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LETTER DATED 20 JUNE 1980 FROM THE SECRETARY-GENERAL ADDRESSED TO  
THE MINISTER OF FOREIGN AFFAIRS AND INFORMATION OF SOUTH AFRICA

I have the honour to refer to your letter of 12 May (S/13935). I welcome Your Excellency's reassurance that South Africa seeks an international settlement of the Namibian question within the framework of Security Council resolution 435 (1978).

You will recall that the concept of the demilitarized zone was advanced by the late President Neto with a view to facilitating the implementation of resolution 435 (1978). I have now held further consultations in the context of South Africa's acceptance of the concept and its desire to make it feasible. Your Excellency, in paragraph 4 of your letter, referred to the four remaining matters on which further information was sought.

As regards the matter of selected locations, the Governments of Angola and Zambia have confirmed to me their desire to retain a total of seven such locations in their portion of the proposed zone. The Front-Line States and SWAPO have stated that, in their view, the South African claim to retain 20 bases in the Namibian sector of the demilitarized zone during the first 12 weeks after the cease-fire is unnecessarily large. However, in the interest of obtaining a final settlement to the Namibian question, the Front-Line States and SWAPO would agree to this total, within the framework of the provisions of the settlement Proposal (S/12636).

Your letter also refers to that part of the settlement Proposal dealing with the closure of SWAPO bases in Angola and Zambia one week after the certification of the result of the election. The Governments of Angola and Zambia have reassured me that no infiltration of armed SWAPO personnel will take place from their territory into Namibia after the cease-fire. By their acceptance of the settlement Proposal they had undertaken to ensure that the provisions of the transitional arrangements, and the outcome of the election for a Constituent Assembly, would be respected. In the interest of establishing a climate of confidence, the Front-Line States informed me of their desire for a reciprocal undertaking by the Government of South Africa that it also would accept and abide by the outcome of free and fair elections held under United Nations supervision and control. As sovereign States they would diligently exercise their responsibilities in compliance with the letter and spirit of the Proposal. It follows, therefore, that the closure of the bases and the disposition of arms and equipment would be the responsibility of the host Governments. Their final disposition would be

undertaken by them in consultation with the Government of the independent State of Namibia. The personnel previously resident in such bases would, of course, have the opportunity of peaceful repatriation to Namibia.

As regards the question of SWAPO bases in Namibia, I would recall that, as your Government has been informed, the Front-Line States and SWAPO decided, in August 1979, that upon South Africa's acceptance of the demilitarized zone, and upon implementation of resolution 435 (1978), this question would no longer arise.

As to the question of the deployment of UNTAG's military component, I wish to assure Your Excellency that we have a common interest in ensuring that UNTAG is fully capable of fulfilling its responsibilities. You are certainly aware of the wide range of tasks assigned to the military component of UNTAG under the settlement Proposal. As previously explained to your military advisers, the military component is required to perform approximately 10 different categories of tasks, apart from patrolling in the demilitarized zone. These duties must be carried out throughout the vast area of Namibia within a total troop strength of 7,500, including headquarters and logistic elements. Nevertheless, according to the provisional deployment proposals outlined by the United Nations mission in February and March 1980, five of UNTAG's seven battalions would be deployed in the demilitarized zone together with substantial elements of its monitoring, air, communications, transport and other units. I should also like to reiterate that United Nations peace-keeping operating procedures are of a different nature to those pertaining to a national defence force. In particular, UNTAG's provisional deployment proposals assume the existence of a cease-fire and the co-operation of all parties concerned. In setting them out, General Prem Chand emphasized not only this point, but also that final decisions concerning deployment could be taken only in the light of the circumstances prevalent at the time of implementation.

In view of the information thus provided upon these questions, which were those remaining to be dealt with after the recent United Nations mission to southern Africa, I hope that Your Excellency will now be in a position to co-operate in the implementation of Security Council resolution 435 (1978).

In your letter of 12 May, Your Excellency went on to mention several additional matters in regard to which I should like to make the following observations.

As regards paragraph 5 of your letter, I am sure you will understand that in implementing Security Council resolution 435 (1978) the United Nations will continue to deal only with the parties envisaged in the settlement Proposal (S/12636) and in the demilitarized zone proposal.

Your Excellency states that the South African Government deems it imperative that all participants in the political process in Namibia must now be placed on an equal footing at least by those directly responsible for implementation. In this connexion, I, for my part, would reiterate that the principle of impartiality has been, and will be, consistently followed in the implementation of Security Council resolution 435 (1978). You will recall that in paragraph 11 of my report of 29 August 1978 (S/12827) I stated that "In performing its functions, UNTAG will

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act with complete impartiality. In order that the proposal may be effectively implemented, it is expected that the Administrator-General and all other officials from within the Territory will exhibit the same impartiality". This report was approved by the Council in resolution 435, has been accepted by all the parties, and will govern them in the exercise of their various functions under the Proposal. Thus, not only the Secretariat of the United Nations, but the South African Government and its officials will be expected, in the implementation of the Security Council resolution, to carry out their duties with complete impartiality and without any discrimination. I trust that Your Excellency shares these views.

In my opinion, the holding of free and fair elections has, as its prerequisite, that all parties be granted fair and equal treatment by all the responsible authorities. This requirement is central to the settlement Proposal which makes provision for each stage of the electoral process and in regard to all measures affecting the political process at all levels of administration. It states that every adult Namibian, without discrimination or fear of intimidation from any source, will be eligible to vote, campaign and stand for election to the Constituent Assembly. It makes provision for secret ballot, and for full freedom of speech, assembly, movement and press. It requires that the electoral machinery ensure that all political parties and interested persons, without regard to their political views, shall have a full and fair opportunity to organize and participate in the electoral process. It requires the repeal of all remaining discriminatory or restrictive measures which might abridge the objective of free and fair elections, and the release of all political prisoners or detainees so that they can fully and freely participate in the electoral process, without fear of arrest, detention, intimidation or imprisonment. The Proposal also provides for the peaceful return of all Namibians in exile so that they, too, may fully and freely participate in the electoral process without risk of arrest, detention, intimidation, or imprisonment. It stipulates that all Namibians be given a full and voluntary choice whether to return. It requires that my Special Representative take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter. Compliance with all the criteria indicated in the settlement Proposal is a guiding principle for me and will be scrupulously ensured by my Special Representative and his staff.

Your Excellency also alludes, in paragraph 8 of your letter, to various resolutions of the General Assembly. The implementation of Security Council resolution 435 (1978) is undertaken specifically under the authority of the Council, in the context of the provisions of the United Nations Charter.

I wish, finally, to reiterate my belief in the urgency of arriving at a peaceful solution to a question which has preoccupied the international community for many years, and whose unresolved condition has led to tragic loss of life and destruction in Namibia and throughout the whole region. I believe that this letter should resolve the issues which have stood in the way of the implementation of resolution 435. I would therefore like to suggest to Your Excellency that we now establish the earliest possible date for a cease-fire and the implementation of the Security Council resolution.

(Signed) Kurt WALDHEIM

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