it should be noted that the land question is crucial, and should negotiations crumble on this vital issue, race relations will deteriorate and a struggle for power will escalate. Let it be clearly understood that the granting of independence to

Transkei was accepted on the specific and entrenched condition that it would not prejudice our claims on the Transkeian territories of Mount Currie, Matatiele, Maclear and Elliot (Xalanga) districts. We have submitted all relevant documents in support of our contention to the South African Prime Minister and are awaiting his Government's final verdict. Be patient and calm; your Government has already decided on the next step.

- The treatment of Transkeian citizens by racist South Africa is not conducive to the maintenance of good and harmonious relations between the two States. South Africa continues to apply its apartheid laws to Transkeian citizens and other blacks whenever they land on South African soil. Segregation in public places, hotels, trains *etc.* is ruthlessly applied. How can we condone such treatment when the South African Broadcasting Corporation, the political advertising and propaganda organ of the Republic of South Africa, clouds the obnoxious application of these provocative apartheid laws in their restrictive discrimination against all blacks in South Africa.

No amount of watering down the fundamental principles of apartheid by the creation of Councils, the so-called improvement of the social amenities of separated blacks, will ameliorate the fast deteriorating race relations between whites and blacks in South Africa.

Apartheid is a curse and should be deplored by all the oppressed people in their country of birth. The Transkeian people have resolved to eradicate the noxious scourge of apartheid with the full determination to restore equality amongst all racial groups in South Africa. With Bophuthatswana on our side, and other independent states in Southern Africa, we shall force white South Africa to come to the normal senses of a respectable community. Their arrogance, selfishness, and self-assumed superiority complex should be crushed and they should be made to understand that South Africa belongs to all the races that occupy it. There will never be peace in this country until this realisation has been put into effect. Events in Mozambique, Zimbabwe and Namibia should present a lesson to everybody who attempts to resist the inevitable course towards the control of South Africa by blacks during our life time.

Probably white South Africa is reassured by its military strength, which to me means nothing. Our strength lies in our population, our national spirit to fight against the oppressor and our determination to win.

It should be clear to everybody that as a consequence of our struggle for land, the Republic of South Africa may impose

economic sanctions against us. Let them act as it pleases them. We cannot hold our prestige as a sovereign state so cheaply.

We have built the economy of the white men, they are rich and prosperous because of black slave labour. We are used to oppression and starvation. The antagonistic reaction of the whites to our struggle for justice and freedom will make no difference. Our conscience is clear. We do not claim anything that has never belonged to us.

Whites are immigrants into this country and they have no right to arrogate all our land to their exclusive occupation and ownership. Travelling from Cape Town to the Limpopo river you traverse white farms without seeing a single black location. From East London to Pretoria and from Durban to Johannesburg the same pattern is observed.

Where do blacks live? Bundled up in the Townships to supply cheap labour to whites. The hour has come for us to unshackle those slave chains and to struggle for our complete freedom. An invitation is extended to all to attend a conference of the oppressed at Umtata on a date to be fixed during the current year.

As long as our land is still part of the Republic of South Africa, so long shall we struggle for its release and for the freedom of all blacks in South Africa. I acclaim the utterances made by Mr Thula, Representative of KwaZulu, in Tembisa a few months ago, and wish to encourage him and his people to maintain the same wave length. The writing is on the wall for white South Africans who still believe in "herrenvolkism" and "baaskap". We shall break the chains of bondage and attain our freedom.

The struggle will bring about suffering, a situation experienced by the Angolans, the Namibians. We must work hard to improve our own economy towards self reliance. The world will rally to our technical assistance. We shall need judges, technicians, geologists, engineers, agriculturalists, educationists, to come and train us in all fields of development. Our youth are ready for the struggle but I advise them to acquire the skills that will make them efficient in performing the duties assigned to them. The little land we have should be used to its maximum to maintain us in the course of the struggle.

The United Nations Organisation, the OAU and all anti-apartheid movements abroad should take note of this clarion call for a relentless struggle against apartheid in South Africa, as it emanates from a leader of an independent state that has been defrauded by the oppressors. The Transkei is joining the struggle with full determination to restore its complete nationhood.

The OAU should open its doors to the true leaders of black South Africa who are struggling on the soil of their country for the

clarification of their stand. The UN should permit any Transkeian delegation to represent black South Africa and put their case in the world forum.

To us the struggle for liberation started on 26 October 1976 and will continue unabated until it is won. The British, American, French, West German, and Canadian Foreign Ministers should avail themselves for consultation with Transkeians. We are aware of their verdict against us without bringing us before trial. A re-assessment by people who act emotionally and prejudicially becomes imperative. These gentlemen should visit Transkei and observe the position we have taken. Transkei is accessible to the international world in all directions.

We are looking to the West for assistance but if this is not forthcoming we shall turn to the Middle East and even to the Far East. The process is a long one and needs preparation through conditioning the minds of our people for national unity. The leadership should be properly orientated on the principles and goals to be achieved.

C. Statement in Parliament, Umtata, on 10 April 1978, by the Prime Minister of Transkei, Dr the Hon. Kaiser Matanzima, announcing the severing of diplomatic relations with South Africa

The Government Gazette of the Republic of South Africa has by Proclamation published the Act that transfers the area commonly known as East Griqualand to Natal as from 1 April 1978.

The Act, decided upon by a Parliament representing 17 percent of the South African total population, is to us *ultra vires* and we will never recognise it. All historical documents are in support of our submissions that the land, namely Mount Currie and Matatiele farms, belongs to Paramount Chief Faku of the Pondo nation.

As a consequence of the unilateral decision, my Government has decided to sever diplomatic relations with Republic of South Africa, to recall our ambassador and consuls and to advise the ambassador of the Republic of South Africa and his staff to leave the Transkei on or before 30 April 1978.

The Executive Council regards the Republic of South Africa Act as contemptuous and brutal. To us it is a declaration of war against Transkei. Knowing the strength of the Republic of South Africa militarily, Transkei will bide its time before taking up arms to recover the land that has been cynically raped from it.

It is common cause that the land in question was declared by the British Government as part of Kaffraria proper, belonging to the aborigines of Transkei. The white Parliament of 1913 had no

right to annex Elliot, (Xalanga) and Maclear districts to the Cape Colony and, later, Mount Currie and Matatiele districts.

This is the most cruel act of a government that has no regard for humanity differing from their own skin, a people who have callously slaughtered and butchered millions of blacks in their enforcement of their obnoxious apartheid laws.

The Leader of the Opposition has criticised the Transkeian Government for not declaring a conventional war forthwith on South Africa. I am sure he does not want us to underestimate his intelligence. He is advised to come forward for military training first.

My Government will prepare itself and train its army for the future military confrontation with the whites of South Africa. It will not be a confrontation between the Transkei and the Republic of South Africa's whites only, but a bloody struggle between blacks and whites in South Africa.

My countrymen, this is a matter that should unite us. Great Britain is under an obligation to render all the necessary assistance to us, their former colony and subjects. Nobody should doubt the reaction of white South Africa to our decision. They will use everything possible to ostracise and apply sanctions against us. This is the second time these cruel people have forcibly annexed our land to Natal. They took part of Port Shepstone and the whole of the district of Alfred (Harding), Pondoland, without consulting the owners of the land.

We are appealing to the Western countries to come to our assistance, and to our brethren in the Republic of South Africa to continue the struggle for human rights. Transkei is a sovereign state, although the Republic of South Africa regards it as its "homeland". We have never been a "homeland" of discriminatory South Africa, we were a colony under the British Government before being forcibly joined to South Africa by the white Parliament.

The phasing out of the Republic of South Africa's seconded officials will depend on the availability of manpower to fill the posts held by them, but should they decide to resign en bloc, or are withdrawn by the Republic of South Africa's Government in protest against our action, my Government will find ways and means of filling the posts.

We have done everything possible to normalise the relations between Transkei and the Republic of South Africa. I feel it is now opportune to read the letter which I wrote to the Prime Minister of that country as soon as it came to our notice that legislation was to be passed transferring the land we claimed to Natal.

D. Statement in Parliament, Cape Town, on 11 April 1978, by the South African Prime Minister, the Hon. B.J. Vorster, concerning Transkei's severing of diplomatic relations

I thought it would be fit and proper that I should avail myself of the opportunity, before the discussion of this Vote commences, to communicate relevant facts in regard to the matter of Transkei to the Committee. When hon. members then discuss the matter, it will help them if they have the relevant facts at their disposal.

In this regard there are a few arguments which I want to advance at the outset. The first is that Transkei is an independent State, as independent as any State in the world can be or wants to be. Nothing which is now said or done can change the status of Transkei in any way.

Secondly it is a fact that Transkei became independent knowing full well that it would not gain recognition after independence. As far as this matter is concerned, Transkei was aware of a resolution of the UN — adopted a full year prior to its independence — that it would not be recognized when it became independent. Furthermore there were the statements of leaders of the Western world, of the communist bloc and of the African States that they would not recognize Transkei as an independent State.

Apart from that I personally informed the Transkei Government of a conversation I had had with Chief Jonathan, in which he made it very clear to me that Lesotho and all the other African States to whom he, *i.e.* Chief Jonathan, had spoken, would not recognize Transkei. In addition Transkeian Ministers travelled to many parts of the world prior to independence and made contact with a number of countries in Africa, Europe and elsewhere in order to state their case, and they are aware of the replies which they received on those occasions.

In other words Transkei accepted independence knowing full well what the precise consequences in this connection would be, so much so that on the eve of its independence I said by way of a joke to the Prime Minister of Transkei — after we had discussed the matter — that his only hope of recognition appeared to be that he should declare war on South Africa on 25 October 1976 — the date of independence. So much, then, for that aspect.

Thirdly I must place on record that the Government, and I personally, gave Transkei everything and did everything that we promised and that we undertook to do. No finger can be pointed at the South African Government and no accusation can be made that it omitted to do anything that it had to do in that respect or that it did not carry out every single one of its promises.

To indicate what the relationships were I could mention for example that the Prime Minister of Transkei, with reference to our first Ambassador there, told me that he was aware that it was not customary for a country to make representations for the appointment of a specific Ambassador, but that I would be doing him a favour if I appointed the present Ambassador, Mr Potgieter. This was what he wanted because he knew Mr Potgieter and because the two of them got along very well together. I pointed out to him the disadvantages of such an appointment, because Mr Potgieter was the Commissioner General. I put it to the Prime Minister that he should consider the matter very carefully because he could be charged with having accepted the Commissioner General as Ambassador, and that it could be advanced as an argument that such a step reflected on the status of his country as an independent state. His reply was that the outside world had nothing to do with the matter and that it was a request which he was respectfully addressing to me. I complied with that request.

I also want to make it clear, therefore, that whatever is said in this connection, South Africa can never be accused of having committed a breach of faith in any respect.

I want to inform the Committee, too, that my personal relationship with the Prime Minister of Transkei was at all times very good and never on any occasion left anything to be desired. We frequently spoke about the fact that we came from the same part of the world and about everything associated with that. Our relationship was so good that I have to report to this Committee that after we had signed the various agreements and treaties in Pretoria prior to the independence of Transkei the Prime Minister asked me whether he could speak to me for a moment in my office. Emotionally he thanked me there very sincerely for everything that had been done in the past and for the spirit in which the negotiations had taken place. Hon. members will probably recall that during the formal function that was held afterwards, the Prime Minister of Transkei pointed out how differently things were done in South Africa, for while independence in other parts of Africa had been gained with the spilling of blood, a pot of ink was all that was required for independence in South Africa. Those were his own words.

On that occasion the Prime Minister told me in private that whatever happened in future, he could give me one assurance: We would never have any problems of any kind in future, and if any problems did perhaps arise, we would approach and solve them in the most friendly spirit possible.

Hon. members will realize that prior to independence many

negotiations took place between the South African Government and the Government of Transkei. Those negotiations extended over a period of years, and naturally they have a long history. I should like to ask hon. members to exercise a little patience in this regard since it will be necessary for me to furnish details of that history so that hon. members may understand the matter correctly. It is a matter with many facets and it will therefore be impossible for me to enumerate all those facets in the course of my speech.

As in the case with such negotiations, hon. members will understand that the land issue was always of paramount importance at negotiations of this nature. Indeed this will always be the case and it will always give rise to problems. No one should have any illusions about this. The present breach is concerned with the territory which is at present known as East Griqualand and which was transferred by this Parliament to Natal for administrative purposes. I believe that the relevant resolution of Parliament was supported by all the hon. members of this House.

When we discuss the matter of land, we must, as far as I am concerned, go back as far as 1969. Yesterday evening, last night and during the lunch hour I had to work through my files quickly to extract these particulars.

In 1969 the Prime Minister of Transkei came forward with a request that Glen Grey, which was then Ciskeian territory and was being administered as such by Ciskei, should be incorporated into his territory. At that stage he not only asked for the Glen Grey area of Ciskei, he also requested — for the first time as far as I am aware — that the Elliot district be incorporated into his territory because, so he alleged, that district had been occupied by the Tembus in the previous century and had been unlawfully taken from them. These matters were continuously discussed.

In 1970 he came forward with a further claim to the district of Maclear. For this he also based his claim on historical grounds. When he did this, reproaches were levelled at him by certain Pondo sections to the effect that he was only looking after the interests of the Tembus and was giving insufficient attention to the affairs of the Pondos. Then, on 30 April 1970, he introduced a motion in the Transkeian Legislative Assembly. In that motion the South African Government was requested to incorporate the districts of Elliot, Maclear, Matatiele, Mt. Currie, Umzimkulu and Port St Johns into the Transkei.

In respect of the claim to Mt Currie, the contention was that it had been Faku's land during the previous century, land of which Faku had been dispossessed by the British, and that we should remedy what the British had bungled in that connection during

the previous century.

In the meantime his demands in respect of Glen Grey became stronger and he quite frequently claimed that the inhabitants of Glen Grey were his subjects and supporters and that they did not, under any circumstances, want to fall under the Ciskei. This demand became so urgent that it was then decided to hold a referendum in Glen Grey on 21 October 1971 in order to establish whether the people of Glen Grey preferred to fall under the Transkei or whether they would not rather remain under the Ciskei. The Prime Minister had no doubt as to what the outcome of the referendum would be, but unfortunately for him it came as a shock when 85 percent of the inhabitants voted to remain under the Ciskei. Unfortunately this led to a great deal of bad blood between Ciskei and Transkei, bad blood which unfortunately still exists today.

From talks I had with the Prime Minister of Transkei it appeared that he based his claims on certain maps, on other historical documents, on a book by Mr Brownley, and so on. This led to my issuing instructions that these historic claims be investigated in the archives and elsewhere. The results of that investigation did not support the claims of the Prime Minister of Transkei.

In the meantime the Prime Minister of Transkei, after this investigation had been carried out, told me that I should please do two things. He said that I should please negotiate with Ciskei — this was a request which was made repeatedly — and make an earnest appeal to the Ciskei to amalgamate with Transkei because historically they were one and belonged together. I can give this House the assurance — this is a story in itself — that we held many talks on both sides in an attempt to bring Ciskei and Transkei together. However, these failed every time.

After one of these failures the Prime Minister of Transkei asked whether we could not negotiate with Ciskei to cede the Glen Grey area as well as the Herschel area, which more or less borders on Lesotho, to Transkei. These were very difficult negotiations. Ultimately Ciskei agreed and special resolutions were adopted in their Parliament to make it possible to incorporate Glen Grey and the Herschel territory into Transkei.

The Prime Minister of Transkei then informed me that with that his land claims had been disposed of, and that he had no further claims in respect of Elliot and Maclear, but that he still felt that Matatiele and Mt Currie should be transferred to him. I explained to him exhaustively that this was not possible and, after negotiations which we conducted, he relinquished his claims in respect of Matatiele and Mt Currie, just as in the case of Elliot and Maclear.

Lesser demands were then put forward, to which I shall refer. I could best illustrate this by reading the letter which the Prime Minister of Transkei wrote to me on 23 October 1974. That letter set out his land claims, as at that date. I quote:

Sir, I have the honour to advise you as follows in the above connection.

1. The area occupied by the Pondos and Bacas, in the districts of Port Shepstone and Alfred (Harding) Natal.
2. The Ongeluks Nek farms around Mvenyane in the Matatiele district.
3. The farms projecting into the Mt Fletcher district, known as Pitseng, north-east of Maclear district.
4. The Umnga Flats adjoining Tsolo and Engcobo districts, south of Maclear district.
5. Farms adjoining Cala district, west of the road from Cala to Engcobo in the Elliot district.
6. The farms adjoining Weza Forest, east of the Main Road from Brookes Nek from Mt Ayliff to Umzimkulu district boundary with Kokstad to join Mt Ayliff (Transkei) to Umzimkulu (Transkei) and the whole Weza Forest.
7. Port St Johns town and the white farms in Pondoland.
8. Farms adjoining Cala and Lady Frere districts in Indwe district.
9. Farms known as the Bolotwa area in the Queenstown district.
10. Glen Grey district.
11. The whole of Herschel district inhabited by Sotho, Hlubi and Tembus (to be part of the Maluti region of the Matatiele and Mt Fletcher districts).
12. A few farms (eight) in the Barkly East (North) to link up Herschel with Maluti.

Those were the demands of the Prime Minister at the moment. Hon. members will note from this letter that nothing was said in respect of Matatiele and Mr Currie, and hon. members will also note that nothing was said in respect of Elliot and Maclear.

I then had talks with the Prime Minister again, and I pointed out to him that the first area which he had asked for, *viz.* "the area occupied by the Pondos and the Bacas in the district of Port Shepstone and Alfred", was land which belonged to kwaZulu and fell under the jurisdiction of Buthelezi. His request was then that I

should take it away from Buthelezi and give it to him. I then said to him: "Would you like it if I were to take land away from you to give to another man?" He said: "No". I then asked him how he could expect me to take land away from someone else in order to give it to him. I said I had no objection to this land being transferred to him if he negotiated with Buthelezi himself. If Buthelezi was prepared to cede the land to him, I had no more problems whatsoever in that regard and it could be done. But I told him that it was not a matter in which I was going to interfere because it was a matter on his level and on Buthelezi's level.

In respect of the other land, everything as it was requested here was given to him, with the exception of the eight farms referred to in paragraph 12 of the letter. However, this is a secondary and minor component of the overall problem. The other land which he asked for in his letter of 23 October 1974 was all given to him. A portion thereof, the area in the Bolotwa district, has not yet been fully disposed of, but this will also be transferred to Transkei.

Consequently I want to make it very clear to this Committee that there was full agreement that what we undertook to do in this regard, we did in fact do, with the exception of the Pondo area, the Weza Forest area — I told him that that was impossible — and the eight farms. As hon. members know the other portions were transferred to Transkei. That, then, was the land basis on which negotiations for independence proceeded and on which independence was granted.

As hon. members know, Transkei became independent at the end of October 1976. On 2 February 1977, after independence, the Prime Minister of Transkei again came forward with land claims. His claims then included Mt Currie, Matatiele, Maclear, Elliot and the entire Ciskei. I then told him that we had already concluded the discussion as far as his other claims were concerned. I also put it to him that he had based his claims on historical grounds, and that we had instituted an investigation into them. What is more, I told him that we had, after all, disposed of the matter previously and that he had told me that it had been disposed of after Glen Grey and Herschel had been added to his territory.

In addition I told him that I was astonished that he had at that stage also asked for the Ciskei. He then defended himself by saying that Transkei and Ciskei were one, that Ciskei should be transferred to him and that I should do what was necessary in regard to Chief Minister Sebe. I then put it to him that it was a matter that had to be settled between Chief Minister Sebe and himself. If they were able to reach an agreement in this regard, I would have no objection to their forming a union. The Prime

Minister of Transkei then wanted me to promise that I would not grant independence to Ciskei if they were to ask for it, since that would completely spoil his chances of forming a union between Ciskei and Transkei. I told him that he could ask many things of me, but that he could not address that request to me, and that if Ciskei were to ask for independence, like any other homeland, I could not and would not refuse on those grounds on which he had requested me to refuse. There are still many things one can say about this matter, but it is not necessary for the purposes of our argument.

Time went by and in January 1978 I once again received a letter from the Prime Minister in which he asked me for the transfer of certain land. The reason for his request was the intention, arising out of the investigation which took place, to incorporate East Griqualand administratively into Natal. The hon. members will recall that the hon. the Leader of the Opposition put a question to me in this regard and asked whether I had received representations from the Prime Minister of Transkei.

For the purposes of the records I should like to repeat my reply to him. It reads (Hansard, col 115) —

The Prime Minister of Transkei sent a telegram to me on 2 February 1978, objecting to the Bill that would transfer the administration of Griqualand East to Natal, and claiming that the land in question belonged to Transkei. On 6 February, he sent further written representations forwarding, *inter alia*, documents which he considered would substantiate his claim. On previous occasions it was, however, made absolutely clear to the Government of Transkei that the South African Government did not share the view of that Government. The documents now submitted by Transkei will therefore be studied without prejudice to the South African Government's position, and a reply will in due course be addressed to the Prime Minister of Transkei.

Therefore we were still in the process of negotiating, and when this announcement was made yesterday, the Prime Minister of Transkei was therefore aware that we were studying the many documents.

Now you may ask what gave rise to this matter. During talks which I held with the Prime Minister, he was very emotional about the incorporation of East Griqualand into Natal. His standpoint was that if the Cape no longer wanted East Griqualand and was prepared to discard it, why was the territory being given to Natal and not to him? The more I explained to him that the territory had for a very long time fallen under Natal for administrative, and

in fact for all practical purposes and that the incorporation was merely being finalized now, the less prepared the Prime Minister unfortunately was to accept this matter. He then levelled the covert reproach that we actually wanted to give the land to Buthelezi and that this was merely the first step which we were taking, *i.e.* to transfer the territory to Natal, so that it could then be given to Buthelezi. The more I explained to him that this was not the object and that it had nothing to do with that, the less inclined he was to accept the explanation.

We are therefore dealing here with a matter to which the Prime Minister of Transkei adopts an extremely emotional approach. Secondly — and I can understand this — the Prime Minister of Transkei has problems in Pondoland, but it is not for me to discuss his problems in this regard in this Committee.

Thirdly, I am aware that from time to time there were people who whispered in the ear of the Prime Minister of Transkei that his chances of gaining recognition would be good if he were to make a complete break with South Africa. I am aware that there have recently been influential people in Transkei who held talks in that connection with the Prime Minister of Transkei.

As a person I can feel sympathy for the Prime Minister of Transkei with all his problems. But the question I ask myself is this: why try to offend and hit out at the one man who was your friend throughout this entire matter? What do you stand to gain by adopting that attitude?

But let us now, just for a moment, consider a few facets of the speech which the Prime Minister of Transkei made yesterday.

I quote from paragraph 2:

As a consequence of the unilateral decision my Government has decided to sever diplomatic relations with the Republic of South Africa, to recall our ambassador and consuls and to advise the ambassador of the Republic of South Africa and his staff to leave Transkei on or before 30 April 1978.

I want to inform the Committee that our ambassador has been instructed to leave Transkei before 30 April. The same naturally applies to the ambassador of Transkei in South Africa, as well as the different consuls who have been appointed.

I take exception to the statement contained in the next paragraph. I quote:

The Executive Council regards the Republic of South Africa's act as contemptuous and brutal. To us it is a declaration of war against Transkei.

He goes on to say:

It is common cause that the land in question was declared by the British Government part of Kaffraria proper, belonging to the aborigines of Transkei. The white Parliament of 1913 had no right to annex Elliot and Maclear districts to the Cape Colony, and later Mt Currie and Matatiele districts.

He raised these issues again in spite of the fact that they were completely disposed of in 1974. I quote the following sentence:

This is the most cruel act of a Government that has no regard for humanity differing from their own skin, a people who have callously slaughtered and butchered millions of blacks in their enforcements of their obnoxious apartheid laws.

This statement is, of course, a lie, as the Prime Minister of Transkei knows and should know. Candidly, I do not think that even the Cubans will believe this lie he has sent out into the world.

It is not only a lie. I want to state here to my regret, and I say this with utter regret, that it is a lie which is unworthy of the Prime Minister of Transkei. A Prime Minister does not act in this unworthy manner if one is acquainted with the facts. If one is acquainted with the facts of the history of South Africa, then it was the whites who had to intervene to prevent the black people from eradicating one another in South Africa. It is the white police who even today have to risk their lives in tribal fights to separate warring factions that want to kill each other. How one can then come out with such an unworthy untruth is completely beyond my comprehension.

He then goes on to say:

Nobody should doubt the reaction of White South Africa to our decision. They will use everything possible to ostracise and apply sanctions against us.

It is not we who shall ostracise Transkei. It is Transkei that has ostracised itself. I think the Prime Minister of Transkei should do well to ponder over this situation. He then goes on, referring to the present Government, and says:

They took part of Port Shepstone and the whole of the district of Alfred (Harding), Pondoland, without consulting the owners of the land.

Harding and Port Shepstone have to the best of my knowledge always been in Natal. Certainly, decades and decades before this Government came into power, Port Shepstone and Harding were part and parcel of Natal, as Natalians in this House will know only too well. He goes on to say:

Transkei is a sovereign State, although the Republic of South

Africa regards it as its "homeland".

What nonsense! We have made Transkei independent. We have stated over and over again, as I did again this afternoon in this House, that Transkei is an independent republic, as independent as any other republic in any other part of the world. He then refers to the letter which he sent to me and to which I have already referred.

Finally I want to refer briefly, for the purposes of the record, to the reply I sent him as I mentioned in my reply to the question of the hon. Leader of the Opposition. I wrote to him on 6 February (should be 3 March) as follows:

I have to acknowledge receipt of your letter delivered on 6 February 1978, together with several documents in support of Transkei's land claims. I also received the telegram in regard to the proposed transfer of the administrative responsibility for East Griqualand from the Province of the Cape of Good Hope to the Province of Natal.

In the meantime the attached question was put to me in Parliament and I enclose for your information a copy of my reply. You will note that your representations are being studied and that a reply will in due course be sent to you.

I must, however, categorically reject the implied assertion in your letter that unless we meet your demands, South Africa's policy of separate development would be regarded as "nothing else but merely a fraud".

Without at this stage going into detail, I also wish to remind you of the various conversations you and I had in connection with this matter, especially at the time of the incorporation of "Ciskei territories" into Transkei.

That, then, is the matter which I want to put before this Committee. I am sorry that the Prime Minister of Transkei acted in this manner, that he acted in a manner which is obviously to his own detriment. But Transkei is an independent state, and it is the prerogative of the Prime Minister of an independent state to act in this fashion if he is advised accordingly, even if it is consequently to his own detriment.

On the part of the South African Government I want to make it very clear, however, that no blame can be attached to us, that we did everything which we undertook to do, that it is not our fault that matters have taken this course and that, in spite of this matter having been discussed repeatedly and replies having been furnished repeatedly to the Prime Minister of Transkei, I never slammed the door in his face but acted at all times as I believe one Prime Minister should act towards another Prime Minister. I

repeat that, although he came forward this year with more or less the same motivation as before, I did not insult him or slam the door shut in his face. As was fitting and proper, I told him that I would investigate the matter once again. But even before anything else could happen, the Prime Minister of Transkei decided to act as he has done. I deliberately refrain — perhaps under difficult circumstances — from commenting any further on this matter.

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